

Opinion of the Committee of the Regions on the 'Report from the Commission on the European Parliament and the Council on Simplification of Agricultural Legislation'

(2002/C 107/16)

THE COMMITTEE OF THE REGIONS,

having regard to the second report from the Commission to the European Parliament and the Council on Simplification of Agricultural Legislation (COM(2001) 48 final);

having regard to the decision taken by the European Commission on 9 February 2001, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to its Bureau's decision of 3 April 2001 to instruct Commission 2 for Agriculture, Rural Development and Fisheries to prepare the Committee's work on this subject;

having regard to the first report from the Commission to the European Parliament and the Council on Simplification of Agricultural Legislation (COM(1999) 156 final);

having regard to the report from the Commission to the European Council Better lawmaking 1999 (COM(1999) 562 final) ⁽¹⁾;

having regard to the Commission's White Paper on European Governance (COM(2001) 428 final);

having regard to its Opinion on the Commission Report to the European Council: 'Better lawmaking 1998 — a shared responsibility' (CdR 50/1999 fin) ⁽²⁾;

having regard to its Opinion on Young people in European farming — a blueprint (CdR 417/2000 fin) ⁽³⁾;

having regard to the Conclusions of the Agriculture Council on 23 October 2000 on Simplification of the Management of the CAP;

having regard to the Conclusions of the Agriculture Council on 29 January 2001 on Simplification of Agricultural Legislation;

having regard to the Conclusions of the Agriculture Council on 19 June 2001 on Simplification of Agricultural Legislation;

having regard to the draft opinion (CdR 154/2001 rev. 2) adopted by Commission 2 on 9 October 2001, (rapporteur: Mr Seamus Murray IRL/EA Member of Meath County Council, Member of Mid East Regional Authority),

unanimously adopted the following opinion at its 41st plenary session held on 14 and 15 November 2001 (meeting of 15 November).

1. General comments

1.1. The Committee welcomes the European Commission's report and continued efforts to simplify the complex array of EU laws introduced in the agricultural field. This simplification of agricultural legislation is a continuing process and there must be a concerted effort by the Commission, the other EU institutions and all concerned to make progress on this matter.

1.2. The CoR agrees that simplification of agricultural legislation must be pursued to increase clarity, transparency and accessibility, to achieve human and financial efficiencies and to reduce opportunities for fraud.

1.3. The CoR endorses the Commission's efforts to make all agricultural texts clear, more coherent and unambiguous, in order to ensure uniform application in all Member States. This requirement is all the more urgent because in the agricultural field, texts that are finally adopted are often the subject of compromises, which cannot always be transposed easily into national laws.

1.4. The Committee seeks that where appropriate, the greatest possible scope is made for decision-making at regional and local level.

⁽¹⁾ OJ C 226, 8.8.2000, p. 60.

⁽²⁾ OJ C 374, 23.12.1999, p. 11.

⁽³⁾ OJ C 357, 14.12.2001, p. 29.

1.5. The CoR considers that especially in the light of proposed Community enlargement, greater efforts be dedicated to simplification of agricultural legislation to avoid excessive administrative and financial burdens on paying agencies, national, regional and local authorities as well as on agribusiness, farming and related interests.

1.6. The Committee welcomes the continued policy of the Commission to provide consolidated versions of various agricultural acts on the Commission's website EUR-LEX. This consolidated legislation incorporates recent amendments into the basic text so that a single and updated version of the text can be consulted on the website EUR-LEX. The CoR underlines that although not legally binding these consolidated texts assist in making EU agricultural acts simpler and accessible to all potential users including national and European administrations, local and regional authorities, farmers, businesses and those working in agriculture.

1.7. The Committee welcomes the Commission proposal⁽¹⁾, to establish a 'Small Farmers Scheme' in order to reduce the administrative burden of the CAP for farmers receiving direct aid.

1.8. The Committee welcomes the Commission proposals, which harmonise and simplify the various promotional measures for specific agricultural products (milk, olive oil, beef, apples and citrus fruit etc.).

1.9. The CoR welcomes the efforts by the Commission to substantially amend and simplify all EU provisions concerning trade mechanisms including rules on export and import licences, export destination codes and the system of securities for agricultural products.

1.10. The Committee welcomes the on-going work of the Commission, in the framework of Agenda 2000, to introduce new simplified regulations for the common organisation of different market sectors such as arable crops, wine, cotton, sugar and fruit and vegetables.

1.11. The Committee welcomes the Commission's proposals to simplify the various directives covering animal and public health according to the type of product (i.e. fresh meat, meat products, milk and milk products, eggs and egg products, game meat etc.), as well as those directives concerned with animal diseases such as swine fever or foot and mouth. These proposals will result in a common hygiene regime for all food covering the entire food chain 'from farm to fork'.

1.12. The CoR welcomes the conclusions of the Agriculture Council of 23 October 2000 which called on the Commission in particular, to clarify the rules on the non-application of sanctions in cases where a farmer's declaration is due to human error and to prepare a proposal to introduce a single control inspection per farm rather than multiple inspections for each aid scheme separately.

1.13. The CoR welcomes the establishment of an 'ad hoc working group' comprised of representatives of the Commission and national administrations, which will analyse proposals for simplified agricultural legislation and act as a forum for discussion and consultation with Member States on such proposals.

2. Recommendations

2.1. The Committee regrets that there is no reference to the CoR in the Commission's report considering that EU legislation is being implemented by local and regional authorities and that agricultural legislation affects local and regional authorities in their day-to-day business.

2.2. The Committee urges that consideration of existing simplification proposals submitted to the Commission be expedited and that once accepted, be implemented as soon as practicable.

2.3. The Committee is pleased to see so many consolidated agricultural acts placed on the Commission's website EUR-LEX. It does however consider that there are serious shortcomings in terms of the user-friendliness of these documents that need to be rectified. Appendices in tabular form are not available in the EUR-LEX system and the CoR feels that in the agricultural field these are often essential to the interpretation and implementation of legislation.

2.4. The Committee, in relation to the 'Small Farmers Scheme' believes that the eligibility criteria should be adapted so as to permit as many farmers as possible in the regions to participate in the scheme. The maximum payment level for farmers receiving direct aid to qualify should be increased from EUR 1 250 to EUR 2 000 for the scheme to be effective.

2.5. The CoR believes that in addition to the market organisation premiums, other premiums could also be included e.g. direct payments to encourage environmentally friendly farming, compensatory payments for natural disadvantages, etc.

2.6. The Committee believes that in relation to the promotional measures for specific agricultural products the increasing use of national co-funding in administering these programmes is placing further administrative burdens on national authorities and may result in national measures that are overly complex. The CoR is of the view that the Commission should look at ways in which local and regional authorities might assist in avoiding undue administrative burdens implementing these promotion schemes.

2.7. The Committee believes that the Commission should continue in its efforts to simplify provisions concerning trade mechanisms (export refunds, export and import licenses, securities) so as to avoid cumbersome administrative procedures for paying agencies and farmers.

⁽¹⁾ COM(2000) 841 final.

2.8. The CoR believes that in relation to the new BSE measures affecting the common market organisation of the beef sector, the Commission proposes to introduce beef quotas on an individual rather than a national basis which will add to the administrative burden of national authorities.

2.9. The CoR asks the Commission to look at the way Member States operate quota regimes for other products such as milk, sugar, wine, and olive oil. The national implementing measures can be very cumbersome and add to the administrative burden on farmers. The national quota rules can also be very inflexible in relation to the leasing of quotas by farmers. The CoR would suggest that the Commission should prepare proposals aimed at rectifying the many anomalies in the way Member States administer quota regimes.

2.10. The Committee asks the Commission to look again at the bookkeeping year issue in relation to EAGGF funds that was noted in the First Report on the Simplification of Agricultural Legislation. The bookkeeping year runs from 16 October to 15 October the following year, necessitating October to be divided between two financial years. The CoR believes that changing the close of the bookkeeping year to the end of October would entail real simplification both for national paying agencies and the Commission.

2.11. The Committee asks the Commission to introduce a proposal for a single control inspection per farm to cover

applications for all EU aid schemes, as a matter of urgency, taking into account that such a proposal would not be a means to facilitate fraud. It also asks that the percentage of spot checks be increased as part of these proposals. At the same time ensuring that simplification benefits the farmers as well as public administration.

2.12. The Committee calls on the Commission to investigate the possibility of introducing a cost-benefit analysis of all agricultural proposals in terms of the financial consequences which will be borne by Member State administrations and in particular local and regional authorities where they are competent, similar to the cost-benefit implications for SMEs provided in all internal market proposals at present.

2.13. The CoR requests that the Commission involves the Committee of the Regions in the work of the 'ad hoc working group', so that the Commission and Member States would have an input from local and regional authorities who have important responsibilities in implementing EU agricultural law at the local and regional level.

2.14. The Committee calls on the Commission, Council and Parliament not to unnecessarily delay adoption of proposed simplification measures. At the same time, the Committee calls on local and regional authorities to enact these measures immediately so that farmers and the agricultural industry can obtain the full benefits of these simplification measures.

Brussels, 15 November 2001.

The President
of the Committee of the Regions
Jos CHABERT