



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

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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. 73/2009, nustatantis bendrąsias tiesioginės paramos schemų ūkininkams pagal bendrą žemės ūkio politiką taisykles ir nustatantis tam tikras paramos schemas ūkininkams" (KOM (2010) 539 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. 73/2009, nustatantis bendrąsias tiesioginės paramos schemų ūkininkams pagal bendrą žemės ūkio politiką taisykles ir nustatantis tam tikras paramos schemas ūkininkams“ galimo prieštaravimo subsidiarumo ir proporcingumo principams (anglų k), 1 l.

Pagarbiai

Europos reikalų komiteto pirmininkas

Julijus Vytautas Stankevičius

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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 73/2009 ESTABLISHING COMMON RULES FOR DIRECT SUPPORT SCHEMES FOR FARMERS UNDER THE COMMON AGRICULTURAL POLICY AND ESTABLISHING CERTAIN SUPPORT SCHEMES FOR FARMERS WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

Document No. COM(2010) 539 final
17 November 2010, No. 100-P-53, Vilnius
Relevance for Lithuania: relevant

On the possible contradiction of the EU legislative proposal with the principle of subsidiarity:

Having examined the conclusions of the Seimas Committee on Rural Affairs; *having considered* the conclusions of the European Law Department under the Ministry of Justice, and *having analysed* the EC proposal, the Committee on European Affairs, hereby *states* that:

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 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 12 suggests that, "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". In fact, proper functioning of the farm advisory system is ensured and implemented by Member States in a more expedient manner, considering the needs of Member States' farmers and questioning whether the rules adopted by the EC delegated acts will fully ensure qualitative functioning of the system.
4. Certain requirements exist within the agricultural sector (e.g., cross-compliance), and compliance with these requirements is related to direct support payment. Therefore, proper functioning of the farm advisory system in the

country is necessary seeking to ensure provision of information on these requirements. A member state will thus best ensure proper functioning of such advisory system.

5. Article 45a refers to essential and principal issues, such as the rules on the eligibility and the access to the single payment scheme of farmers, including in case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination and in case of merger or scission of the holding or rules on the calculation of the unit value of payment entitlements and for the modification of payment entitlements, in particular in the case of fractions of entitlements. First of all, when proposing to implement a portion of such rights by means of delegated acts, even though they represent essential legally binding provisions of a legal act, Member States need to be consulted on the issue before taking a decision.
6. The draft proposes the regulation by delegated legal acts of such essential issues for Member States as the rules on the access of farmers in such special situations to payment entitlements and specific circumstances when the single area payment scheme may be applied, etc. Member States must necessarily take part in the deliberation of such issues.
7. The draft legal act with regard to subsidiarity principle is limited to the explanation that, "Agricultural policy is of shared competence between the EU and the Member States. This means that as long as the EU does not legislate in the sector, Member States maintain their competence. As regards direct payments a Community approach already exists, and it is justified to simplify the current rules". The draft legal act with regard to the principle of proportionality is limited to the explanation that, "The proposal complies with the proportionality principle". (...) The amendments aiming at simplification are of limited scope and purely technical nature. 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 proposal to implement, by means of the EC delegated acts, essential legally binding provisions of the acts or systems which may be implemented by Member States in a more expedient manner (e.g., functioning of the advisory system),

the Committee has decided as follows:

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 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 73/2009 ESTABLISHING COMMON RULES FOR DIRECT SUPPORT SCHEMES FOR FARMERS UNDER THE COMMON AGRICULTURAL POLICY AND ESTABLISHING CERTAIN SUPPORT SCHEMES FOR FARMERS 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 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers 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 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers with the principles of subsidiarity and proportionality*.

SPEAKER OF THE SEIMAS

IRENA DEGUTIENĖ