



**CONSIGLIO
DELL'UNIONE EUROPEA**

**Bruxelles, 18 luglio 2012 (23.07)
(OR. en)**

12064/12

**Fascicolo interistituzionale:
2010/0267 (COD)**

CODEC	1814
AGRI	458
PE	314
AGRISTR	96
AGRIORG	117
AGRIFIN	128
AGRILEG	111
FIN	507

NOTA INFORMATIVA

del:	Segretariato generale
al:	Comitato speciale Agricoltura/Consiglio
Oggetto:	Proposta di regolamento del Parlamento europeo e del Consiglio recante modifica del regolamento (CE) n. 73/2009 del Consiglio che stabilisce norme comuni relative ai regimi di sostegno diretto agli agricoltori nell'ambito della politica agricola comune e istituisce taluni regimi di sostegno a favore degli agricoltori - Risultati della prima lettura del Parlamento europeo (Strasburgo, 2-5 luglio 2012)

I. INTRODUZIONE

Il relatore Paolo DE CASTRO (S&D, IT) ha presentato, a nome della commissione per l'agricoltura e lo sviluppo rurale, una relazione contenente 30 emendamenti (emendamenti 1-30) alla proposta di regolamento del Parlamento europeo e del Consiglio recante modifica del regolamento (CE) n. 73/2009 del Consiglio che stabilisce norme comuni relative ai regimi di sostegno diretto agli agricoltori nell'ambito della politica agricola comune e istituisce taluni regimi di sostegno a favore degli agricoltori. Non sono stati presentati altri emendamenti.

II. DISCUSSIONE

Il 3 luglio 2012 si è svolta una discussione congiunta, nella quale sono state esaminate anche cinque altre relazioni su argomenti agricoli e che si è incentrata sull'allineamento degli atti legislativi in vigore al trattato di Lisbona¹.

Il relatore Paolo De Castro (S&D, IT) ha aperto la discussione e:

- ha precisato che il trattato di Lisbona ha introdotto un sistema in cui la procedura di comitato è stata sostituita da un sistema a due pilastri: gli atti delegati, che consentono al Parlamento europeo di esercitare un diritto di veto, e gli atti di esecuzione che, al contrario, escludono il Parlamento europeo;
- ha sottolineato che lo scopo della presente proposta consiste precisamente nell'allineare il regolamento al trattato di Lisbona;
- ha espresso rincrescimento per il fatto che, nonostante la posizione aperta in merito ai negoziati e l'impegno profuso dalla presidenza polacca, non sia stato possibile giungere a un compromesso;
- ha dichiarato che la posizione del Consiglio intesa ad eliminare gli atti delegati è inaccettabile;
- si è chiesto per quale motivo, nel corso dei negoziati, la Commissione sia passata dall'accettazione degli atti delegati alla preferenza per gli atti di esecuzione;
- ha posto in rilievo che, in attesa dei negoziati sulla riforma della PAC (politica agricola comune), un voto risoluto in plenaria sui cinque fascicoli in questione contribuirebbe ad assicurare al Parlamento europeo una posizione di forza.

Giovanni La Via (PPE, IT), relatore per la proposta di regolamento del Parlamento europeo e del Consiglio recante modifica del regolamento (CE) n. 1290/2005 del Consiglio relativo al finanziamento della politica agricola comune e abrogazione dei regolamenti (CE) n. 165/94 e (CE) n. 78/2008 del Consiglio², ha precisato che l'allineamento al trattato di Lisbona si basa su un nuovo rapporto tra le tre istituzioni e che pertanto la riluttanza del Consiglio a ricorrere agli atti delegati non è accettabile.

¹ Cfr. docc. 12065/12, 12066/12, 12067/12, 12068/12 e 12069/12.

² Cfr. doc. 12067/12.

Martin Häusling (Verts/ALE, DE), relatore per la proposta di regolamento del Parlamento europeo e del Consiglio recante modifica del regolamento (CE) n. 834/2007 del Consiglio relativo alla produzione biologica e all'etichettatura dei prodotti biologici¹, ha sottolineato che secondo la commissione giuridica (JURI) l'articolo 290 TFUE è di applicazione, ha espresso l'auspicio di una maggiore implicazione degli esperti a livello nazionale ed ha condiviso la critica di Paolo De Castro (S&D, IT) nei confronti della posizione della Commissione sulla questione.

Luis Manuel Capoulas Santos (S&D, PT), relatore per la proposta di regolamento del Parlamento europeo e del Consiglio recante modifica del regolamento (CE) del Consiglio n. 485/2008 relativo ai controlli, da parte degli Stati membri, delle operazioni che rientrano nel sistema di finanziamento del Fondo europeo agricolo di garanzia², ha chiesto un'interpretazione rigorosa della lettera del trattato e ha affermato che il trattato di Lisbona conferisce al Parlamento europeo un diritto di veto rafforzato, su un piano di parità con il Consiglio per quanto riguarda il diritto di revoca della delega.

Il Commissario Dacian Cioloș:

- ha sottolineato che la questione dell'allineamento è un tema tecnico e giuridicamente complesso, al tempo stesso molto sensibile e altamente politico;
- ha riconosciuto la situazione di stallo dopo l'ultimo trilogio svoltosi durante la presidenza polacca ed ha posto in rilievo che la presidenza danese ha incluso l'allineamento dei quattro regolamenti principali nella riforma della PAC, portando avanti separatamente i negoziati sugli altri fascicoli correlati all'allineamento;
- ha indicato che sosterrà il rafforzamento dei poteri del Parlamento europeo ogniqualvolta giuridicamente possibile, ossia nel rispetto del trattato di Lisbona e del regolamento in esame, al fine di consentire al Parlamento europeo di adempiere il suo ruolo di colegislatore e di controllare l'esecuzione degli atti legislativi;
- ha insistito sul fatto che questo processo di allineamento non dovrebbe avere alcun impatto sui negoziati per la riforma della PAC;
- ha accolto con soddisfazione il voto in plenaria in quanto definirebbe la posizione del Parlamento europeo, consentendo in tal modo il rilancio dei negoziati interistituzionali.

¹ Cfr. doc. 12068/12.

² Cfr. doc. 12069/12.

Intervenendo a nome della commissione per lo sviluppo regionale (REGI), Iosif Matula (PPE, RO) ha elogiato la qualità delle relazioni e ha sottolineato che occorre preservare l'equilibrio tra la protezione dell'ambiente e la politica di sviluppo locale, come pure la compatibilità con l'obiettivo di coesione territoriale del Fondo europeo agricolo per lo sviluppo rurale (FEASR).

Intervenendo a nome del gruppo PPE, Hans-Peter Mayer (PPE, DE) ha dichiarato che il trattato di Lisbona ha attribuito al Parlamento europeo il ruolo di colegislatore in materia agricola, il che implica che il Consiglio dovrebbe riconsiderare la sua posizione, e che non si tratta di una posizione politica bensì della difesa delle prerogative del Parlamento europeo.

Intervenendo a nome del gruppo S&D, Wojciech Michał Olejniczak (S&D, PL) ha espresso l'opinione che il problema consista nell'appurare quali misure debbano formare oggetto di atti delegati e quali di atti di esecuzione, poiché da ciò dipenderà il funzionamento della futura riforma della PAC, ed ha sottolineato la necessità di trovare risposte corrette sin dall'inizio, onde evitare che le decisioni siano successivamente impugnate dinanzi ai tribunali, in quanto ciò si ritorcerebbe contro gli agricoltori, che il Parlamento europeo vuole proteggere.

Intervenendo a nome del gruppo ALDE, George Lyon (ALDE, UK):

- ha affermato che, a giudizio del Consiglio, ogni decisione in materia di diritto derivato dovrebbe essere adottata mediante atti di esecuzione anziché atti delegati;
- ha lamentato la mancanza di una rappresentanza del Consiglio nell'emiciclo durante la discussione;
- ha condiviso la critica relativa al passaggio della Commissione dall'accettazione degli atti delegati alla preferenza per gli atti di esecuzione;
- ha dichiarato che il Parlamento lotterà fino all'ultimo durante i negoziati PAC per tutelare i suoi poteri ai sensi del trattato di Lisbona, se necessario bloccando l'accordo finale sulla riforma della PAC finché il Consiglio e la Commissione non accettino un compromesso sul riconoscimento del ruolo del Parlamento europeo nella legislazione.

Intervenendo a nome del gruppo ECR, James Nicholson (ECR, UK):

- ha affermato che la questione dovrebbe essere trattata nel contesto della riforma della PAC e che il voto del Parlamento europeo costituirà una posizione chiara da parte del Parlamento stesso;
- si è dichiarato favorevole all'attribuzione di maggiore facoltà di controllo e influenza al Parlamento europeo, esortando quest'ultimo a far uso di tali poteri.

Intervenendo a nome del gruppo EFD, John Stuart Agnew (EFD, UK) ha formulato alcune critiche in merito al trattato di Lisbona, all'agricoltura biologica e agli atti di esecuzione.

Czesław Adam Siekierski (PPE, PL), Marc Tarabella (S&D, BE), Phil Prendergast (S&D, IR), Maria do Céu Patrão Neves (PPE, PT) e Elisabeth Köstinger (PPE, AT) sono intervenuti a titolo individuale e hanno invocato il trattato di Lisbona, che estende i poteri del Parlamento europeo, quale argomentazione contro la posizione del Consiglio in merito agli atti delegati.

Il Commissario Dacian Cioloș:

- ha affermato che la Commissione sosterrà l'incremento dei poteri del Parlamento europeo, ogniqualvolta giuridicamente possibile, in conformità del disposto degli articoli 290 e 291 TFUE, per cui ai sensi dell'articolo 290 TFUE gli atti delegati possono integrare o modificare elementi non essenziali di un atto legislativo, mentre ai sensi dell'articolo 291 TFUE la Commissione ha soltanto la facoltà di assicurare l'applicazione uniforme dell'atto di base;
- per quanto riguarda l'agricoltura biologica, si è dichiarato disposto a trovare una soluzione che consenta al Parlamento europeo di essere maggiormente implicato nel processo decisionale sulle sostanze, salvaguardando nel contempo gli interessi dei produttori organici, ossia senza complicare né ampliare il processo decisionale; una soluzione potrebbe consistere nello stabilire con maggiore precisione i criteri per l'approvazione dell'introduzione di una sostanza nel regolamento sull'agricoltura biologica (nel quadro della procedura legislativa ordinaria), consentendo in tal modo alla Commissione di presentare atti di esecuzione implicanti unicamente l'applicazione di tali criteri.

Paolo De Castro (S&D, IT), Giovanni La Via (PPE, IT), Martin Häusling (Verts/ALE, DE) e Luis Manuel Capoulas Santos (S&D, PT), relatori per le sei proposte, hanno concluso la discussione ponendo in rilievo la coerenza degli interventi effettuati nel corso dei dibattiti ed hanno ribadito la loro posizione.

III. VOTAZIONE

Nella votazione in plenaria del 4 luglio 2012, il Parlamento europeo ha adottato gli emendamenti da 1 a 30 .

Il testo degli emendamenti adottati e la risoluzione legislativa del Parlamento europeo figurano nell'allegato della presente nota.

Common rules for direct support schemes for farmers *I**

European Parliament legislative resolution of 4 July 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (COM(2010)0539 – C7-0294/2010 – 2010/0267(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0539),
 - having regard to Article 294(2) and Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0294/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament, the Luxembourg Chamber of Deputies and by the Polish Diet and Senat, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 16 February 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0158/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 107, 6.4.2011, p. 30.

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The Commission should have the power to adopt delegated acts in accordance with Article 290 of the Treaty in order to supplement or amend certain non-essential elements of Regulation (EC) No 73/2009. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.

Amendment

(3) In order to ensure the proper functioning of the regime established by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement or amend certain non-essential elements of Regulation (EC) No 73/2009. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to guarantee a uniform application of Regulation (EC) No 73/2009 in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 of the Treaty. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No X/XXXX of the European Parliament and the Council on...

Amendment

(4) In order to ensure uniform conditions for the implementation of Regulation (EC) No 73/2009, implementing powers should be conferred on the Commission. Those powers, save where explicitly provided otherwise, should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*

*** OJ L 55, 28.02.2011, p. 13**

Amendment 3

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Commission should, by means of implementing acts, approve the granting of certain specific support, decide which Member States fulfil certain conditions regarding suckler cow premium and authorise new Member States to complement, subject to certain conditions, any direct payments. Given the special nature of those acts, the Commission should be empowered to adopt them without the assistance of the Committee for Direct Payments.

Amendment 4

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 73/2009

Article 2a

Text proposed by the Commission

Amendment

In order to take into account new legislation ***that may become necessary***, the Commission shall, by means of ***a*** delegated ***act***, amend Annex I.

In order to take into account new legislation, the Commission shall, by means of delegated ***acts***, amend Annex I ***in order to include appropriate references to new legislation.***

Amendment 5

Proposal for a regulation

Article 1 – point 2 a (new)

Regulation (EC) No 73/2009

Article 6 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

2a. In the second subparagraph of Article 6(1), point (a) is deleted.

Amendment 6

Proposal for a regulation

Article 1 – point 3

Regulation (EC) No 73/2009

Article 6 – paragraph 3

Text proposed by the Commission

3. In order to ensure that measures are taken to maintain the land under permanent pasture at the level of farmers, the Commission shall, by means of delegated acts, adopt provisions including individual obligations **at the level of farmers** to be respected where it is established that the share of land under permanent pasture is decreasing."

Amendment

3. In order to ensure that measures are taken to maintain the land under permanent pasture at the level of farmers, the Commission shall, by means of delegated acts, adopt provisions including individual obligations to be respected where it is established that the share of land under permanent pasture is decreasing.

Amendment 7

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 73/2009

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission shall, by means of **implementing** acts, review the ceilings set out in Annex IV in order to take account of:

Amendment

2. The Commission shall, by means of **delegated** acts, review the ceilings set out in Annex IV in order to take account of:

Amendment 8

Proposal for a regulation

Article 1 – point 5 – point b

Regulation (EC) No 73/2009

Article 9 – paragraph 3 – subparagraph 4

Text proposed by the Commission

In order to take into account new legislation that may become necessary, the Commission shall, by means of a delegated act, amend Annex V.

Amendment

The Commission shall, by means of a delegated act, amend Annex V.

Amendment 9

Proposal for a regulation

Article 1 – point 6 a (new)

Regulation (EC) No 73/2009

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

(6a) In Article 11, paragraph 2 is replaced by the following:

2. The European Parliament and the Council, acting on a proposal from the Commission presented no later than 31 March of the calendar year in respect of which the adjustments referred to in paragraph 1 apply, shall determine these adjustments no later than 30 June of the same calendar year.

Amendment 10

Proposal for a regulation

Article 1 – point 8

Regulation (EC) No 73/2009

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. In order to guarantee the proper functioning of the farm advisory system, the Commission may adopt, by means of delegated acts, provisions aiming at rendering such system fully operational. These provisions may relate, amongst others, to the scope of the farm advisory system and the accessibility criteria for farmers.

deleted

Amendment 11

Proposal for a regulation

Article 1 – point 8

Regulation (EC) No 73/2009

Article 12 – paragraph 6

Text proposed by the Commission

6. The Commission may, by means of implementing acts, adopt rules for the uniform implementation of the farm advisory system.

Amendment

6. The Commission may, by means of implementing acts, adopt **technical** rules for the uniform implementation of the farm advisory system.

Amendment 12

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 73/2009

Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a Member State decides to make use of the option provided for in the first subparagraph, in the following year the competent authority shall take the actions required to verify that the farmer remedies the findings of non-compliance concerned. The finding and the obligation to take remedial action shall be notified to the farmer.'

Amendment

deleted

Amendment 13

Proposal for a regulation

Article 1 – point 13 – point b

Regulation (EC) No 73/2009

Article 24 – paragraph 2 – subparagraph 3

Text proposed by the Commission

(b) In paragraph 2, the third subparagraph is **replaced by the following**:

'Unless the farmer has taken immediate remedial action putting an end to the non-compliance found, the competent authority shall take the actions required that may, where appropriate, be limited to an administrative control to verify that the farmer remedies the finding of non-compliance concerned. The finding of minor non-compliance and the obligation

Amendment

(b) In paragraph 2, the third subparagraph is **deleted**.

to take remedial action shall be notified to the farmer.'

Amendment 14

Proposal for a regulation

Article 1 – point 14

Regulation (EC) No 73/2009

Article 27a – paragraph 1 – point e

Text proposed by the Commission

(e) rules **on** any further measures **to be taken by the Member States** for the proper application of this Chapter as well as arrangements for any mutual assistance needed between Member States.

Amendment

(e) rules **which enable the Member States to take** any further measures for the proper application of this Chapter as well as arrangements for any mutual assistance needed between Member States.

Amendment 15

Proposal for a regulation

Article 1 – point 17

Regulation (EC) No 73/2009

Article 31a

Text proposed by the Commission

Implementing rules

The Commission may adopt, by means of **implementing** acts, measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems; such measures may derogate from certain parts of this Regulation, but only to the extent, and for such a period, as is strictly necessary.

Amendment

Delegation of powers to the Commission

The Commission may adopt, by means of **delegated** acts, measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems; such measures may derogate from certain parts of this Regulation, but only to the extent, and for such a period, as is strictly necessary. **Where imperative grounds of urgency so require, the procedure provided for in Article 141ba shall apply to delegated acts adopted pursuant to this Article.**

Amendment 16

Proposal for a regulation

Article 1 – point 18

Regulation (EC) No 73/2009

Article 33 – paragraph 5

Text proposed by the Commission

5. In order to take into account new legislation ***that may become necessary***, the Commission shall, by means of ***a*** delegated act, amend Annex IX.

Amendment

5. In order to take into account new legislation, the Commission shall, by means of delegated acts, amend Annex IX.

Amendment 17

Proposal for a regulation

Article 1 – point 23

Regulation (EC) No 73/2009

Article 40 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where payment entitlements are allocated to wine growers, the Commission shall, taking account of the latest data made available to it by the Member States in accordance with Articles 103o and the second subparagraph of Article 188a(3) of Regulation (EC) No 1234/2007, by means of ***implementing*** acts, adapt the national ceilings determined in Annex VIII to this Regulation. By 1 December of the year preceding the adaptation of the national ceilings, Member States shall communicate to the Commission the regional average of the value of the entitlements referred to in point B of Annex IX to this Regulation.

Amendment

Where payment entitlements are allocated to wine growers, the Commission shall, taking account of the latest data made available to it by the Member States in accordance with Articles 103o and the second subparagraph of Article 188a(3) of Regulation (EC) No 1234/2007, by means of ***delegated*** acts, adapt the national ceilings determined in Annex VIII to this Regulation. By 1 December of the year preceding the adaptation of the national ceilings, Member States shall communicate to the Commission the regional average of the value of the entitlements referred to in point B of Annex IX to this Regulation.

Amendment 18

Proposal for a regulation

Article 1 – point 25

Regulation (EC) No 73/2009

Article 42 – paragraph 3

Text proposed by the Commission

The Commission shall, by means of implementing acts, adopt measures regarding the reversion of unused payment entitlements to the national reserve.

Amendment

The Commission shall, by means of implementing acts, adopt measures regarding the ***practical conditions applicable to the*** reversion of unused payment entitlements to the national

reserve.

Amendment 19

Proposal for a regulation

Article 1 – point 28

Regulation (EC) No 73/2009

Article 45a – paragraph 3 – introductory part and point a

Text proposed by the Commission

3. In order to clarify specific situations that may occur in the application of the single payment scheme, the Commission shall, by means of delegated acts, adopt ***the following***:

(a) ***rules on*** the definition in the national legislation ***for*** ‘inheritance’ and ‘anticipated inheritance’;

Amendment

3. In order to clarify specific situations that may occur in the application of the single payment scheme, the Commission shall, by means of delegated acts, adopt ***rules on***:

(a) the ***use of the*** definition ***given*** in the national legislation ***of the terms*** ‘inheritance’ and ‘anticipated inheritance’ ***for the purposes of this Regulation***;

Amendment 20

Proposal for a regulation

Article 1 – point 39 a (new)

Regulation (EC) No 73/2009

Article 70 – paragraph 2

Text proposed by the Commission

Amendment

(39a) In Article 70(2), the following subparagraph is added:

"The Member States shall adopt rules to establish the calculation of the producer's average annual production."

Amendment 21

Proposal for a regulation

Article 1 – point 57 – point b

Regulation (EC) No 73/2009

Article 105 – paragraph 6

Text proposed by the Commission

(6) The Commission may, by means of **implementing** acts, adopt necessary measures regarding the withdrawal and reallocation of unused premium rights established under this Section.

Amendment

(6) The Commission may, by means of **delegated** acts, adopt necessary measures regarding the withdrawal and reallocation of unused premium rights established under this Section.

Amendment 22

Proposal for a regulation

Article 1 – point 58 – point c

Regulation (EC) No 73/2009

Article 110 – paragraph 4 - subparagraph 2

Text proposed by the Commission

The Commission shall, by means of **implementing** acts, adopt necessary measures regarding the amount of the premium to be granted in case the application of the proportional reduction referred to in the first subparagraph gives a number of eligible animals which is not a whole number.

Amendment

The Commission shall, by means of **delegated** acts, adopt necessary measures regarding the amount of the premium to be granted in case the application of the proportional reduction referred to in the first subparagraph gives a number of eligible animals which is not a whole number.

Amendment 23

Proposal for a regulation

Article 1 – point 61 – point b - introductory part

Regulation (EC) No 73/2009

Article 113

Text proposed by the Commission

(b) The following **paragraph is** added:

Amendment

(b) The following **paragraphs are** added:

Amendment 24

Proposal for a regulation

Article 1 – point 61 – point b

Regulation (EC) No 73/2009

Article 113 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) the transfer and/or temporary leasing of rights through the national reserve.

deleted

Amendment 25

Proposal for a regulation

Article 1 – point 61 – point b

Regulation (EC) No 73/2009

Article 113 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Commission shall, by means of delegated acts, adopt rules on the transfer and/or temporary leasing of rights through the national reserve.

Amendment 26

Proposal for a regulation

Article 1 – point 62

Regulation (EC) No 73/2009

Article 115 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) the rounding off of animal numbers in case the calculation of the maximum number of heifers as a percentage as laid down in the second subparagraph of Article 111(2) produces a result which is not a whole number;

deleted

Amendment 27

Proposal for a regulation

Article 1 – point 62

Regulation (EC) No 73/2009

Article 115 – paragraph 4 a (new)

(4a) The Commission shall, by means of delegated acts, adopt rules regarding the rounding off of animal numbers where the calculation of the maximum number of heifers as a percentage as laid down in the second subparagraph of Article 111(2) produces a result which is not a whole number;

Amendment 28

Proposal for a regulation

Article 1 – point 76

Regulation (EC) No 73/2009

Article 141b

Text proposed by the Commission

Amendment

Delegated acts

1. ***The powers*** to adopt the delegated acts ***referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time.***

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

2. ***The delegation of power referred to in paragraph 1 may be revoked by the European Parliament or by the Council.***

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable

Exercise of delegation

1. ***The power*** to adopt delegated acts ***is conferred on the Commission subject to the conditions laid down in this Article.***

2. ***The delegation of power referred to in Article 2a, Article 6(3), Article 8(2), Article 9(3), Articles 11a(1) and 11a(2), Article 12(5), Articles 27a(1), 27a(2), 27a(3), 27a(4) and 27a(5), Article 31a, Article 33(5), Article 40(1), Articles 45a(1), 45a(2), 45a(3), 45a(4) and 45a(5), Article 54a, Articles 62a(1), 62a(3) or 62a(4), Article 67a, Article 68(7), Article 76a, Article 77, Article 81(3), Articles 85(4) or 85(5), Articles 87(4), 87(5), 87(6), 87(7) and 87(8), Article 89(3), Article 90(5), Article 91(3), Articles 97(5), 97(6), 97(7), 98(7) and 98(8), Article 103(3),***

time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

3. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

Article 105(6), Article 110(4), Articles 111(7) and 111(8), Article 113(6) new, Articles 115(3) and 115(5) new, Articles 116(5), 116(6) and 116(7), Articles 124(9) and 124(10) and Article 132(9) shall be conferred on the Commission for a period of five years from The Commission shall draw up a report in respect of the delegated powers no later than nine months before the end of this five years period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three month before the end of each period.*

3. The delegation of power may be revoked at any time by the European Parliament or by the Council. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

** OJ: please insert the date of entry into force of this regulation.*

Amendment 29

Proposal for a regulation

Article 1 – point 76

Regulation (EC) No 73/2009

Article 141b a (new)

Text proposed by the Commission

Amendment

Article 141ba

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.
2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use

of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 141b(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

Amendment 30

Proposal for a regulation

Article 1 – point 76

Regulation (EC) No 73/2009

Article 141c

Text proposed by the Commission

Implementing acts - Committee

To be completed following the adoption of the Regulation laying down the rules and general principles concerning mechanisms for control envisaged in Article 291(2) TFEU, which is currently under discussion before the PE and the Council.

Amendment

Committee procedure

- 1. The Commission shall be assisted by the Committee for Direct Payments. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*.*
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

** OJ L 55, 28.02.2011, p. 13*