



LIETUVOS RESPUBLIKOS SEIMO
EUROPOS REIKALŲ KOMITETAS
SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS

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2010 11 29 Nr. S-2010-11240

Maroš ŠEFČOVIČ

Pirmininko pavaduotojas, atsakingas už institucijų
ryšius ir administravimą
Europos Komisija

**DĖL ES TEISĖS AKTO PROJEKTO GALIMO PRIEŠTARAVIMO SUBSIDIARUMO IR
PROPORCINGUMO PRINCIPAMS**

Gerbiamas Europos Komisijos pirmininko pavaduotojau,

Šių metų lapkričio 23 d. Lietuvos Respublikos Seimo plenariniame posėdyje buvo svarstytas šio ES teisės akto projekto galimo prieštaravimo subsidiarumo ir proporcingumo principams klausimas:

- “Pasiūlymas dėl Europos Parlamento ir Tarybos reglamento, kuriuo iš dalies keičiamas Tarybos reglamentas (EB) Nr. 1698/2005 dėl Europos žemės ūkio fondo kaimo plėtrai (EŽŪFKP) paramos kaimo plėtrai” (KOM (2010) 537 galutinis).

Norėčiau Jus informuoti, kad Lietuvos Respublikos Seimas šiuo klausimu priėmė Seimo pareiškimą (pagristąją nuomonę), kuriame konstatuojama, kad pasiūlymas galimai prieštarauja subsidiarumo ir proporcingumo principams.

PRIDEDAMA:

1. Lietuvos Respublikos Seimo Europos reikalų komiteto 2010 lapkričio 17 d. išvados ištrauka (anglų k.), 2 l.
2. Lietuvos Respublikos Seimo pareiškimas „Dėl pasiūlymo dėl Europos Parlamento ir Tarybos reglamento, kuriuo iš dalies keičiamas Tarybos reglamentas (EB) Nr. 1698/2005 dėl Europos žemės ūkio fondo kaimo plėtrai (EŽŪFKP) paramos kaimo plėtrai galimo prieštaravimo subsidiarumo ir proporcingumo principams“ (anglų k.), 1 l.

Pagarbiai

Komiteto pirmininkas

Česlovas Vytautas Stankevičius

Kontaktams:

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SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS

CONCLUSION

ON THE POSSIBLE CONTRADICTION OF THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1698/2005 ON SUPPORT FOR RURAL DEVELOPMENT BY THE EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT (EAFRD) WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

Document No. COM(2010) 537 final
17 November 2010, No. 100-P-53
Vilnius

Relevance for Lithuania: relevant

<p>On the possible contradiction of the EU legislative proposal with the principle of subsidiarity:</p>	<p><i>Having examined</i> the conclusions of the Seimas Committee on Rural Affairs; <i>having considered</i> the conclusions of the European Law Department under the Ministry of Justice, and <i>having analysed</i> the EC proposal, the Committee on European Affairs, <i>hereby states</i> that:</p> <ol style="list-style-type: none"> 1. It is important to thoroughly consider which provisions, under the proposal, are to be regulated by means of delegated acts (the ones Member States do not vote for as they are unilaterally set forth by the EC) and which ones are to be regulated by means of implementing acts (involving Member States in deliberation and voting), i. e., whether the Commission is really delegated more essential powers; 2. There are inconsistencies between the Lithuanian translation and the English text of the draft document; 3. Article 5(6) of the proposal provides that, "No support under this Regulation shall be granted to schemes eligible for support under common market organisations. In order to take into account the specific circumstances in programming areas, the Commission may, by means of delegated acts, adopt exceptions from this rule". This provision of the proposal is essential; in this case the participation of the Member States is important; therefore,
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- the EC should not adopt any exceptions by means of delegated acts;
4. Article 51 stipulates that, "In order to ensure the coherent application of reductions and exclusions of payment provided for in this Article, the Commission shall, by means of delegated acts, lay down the relevant rules for the application of the principles of transparency and proportionality". This provision of the proposal is essential; in addition, the provision is not based on qualitative and quantitative criteria;
 5. Article 74(4) stipulates that, "Member States shall undertake controls in accordance with rules fixed by the Commission, by means of delegated acts, regarding the principles of controls, sanctions, exclusions and the recovery of undue payments, adapted to the nature of the different rural development measures in order to ensure efficiency in their application and equal treatment of all beneficiaries." This provision of the proposal is essential and has to be implemented by means of implementing acts thus taking into consideration a possible administrative burden on the national authorities, operators, and citizens;
 6. The Explanatory Memorandum with regard to the principles of subsidiarity and proportionality is limited to the explanation that, "The proposal ... complies with the subsidiarity principle". However, it has to be acknowledged that the explanations with regard to the compliance with the principles of subsidiarity and proportionality are not exhaustive or sufficient.

In view of the arguments listed above and considering the fact that essential legally binding provisions of the acts should be adopted by means of the EC implementing acts while the principles of transparency and proportionality have to be based on qualitative and quantitative criteria, the Committee has decided as follows:

the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) is in contradiction with the principles of subsidiarity and proportionality.

Česlovas Vytautas Stankevičius
Chairman





SEIMAS OF THE REPUBLIC OF LITHUANIA

STATEMENT

ON THE POSSIBLE CONTRADICTION OF THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1698/2005 ON SUPPORT FOR RURAL DEVELOPMENT BY THE EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT (EAFRD) WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

23rd November 2010

Vilnius

The Seimas of the Republic of Lithuania

having deliberated the conclusion of the Seimas Committee on European Affairs *On the possible contradiction of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) with the principles of subsidiarity and proportionality*, under Article 180⁶ of the Statute of the Seimas,

hereby *approves* the conclusion of the Seimas Committee on European Affairs *On the possible contradiction of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) with the principles of subsidiarity and proportionality*.

SPEAKER OF THE SEIMAS

IRENA DEGUTIENĖ