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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013  
*- Analysis of the final compromise texts with a view to agreement*

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For information, the Annex to this document sets out the statements that are part of the political agreement.

**COM statement on CBs**

The Commission takes note of the insertion of a new Recital 11a into the [HzR Regulation] regarding the communication of information on appointed Certification Bodies. The Commission receives information from the Member States on the appointment of public and private Certification Bodies and it keeps an up-to-date register of these bodies for monitoring purposes. The Commission recalls its commitment to communicate annually the list of the appointed certification bodies to the Parliament.

**COM statement on the EAFRD de-commitments**

The Commission confirms that, if there is a risk of de-commitment of EAFRD funding, the Commission services shall send a letter to the Member States' authorities to alert them in sufficient time before the applicable deadline of automatic de-commitment of that risk. The purpose of this letter is to encourage an increase in the absorption of EAFRD funding and to explore with Member States what can be done to that effect.

The Commission endeavours to avoid de-commitments also where specific circumstances apply. To this end, the relevant rules in the Horizontal Regulation to interrupt the period for de-commitments in case of on-going legal proceedings or administrative appeals will be fully applied. Moreover, in particular the rule not to apply de-commitments in case budget commitments were not used for reasons of force majeure seriously affecting the implementation of the CAP Strategic Plans will be fully respected.

**Statement by the Commission on further measures to protect the EU budget against fraud and irregularities by requiring an obligatory use of a single data mining tool provided by the Commission**

In the Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources, Points 30 to 33 require the Commission to make available an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the required data with a view to a generalised application by Member States. In addition, the three institutions agreed to sincerely cooperate, in the course of the legislative procedure relating to the relevant basic acts, to ensure the follow up to the European Council conclusions of July 2020 regarding this element.

The Commission welcomes the new provisions introducing the requirement for the Commission to make available a single data-mining tool and on the publication of groups in the articles in the Horizontal Regulation, however, the approach agreed by the co-legislators for the CAP does not appropriately reflect the desired ambition and spirit of the Inter-institutional Agreement. However, the Commission notes that similarly to the agreement for the Common provisions Regulation the use of the tool by the Member States is not obligatory. Therefore in line with the Statement made by the Commission on the agreement reached by the co-legislators in the Common Provisions Regulation, the Commission considers that the agreement reached by the co-legislators for the CAP under Article 57(2) (Responsibilities of the Member States) on the use of a single data-mining tool, and the collection and publication of data on groups in Article 96 (Transparency) does not sufficiently enhance the protection of the Union budget against fraud and irregularities and to ensure efficient checks on conflicts of interest, irregularities, issues of double funding, and criminal misuse of the funds. The Commission therefore also welcomes the Joint Statement on the single data mining tool by the three institutions.

### **Statement by the Commission on bundling of empowerments**

The Commission recalls its commitment to observe the Inter-institutional Agreement of 13 April 2016 on Better Law-Making. Point 31 of the Agreement states that, on condition that the Commission provides objective justifications based on the substantive link between two or more empowerments contained in a single legislative act, empowerments may be bundled. Consultations in the preparation of delegated acts also serve to indicate which empowerments are considered to be substantially linked.

### **Joint statement by the European Parliament and the Council on the single data mining tool**

The Council and the European Parliament commit to examine a proposal on the compulsory use of a data-mining tool in the Member States, following the Commission's report by 2025 assessing the use of the single data mining tool and its interoperability with a view to its generalised use by Member States.

### **Joint statement by the European Parliament and the Commission**

The European Parliament and the Commission recall that in view of the new delivery model and the performance framework to be established in the Common Agricultural Policy (CAP) for the period 2021-2027, the annual performance reports, annual monitoring and the biennial performance review are of significant importance to uphold the ambitions set in the CAP Strategic Plans.

In that context, the European Parliament and the Commission agree on the need for the Commission to report annually to the European Parliament, in the Committee on Agriculture and Rural Development, on the progress made in the scope of the annual performance monitoring.

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