



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Delegations
to: Council

No. Cion prop.: 15426/11 + REV 1 (en, fr, de) - COM(2011) 628 final

Subject: Proposal for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (the horizontal regulation)
- Delegations' comments

With a view to the meeting of the Council "Agriculture and Fisheries" on 24 - 25 June 2013, delegations will find attached, in the Annex, common declaration from Bulgarian, Czech, Danish, German, Estonian, Greek, Spanish, French, Cyprus, Latvian, Luxembourg, Hungarian, Austrian, Portuguese, Romanian, Slovenian, Slovak, Finnish and Croatian delegations on the above proposal.

**COMMON DECLARATION FROM BULGARIAN, CZECH, DANISH, GERMAN,
ESTONIAN, GREEK, SPANISH, FRENCH, CYPRUS, LATVIAN, LUXEMBOURG,
HUNGARIAN AUSTRIAN, PORTUGUESE, ROMANIAN, SLOVENIAN, SLOVAK,
FINNISH AND CROATIAN DELEGATIONS**

At this key stage of the ongoing negotiations on the CAP reform, the aforementioned Member States and Croatia (referred to as “Member States” below) would like to draw the attention to the financial and administrative consequences of the horizontal regulation on the competent authorities. For this reason, those Member States call on the Presidency to give priority defending the Council position on the following articles, given their significant cost on the Member States budget and/or their burdensome impact on the national and regional administrations.

Article 7:

It is of critical importance to ensure enough flexibility for Member States to implement the CAP on their territory: to this purpose, all current Member States paying agencies shall be allowed to be maintained (paragraph 2), and Member States shall be the only competent authority to withdraw the paying agency accreditation according to the provisions in paragraph 5.

Articles 42, 43 and 44:

Due to the financial impact of those provisions, and in order to respect the proportionality principle, article 42 paragraph 2 (default interests) and article 44 (suspension of payment in case of late submission) shall be deleted. Moreover, the Council position on article 43 paragraph 2 (reduction and suspension of monthly and interim payments) shall not be softened.

Articles 56:

The financial burden in case of non recovery of the undue payments shall be equally shared between the Union and the national budgets (article 56 paragraph 2). Thus, the so-called “50/50” rule shall be maintained.

Article 71:

The creation of the EFA-layer within the LPIS will be heavily burdensome for Member States, who need enough time to implement it properly. Thus, the transition period shall run at least until 2019. Both the necessary flexibility to help the paying agencies to implement a tolerance margin for precision of mapping when the cartography is increased to 1:5000 and the inclusion of landscape features located adjacent to a parcel in the LPIS shall also remain in this article. For those reasons, both paragraphs 1 and 2 shall be entirely maintained as in the Council general approach.

Article 76:

It is essential that the IACS beneficiaries benefit from the same possibilities as currently regarding the payments dates. Thus, as regards rural development, the Member States shall have the possibility to pay advances before 16 October and after the finalisation of the administrative checks, and to pay the last instalment before 1 December. The Council general approach and the agreed text on both paragraphs 1 and 2 shall be maintained.

Article 77:

Without prejudice to the final decision on alignment, the Council agreed text in paragraph 2.c allows for the necessary flexibility to help the paying agencies to implement a tolerance of the administrative cross-checks of the LPIS and shall therefore remain.

Article 99:

In relation to cross compliance, the system of minor infringements as referred to in paragraph 2 of the Council position shall remain unchanged and not be replaced by an early warning system which increases the administrative burden substantially.
