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From: General Secretariat of the Council
To: Special Committee of Agriculture/Council

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Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down certain transitional provisions for the support by the European Agricultural Fund for Rural Development (EAFRD) and by the European Agricultural Guarantee Fund (EAGF) in the year 2021 and amending Regulations (EU) No 228/2013, (EU) No 229/2013 and (EU) No 1308/2013 as regards resources and their distribution in respect of the year 2021 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards their resources and application in the year 2021
- Preparation of the Council debate

1. On 31 October 2019, the Commission submitted to the Council and the European Parliament a proposal for a Regulation laying down transitional provisions for EAFRD and EAGF support in 2021, based on Articles 43(2) and 349 of the Treaty on the Functioning of the European Union (TFEU).
2. The overall aim of this proposal is to ensure continuity of CAP support to farmers and other beneficiaries in 2021, since it is clear from the current state of play of the CAP reform and MFF negotiations that the new Strategic Plans will not be able to apply from 1 January 2021. To that end, the four CAP basic regulations are amended (1305/2013, 1306/2013, 1307/2013 and 1308/2013), as well as Regulations 228/2013 (specific measures for outermost regions) and 229/2013 (specific measures for the smaller Aegean islands).

3. The proposal was presented to delegations at the Special Committee on Agriculture (SCA) on 5 November 2019 and at the Agricultural and Fisheries Council (AGRIFISH) on 18 November 2019. National experts have also started its technical examination, with Working Parties taking place on 6 November, 13 November and 5 December 2019.
4. It emerged from the aforementioned discussions that Member States generally welcome the proposal, in order to provide legal and financial security for farmers and other beneficiaries in 2021. The proposal does not entail new major policy developments compared to the current rules. The proposal extends the applicability of the existing legal framework to the year 2021 and contains adaptations of certain rules to ensure a smooth transition from the current to the next CAP period. However, certain elements of the text have to be reflected upon in further discussions, including but not limited to: the duration of the transitional period, conditions for extending Rural Development Programmes, duration of agro-environmental commitments and continuation of operational programmes of producer organizations in the fruit and vegetables sector. In addition, some delegations have pointed to the lack of transitional national aid in the proposal, which they would like to see continued in 2021 at least at the 2020 level. Given that, unlike the CAP reform, the content of the proposal can be discussed independently from the figures, the Croatian Presidency will place all figures between square brackets and update them once the MFF agreement is reached.
5. In the light of the current state of discussion of this proposal, the Presidency believes that the January AGRIFISH Council constitutes an appropriate moment for Ministers to exchange views on it. The views expressed during the Council debate will constitute important guidance for work during the Croatian Presidency in the Council's preparatory bodies. The Presidency aims at reaching a partial general approach, or a general approach if there is an agreement on the MFF, at the March 2020 AGRIFISH Council, and to start negotiations with the European Parliament as soon as possible afterwards.
6. To prepare the exchange of views in Council, at the SCA meeting on 20 January the Presidency will invite delegations to comment on the proposed questions.

7. At the AGRIFISH Council on 27 January 2020, Ministers will be invited to express their views based on these questions.

Questions for Ministers

⇒ **Do you agree that we should aim at arriving at a partial general approach as soon as possible, independently from the MFF figures, with a view to the timely adoption of the Transitional Regulation?**

⇒ **Do you agree that the proposal should not entail any new major elements compared to the current rules?**