



20.2.2017

DRAFT OPINION

of the Committee on Agriculture and Rural Development

for the Committee on Budgets

on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, EU No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council (COM(2016)0605 – C8-0372/2016 – 2016/0282(COD))

Rapporteur (*): Paolo De Castro

(*) Associated committee – Rule 54 of the Rules of Procedure

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on Budgets and the Committee on Budgetary Control, as the committees responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

1. Where the budget is implemented under shared implementation the Commission and the Member States shall respect the principles of sound financial management, transparency and non-discrimination and shall ensure the visibility of Union action. To this end, the Commission and the Member States shall fulfil their respective control and audit obligations and assume the resulting responsibilities laid down in this Regulation. Complementary provisions shall be laid down in sector-specific rules.

Amendment

1. Where the budget is implemented under shared implementation the Commission and the Member States shall respect the principles of sound financial management, transparency and non-discrimination and shall ensure the visibility of Union action. To this end, the Commission and the Member States shall fulfil their respective control and audit obligations and assume the resulting responsibilities laid down in this Regulation. Complementary provisions shall be laid down in sector-specific rules. ***The sector-specific rules provide the framework for ensuring the principles of subsidiarity and of proportionality. The principle of proportionality is to be strengthened by setting minimum requirements and enhancing flexibility, by providing for the use of discretion and the accountability of the Member States. Member States shall provide for the detail of the funding procedures in accordance with the framework laid down in this Regulation.***

Or. en

Amendment 2

Proposal for a regulation

Article 267 – paragraph 1 – point 1 – point a

Regulation (EU) No 1305/2013

Article 2 – paragraph 1 – subparagraph 2 – point n

Text proposed by the Commission

(n) "young farmer" means a person who is no more than 40 years of age at the moment of submitting the application, possesses adequate occupational skills and competence and is setting up for the first time in an agricultural holding as head of that holding; setting up may be done solely or jointly with other farmers;

Amendment

(n) "young farmer" means a person who is no more than 40 years of age at the moment of submitting the application, possesses adequate occupational skills and competence and is setting up for the first time in an agricultural holding as head of that holding; setting up may be done solely or jointly, ***under any legal form***, with other farmers;

Or. en

Justification

The amendment aims at better specifying whether the associated form refers to a legal form.

Amendment 3

Proposal for a regulation

Article 267 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1305/2013

Article 11 – paragraph 1 – point a – point i

Present text

“(a) The Commission shall decide, by means of implementing acts, on requests to amend programmes that concern ***one or more of the following***:

(i) a change in the programme strategy through a change of more than 50 % in the quantified target linked to a focus area;

(ii) a change in the EAFRD contribution rate of one or more

Amendment

2 a. in Article 11 (1), point (a) is replaced by the following:

“(a) The Commission shall decide, by means of implementing acts, on requests to amend programmes that concern ***an increase in the EAFRD contribution rate of one or more measures.***”

measures;

(iii) a change of the entire Union contribution or its annual distribution at programme level;”

Or. en

(In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 4

Proposal for a regulation

Article 267 – paragraph 1 – point 2 b (new)

Regulation (EU) No 1305/2013

Article 15 – paragraph 2

Present text

"2. The beneficiary of support provided in paragraph 1(a) and (c) shall be the provider of advice or training. Support under paragraph 1(b) shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service."

Amendment

2b. In Article 15, paragraph 2 is replaced by the following:

"2. The beneficiary of support provided in paragraph 1(a) and (c) shall be **either** the provider of advice or training **or the public body responsible for the selection of the provider**. Support under paragraph 1(b) shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>. In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Justification

The amendment aims at ensuring an implementing option to MS in order to gain less uncertainty for eligibility of expenditure, including VAT. RDP Managing authorities could be the beneficiaries and, consequently, the measures could be implemented mirroring the current expenditure procedures for Technical Assistance measures. The amendment is consistent both with current WTO agreements, that do not allow farmers to be paid to obtain advisory

services, and with EU Regulation 1303/2013 (Art.2).

Amendment 5

Proposal for a regulation

Article 267 – paragraph 1 – point 2 c (new)

Regulation (EU) No 1305/2013

Article 15 – paragraph 3 – subparagraph 1

Present text

"The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The **beneficiaries** under this measure shall be chosen through **calls for tenders**. **The selection procedure shall be governed by public procurement law and shall be open to both public and private bodies. It shall be objective and shall exclude candidates with conflicts of interest.**"

Amendment

2c. In Article 15(3), subparagraph 1 is replaced by the following:

"The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The **providers** under this measure shall be chosen through **a** selection procedure open to both public and private bodies. It shall be objective and shall exclude candidates with conflicts of interest."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>). In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Justification

The amendment, whilst confirming the obligation of objective and transparent selection procedures, aims at giving MS the opportunity of alternative ways for the selection of providers, allowing farmers to choose those providers that better fits their needs of advice.

Amendment 6

Proposal for a regulation

Article 267 – paragraph 1 – point 2 d (new)

Regulation (EU) No 1305/2013

Article 16 – paragraph 1 – introductory part

Present text

Amendment

"1. Support under this measure shall cover new participation by farmers and groups of farmers in:"

2d. In Article 16(1), the introductory part is replaced by the following:

"1. Support under this measure shall cover new participation by farmers and groups of farmers, **or participation by farmers or group of farmers in the five preceding years**, in:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>. In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 7

Proposal for a regulation

Article 267 – paragraph 1 – point 2 e (new)

Regulation (EU) No 1305/2013

Article 16 – paragraph 3 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

2e. In Article 16(3), the following subparagraph is inserted after the first subparagraph:

“In the case of initial participation prior to the application for support under paragraph 1, the maximum duration of five years shall be reduced by the number of years which have elapsed between the initial participation in a quality scheme and the time of the application for the support.”.

Or. en

(In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Justification

The amendments aim at incentivizing the participation in quality schemes prior to the entry into force of this measure, while taking into due account the time of the initial participation.

Amendment 8

Proposal for a regulation

Article 267 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1305/2013

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

4 a. In Article 17, the following paragraph is inserted:

“2a. Support under points (a), (b), (c) and (d) of paragraph 1, which leads in its application to fall below of the minimum appropriation of 25%, shall not be approved.”.

Or. en

Amendment 9

Proposal for a regulation

Article 267 – paragraph 1 – point 5 – point c

Regulation (EU) No 1305/2013

Article 19 – paragraph 5

Text proposed by the Commission

Amendment

5. Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The payment of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan.;

5. Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The payment of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan **and shall be paid, in any event, within one year following the full implementation of the business plan;**

Or. en

Justification

The amendment aims at guaranteeing that beneficiaries receive support without any delay, avoiding any uncertainties with regard to the payments.

Amendment 10

Proposal for a regulation

Article 267 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1305/2013

Article 27 – title

Present text

"Setting -up of producer groups *and* organisations"

Amendment

6a. In Article 27, the title is replaced by the following:

"Setting -up of producer groups, **producer organisations and bargaining** organisations"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 11

Proposal for a regulation

Article 267 – paragraph 1 – point 6 b (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 1 – introductory part

Present text

"1. Support under this measure shall be granted in order to facilitate the setting up of producer groups *and* organisations in the agriculture and forestry sectors for the purpose of:"

Amendment

6b. In Article 27(1), the introductory part is replaced by the following:

"1. Support under this measure shall be granted in order to facilitate the setting up of producer groups, **producer organisations and bargaining** organisations in the agriculture and forestry sectors for the purpose of:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 12

Proposal for a regulation

Article 267 – paragraph 1 – point 6 c (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 1 – point d

Present text

"(d) other activities that may be carried out by producer groups **and** organisations, such as the development of business and marketing skills and the organisation and facilitation of the innovation processes."

Amendment

6c. In Article 27(1), point (d) is replaced by the following:

"(d) other activities that may be carried out by producer groups, **producer organisations and bargaining** organisations, such as the development of business and marketing skills and the organisation and facilitation of the innovation processes."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 13

Proposal for a regulation

Article 267 – paragraph 1 – point 6 d (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 2 – subparagraph 1

Present text

"Support shall be granted to producer groups **and** organisations which are officially recognised by a Member State's competent authority on the basis of a business plan. It shall be limited to producer groups **and** organisations that are SMEs."

Amendment

6 d. In Article 27(2), the first subparagraph is replaced by the following:

"Support shall be granted to producer groups, **producer organisations and bargaining** organisations which are officially recognised by a Member State's competent authority on the basis of a business plan. It shall be limited to producer groups, **producer organisations and bargaining** organisations that are SMEs."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 14

Proposal for a regulation

Article 267 – paragraph 1 – point 6 e (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 2 – subparagraph 2

Present text

"Member States shall verify that the objectives of the business plan have been reached within five years after recognition of the producer group **or organisation**."

Amendment

6 e. In Article 27(2), the second subparagraph is replaced by the following:

"Member States shall verify that the objectives of the business plan have been reached within five years after recognition of the producer group, **producer organisations or bargaining organisations**."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 15

Proposal for a regulation

Article 267 – paragraph 1 – point 6 f (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 3 – subparagraph 2

Present text

"In the first year Member States may pay support to the producer group **or organisation** calculated on the basis of the average annual value of the marketed production of its members over the three years before they entered the group or

Amendment

6 f. In Article 27(3), the second subparagraph is replaced by the following:

"In the first year Member States may pay support to the producer group, **producer organisations and bargaining organisations** calculated on the basis of the average annual value of the marketed production of its members over the three

organisation. In the case of producer groups **and** organisations in the forestry sector, support shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value."

years before they entered the group or organisation. In the case of producer groups, **producer organisations and bargaining** organisations in the forestry sector, support shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 16

Proposal for a regulation

Article 267 – paragraph 1 – point 6 g (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 5

Present text

"5. States may continue support for setting up of producer groups even after they have been recognised as producer organisations under the conditions of Regulation (EU) No 1308/2013 (24)."

Amendment

6 g. In Article 27, paragraph 5 is replaced by the following:

"5. **Member** States may continue support for setting up of producer groups even after they have been recognised as producer organisations **or as bargaining organisations** under the conditions of Regulation (EU) No 1308/2013 (1)."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 17

Proposal for a regulation

Article 267 – paragraph 1 – point 7 – point a – point i

Regulation (EU) No 1305/2013

Article 36 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***an income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of a specific sector for a severe drop in their income.***

(c) financial contributions to ***premiums for income insurance.***"

Or. en

Justification

The amendment aims at favouring the use of risk management tools: in this perspective, the greater reliance of farmers on insurance tools, could foster their use in order to protect farmers' income.

Amendment 18

Proposal for a regulation

Article 267 – paragraph 1 – point 7 a (new)

Regulation (EU) No 1305/2013

Article 37 – paragraph 1 – introductory part

Present text

Amendment

"1. Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than **30** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

7 a. In Article 37(1), the introductory part is replaced by the following:

"1. Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than **20** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Justification

The amendment aims at promoting the demand of insurance tools by farmers, by reducing the threshold to 20 %, coherently with the proposed modification of the sectorial income stabilization tool.

Amendment 19

Proposal for a regulation

Article 267 – paragraph 1 – point 7 b (new)

Regulation (EU) No 1305/2013

Article 38 – paragraph 3 – subparagraph 2

Present text

"Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, an animal or plant disease, a pest infestation, or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or an environmental incident, which destroy more than **30** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

Amendment

7 b. In Article 38(3), subparagraph 2 is replaced by the following:

"Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, an animal or plant disease, a pest infestation, or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or an environmental incident, which destroy more than **20** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Justification

The amendment aims at promoting the use of mutual funds by farmers, by reducing the threshold to 20 %, coherently with the proposed modification of the sectorial income stabilization tool.

Amendment 20

Proposal for a regulation

Article 267 – paragraph 1 – point 9 – point a a (new)

Regulation (EU) No 1305/2013

Article 39 – paragraph 1

Present text

"1. Support under point (c) of Article 36(1) shall only be granted where the drop of income exceeds **30** % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance."

Amendment

(a a) In Article 39, paragraph 1 is replaced by the following:

"1. Support under point (c) of Article 36(1) shall only be granted where the drop of income exceeds **20** % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance. ***Indexes may be used to calculate the annual loss of income of the farmer.***"

Or. en

(<http://www.at4am.ep.parl.union.eu/at4am/ameditor.html?documentID=20338&locale=en#stv!lCnt=1&langISO0=en&crCnt=1&crID0=96891>)

Justification

The amendment aims at supplementing the proposed sectorial income stabilization tool, as sectorial funds entail massively higher degrees of risk for their participants. Moreover, sectorial funds make extremely complex the management of mixed farms' participations to the funds themselves.

Amendment 21

Proposal for a regulation

Article 267 – paragraph 1 – point 10

Regulation (EU) No 1305/2013

Article 39a – title

Text proposed by the Commission

Amendment

Income *stabilisation tool for farmers of a specific sector*

Income *insurance*

Or. en

Amendment 22

Proposal for a regulation

Article 267 – paragraph 1 – point 10

Regulation (EU) No 1305/2013

Article 39a – paragraph 1

Text proposed by the Commission

Amendment

1. Support under point (d) of Article 36(1) shall only be granted ***in duly justified cases and where the drop of income exceeds 20 %*** of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. ***Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance.***

1. Support under point (d) of Article 36(1) shall only be granted ***for insurance contracts which cover for income loss exceeding 30 %*** of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. ***Indexes may be used to calculate the annual loss of income of the farmer.***

Or. en

Justification

The amendment aims at creating a new risk management tool which could be easily utilized by farmers, given the extremely limited use of the Income Stabilization Tool made by Member

States so far.

Amendment 23

Proposal for a regulation

Article 267 – paragraph 1 – point 10

Regulation (EU) No 1305/2013

Article 39a – paragraph 2

Text proposed by the Commission

2. *Paragraphs 2 to 5 of Article 39 shall apply for the purpose of support under point (d) of Article 36(1).;*

Amendment

2. *Support shall be limited to the maximum rate laid down in Annex II.*

Or. en

Amendment 24

Proposal for a regulation

Article 267 – paragraph 1 – point 12 a (new)

Regulation (EU) No 1305/2013

Article 58 – paragraph 1

Present text

"1. Without prejudice to paragraphs 5, 6 and 7 of this Article, the total amount of Union support for rural development under this Regulation for the period from 1 January 2014 to 31 December 2020 shall be EUR 84 936 million, in 2011 prices, in accordance with the multiannual financial framework for the years 2014 to 2020."

Amendment

12 a. In Article 58, paragraph 1 is replaced by the following:

"1. Without prejudice to paragraphs 5, 6 and 7 of this Article, the total amount of Union support for rural development under this Regulation for the period from 1 January 2014 to 31 December 2020 shall be EUR 84 936 million, in 2011 prices, in accordance with the multiannual financial framework for the years 2014 to 2020. ***Without prejudice to a redefinition of the total amount of Union support for rural development, the current rural development programmes, approved in accordance with Article 10(2), shall continue to apply until 2024 or until a new reform is adopted.***"

Or. en

Amendment 25

Proposal for a regulation

Article 267 – paragraph 1 – point 15 a (new)

Regulation (EU) No 1305/2013

Article 66 – paragraph 1 – point b

Text proposed by the Commission

Amendment

15 a. In Article 66(1), point (b) is deleted.

Or. en

Amendment 26

Proposal for a regulation

Article 267 – paragraph 1 – point 16 a (new)

Regulation (EU) No 1305/2013

Annex II – Article 37(5)

Present text

Amendment

"Article 37(5)

Crop, animal and plant insurance

Maximum amount in EUR or rate : **65** %

of the insurance premium due"

16 a. In Annex II, Article 37(5) is replaced by the following:

"Article 37(5)

Crop, animal and plant insurance

Maximum amount in EUR or rate : **70** %

of the insurance premium due"

Or. en

Justification

The amendments aim at increasing the use of all this tools, particularly by small farmers, by slightly increasing the maximum percentage of initial public support.

Amendment 27

Proposal for a regulation

Article 267 – paragraph 1 – point 16 b (new)

Regulation (EU) No 1305/2013

Annex II – Article 38(5)

Present text

"Article 38(5)

Mutual funds for adverse climatic events,
animal and plant diseases, pest infestations
and environmental incidents

Maximum amount in EUR or rate : **65 %**
of the eligible costs"

Amendment

**16 b. In Annex II, Article 38(5) is
replaced by the following:**

"Article 38(5)

Mutual funds for adverse climatic events,
animal and plant diseases, pest infestations
and environmental incidents

Maximum amount in EUR or rate : **70 %**
of the eligible costs"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 28

Proposal for a regulation

Article 267 – paragraph 1 – point 16 c (new)

Regulation (EU) No 1305/2013

Annex II – Article 39(5)

Present text

"Article 39(5)

Income stabilisation tool

Maximum amount in EUR or rate : **65 %**
of the eligible costs"

Amendment

**16 c. In Annex II, Article 39(5) is
replaced by the following:**

"Article 39(5)

Income stabilisation tool

Maximum amount in EUR or rate : **70 %**
of the eligible costs"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 29

Proposal for a regulation

Article 267 – paragraph 1 – point 16 d (new)

Regulation (EU) No 1305/2013

Annex II – Article 39a(2) (new)

Text proposed by the Commission

Amendment

16 d. In Annex II, the following line is added:

Article 39a(2)

Income insurance

**Maximum amount in EUR or rate : 70 %
of the insurance premium due**

Or. en

Amendment 30

Proposal for a regulation

Article 268 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1306/2013

Article 9 – paragraph 1 – subparagraph 1

Present text

Amendment

"1. The certification body shall be a public or private audit body designated by the Member State. Where it is a private audit body, and the applicable Union or national law so requires, it shall be selected by the Member State by means of a public tendering procedure. It shall provide an opinion, drawn up in accordance with internationally accepted audit standards, on the completeness, accuracy and veracity of the annual accounts of the paying agency, on the proper functioning of its internal control system and on the legality and regularity of the expenditure for which reimbursement has been requested from the

-1 a. In Article 9(1), the first subparagraph is replaced by the following:

"1. The certification body shall be a public or private audit body designated by the Member State. Where it is a private audit body, and the applicable Union or national law so requires, it shall be selected by the Member State by means of a public tendering procedure. It shall provide an opinion, drawn up in accordance with internationally accepted audit standards, on the completeness, accuracy and veracity of the annual accounts of the paying agency, on the proper functioning of its internal control system and on the legality and regularity of the expenditure for which reimbursement has been requested from the

Commission. That opinion shall also state whether the examination puts in doubt the assertions made in the management declaration."

Commission. That opinion shall also state whether the examination puts in doubt the assertions made in the management declaration. ***The certification body shall carry out its inspections in accordance with Union law.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 31

Proposal for a regulation

Article 268 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1306/2013

Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

-1 a. In Article 9(1), the following subparagraph is inserted after the first subparagraph:

“The paying agency shall comply with law and shall be responsible for the implementation of the funding programmes. It shall comply with Union law, in accordance with internationally recognised standards, and it shall exercise its discretionary powers accordingly. In its assessments, the certifying body shall ensure that it complies with law and good practice, as well as with the control systems relevant to the decisions concerned.”

Or. en

Amendment 32

Proposal for a regulation

Article 268 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1306/2013

Article 52a (new)

3 a. The following Article is inserted:

Article 52a

**Consideration of existing assessments
(single-audit)**

1. In relation to programs, in which the Commission comes to the conclusion that the endorsement of the certifying body is reliable, it shall come to an agreement with the certifying body, to limit their own on-the-spot checks on the review of the activities of the certifying body, unless there is evidence of shortcomings in the work of the certifying body for a given financial year, for which the Commission has already adopted the accounts.

2. The Commission may, to evaluate the activities of the certifying body, control the audit trail of any certifying body or participate in on-the-spot checks of the certifying body, and, if necessary in accordance with international auditing standards, initiate audits of projects, to provide assurance of the effective functioning of the certifying body.

Or. en

Amendment 33

Proposal for a regulation

Article 268 – paragraph 1 – point 4

Regulation (EU) No 1306/2013

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

4. in Article 54, paragraph 2 is replaced by the following:

deleted

‘2. If recovery has not taken place within four years from the date of the recovery request, or within eight years

where recovery is taken in the national courts, the financial consequences of the non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 58.

Where, in the context of the recovery procedure, the absence of any irregularity is recorded by an administrative or legal instrument of a final nature, the Member State concerned shall declare as expenditure to the Funds the financial burden borne by it under the first subparagraph.

However, if for reasons not attributable to the Member State concerned, it is not possible for recovery to take place within the time limit specified in the first subparagraph, and the amount to be recovered exceeds EUR 1 million, the Commission may, at the request of the Member State, extend the time-limit by a period of up to half of the original period.'

Or. en

Amendment 34

Proposal for a regulation

Article 268 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1306/2013

Article 54 – paragraph 3 – point a – point i

Present text

“(a) where the costs already and likely to be effected total more than the amount to be recovered, **which condition shall be considered to have been met if:**

Amendment

4 a. In point (a) of Article 54(3), point (i) is replaced by the following:

“(a) where the costs already and likely to be effected total more than the amount to be recovered, **from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed EUR**

(i) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed EUR 100; or

(ii) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, falls between EUR 100 and EUR 150 and the Member State concerned applies a threshold equal to or higher than the amount to be recovered under its national law for not pursuing national debts.”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 35

Proposal for a regulation

Article 268 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1306/2013

Article 118a (new)

Text proposed by the Commission

Amendment

5 a. The following Article is inserted after the Article 118:

“Article 118a

Retroaction ban

1. Changes to the regulations as well as to the guidelines, working tools, or any other documents of the Commission with direct and indirect external effects, as well as previous interpretations of provisions by institutions and bodies of the European Union as well as of the certifying body and paying agencies of the Commission may have effect only for the future.

2. Retroactive effect may be allowed only in the case of absolute exception. In this case a compelling public interest on

the retroactivity shall be given and the legitimate expectations of those concerned in relation to legal certainty shall be duly respected. The possibility of transitional arrangements without sanctions shall duly be considered.”

Or. en

Amendment 36

Proposal for a regulation

Article 268 – paragraph 1 – point 5 b (new)

Regulation (EU) No 1306/2013

Article 118b (new)

Text proposed by the Commission

Amendment

5 b. *The following Article is inserted after the Article 118:*

“Article 118b

Restriction of documents of the Commission

Guidelines, tools or other documents of the Commission with direct and indirect external effects shall be limited to a minimum as regards their size and volume. The documents should in the first place ensure a uniform act and shall comply with the requirements of the regulations.”

Or. en

Amendment 37

Proposal for a regulation

Article 269 – paragraph 1 – point -1 (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point f

Present text

Amendment

-1. *In Article 4(1), point (f) is replaced*

"(f) "arable land" means land cultivated for crop production or areas available for crop production but lying fallow, including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover."

by the following:

"(f) "arable land" means land cultivated for crop production or areas available for crop production but lying fallow **including all areas lying fallow and covered by grasses or other herbaceous forage that were agricultural areas but not permanent grassland at the time of being laid fallow** and including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 38

Proposal for a regulation

Article 269 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point i

Present text

"(i) "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the Member State, whether or not used for grazing animals;"

Amendment

-1a. In Article 4(1), point (i) is replaced by the following:

"(i) "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the Member State, whether or not used for grazing animals, **including leguminous crops which are seeded pure;**"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Justification

The amendment aims at including fodder leguminous crops into the definition of grasses or other herbaceous forage, given their high environmental value and, in particular, the ability of improving the quality of soil.

Amendment 39

Proposal for a regulation

Article 269 – paragraph 1 – point -1 b (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point ia (new)

Text proposed by the Commission

Amendment

-1b. In Article 4(1), the following point is inserted:

(ia) For the purpose of point (h) the seeding of grasses or other herbaceous forage on an area after removal of a prior cover of grass or other herbaceous forage shall be deemed to be a crop rotation if the new cover is established by another species or a different mix of species compared to the prior cover;

Or. en

Amendment 40

Proposal for a regulation

Article 269 – paragraph 1 – point 1 a (new)

Regulation (EU) No 1307/2013

Article 9 – paragraph 3a (new)

Text proposed by the Commission

Amendment

1a. In Article 9, the following paragraph is inserted:

3a. "Member States may decide that natural or legal persons, or groups of natural or legal persons, who are registered as farmers in any national public register to be identified as active farmers."

Justification

The amendment aims at achieving more flexibility and simplification in the implementation of the rule by allowing MS to identify active farmers also on the basis of public national books or registers where their activities shall be officially recognized as agricultural activities.

Amendment 41**Proposal for a regulation****Article 269 – paragraph 1 – point 2**

Regulation (EU) No 1307/2013

Article 9 – paragraph 8

*Text proposed by the Commission**Amendment*

8. Member States may decide to stop applying the provisions of this Article from 2018. They shall notify the Commission of such a decision by 1 August 2017. **deleted**

Justification

The amendment aims at ensuring that CAP funds continue to target active farmers, as the only subjects entitled to receive direct payments, avoiding the dispersion of financial resources.

Amendment 42**Proposal for a regulation****Article 269 – paragraph 1 – point 3 a (new)**

Regulation (EU) No 1307/2013

Article 43 – paragraph 11 – subparagraph 2

*Present text**Amendment*

"The first subparagraph shall apply only to the units of a holding that are used for organic production in accordance with Article 11 of Regulation (EC) No

3 a. In Article 43(11), the second subparagraph is replaced by the following:

"The first subparagraph shall apply only to the units of a holding that are used for organic production in accordance with Article 11 of Regulation (EC) No 834/2007

834/2007."

or for those which apply agri-environmental schemes in accordance with Regulation (EU) No 1305/2013."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 43

Proposal for a regulation

Article 269 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 1 – subparagraph 1

Present text

"Where the arable land of the farmer covers between **10** and 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least two different crops on that arable land. The main crop shall not cover more than 75 % of that arable land."

Amendment

3 b. In Article 44(1), the first subparagraph is replaced by the following:

"Where the arable land of the farmer covers between **15** and 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least two different crops on that arable land. The main crop shall not cover more than 75 % of that arable land."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Justification

The amendment aims at enhancing the harmonization and simplifying the implementation of the greening provisions for small farmers, by aligning the thresholds for the application of crop diversification with the existing thresholds for ecological focus areas.

Amendment 44

Proposal for a regulation

Article 269 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 2

Present text

"2. Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow cover more than 75 % of the arable land. In such cases, the main crop on the remaining arable area shall not cover more than 75 % of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow."

Amendment

3 c. In the Article 44, paragraph 2 is replaced by the following:

"2. Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow **or cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle** cover more than 75 % of the arable land. In such cases, the main crop on the remaining arable area shall not cover more than 75 % of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Justification

The amendment aims at solving the difficulties encountered by producers of crops under water who, despite the environmental role of these crops recognized in Paragraph 1, are forced to decrease the area dedicated to them in order to comply with the crop diversification provisions.

Amendment 45

Proposal for a regulation

Article 269 – paragraph 1 – point 3 d (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 3 – point a

Present text

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, or is subject to a combination of these uses, **provided that the arable**

Amendment

3 d. In Article 44(3), point (a) is replaced by the following:

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, or is subject to a combination of

area not covered by these uses does not exceed 30 hectares;"

these uses;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Justification

The amendments aim at achieving simplification and enhancing harmonization in the implementation of the greening provisions. The greening payment involves too many limits and different rules in the application of the crop diversification and the ecological focus areas; this often creates implementing problems as well as bureaucratic burdens for farmers.

Amendment 46

Proposal for a regulation

Article 269 – paragraph 1 – point 3 e (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 3 – point b

Present text

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of these uses, ***provided that the arable area not covered by these uses does not exceed 30 hectares;***"

Amendment

3 e. In Article 44(3), point (b) is replaced by the following:

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of these uses;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 47

Proposal for a regulation

Article 269 – paragraph 1 – point 3 f (new)

Text proposed by the Commission

Amendment

3 f. In Article 45(1), the following subparagraph is added:

This does not apply to grassland which was leased as arable land or for arable land which was contractually bound as grassland beyond a five-year period; Those may be returned to their original status.

Or. en

Amendment 48

Proposal for a regulation

Article 269 – paragraph 1 – point 3 g (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 1

Present text

Amendment

"1. Where the arable land of a holding covers more than 15 hectares, the farmer shall ensure that, from 1 January 2015, an area corresponding to at least 5 % of the arable land of the holding that the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and, if they are considered to be ecological focus area by the Member State in accordance with paragraph 2 of this Article, including the areas mentioned in points (c), (d), (g) and (h) of that paragraph is ecological focus area."

3 g. In Article 46(1), the first subparagraph is replaced by the following:

"1. Where the arable land of a holding covers more than 15 hectares, the farmer shall ensure that, ***as from that hectare onwards*** from 1 January 2015, an area corresponding to at least 5 % of the arable land of the holding that the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and, if they are considered to be ecological focus area by the Member State in accordance with paragraph 2 of this Article, including the areas mentioned in points (c), (d), (g) and (h) of that paragraph is ecological focus area."

Or. en

Amendment 49

Proposal for a regulation

Article 269 – paragraph 1 – point 3 h (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – ja (new)

Text proposed by the Commission

Amendment

3 h. In Article 46(2), the following point is added:

“(ja) areas with *Miscanthus*”

Or. en

Amendment 50

Proposal for a regulation

Article 269 – paragraph 1 – point 3 i (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – jb (new)

Text proposed by the Commission

Amendment

3 i. In Article 46(2), the following point is added:

“(jb) areas with *Silphium perfoliatum*”

Or. en

Amendment 51

Proposal for a regulation

Article 269 – paragraph 1 – point 3 j (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

3 j. In Article 46(2), the following subparagraph is inserted after the first

subparagraph:

The application of unused land shall not exclude activities on such land, which is required for the economical processing of the adjacent surfaces.

Or. en

Amendment 52

Proposal for a regulation

Article 269 – paragraph 1 – point 3 k (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 4 – point a

Present text

Amendment

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses, ***provided that the arable area not covered by those uses does not exceed 30 hectares;***"

3 k. In Article 46(4), point (a) is replaced by the following:

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Justification

The amendment aims at achieving simplification and to enhance harmonization in the implementation of the greening provisions. The greening payment involves too many limits and different rules in the application of the crop diversification and the ecological focus areas rules and this often creates implementing problems as well as bureaucratic burdens for farmers.

Amendment 53

Proposal for a regulation

Article 269 – paragraph 1 – point 3 l (new)

Present text

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses, ***provided that the arable area not covered by these uses does not exceed 30 hectares.***"

Amendment

3 l. In Article 46(4), point (b) is replaced by the following:

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 54

Proposal for a regulation

Article 269 – paragraph 1 – point 3 m (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 9 – point c

Text proposed by the Commission

Amendment

3m. In Article 46(9), point (c) is deleted.

Or. en

Amendment 55

Proposal for a regulation

Article 269 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1307/2013

Annex X – row 22

Present text

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
"Areas with nitrogen fixing crops (per 1 m ²)	n.a.	0,7	0,3 m²"

Amendment

6a. In Annex X, the last row is replaced by the following:

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
"Areas with nitrogen fixing crops (per 1 m ²)	n.a.	1	1 m²"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&from=EN>)

Amendment 56

Proposal for a regulation

Article 269 – paragraph 1 – point 6 b (new)

Regulation (EU) No 1307/2013

Annex X – row 22a (new)

Text proposed by the Commission

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
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Amendment

6 b. In Annex X, a new row is added after the last row:

Features	Conversion factor	Weighting factor	Ecological focus area (if both factors are
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	(m/tree to m ²)		applied)
Areas with Miscanthus	n.a.	1	1 m²

Or. en

NoAmendment 57

Proposal for a regulation

Article 269 – paragraph 1 – point 6 c (new)

Regulation (EU) No 1307/2013

Annex X – row 22b (new)

Text proposed by the Commission

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
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Amendment

6 c. In Annex X, a new row is created after the last row:

Features	Conversion factor (m/tree to m ²)	Weighting factor	Ecological focus area (if both factors are applied)
Areas with <i>Silphium perfoliatum</i>	n.a.	1	1 m²

Or. en

Amendment 58

Proposal for a regulation

Article 270 – paragraph 1 – point 2

Regulation (EU) No 1308/2013

Article 34 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) actions related to coaching of other	(b) actions related to coaching of other
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producer organisations, producer groups or individual producers from Member States referred to in Article 35(1).

producer organisations, producer groups or individual producers from *regions of the* Member States referred to in Article 35(1).

Or. en

Amendment 59

Proposal for a regulation

Article 270 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 35

Text proposed by the Commission

Amendment

3. Article 35 is replaced by the following:

deleted

‘Article 35

National financial assistance

1. Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Lithuania, Luxemburg, Malta, Poland, Romania, Slovakia and Slovenia may grant producer organisations on their request national financial assistance equal to a maximum of 1 % of their value of marketed production. That assistance shall be additional to the operational fund.

2. The Commission is empowered to adopt delegated acts in accordance with Article 227 amending paragraph 1 to add Member States where the degree of organisation of producers in the fruit and vegetable sector is particularly low and to delete Member States where that is no longer the case. ’

Or. en

Justification

The amendments aim at safeguarding the current situation as the proposed modification would allocate the financial assistance on a merely national basis: on the contrary, in order to support the farmers’ aggregation rate of any region of the EU, it is necessary to maintain

the present criteria, based on a regional evaluation.

Amendment 60

Proposal for a regulation

Article 270 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1308/2013

Article 149

Text proposed by the Commission

Amendment

3 a. Article 149 is deleted.

Or. en

Amendment 61

Proposal for a regulation

Article 270 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 1 – introductory part

Present text

Amendment

3 b. In Article 152(1), the introductory part is replaced by the following:

"1. Member States *may*, on request, recognise producer organisations, which:"

"1. Member States *shall*, on request, recognise producer organisations, which:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

This proposal aims at putting the Article 152 at the centre of SCMO's derogations from the application of competition law, in line with the recommendation 157a of the AGRI market Task Force report and §8 of the Agri committee's opinion on the annual report on European competition policy (2016/2100(INI)). In a view of fully implementing Article 42 TFEU, to simplify and clarify existing derogations from competition law, a derogation for POs integrating at least one jointly operated economic activity should be introduced and be linked to a mandatory recognition granted on request to PO.

Amendment 62

Proposal for a regulation

Article 270 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 1 – point b

Present text

"(b) are formed on the initiative of the producers;"

Amendment

3 c. In the Article 152(1), point (b) is replaced by the following:

"(b) are formed on the initiative of the producers **and which carry out, whether or not there is a transfer of ownership by the farmers to the producer organisation, at least one of the following activities:**

- (i) joint processing;**
- (ii) joint distribution, including joint selling platform or joint transportation;**
- (iii) joint packaging, labelling or promotion;**
- (iv) joint organising of quality control;**
- (v) joint use of equipment or storage facilities;**
- (vi) joint management of waste directly related to the production ;**
- (vii) joint procurement of inputs;"**

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

This proposal aims at putting the Article 152 at the centre of SCMO's derogations from the application of competition law, in line with the recommendation 157a of the AGRI market Task Force report and §8 of the Agri committee's opinion on the annual report on European competition policy (2016/2100(INI)). In a view of fully implementing Article 42 TFEU, to simplify and clarify existing derogations from competition law, a derogation for POs integrating at least one jointly operated economic activity should be introduced and be linked to a mandatory recognition granted on request to PO.

Amendment 63

Proposal for a regulation

Article 270 – paragraph 1 – point 3 d (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 1a (new)

Text proposed by the Commission

Amendment

3 d. In Article 152, the following paragraph is inserted:

1a. Notwithstanding the application of Article 101(1) TFEU, a producer organisation, which is recognised under paragraph 1 of this Article, may plan production, place on the market and negotiate contracts for the supply of the agricultural products, on behalf of its members for all or part of their total production.

Or. en

Justification

This proposal aims at putting the Article 152 at the centre of SCMO's derogations from the application of competition law, in line with the recommendation 157a of the AGRI market Task Force report and §8 of the Agri committee's opinion on the annual report on European competition policy (2016/2100(INI)). In a view of fully implementing Article 42 TFEU, to simplify and clarify existing derogations from competition law, a derogation for POs integrating at least one jointly operated economic activity should be introduced and be linked to a mandatory recognition granted on request to PO.

Amendment 64

Proposal for a regulation

Article 270 – paragraph 1 – point 3 e (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 1b (new)

Text proposed by the Commission

Amendment

3 e. In Article 152, the following paragraph is inserted:

1b. For the purposes of this Article, references to producer organisations shall also include associations of producer organisations recognised under Article

156 (1) if such associations of producer organisations meet the requirements set out in paragraph 1 of this Article.

Or. en

Justification

In line with the amendments proposed on article 152 of the Single CMO, this proposal secures that the new provisions apply to associations of producer organisations recognised under article 156(1).

Amendment 65

Proposal for a regulation

Article 270 – paragraph 1 – point 3 f (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 1c (new)

Text proposed by the Commission

Amendment

3 f. In Article 152, the following paragraph is inserted:

1c. The competition authority may decide in individual cases that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives referred to in Article 39 TFEU are threatened. For the purposes of this Article, a "national competition authority" means the authority referred to in Article 5 of Council Regulation (EC) No 1/2003.

Or. en

Amendment 66

Proposal for a regulation

Article 270 – paragraph 1 – point 3 g (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 2a (new)

3 g. *In Article 152, the following paragraph is inserted:*

2a. *Member States may decide that producer organisations which, prior to ...[the date of entry into force of this Regulation], have been recognised in accordance with national law and which satisfy the conditions laid down in paragraph 1 shall be deemed to be recognised as producers organisations in accordance with this Article.*

Or. en

Justification

Due to the modifications proposed on article 152 of the Single CMO, it is necessary to provide producer organisations with a transition period of 3 years, when they have been recognised before the entry into force of the Omnibus Regulation but do not fulfil the conditions of paragraph 1 of the modified article 152 anymore.

Amendment 67

Proposal for a regulation

Article 270 – paragraph 1 – point 3 h (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 2b (new)

3 h. *In Article 152, the following paragraph is inserted:*

2b. *For producer organisations, which have been recognised before ...[the date of entry into force of this Regulation] but do not fulfil the conditions set out in paragraph 1 of this Article, Member States shall withdraw their recognition no later than ...[three years after the date of the entry into force of this Regulation].*

Or. en

Justification

To the extent that the approach outlined does not cover past non-economic producer organisations, a transitional period of three years is envisaged and the possibility to withdraw the recognition is left to the Member States during this period.

Amendment 68

Proposal for a regulation

Article 270 – paragraph 1 – point 3 i (new)

Regulation (EU) No 1308/2013

Article 152 – paragraph 3

Text proposed by the Commission

Amendment

3 i. Article 152, paragraph 3 is deleted

Or. en

Justification

Due to the amendments proposed on article 152 of the Single CMO, recognition becomes mandatory for producer organisations, the paragraph 3 of article 152 is not necessary anymore.

Amendment 69

Proposal for a regulation

Article 270 – paragraph 1 – point 3 j (new)

Regulation (EU) No 1308/2013

Article 152a (new)

Text proposed by the Commission

Amendment

3 j. The following Article is inserted:

Article 152a

Bargaining organisations

1. Member States may, on request, recognise bargaining organisations in one of the specific sectors listed in Article 1 (2) which:

(a) are formed on the initiative of the producers;

(b) pursue a specific aim which may include one or more of the following

objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices.

2. Without prejudice to Article 125 concerning the sugar sector, a recognised bargaining organisation may negotiate contracts for the supply of the agricultural products in one of the specific sectors listed in Article 1(2), on behalf of its members for all or part of their total production.

3. The negotiations may take place:

(a) whether or not there is a transfer of ownership of agricultural products by the producers to the producer organisation;

(b) whether or not the price negotiated is the same as regards the aggregate production of some or all of the members;

(c) provided that, for a particular bargaining organisation, all of the following conditions are fulfilled:

(i) the volume or the quantity of agricultural products covered by such negotiations does not exceed 3,5 % of total Union production ;

(ii) the volume or the quantity of agricultural products covered by such negotiations which is produced or delivered in any particular Member State does not exceed 33 % of the total national production of that Member State ;

(d) provided that, for the volume or the quantity of agricultural products covered by such negotiations, the bargaining organisation concentrates supply ;

(e) provided that the producers concerned are not members of any other bargaining organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;

(f) provided that the agricultural product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from those statutes; and

(g) provided that the bargaining organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume or quantities of agricultural products covered by such negotiations.

4. Notwithstanding the conditions set out in of point (ii) of point (c) of paragraph 3, in the milk sector, a bargaining organisation may negotiate pursuant to paragraph 1 provided that, with regard to that bargaining organisation, the volume or quantities of agricultural products covered by the negotiations which is produced in or delivered in a Member State having a total annual raw milk production of less than 500 000 tonnes does not exceed 45 % of the total national production of that Member State.

5. For the purposes of applying point (c) of paragraph 3 and paragraph 4, the Commission shall publish, by such means, as it considers appropriate, the amounts of production in the Union and the Member States using the most up-to-date information available.

6. By way of derogation from point (c) of paragraph 3 and paragraph 4, the competition authority may decide in

individual case that a particular negotiation by the bargaining organisation should either to be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives referred to in Article 39 TFEU are threatened.

For the milk sector, the competition authority may intervene when it deems it necessary to prevent competition from being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

7. *For the purposes of this Article:*
- (a) a "national competition authority" means the authority referred to in Article 5 of Council Regulation (EC) No 1/2003;*
 - (b) an "SME" means a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC.*

8. *The Member States in which negotiations take place in accordance with this Article shall notify the Commission.*

9. *Member States may decide that producer organisations which, prior to ... [the date of entry into force of this Regulation], have been recognised in accordance with national law and which*

satisfy the conditions laid down in paragraph 1 shall be deemed to be recognised as bargaining organisations in accordance with this Article.

Or. en

Justification

This proposal aims at allowing producers to joint-sell their productions through bargaining organisations, that can be recognised by Member States on request. This approach would aim at extending the provisions of article 149 of the Single CMO (milk package) to other agricultural sectors. This proposal is in line with the recommendation 157b of the AGRI Market Task Force report, paragraph 17 of the Agriculture Committee's opinion on the annual report on European competition policy (2016/2100(INI)) and the proposal of the 2016 Milk Package report ("Development of the dairy market situation and the operation of the "Milk Package" provisions").

Amendment 70

Proposal for a regulation

Article 270 – paragraph 1 – point 3 k (new)

Regulation (EU) No 1308/2013

Article 152b (new)

Text proposed by the Commission

Amendment

3 k. The following Article is inserted:

“Article 152b

Value-sharing

Without prejudice to Article 125 in the sugar sector, producers of agricultural products in one of the specific sectors listed in Article 1(2), through their organisations, and undertakings marketing or processing such products may agree on value-sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices or other commodity markets is to be allocated between them.”.

Or. en

Justification

This proposal aims at allowing producers of agricultural products to agree, through their

organizations, with undertaking marketing or processing their products, on clauses for the allocation of value, following the model of the sugar sector. This measure should be supplemented by a possibility for inter-branch organizations to establish standard clauses.

Amendment 71

Proposal for a regulation

Article 270 – paragraph 1 – point 3 l (new)

Regulation (EU) No 1308/2013

Article 154 – paragraph 1 – introductory part

Present text

"1. *In order to be recognised by a Member State, the producer organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity* which:"

Amendment

3 l. In Article 154(1), the introductory part is replaced by the following:

"1. *Member States shall recognise as producer organisations all legal entity or clearly defined parts of legal entities applying for such recognition and* which:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

In line with the amendments proposed on article 152, the article 154 must be adapted.

Amendment 72

Proposal for a regulation

Article 270 – paragraph 1 – point 3 m (new)

Regulation (EU) No 1308/2013

Article 154a (new)

Text proposed by the Commission

Amendment

**3 m. The following Article is inserted:
Article 154a**

Recognition of bargaining organisations

1. In order to be recognised by a Member State, the bargaining organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity

which:

(a) fulfils the requirements laid down in points (a), (b) and (c) of Article 152a(1)

(b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates;

(c) provides sufficient evidence that it can carry out its activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to its members, and as appropriate concentration of supply;

(d) has statutes that are consistent with points (a), (b) and (c) of this paragraph.

2. Member States shall:

(a) decide whether to grant recognition to a bargaining organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; that application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with this Chapter;

(c) in the event of non-compliance or irregularities in the application of the measures provided for in this Chapter, impose on those organisations the applicable penalties they have laid down and, if necessary, decide whether recognition should be withdrawn ;

(d) inform the Commission by 31 March of each year, of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

Or. en

Justification

In line with the amendments proposed on article 152a, the article 154a must be created.

Amendment 73

Proposal for a regulation

Article 270 – paragraph 1 – point 3 n (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 1 – point c – point xiv a (new)

Text proposed by the Commission

Amendment

3 n. In point (c) of Article 157(1), the following point is added:

(xiva) agreeing on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices or other commodity markets is to be allocated between them.

Or. en

Justification

In line with the amendments proposed in view of allowing producers of agricultural products to agree, through their organizations, with undertaking marketing or processing their products, on clauses for the allocation of value, it is relevant to introduce a possibility for inter-branch organizations to establish standard clauses of value sharing.

Amendment 74

Proposal for a regulation

Article 270 – paragraph 1 – point 3 o (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 1 – point c – point xiv b (new)

Text proposed by the Commission

Amendment

3 o. In point (c) of Article 157(1), the following point is added:

(xivb) implementing collective measures to prevent and manage the health, plant-protection and environmental risks and uncertainties linked to the production and, where applicable to the processing and/or marketing and/or distribution of

Justification

Inter-branch organizations should be given the capacity to implement collective measures to prevent and manage health and environmental risks and uncertainties linked to production.

Amendment 75

Proposal for a regulation

Article 270 – paragraph 1 – point 3 p (new)

Regulation (EU) No 1308/2013

Article 159 – title

Present text

Amendment

"**Obligatory** recognition"

3 p. In Article 159, the title is replaced by the following:

"**Mandatory** recognition"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 76

Proposal for a regulation

Article 270 – paragraph 1 – point 3 q (new)

Regulation (EU) No 1308/2013

Article 159 – introductory part

Present text

Amendment

"By way of derogation from Articles **152** to 158, Member States shall, **on** request, **recognise**:"

3 q. In Article 159, the introductory part is replaced by the following:

"By way of derogation from Articles **152a** to 158, Member States shall **recognise, upon** request:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 77

Proposal for a regulation

Article 270 – paragraph 1 – point 3 r (new)

Regulation (EU) No 1308/2013

Article 159 – point a

Present text

Amendment

"(a) *producer organisations in:*

(i) the fruit and vegetables sector in respect of one or more products of that sector and/or such products solely intended for processing,

(ii) the olive oil and table olives sector,

(iii) the silkworm sector,

(iv) the hops sector;"

3 r. In Article 159, point (a) is replaced by the following:

"(a) bargaining organisations in the milk and milk products sector;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

To adapt the Single CMO text to the amendments introduced in Articles 152 and 152a, Article 159 (1)(a) should be amended.

Amendment 78

Proposal for a regulation

Article 270 – paragraph 1 – point 3 s (new)

Regulation (EU) No 1308/2013

Article 161

Text proposed by the Commission

Amendment

3 s. Article 161 is deleted

Or. en

Justification

To adapt the Single CMO text to the amendments introduced in Articles 152 and 152a, Article

159 (1)(a) should be amended.

Amendment 79

Proposal for a regulation

Article 270 – paragraph 1 – point 3 t (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 1a (new)

Text proposed by the Commission

Amendment

3 t. In Article 168, the following paragraph is inserted:

1a. If Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, producer organisation or their association, in respect of agricultural products in a sector listed in Article 1(2) other than the milk, milk products and sugar sector may require that any delivery of its products to a processor or distributor be the subject of a written contract between the parties and/or be the subject of a written offer of a contract from the first purchasers, under the same conditions laid down.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, unless the inter-branch organisation of the sector recognised under Article 157, has drawn up a standard contract compatible with the rules of the Union.

Or. en

Justification

This proposal aims at establishing a right to a written contract at the request of farmers or their organisations. Nevertheless, to ensure legal certainty and proportionality of the measure, it is necessary to maintain the specific features of the milk and sugar sectors, the possibility for the Member state to make contracts compulsory and finally to protect SME if no standard clause have been set up by inter-branch organisations. This proposal is in line with recommendation 133a of the AGRI market Task Force report.

Amendment 80

Proposal for a regulation

Article 270 – paragraph 1 – point 3 u (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 4 – introductory part

Present text

"4. Any contract or offer for a contract referred to in **paragraph 1** shall:"

Amendment

3 u. In Article 168(4), the introductory part is replaced by the following:

"4. Any contract or offer for a contract referred to in **paragraphs 1 and 1a** shall:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

To adapt the Single CMO text to the amendments introduced in Article 168 paragraph 1, Article 168 paragraph 4 should be modified.

Amendment 81

Proposal for a regulation

Article 270 – paragraph 1 – point 3 v (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 5

Present text

"5. By way of derogation from **paragraph 1**, a contract or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser which is a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c)

Amendment

3 v. In Article 168, paragraph 5 is replaced by the following:

"5. By way of derogation from **paragraphs 1 and 1a**, a contract or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser which is a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c)

of paragraph 4."

of paragraph 4."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

To adapt the Single CMO text to the amendments introduced in Article 168 paragraph 1, Article 168 paragraph 5 should be modified.

Amendment 82

Proposal for a regulation

Article 270 – paragraph 1 – point 3 w (new)

Regulation (EU) No 1308/2013

Article 169

Text proposed by the Commission

Amendment

3 w. Article 169 is deleted.

Or. en

Justification

In a view of simplifying and clarifying existing derogations from competition law and to adapt the Single CMO text to the amendments introduced in article 152 and article 152a, articles 169, 170 and 171 should be deleted.

Amendment 83

Proposal for a regulation

Article 270 – paragraph 1 – point 3 x (new)

Regulation (EU) No 1308/2013

Article 170

Text proposed by the Commission

Amendment

3 x. Article 170 is deleted.

Or. en

Justification

In a view of simplifying and clarifying existing derogations from competition law and to adapt the Single CMO text to the amendments introduced in article 152 and article 152a, articles 169, 170 and 171 should be deleted.

Amendment 84

Proposal for a regulation

Article 270 – paragraph 1 – point 3 y (new)

Regulation (EU) No 1308/2013

Article 171

Text proposed by the Commission

Amendment

3 y. Article 171 is deleted.

Or. en

Justification

In a view of simplifying and clarifying existing derogations from competition law and to adapt the Single CMO text to the amendments introduced in article 152 and article 152a, articles 169, 170 and 171 should be deleted.

Amendment 85

Proposal for a regulation

Article 270 – paragraph 1 – point 3 z (new)

Regulation (EU) No 1308/2013

Chapter III a – Article 175a (new)

Text proposed by the Commission

Amendment

3 z. In Title II, a new Chapter is added:

“CHAPTER IIIa

Relations with the supply chain

Article 175a

Unfair trading practices

Before 30 June 2018, the European Commission shall propose to the European Parliament and to the Council a legislative proposal on a Union-level framework to combat practices that grossly deviate from good commercial practice and are contrary to good faith and fair treatment in transactions between farmers, including their organisations and processing SMEs, and their trading

partners downstream of the supply chain;”

Or. en

Justification

Such a clause should be proposed to the European Commission making it mandatory to adopt before mid-2018 a European legislative framework to combat unfair commercial practices, in line with the European Parliament’s position, the 12 December 2016 Council on strengthening the position of farmers in the food supply chain and tackling unfair trading practices and with recommendation 113 of the AGRI market Task Force report.

Amendment 86

Proposal for a regulation

Article 270 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 1 – subparagraph 2

Present text

"Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, or associations of producer organisations recognised under Article 156 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, unless the objectives of Article 39 TFEU are jeopardised."

Amendment

4 a. In Article 209(1), the second subparagraph is replaced by the following:

"Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, ***or bargaining organisations recognised under Article 152a***, or associations of producer organisations recognised under Article 156 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, unless the objectives of Article 39 TFEU are jeopardised."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

To adapt the Single CMO text to the amendments creating an Article 152a, article 209 should be modified.

Amendment 87

Proposal for a regulation

Article 270 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

4 b. In Article 209(2), the following subparagraph is inserted after the first subparagraph:

“However, farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, or bargaining organisations recognised under Article 152a, or associations of producer organisations recognised under Article 156 of this Regulation may request an opinion from the Commission on the compatibility of those agreements, decisions and concerted practices with the objectives set out in Article 39 TFEU. Requests for opinions shall be dealt with promptly and the Commission shall send the applicant its analysis within two months of receipt of the request. In the event of non-response by the Commission within that period, the opinion shall be deemed positive.”

Or. en

Justification

To adapt the Single CMO text to the amendments introduced in Article 168 paragraph 1, Article 168 paragraph 5 should be modified.

Amendment 88

Proposal for a regulation

Article 270 – paragraph 1 – point 4 c (new)

Regulation (EU) No 1308/2013

Article 219 – paragraph 1 – subparagraph 4

Present text

"Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or provide for export refunds, **or** suspend import duties in whole or in part including for certain quantities or periods as necessary."

Amendment

4 c. In Article 219(1), the fourth subparagraph is replaced by the following:

"Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or provide for export refunds, suspend import duties in whole or in part including for certain quantities or periods as necessary **or propose any appropriate supply management measures.**"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

In order to enhance the effectiveness of Article 219, it is appropriate to give to the Commission the possibility to use all means at its disposal under Regulation 1308/2013 but also any other appropriate supply management measures.

Amendment 89

Proposal for a regulation

Article 270 – paragraph 1 – point 4 d (new)

Regulation (EU) No 1308/2013

Article 220a (new)

Text proposed by the Commission

Amendment

4 d. The following Article is added:

“Article 220a

Programme to reduce production of agricultural products in time of serious market imbalances

1. In the event of serious imbalances on the market and where production techniques permit, the Commission may decide to grant aid to producers in a specific sector listed in Article 1 (2), which voluntarily reduce their delivery over a period of three months compared to the same period the previous year.

2. The aid shall be granted on the principle of an application by producers submitted within the Member State in which the producers are established, using the method laid down by the Member State concerned.

Member States may decide that applications for reduction aid shall be submitted on behalf of producers by recognised producer organizations or by cooperatives established under national law. In this case, Member States shall ensure that the aid is fully transmitted to producers who have effectively reduced their delivery.

3. In order to ensure that this programme is implemented effectively and appropriately, the Commission is empowered to adopt, in accordance with Article 227, delegated acts establishing:

(a) the maximum total volume or quantity of delivery covered by the programme to reduce production;

(b) the amount of aid in accordance with the reduced volume or quantity and its financing arrangements, in particular via a levy on producers increasing their production during the same period;

(c) the criteria for applicants to be eligible for the aid and for applications for aid to be admissible;

(d) specific conditions for the implementation of this programme.”

Or. en

Justification

In order to ensure the maintaining of the mechanism for reducing milk production in view of the forthcoming reform of the CAP, this mechanism should be codified in the basic act and extended to other agricultural sectors as far as the techniques of production enable the mobilization of such aid to reduce production.

Amendment 90

Proposal for a regulation

Article 270 – paragraph 1 – point 4 e (new)

Regulation (EU) No 1308/2013

Article 222 – paragraph 3 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

4 e. In Article 222(3), the following subparagraph is inserted after the first subparagraph:

"The agreements and decisions referred to in paragraph 1 may be extended in accordance with the conditions laid down in Article 164."

Or. en

Justification

To ensure a more effective use and a greater impact of Article 222, the possibility for producer organizations, their associations and inter-branch organizations to extend the agreement or decisions authorized under Article 222 to non-member producers under the same conditions as provided in Article 164 should be introduced. This proposal is in line with the recommendation 157d of the AGRI market Task Force and paragraph 11 of the Agriculture Committee's opinion on the annual report on the European competition policy

Amendment 91

Proposal for a regulation

Article 270 – paragraph 1 – point 4 f (new)

Regulation (EU) No 1308/2013

Article 222 – paragraph 2

Text proposed by the Commission

Amendment

4 f. In Article 222, paragraph 2 is deleted.

Justification

To ensure a more effective use and a greater impact of Article 222, its nature of last resort measure should be deleted. This proposal is in line with the recommendation 157d of the AGRI market Task Force and paragraph 11 of the Agriculture Committee's opinion on the annual report on the European competition policy.

Amendment 92**Proposal for a regulation****Article 270 – paragraph 1 – point 4 g (new)**

Regulation (EU) No 1308/2013

Article 232 – paragraph 2

*Text proposed by the Commission**Amendment*

4 g. In Article 232, paragraph 2 is deleted.

Or. en

Justification

To ensure the extension of the milk package beyond 2020, it is necessary to delete article 232.

Amendment 93**Proposal for a regulation****Article 270 – paragraph 1 – point 4 h (new)**

Regulation (EU) No 1308/2013

Annex VIII – Part 1 – point A – paragraph 2

*Present text**Amendment*

4 h. In the point A of Part I of the Annex VIII, paragraph 2 is replaced by the following:

"2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:

- (a) 3 % volume in wine-growing zone A;
- (b) 2 % volume in wine-growing zone

"2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:

- (a) 3,5 % volume in wine-growing zone A;
- (b) 2,5 % volume in wine-growing

B;
(c) 1,5 % volume in wine-growing zones C."

zone B;
(c) 2 % volume in wine-growing zones C."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

The amendment, while not modifying the limits foreseen by the current legislation, aims at simplifying the procedure for the authorisation of enrichment, by devolving to Member States the whole competence to authorise such oenological practice.

Amendment 94

Proposal for a regulation

Article 270 – paragraph 1 – point 4 i (new)

Regulation (EU) No 1308/2013

Annex VIII – Part 1 – point A – paragraph 3

Text proposed by the Commission

Amendment

4 i. In point A of Part 1 of Annex VIII, paragraph 3 is deleted.

Or. en