



**Independent network  
on European Agricultural  
and Rural development policies**

## **Delegated acts in relation with the CAP reform**

### **Definition of delegated acts**

Delegated acts are one of the various legal acts in the EU law. They have been introduced by the Treaty of Lisbon, although they were previously lumped with implementing acts together, and hence fell under the procedure of comitology.

The Council and the Parliament may give the Commission the power to adopt *delegated acts* that amend non essential elements of a directive or a regulation. The Council and the Parliament should therefor set in the affected act the conditions under which the delegation can be implemented (objective, scope, content, length). Delegated acts modify or complete some technical details, which the legislator is not competent at. However, an objection from either the Parliament or the Council can prevent delegated acts from entering into force.

### **Delegated acts in the context of the CAP reform**

In order to fully implement the CAP reform, EU institutions still have to agree on its delegated acts. **The Commission** has intensively worked on their drafting since September 2013. Since then, the Commission has established a standing dialogue with the Council and the Parliament, i.e. before the official adoption of the delegated acts by the College of Commissioners. Indeed, the Commission wants Member States and MEPs to express their opinions on the drafts of delegated acts, so that once it will publish the final one, the Council and the Parliament do not raise any objection.

Nevertheless, the process sets strong tensions both from the Council and the Parliament off. On the one hand, several Member-States, such as Great-Britain, see the delegated acts as the last chance to water down the reform of the CAP, while the Commission takes the opposite direction. On the other hand, MEPs accuse the Commission of attempting to circumvent the voted agreement and of abusing its power, even though the Commission asserts that it refrains from reopening the political debate. Thus, the delegated acts have for now convinced neither the Parliament nor the Council and are far from being entirely shaped.

## Subjects covered by the delegated acts

- Direct payments
  - active farmer Basic Payment Scheme
  - eligibility of areas
  - greening: diversification, permanent grassland, ecological focus area, certification, equivalence
  - young farmers
  - Voluntary Coupled Support
  - cotton
  - notifications
- Single Common Market Organisation
  - fruit and vegetables: new provisions on grubbing-up of orchards for plant health reasons and on the management of programmes by APOs
  - fruit and vegetables: new provisions on the entry price system
  - school fruit scheme: new provisions on accompanying measures eligible for co-financing and the thresholds to be applied
  - wine programmes: addition of new measure on innovation, amendment of measure on investment, amendment of measure on restructuring regarding grubbing-up of vineyards on plant health grounds;
  - amendment to measure on promotion to provide for activities on the EU market
  - private storage: introduction of new provisions for SMP, PDO/PGI cheese, butter and fibre flax
- Rural development
  - definition of young farmers, arrangements for farm and forestry visit, quality schemes and promotion, content of the business plan under investment measures, afforestation, rules for commitments and activities under agri-environment climate measure
  - conservation of genetic resources (both in agriculture and forestry), rules to avoid double financing, scope for animal welfare commitments, rules for support under cooperation, duration of commercial loans contracted to mutual funds
  - common rules for investment measures and energy efficiency infrastructure, definition of conditions applicable to conversion or adjustment of commitments under area related measures, and transitional rules from 2007-2013 to 2014-2020 period which are not covered by the ad-hoc basic act
- Horizontal regulation
  - paying agencies, financial management, clearance of accounts, securities
  - public intervention expenditure
  - Integrated Administration and Control System (IACS), penalties (non-IACS, cross compliance)

## **Schedule**

- October 2013: first draft of the CAP reform delegated acts
- October 2013 to March 2014: consultations and discussions between the Commission and the Council / Parliament
- 13/01/2014: extraordinary meeting of the Agriculture committee of the Parliament with Commission's representatives in Strasbourg
- Beginning of March 2014 (forecast): final revised text of delegated acts published by the Commission
- 17-18/03/2014: last meeting of the Agriculture committee of the Parliament before the European elections
- March to July 2014 (forecast): The Council and the Parliament have the right to objection.
- Mid-may 2014 (forecast): earliest possible date of coming into force of the CAP reform delegated acts