Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) No 1318/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Regulation (EU) No 1318/2013 of the European Parliament and of the Council of 22 October 2013 amending Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community

REGULATION (EU) No 1318/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2013

amending Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community[(3)] confers powers on the Commission to implement some of the provisions of that Regulation. As a consequence of the entry into force of the Lisbon Treaty, those implementing powers need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union ('the Treaty').

(2) In order to supplement or amend certain non-essential elements of Regulation (EC) No 1217/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending Annex I with respect to Farm Accountancy Data Network (FADN) divisions per Member State, laying down the rules for fixing the threshold for the economic size of returning holdings and the rules for establishing the plan for the selection of returning holdings, fixing the reference period for the standard output, defining the general and principal types of farming, specifying the main groups of accountancy data to be collected and adopting general rules on the accountancy data to be included in the farm return. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should

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ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(3) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1217/2009 and to avoid discrimination between farmers, implementing powers should be conferred on the Commission in respect of fixing the threshold for the economic size of returning holdings, fixing the number of returning holdings per Member State and per FADN division, establishing and updating the methods and models for notifying the selection plan to the Commission, laying down the procedures and methods of calculation applicable to the Union typology as well as detailed rules on the activities of national committees for the data network and liaison agencies of Member States, and laying down the form and layout of the farm return, as well as detailed rules on the standard fee in relation to the FADN. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[(4)].

(4) In the interests of simplification, and in the light of the experience gained through the application of Regulation (EC) No 1217/2009, some of the provisions of that Regulation should be adapted or deleted.

(5) Under Article 1(3) of Regulation (EC) No 1217/2009, reports based on FADN data are to be submitted annually to the European Parliament and the Council, in particular for the annual fixing of prices of agricultural produce. However, in practice, such reports are no longer submitted to those institutions for the purpose of fixing prices of agricultural produce. In order to ensure simple and convenient access to the annual analytical reports based on FADN for use by other institutions and the public, provision should be made for reports covering selected sectors to be published on a dedicated website.

(6) Article 5(3) of Regulation (EC) No 1217/2009 lays down a maximum number of returning holdings. The purpose of that provision is to set a budgetary limit on the collection of FADN data. As that budgetary limit is now set by the procedure for the preparation and adoption of the Union's annual budget, the limit laid down in Article 5(3) of Regulation (EC) No 1217/2009 is no longer needed.

(7) Chapter II of Regulation (EC) No 1217/2009 contains rules on how to determine the incomes of agricultural holdings, while the rules on business analysis of agricultural holdings are set out in Chapter III of that Regulation. Both types of surveys are subject to essentially the same rules and, in the interests of simplification, it is therefore appropriate to merge those provisions into a single chapter applicable to both types of surveys.

(8) Regulation (EC) No 1217/2009 contains further provisions which no longer reflect the practice under that Regulation. In particular, the Commission does not require Member States to provide returning holdings with a list of accountancy offices to select from, since most holdings have their own accountant or accountancy office that provides FADN with the data, or the data are collected directly by the liaison office or its contractors. Furthermore, reports on the implementation of the plan for the selection

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of returning holdings approved by National Committees are no longer required by the Commission.

(9) Regulation (EC) No 1217/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1217/2009 is amended as follows:

(1) the title of the Regulation is replaced by the following:
Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union;

(2) the title of Chapter I is replaced by the following:

CREATION OF A UNION FARM ACCOUNTANCY DATA NETWORK;

(3) Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. To meet the needs of the common agricultural policy, a Union farm accountancy data network (“FADN” or “data network”) is set up for the collection of farm accountancy data.;

(b) paragraph 3 is replaced by the following:

3. The data obtained pursuant to this Regulation shall, in particular, serve as the basis for the drawing up of reports by the Commission on the situation of agriculture and of agricultural markets, as well as on farm incomes in the Union. Those reports shall be made publicly available on a dedicated website.;

(4) Article 2 is amended as follows:

(a) in point (a), the word ‘operator’ is replaced by ‘farmer’;

(b) point (b) is replaced by the following:

(-b) “holding” means a farm business, in accordance with its general use in the context of Union agricultural surveys and censuses;

(b) “category of holding” means a group of agricultural holdings that belong to the same categories, as regards the type of farming and economic size as defined in the Union typology for agricultural holdings;;

(c) point (d) is replaced by the following:

(d) “Farm Accountancy Data Network division” or “FADN division” means the territory of a Member State, or any part thereof, delimited with a view to the selection of returning holdings, (a list of such divisions is set out in Annex I);;

(d) the following point is added:

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(f) "standard output" means standard value of gross production.;

(5) Article 3 is replaced by the following:

Article 3

In order to ensure that the list of FADN divisions can be updated following a request by a Member State, the Commission shall be empowered to adopt delegated acts, in accordance with Article 19a, amending Annex I with respect to the list of FADN divisions per Member State.;

(6) the title of Chapter II is replaced by the following:

DATA FOR THE DETERMINATION OF INCOMES AND THE BUSINESS ANALYSIS OF AGRICULTURAL HOLDINGS;

(7) Article 4 is replaced by the following:

Article 4

This Chapter shall apply to the collection of accountancy data for the purposes of making an annual determination of incomes and a business analysis of agricultural holdings.

Those data shall be collected by means of regular and special surveys.;

(8) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. The field of the survey referred to in Article 1(2) shall cover agricultural holdings having an economic size equal to, or greater than, a threshold expressed in euro corresponding to one of the lower limits of the economic size classes of the Union typology for agricultural holdings defined in Article 5b.

The Commission shall adopt delegated acts, in accordance with Article 19a, laying down the rules for fixing the threshold referred to in the first subparagraph of this paragraph.

The Commission shall adopt, on the basis of data received from Member States, implementing acts fixing the threshold referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).;

(b) in paragraph 2, point (c) is replaced by the following:

(c) be representative, together with the other holdings and at the level of each FADN division, of the field of survey.;

(c) paragraphs 3 and 4 are deleted;

(9) the following articles are inserted:

Article 5a

1 Each Member State shall draw up a plan for the selection of returning holdings that ensures a representative accounting sample of the field of survey.

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The Commission shall adopt delegated acts, in accordance with Article 19a, laying down the rules by which Member States are to draw up such plans. Such rules shall ensure that plans for the selection of returning holdings:

— are drawn up on the basis of the most recent statistical data,

— are presented in accordance with the Union typology for agricultural holdings, and

— specify, in particular, the distribution of returning holdings per category of holding and the detailed rules for their selection.

2 In accordance with the rules adopted in accordance with paragraph 1, and on the basis of the data received from Member States, the Commission shall adopt implementing acts fixing the number of returning holdings per Member State and per FADN division. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).

3 The number of returning holdings to be selected per FADN division may differ from the number laid down in the implementing acts to be adopted pursuant to paragraph 2 by a maximum of 20 % in either direction, provided that the total number of the returning holdings of the Member State concerned is respected.

4 The Commission shall adopt implementing acts establishing and updating models and methods relating to the form and content of the data to be notified to the Commission by Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19b(2).

Article 5b

1 Agricultural holdings shall be classified in a uniform manner according to the Union typology for agricultural holdings ("the typology"), depending on their type of farming, their economic size and the importance of other gainful activities directly related to them.

The typology shall be used in particular for the presentation, by type of farming and by economic size class, of data collected through the Union farm structure surveys and the FADN.

2 The type of farming of a holding shall be determined by the relative contribution of the standard output of the different characteristics of that holding to the total standard output of the holding.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 19a, fixing the reference period for the standard output.

3 Holdings shall be classified by a limited number of types of farming. General types of farming shall be specified. Depending on the amount of detail required, the general types of farming shall be divided into principal types of farming.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 19a, concerning the determination of the general and principal types of farming.

The correspondence between general and principal types of farming and particular types of farming specialisations corresponding to principal types of farming shall be specified.