



## Parlamentul României Senat

Bucharest, February 26, 2020

Courtesy translation

### OPINION

#### of the SENATE OF ROMANIA

**on the Proposal for a 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**

#### COM (2019) 581 final

The Senate of Romania has examined the Proposal for a 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 - COM (2019) 581 final, according to the provisions of the Treaty of Lisbon (Protocol no.2).

Taking into account the report of the Committee for European Affairs no. LXII/370/10.12.2019, **the plenum of the Senate**, during its session of February 26, 2020, has decided the following:

1. Notes that the present proposal for a Regulation respects the principle of subsidiarity and the principle of proportionality with the mention that there are many aspects to be clarified.
2. Appreciates that the proposal initiated by the Commission is beneficial but further clarification discussions are needed, and one more year - 2021 for the transition, as the Commission proposes is insufficient given the complex stage of negotiations on the future post-2020 CAP and the future MFF 2021-2027, of whose final compromises are expected to be delayed.

3. Considers that:

- (1) Member States need at least a year and a half to develop and approve the strategic plan, national legislation, internal procedures, guides, but also adapting the IT system for managing interventions.
- (2) In order to avoid the administrative burden, as well as major delays in implementing the support measures on the surface, from both the pillars of the CAP, SAPS and environmental schemes, the derogations existing and foreseen in the current legislation for small farms should not be waived (derogation from cross-compliance, future extended conditionality and derogation from applying financial discipline for farmers receiving support below 2000 euros per farm).
- (3) It is of utmost importance to ensure the continuation of all the interventions existing in the current regulations, including the transitional national aid at the level of 2020. Therefore, we propose to keep the existing 50%, in order to truly respect the principle of transitional legislation.

As such, we reiterate our support for the statement initiated by Bulgaria on transitional national aid, which highlights, *inter alia*, the importance of continued support for the animal sector by the Member States applying SAPS.

- (4) In line with the statement signed by BG, CY, CZ, HU, PL and RO, we propose that, in Article 37 (1) - Transitional national aid, the following should be added: "Member States applying a single area payment scheme in accordance with Article 36 may decide to continue granting transitional national aid in 2021".
- (5) In addition, Article 37 (4), we propose to be supplemented by: "50% in 2021", as follows:

„4. The total amount of transitional national aid that may be granted to farmers in any of the sectors referred to in paragraph 2 shall be limited to the following percentage of the sector-specific financial envelopes authorised by the Commission in accordance with Article 132(7) or Article 133a(5) of Regulation (EC) No 73/2009 in 2013:

75% in 2015,  
70% in 2016,  
65% in 2017,  
60% in 2018,  
55% in 2019,  
50% in 2020,  
50% in 2021.

- (6) Starting from the provisions of Article 36 paragraph 1, for 2021, a 3% increase of the relevant annual national ceiling set in Annex II may be applied for SAPS, after deduction of the amount resulting from the application of Article 47 paragraph 1. This possibility should be provided for in the text of the transitional regulation.
- (7) Article 52, paragraph 10 of Regulation 1307/2013 should be supplemented by the following paragraph: "Nevertheless, these delegated acts allow Member States to decide to pay support in 2021 on the basis of the production units for which optional coupled support is granted in a past reference period."
- (8) Question for the Commission: As Member States maintain coupled support measures as well as the percentage of the amount allocated, ISAMM notifications should be simplified. Will the Commission provide details in this regard?
- (9) As regards rural development, the Commission's proposal represents a good starting point for discussions on regulating the possibility of extending the

period of applicability of the current rural development programs for 2021, as well as how the expenditure related to the rural measures for the 2014-2020 development programs will be ensured in the future CAP Strategic Plan.

(10) Therefore, we have the following questions and observations:

- a) Given the first paragraph of Article 1, it is assumed that the result of the Commission's evaluation will be positive or negative. What will be the criteria taken into consideration for the Commission's decision? If the occupancy rate and / or the execution rate will be taken into account, what would be their proportion in the Commission's assessment?
- b) Article 8 of the Transitional Regulation draft on the multiannual financial framework for the years 2021-2027 provides that the unused allocation from 2021 must be transferred in the years 2022-2025 in equal parts. For the purposes of the provisions relied on, is the allocation that is not used as a result of the NRDP enlargement or not used as a result of the partial consumption from the budget for 2021?

Assuming that there will be an accumulation of payments in the last years of the implementation of the NRDP 2014 - 2020, such a solution may lead to a greater administrative burden in the NRDP and in the implementation of the Strategic Plan. Thus, our suggestion would be to eliminate the syntagm "in equal parts" and extend the expenditure period for the allocation for 2021 for the entire period from 2022 to 2027.

- c) If the extension of NRDP is applied through the transition, is it correct to understand that the allocations for the transition period are added to the amounts reimbursed / recovered by the Member State for the period 2014 - 2020?
- d) If the Member State decides to extend NRDP by 2021 and as a result of some cancellations / decommissions etc., the money available from NRDP 2014 - 2020 remains, can they be used in parallel (including through the conclusion of legal commitments) with those allocated by Annex 1 for the year 2021? Would it mean using the money at the same time from the 2 budgets 2014 - 2020 with 2021 - 2027 for the same sub-measures?
- e) In the case of the measures referred to in Articles 14-18, 19(1), 20, 22 - 27, 35, 38, 39 and 39a of Regulation (EU) no. 1305/2013, is it possible to cover the expenses from the strategic plan only if the Member State has decided to extend the programming period to 2021?
- f) Can the legal commitments financed from the program package for the period 2014-2020 be transferred to the next strategic plan (with the exception of the measures not mentioned in the text) or only those that were concluded from the 2021 budget?

**p. President of the Senate**

  
**Titus CORLĂȚEAN**