



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2010/0366(COD) Procedure lapsed or withdrawn
European Agricultural Guarantee Fund EAGF: scrutiny by Member States of financing transactions	
Subject 3.10.13 European Agricultural Guidance and Guarantee Fund, EAGGF and EAGF	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development	S&D <a href="#">CAPOULAS SANTOS Luis Manuel</a>	26/01/2011
Council of the European Union European Commission	Commission DG <a href="#">Regional and Urban Policy</a>	Shadow rapporteur	
		PPE <a href="#">KÖSTINGER Elisabeth</a>	
		ALDE <a href="#">PAULSEN Marit</a>	
		Verts/ALE <a href="#">HÄUSLING Martin</a>	
		ECR <a href="#">NICHOLSON James</a>	
	Commissioner	CIOLOȘ Dacian	

Key events			
17/12/2010	Legislative proposal published	<a href="#">COM(2010)0761</a>	Summary
18/01/2011	Committee referral announced in Parliament, 1st reading		
25/05/2011	Vote in committee, 1st reading		
31/05/2011	Committee report tabled for plenary, 1st reading	<a href="#">A7-0204/2011</a>	Summary
03/07/2012	Debate in Parliament		
04/07/2012	Results of vote in Parliament		
04/07/2012	Decision by Parliament, 1st reading	<a href="#">T7-0283/2012</a>	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2010/0366(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2; Treaty on the Functioning of the EU TFEU 042-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/7/04953

### Documentation gateway

Legislative proposal	<a href="#">COM(2010)0761</a>	17/12/2010	EC	Summary
Committee draft report	<a href="#">PE458.833</a>	08/03/2011	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0815/2011</a>	04/05/2011	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0204/2011</a>	31/05/2011	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0283/2012</a>	04/07/2012	EP	Summary

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## European Agricultural Guarantee Fund EAGF: scrutiny by Member States of financing transactions

**PURPOSE:** to align the powers conferred under Council Regulation (EC) No 485/2008 upon the Commission with Articles 290 (Delegated acts) and 291 (Implementing acts) of the Treaty on the Functioning of the European Union.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**LEGAL BASE:** first subparagraph of Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

**IMPACT ASSESSMENT:** there was no need for consultation of interested parties or for an impact analysis since the proposal to align Council Regulation (EC) No 485/2008 with the TFEU is an interinstitutional matter that will concern all Council Regulations. The amendments aiming at simplification of recovery procedures are of limited scope and purely technical nature.

**CONTENT:** Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund confers competence on the Commission to adopt detailed rules for the application of that Regulation.

As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 485/2008 upon the Commission need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union.

To this end, the aim of this proposal is to identify the delegated and implementing powers of the Commission in Council Regulation (EC) No 485/2008 and establish the corresponding procedure for the adoption of these acts (alignment of the regulation with the Treaty of Lisbon).

**BUDGETARY IMPLICATION:** this proposal has no implication for the EU budget.

## European Agricultural Guarantee Fund EAGF: scrutiny by Member States of financing transactions

The Committee on Agriculture and Rural Development adopted the report by Luis Manuel CAPOULAS SANTOS (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund.

It recommends that the European Parliaments position adopted at first reading, under the ordinary legislative procedure, should amend the Commission proposal as follows:

Delegated and implementing powers of the Commission: the amendments introduced by the MEPs aim to take into account:

- the "Common Understanding" on practical arrangements for the use of delegated acts (Article 290 TFUE) to be formally agreed on by the Council and the Parliament;

- the "Regulation on implementing powers"(Regulation (EC) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers).

The power to adopt the delegated acts is conferred on the Commission subject to certain conditions. The delegation of power shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. A delegated act shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Scope: according to the report, this Regulation shall not apply to measures covered by the integrated administration and control system falling within 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.

## European Agricultural Guarantee Fund EAGF: scrutiny by Member States of financing transactions

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The European Parliament adopted by 654 votes to 21, with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund.

Parliament's position adopted at first reading, under the ordinary legislative procedure, amends the Commission proposal as follows:

Delegated and implementing powers of the Commission: the amendments introduced by the MEPs aim to take into account:

- the "Common Understanding" on practical arrangements for the use of delegated acts (Article 290 TFUE) to be formally agreed on by the Council and the Parliament;
- the "Regulation on implementing powers"(Regulation (EC) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers).

The power to adopt the delegated acts is conferred on the Commission subject to certain conditions. The delegation of power shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. A delegated act shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Scope: according to the Parliament, this Regulation shall not apply to measures covered by the integrated administration and control system falling within 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.