

Brussels, 18.04.2011  
C/2011/2746

Dear Chairman,

*The Commission would like to thank the Romanian Parliament for its detailed Opinion on the Proposal for a Regulation of the European Parliament and Council amending Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) {COM (2010) 537 final} and on the Proposal for a Regulation of the European Parliament and Council amending 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) 539 final}.*

*The Commission takes note of the positive opinion of the Romanian Parliament as regards the proposal's compliance with the subsidiarity and proportionality principles.*

*As regards some other specific points and suggestions which the Romanian Parliament raises in its Opinion, the Commission would like to share a few explanatory remarks:*

***1- The European Commission's action to uniform the „presentation” of the National Rural Development Programs and their revision***

*All the different elements required for admissible Rural Development Plan are listed in Article 16 of Regulation (EC) No 1698/2005 as the Romanian Parliament rightly states. The proposed new Article 18(3) aims merely to provide a legal basis for the adoption, under the new system of conferral of powers, of Annex II of Regulation (EC) No 1974/2006. Annex II of Regulation (EC) No 1974/2006, which provides the template for the Member States to submit their plans does not, with the exception of the general requirements of equality between woman and men and non-discrimination, as defined in Article 8 of Regulation (EC) No 1698/2005, add any additional requirements to these.*

*It should be noted that the implementation of EU's rural development policy is based on co-financed programming. Implementation is based on the shared management and it is the Member States that decide which kind of rural development policy they want to implement.*

***2- Measures aimed at better adapting counselling to the specific needs of the farmers***

*"Use of advisory services" according to Article 24 of Regulation (EC) No 1698/2005 is supported as one of the co-financed measures under Rural Development Programmes and not as a Technical assistance component. The maximum eligible amount of the service rendered is €1,500 of which the public aid can cover 80% at maximum.*

*According to Article 12 of Regulation (EC) No 73/2009, it is compulsory for the Member States to have a farm advisory system operated by one or more designated authorities or by private bodies. This advisory service shall cover at least the statutory management*

Mr Viorel Hrebenciuc  
Chairman of the Committee for  
European Affairs of the Romanian Parliament  
Palatul Parlamentului,  
str. Izvor nr. 2-4, sect. 5  
Bucharest, Romania

*requirements and the good agricultural and environmental condition under the cross-compliance.*

*Therefore, based on the analysis of the situation and the strategy chosen, the Member States may or may not have decided to offer co-financing to this measure to support its farmers and forest holders. The Member States also decide what should be the financial allocation for each measure. The proposal aims to offer more tailor-made use of the advisory services, where the beneficiary has the freedom to choose what kind of advice he or she would need. The beneficiary is free to decide whether or not to use the services offered. The choice of what other type of advice the service should offer is up to the Member States.*

### ***3- Examples of provisions in which the delegation of powers to the European Commission may seem excessive, in the absence of the clarifications***

*The aim of the delegation in Section (22) (b) amending Art. 51 is to provide for certain general rules (e.g. on the handling of negligence or intentional non-compliance or of repeated non compliance etc.) to ensure that these principles are respected when reductions or exclusions of payments are applied, while leaving to the Member States the concrete application of reductions and exclusions. Given that the relevant provisions have a direct impact on the rights of individuals the Commission considers that such rules need to be adopted by means of quasi-legislative delegated acts.*

*The delegation of power to the Commission in Article 71(5) is intended to provide the legal basis for the Commission to adopt under the new system of conferral of powers provisions of the same nature as those included in Articles 49 to 52 of the current Regulation (EC) No 1974/2006. Given that the rules included in this Articles are of varying types but have as common characteristic their aim, which is to regulate the use of interest rate subsidies and other financial engineering instruments, the term "specific conditions" was used, as a technical solution, in order to cover all of them without having to resort to the insertion of a long list of different rules, which would in the end essentially lead to copying the implementing provisions in the delegation of power.*

### ***4- Examples of provisions where the European Commission should regulate certain details, through delegated powers***

*The European Commission acknowledges that the definition of a farmer is generally difficult at the European level. However, for the explicit purposes of the measure "first afforestation of agricultural land" a definition is currently laid down in Article 31(3) of Regulation (EC) No 1974/2006. This definition refers to the part of the working time devoted to agricultural activities and to the part of income derived from those activities, however, leaving the individual thresholds to be defined by the Member States. The proposal by its nature does not aim to reconsider the existing definition of farmer but it simply lifts up the definition to the level of the Council regulation where this specific term is first used.*

*I hope that these clarifications address the concerns and remarks raised in your opinion, and I am looking forward to further deepen our political dialogue with the Romanian Parliament.*

*Yours faithfully,*

*/-/ Maroš Šefčovič*