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Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juni 2013 15:39
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: VS: meeting 6 May 2013
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Fra: Pedro.Tarno@ec.europa.eu [<mailto:Pedro.Tarno@ec.europa.eu>]
Sendt: 17. maj 2013 12:20
Til: Steen Bonde (NaturErhvervstyrelsen)
Cc: Tarja.Tjalnen@ec.europa.eu; Tue-Rasmussen.FOSDAL@ec.europa.eu
Emne: FW: meeting 6 May 2013

Dear Steen,

Thank you for sending your draft minutes to us. I attach a quick informal translation of your minutes into English that we made this morning. In general I have no problems with the draft but would just suggest one addition in the first part in order to underline already at the beginning of the text that the new management plans are now only expected to be adopted by mid-2014 at the earliest. Please find attached your minutes with the suggested addition. I think it would be important to highlight this early on.

In addition, please find enclosed the draft minutes that we have prepared on our side. Do let me know if you have comments.

Kind regards,

PEDRO TARNO
Head of Unit



European Commission
DG Agriculture and Rural Development
Unit E.3 - Rural Development Programmes.

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6a)

Ministeriet for Fødevarer, Landbrug og Fiskeri

Institution: NaturErhvervstyrelsen

Kontor: CFA

Sagsnr.:

Dato: 16. maj 2013

Referat for møde i EU-Kommissionen vedrørende randzonekompensation, mandag d. 6. maj 2013.

Deltagere:

Fra Fødevareministeriet:

- Sofus Rex, kontorchef, departement, FVM
- Steen Bonde, kontorchef, NaturErhvervstyrelsen
- Samir Babali, fuldmægtig, NaturErhvervstyrelsen
- Peter Hallenberg, EU repræsentationen /Bruxelles

Fra EU-Kommissionen:

- Pedro Tarno, Head of Unit, DG AGRI /E3
- Tarja Tiainen-Balsby, DG AGRI/ E3
- Tue Fosdal, DG AGRI/E3

Mødets dagsorden/formål med mødet:

1. Velkomst og indledning.
2. Drøftelse af NaturErhvervstyrelsens brev til EU- Kommissionen af 2. maj 2013 (vedr. randzonekompensation), herunder mulighederne for at udbetale randzonekompensation i 2013 og 2014.

Ad 1. Velkomst

PT bød den danske delegation velkommen. Fra danske side, blev der udtrykt en tak for at mødet kunne arrangeres med så kort varsel. Fra dansk side blev der redegjort for situationen med de forsinkede vandplaner, **nu forventet vedtaget tidligst medio-2014**, herunder den forestående høringsproces, hvilket aktualiserede et behov for en hurtig afklaring af mulighederne for at yde randzonekompensation i 2013 og 2014. Fra Kommissionens side blev det fra starten af mødet gjort klart, at der var tale om en opklarende drøftelse og ikke en officiel stillingtagen fra Kommissionens side, idet en sådan først kan foreligge i form af et skriftligt svar fra Kommissionen til ligeledes skriftligt rejste spørgsmål fra dansk side.

Ad 2. Drøftelse af brev af 2. maj 2013, herunder mulighederne for at udbetale randzonekompensation i 2013 og 2014.

På baggrund af den forventede forsinkelse i vedtagelsen af de nye vandplaner, drøftedes, hvorvidt det i henhold til landdistriktsforordningen, er muligt at yde kompensation til randzoner ved forskudsudbetalinger (dvs. inden der forelægges beslutning om nye vandplaner).

Det blev fra dansk side understreget, at det havde høj prioritet at kunne påbegynde at udbetale kompensation fra udgangen af 2013, selvom der nu ikke kan forventes at foreligge godkendte vandplaner i 2013.

Ved mødet, vurderede Kommissionens repræsentanter, at der ikke forefindes hjemmel til at udbetale kompensation under den pågældende ordning i en situation, hvor der ikke foreligger gyldige vandplaner (forskud). Kommissionen vil vende tilbage med et officielt skriftligt svar til dette punkt. Supplerende, og med henvisning til Kommissionens brev af 26. februar 2012, anmodede den danske delegation, i lyset af at der nu først forventedes at foreligge gyldige vandplaner tidligst medio 2014, om Kommissionens vurdering af mulighederne for at udbetale kompensation i 2014 med tilbagevirkende kraft for hele perioden, hvor der har været krav om obligatoriske randzoner, dvs. fra 1. september 2012.

Ved mødet, fremhævede Kommissionen at den anviste løsning 2 i førnævnte brev (dvs. mulighed for at yde kompensation med tilbagevirkende kraft fra 1. september 2012 indenfor rammerne af den eksisterende ordning i LDP) byggede på en klar forventning om at de nye vandplaner ville ligge klar og blive vedtaget i første halvår 2013.

At vandplanerne ikke forventes godkendt i første halvdel af 2013, men tidligst i 2014, anså Kommissionen som en så væsentlig ændring i forudsætningerne, der lå til grund for deres udtalelse af 26. februar 2013, at Danmark måtte anmode om Kommissionens officielle stillingtagen til spørgsmålet ved en ny skriftlig henvendelse.

Den danske delegationen orienterede om, at der fra danske side arbejdes på at udbyde en national de minimis ordning med henblik på at sikre, at der kan foretages udbetalinger til landmænd i 2013.

Der blev fra danske side spurgt til, hvorvidt Kommissionen vurderede, at der kunne være grundlag for at yde de minimis støtte for perioden fra september 2012 til udgangen af 2013, ledsaget af kompensation under landdistriktsprogrammet for 2014, med tilbagevirkende kraft for den periode i kalenderåret 2014, der ligger forud for vedtagelsen af de kommende vandplaner.

Kommissionens umiddelbare reaktion ved mødet var positiv, idet der blev henvist til løsning 2 i Kommissionens brev af 26. februar 2013. Kommissionen anmodede ligeledes på dette punkt Danmark om at fremsende en skriftlig forespørgsel herom med henblik på en nærmere drøftelse af spørgsmålet samt Kommissionens officielle stillingtagen.

6b)

Ministeriet for Fødevarer, Landbrug og Fiskeri

Institution: NaturErhvervstyrelsen

Kontor: CFA

Sagsnr.:

Dato: 16. maj 2013

Minutes of meeting with the European Commission concerning buffer zone compensation, Monday 6 May 2013.

Participants:

From the Ministry of food, agriculture and fisheries:

- Sofus Rex, kontorchef, departement, FVM
- Steen Bonde, kontorchef, NaturErhvervstyrelsen
- Samir Babali, fuldmægtig, NaturErhvervstyrelsen
- Peter Hallenberg, EU repræsentationen /Bruxelles

From the Commission:

- Pedro Tarno, Head of Unit, DG AGRI /E3
- Tarja Tiainen-Balsby, DG AGRI/ E3
- Tue Fosdal, DG AGRI/E3

Agenda and purpose of the meeting:

1. Welcome and introduction.
2. Discussion of letter from the AgriFish Agency to the European Commission of 2 May 2013 (concerning buffer zone compensation), including the possibilities for paying buffer zone compensation in 2013 and 2014.

Ad 1. Welcome

Pedro Tarno welcomed the Danish delegation. The Danish side said they were grateful that a meeting could be arranged with such short notice. They then explained the situation concerning the delayed Danish river basin management plans, now expected to be adopted only by mid-2014 at the earliest, including the coming public hearing procedure, which had created an urgent need of clarification with regard to the possibility of granting buffer zone compensation in 2013 and 2014. From the Commission side it was made clear at the beginning of the meeting that the purpose of the meeting was considered to be exploratory and not to provide any official position from the Commission side, as such a position can only be provided in the form of a written reply from the Commission to a written question from the Danish side.

Ad 2. Discussion of the letter of 2 May 2013, including the possibility to pay buffer zone compensation in 2013 and 2014.

Due to the expected delay in the adoption of new river basin management plans it was discussed whether in accordance with the rural development regulation it would be possible to grant compen-

sation for buffer zones via payments in advance (i.e. before a decision on the adoption of new river basin management plans).

From the Danish side it was underlined that high priority was attached to being able to start the payments as of the end of 2013, even though it could no longer be expected that approved river basin management plans would be ready in 2013.

In the meeting, the assessment of the Commission representatives was that there was no basis in the regulations for paying compensation under the relevant measure in a situation where no valid river basin management plans have yet been put in place (payments in advance). The Commission will provide the Danish authorities with a written reply on this point.

In addition, referring to the Commission's letter of 26 February 2012, the Danish authorities requested - in light of the fact that valid river basin management plans are now only expected to be in place at the earliest by mid-2014 - the Commission's assessment of the possibility of paying compensation in 2014 with retroactive effect for the whole period where the buffer zone requirements has been in force, i.e. from 1 September 2012.

In the meeting the Commission emphasised that the 2nd solution described in the fore-mentioned letter (i.e. the possibility of granting compensation retroactively from 1 September 2012 in the context of the existing RDP measure) was based on a clear expectation that the new river basin management plans would be ready and adopted in the first half of 2013.

The fact that the river basin management plans are now no longer expected to be adopted in the first half of 2013, but at the earliest in 2014, was seen by the Commission as such an important change in the premises of the opinion of 26 February 2013 that Denmark had to request a new official position from the Commission on the matter in the form of a written question.

The Danish delegation then explained that from the Danish side preparations were currently ongoing on a national *de minimis* solution so as to ensure that payments can be made to farmers in 2013.

From the Danish side it was asked whether in the Commission's view there could be a basis for providing *de minimis* support for the period from September 2012 until the end of 2013, followed by a compensation under the RDP for 2014 with retroactive effect for that part of the year 2014 which preceded the adoption of the new river basin management plans.

The Commission's immediate response in the meeting was positive, as reference was made to solution 2 in the letter of 26 February 2013. The Commission requested also on this point that Denmark would send a written question on the matter with a view to a further discussion of the issue and obtaining the Commission's official position.

6c)

DRAFT MINUTES OF MEETING 6 MAY 2013 CONCERNING DANISH RBMPs AND M213

Participants

DK: S. Bonde (AFA), S. Babali (AFA), S. Rex (MA), P. Hallenberg (PermRep)

AGRI.E3: P. Tarno (HoU), T. Tiainen-Baisby (dHoU), T. Fosdal (desk officer)

On the request of the Danish authorities a brief meeting took place 6 May 2013 on the latest developments concerning the Danish river basin management plans. As the meeting had been convened at very short notice, DG AGRI informed the Danish authorities that no official position could be given in the meeting. The Danish authorities were invited to submit their questions in writing wherever an official reply was required.

The Danish authorities explained that due to a need for a full public hearing procedure to avoid any possible additional legal problems the new river basin management plans could in fact be delayed until as late as autumn 2014. On this background the Danish authorities were considering various alternatives for handling the situation with the buffer zones:

- 1) The preferred option would be if it was possible to pay farmers in advance, i.e. before the new plans are in place.
- 2) The second option could be to provide national aid in accordance with *de minimis* rules for 2012-2013. In this case, Denmark would however still like to cover payments for 2014 under the RDP (i.e. with EU co-financing).
- 3) A possible third option would be to postpone the payments to farmers for 2012-2013 until the new plans were adopted.

For all three options, the Danish authorities were looking to the Commission services for guidance as to their legal feasibility.

DG AGRI indicated that option 1 was not considered possible, as the existence of valid river basin management plans was a precondition for paying compensation to farmers under the measure. Denmark had already sent a written question on this (received 3 May) and would receive a written reply containing the official position on this point. For option 2 this would seem to be a viable option but Denmark was recommended to inform DG AGRI in writing in order to get confirmation that they could indeed pay with EU co-financing from the EAFRD for 2014. As regards option 3, DG AGRI made clear that the reply of February 26 was based on the information provided by the Danish authorities at the time. However, as an additional delay of the river basin management plans well into 2014 constituted a significant change in the premises upon which the reply was based, the Danish authorities were invited to send a new letter concerning the new situation.