Basic information

2010/0372(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Common agricultural policy (CAP): support schemes for farmers, voluntary modulation of direct payments; alignment of the Regulation with the TFEU (Commission delegated and implementing powers) Amending Regulation (EC) No 378/2007 2006/0083(CNS) **Subject** 3.10.14 Support for producers and premiums	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AGRI Agriculture and Rural Development	REIMERS Britta (ALDE)	26/01/2011

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3120	2011-10-20

European Commission

Commission DG	Commissioner
Regional and Urban Policy	CIOLOŞ Dacian

Key events

Date	Event	Reference	Summary
22/12/2010	Legislative proposal published	COM(2010)0772	Summary
18/01/2011	Committee referral announced in Parliament, 1st reading		
25/05/2011	Vote in committee, 1st reading		Summary
31/05/2011	Committee report tabled for plenary, 1st reading	A7-0203/2011	
13/09/2011	Decision by Parliament, 1st reading	T7-0362/2011	Summary
13/09/2011	Results of vote in Parliament		
20/10/2011	Act adopted by Council after Parliament's 1st reading		
16/11/2011	Final act signed		
16/11/2011	End of procedure in Parliament		
08/12/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0372(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 378/2007 2006/0083(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/7/04936

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE458.647	04/03/2011	
Amendments tabled in committee		PE462.816	28/04/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0203/2011	31/05/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0362/2011	13/09/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00036/2011/LEX	16/11/2011	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0772	22/12/2010	Summary
Commission response to text adopted in plenary	SP(2011)8584	09/11/2011	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0772	17/02/2011	
Contribution	IT_SENATE	COM(2010)0772	18/02/2011	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0536/2011	15/03/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2011/1231
OJ L 326 08.12.2011, p. 0024 Summary

Common agricultural policy (CAP): support schemes for farmers, voluntary modulation of direct payments; alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2010/0372(COD) - 13/09/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 641 votes to 21, with 9 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

It adopted its position at first reading under the ordinary legislative procedure. The amendment adopted in plenary are the result of a compromise reached between the European Parliament and the Council. They amend the Commission's proposal as regards the adaptation of the legislation to the provisions of the TFEU as regards the implementing powers.

The amended text stipulates that in order to ensure uniform conditions for the implementation of Regulation (EC) No 378/2007 in the Member States concerned, implementing powers should be conferred on the Commission.

The implementing powers relating to the adoption of specific provisions for the integration of voluntary modulation in the rural development programming and for the financial management of voluntary modulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182/2011, fix the net amounts resulting from the application of voluntary modulation.

Common agricultural policy (CAP): support schemes for farmers, voluntary modulation of direct payments; alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2010/0372(COD) - 22/12/2010 - Legislative proposal

PURPOSE: to align the powers conferred on the Commission under Regulation (EC) No 378/2007 to Articles 290 and 291 TFEU as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

LEGAL BASE: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND : The Treaty on the Functioning of the European Union (TFEU) makes a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in Article 290(1) of the Treaty (delegated acts), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the Treaty (implementing acts).

In the case of delegated acts, the legislator delegates to the Commission the power to adopt quasi-legislative acts. In the case of implementing acts, the context is very different. Indeed, Member States are primarily responsible for the implementation of legally binding acts of the EU. However, if the application of the legislative act requires uniform conditions for its implementation the Commission is authorised to adopt these acts.

Furthermore, Council Regulation (EC) No 378/2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 confers powers on the Commission in order to implement some of the provisions of that Regulation.

As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 378/2007 upon the Commission need to be aligned to Articles 290 and 291 TFEU. The alignment of Regulation (EC) No 378/2007 to the new rules of the Treaty is based on a classification on the basis of the new philosophy of the current Commission implementing powers. The classification has shown that all powers conferred to the Commission by this regulation are to adopt implementing acts.

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT : the main provisions of this proposal are as follows:

- in order to ensure the efficient implementation of voluntary modulation the Commission is empowered , by means of implementing acts, to fix the net amounts resulting from the application of voluntary modulation. Given the nature of the implementing acts envisaged, the Commission should adopt those acts without the assistance of a committee;
- for the same reason the Commission is empowered to adopt implementing acts with the assistance of the Rural Development Committee established by Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) to ensure the integration of voluntary modulation in the rural development programming;
- furthermore, the Commission is empowered to adopt implementing acts with the assistance of the Committee on the Agricultural funds established by Council Regulation (EC) 1290/2005 on the financing of the common agricultural policy, to ensure the financial management of voluntary modulation.

BUDGETARY IMPLICATION: the measure does not involve any additional Union expenditure.

Common agricultural policy (CAP): support schemes for farmers, voluntary modulation of direct payments; alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2010/0372(COD) - 16/11/2011 - Final act

PURPOSE: to align the powers conferred on the Commission under Regulation (EC) No 378/2007 to Articles 290 (Delegated acts) and 291 (Implementing acts) of the Treaty on the Functioning of the European Union (TFEU) as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

LEGISLATIVE ACT: Regulation (EU) No 1231/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the common agricultural policy.

CONTENT: the Council adopted a regulation amending regulation 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the CAP following a first-reading agreement with the European Parliament.

This amended regulation aligns the provisions of regulation 378/2007 on the Lisbon Treaty which makes a distinction between the powers delegated to the Commission. Provided that only two Member States are covered by this regulation, the powers conferred on the Commission are classified as implementing acts covering the adoption of uniform conditions for implementing legally binding UE acts (as laid down in article 291(2) of the Treaty).

The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182 /2011, fix the net amounts resulting from the application of voluntary modulation. The implementing powers relating to the adoption of specific provisions for:

- the integration of voluntary modulation in the rural development programming and;
- the financial management of voluntary modulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The modulation concerns the compulsory transfer of a proportion of direct payments to farmers made under the CAP from agricultural market support (Pillar 1) to rural development (Pillar 2). The scope of the amended regulation is the "voluntary modulation" which is the system allowing certain

Member States to modulate direct payments to farmers at a rate over and above that of the compulsory EU-wide modulation scheme. However, it should be noted that the substance of the regulation stays untouched by the amendment which entails only procedural changes.

ENTRY INTO FORCE: 28/12/2012.