



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 9 April 2014
(OR. en)**

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DELECT 97**

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Special Committee on Agriculture/Council

No. Cion doc.: 7646/14 + ADD 1

Subject: Commission Delegated Regulation (EU) No .../. of 11.3.2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

- Intention not to raise objections to a delegated act

1. The Commission submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 70(5) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy¹. The Commission having notified the delegated act to the EP and Council on 12 March 2014, the Council may object to it until 11 May 2014.

¹ OJ L 347/608 of 20.12.2013, p. 608.

2. The Special Committee on Agriculture (SCA) at its meeting on 2 April 2014 examined the delegated act and took note of the objection raised by the Hungarian delegation. No other objections were noted. The SCA further noted the letter submitted by the Commission (doc. 8363/14) and the Commission's request to include the statement set out in Annex to this note in the minutes of Council. The SCA further noted the parliamentary scrutiny reserve entered by the United Kingdom on this delegated act and the parliamentary scrutiny reserves entered by Denmark and the Netherlands as well as the scrutiny reserve entered by Austria on all of the CAP Reform delegated acts² and of the intention of those delegations to lift their reserves as soon as possible. In this light the SCA noted the absence of a qualified majority in Council to object to the delegated act.

3. It is therefore suggested that the SCA recommend to Council that it confirms that it has no intention to object to the delegated act and that the Commission and the European Parliament be informed thereof. This implies that, unless the European Parliament objects, the delegated act shall enter into force in accordance with Article 70(5) of Regulation EU (No) 1307/2013.

² docs. 7637/14 + ADD 1, 7642/14, 7641/14 + ADD 1, 7640/14 + ADD 1, 7646/14 + ADD 1, 7656/14, 7636/14, 7658/14, 7654/14, 7648/14 + ADD 1, 7657/14.

Commission statement

The Commission undertakes to thoroughly evaluate the experience with the implementation of the obligations on Ecological Focus Areas (EFA) as part of the 'greening' obligations, after the first year of application. In particular, the Commission will ensure that the administrative burden for Member State authorities and producers arising from the application of EFA is kept to an absolute minimum and that procedures are simplified, including those on ditches. The situation in terms of a level playing field due to the implementation of EFA in different Member States will also be examined and addressed if necessary. Should the requirement to meet the EFA obligations result in a noticeable reduction of the production potential of the EU, the Commission will revise the relevant delegated act.

In the meantime, the Commission will adopt a delegated act amending the delegated act on direct payments to increase the EFA weighting factor for areas cultivated with nitrogen fixing crops from 0.3 to 0.7 with application on 1 January 2015.
