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Non Confidential Response to Exporters' Submission EPR 071

Email 16 December 2015

Hi Steve

SPC has noted the contents of the exporters' submission (9 December 2015, available as document EPR 071, 11 December). There are some observations in that submission which require clarification.

The exporters believe that the Decree of 17 October 2013 (attached to SPC's submission, EPR 068) does not provide any additional information because the tomato component of the national ceiling for Italy was merged into the SPS.

The Decree is verifiable evidence that again confirms the continued existence of the amount available from the SPS to tomato growers with historical payment entitlements.

The Decree was published to update the national reserve in Italy further to EU Regulation 287/2013 increasing the national ceilings for Member States in Annex IV and VIII of Regulation 73/2009. (The national ceiling for Italy in Annex VIII went from €4,370,024,000 to €4,379,985,000). It also updated the regional averages or sector specific components of the national ceiling for Italy.

The updating of the national reserve for Italy is explained not only in the Decree but also in the Agreement of the Standing Conference of 26 September 2013 (attached) which is noted in the Decree. That 26 September Agreement refers to Article 41 of Regulation 73/2009 (as does the Decree) which provides for the calculation of a national reserve after deducting from the national ceiling sector specific allocated payment entitlements. (See European Court of Auditors Report No. 08,2014 paragraph 10). For the Government of Italy to comply the individual sector specific payment entitlements or as referred to in the Agreement of 26 September 2013 "regional averages of the securities for the aid" needed to be updated in the October 2013 Decree. The importance of the Decree is that it again demonstrates (see paragraphs 1 and 3, EPR 068) that despite the previously described "the component of the national ceiling corresponding to tomatoes" (Annex X Regulation 73/2009) being transferred to the SPS, the value specifically allocated in Italy to payment entitlements for tomatoes and other products continues. (An updated translation of the October 2013 Decree is attached showing translated Table 1 components of the national ceiling for the other products).

This is also confirmed by the ARPEA document (fn. 3, SPC submission EPR 068 and also attached with the email of 24 November).The ARPEA document (Single Payment Scheme Procedural Manual for the 2014 Campaign) shows that a contract (paragraph 4, EPR 068) with a processor is a condition to obtain the tomato entitlement. The exporters did not mention the 2014 Single Payment Scheme Procedural Manual in their response.

The exporters' statement that "payments cannot be linked to any particular agricultural product" is not consistent with the reasons put forward by the Government of Italy for the publication of the October 2013 Decree. If the exporters' statement was correct then there would be no need for the October 2013 Decree updating and specifying different ceilings for different products. The national reserve in Italy can only be calculated if the total sector specific allocated payment entitlements (components of the national ceiling) are known and then deducted from the updated national ceiling for Italy.

Furthermore Regulation 73/2009 does show that entitlements which are not activated in a two year period do go into the national reserve (fn. 12, SPC submission EPR 070).

The exporters disagree with SPC's argument that the reintroduction of coupled support is another significant indicator of market situation.SPC sees the reintroduction of coupled support as increasing the level of government influence in distorting competitive conditions. In the context of a market situation analysis this is relevant even though the effective date of the reintroduced coupled payment was in 2015.

The exporters' other comments are answered in SPC's submission of 4 December 2015 (EPR 070,9 December)which was presumably not available to the exporters when their submission (EPR 071) was written.

Regards

Jules Croft

Italian republic



State-Regions Conference and the Unified

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Agreement on the draft decree of the Minister of Agriculture and Forestry on "Amendments to the Decree of 24 March 2005 concerning the management of the national reserve of single payment scheme of the CAP." (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/32 (Service VI) Understanding the meaning of Article 4, paragraph 3, of the Law of 29 December 1990 428.

Agreement on the draft decree of the Minister of Agriculture and Forestry on "Amendments to the Decree of 24 March 2005 concerning the management of the national reserve of single payment scheme of the CAP."

2. The Conferen
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Understanding pursuant to Article 4, paragraph 3, of the Law of 29 December 1990 428

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No repertoire acts. 126 / CSR of September 26, 2013.

THE CONFERENCE STANDING RELATIONS BETWEEN THE STATE
REGIONS AND AUTONOMOUS PROVINCES OF TRENTO AND BOLZANO

In today's meeting of September 26, 2013:

Having regard to Regulation (EC) No. 73/2009 of 19 January 2009 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Article 41 of Title III provides for the power for Member States to use a national reserve from funds derived from unused licenses, specifying the different options in favor of certain agricultural sectors, assigning the payment entitlements in accordance with objective criteria, in priority to farmers who commence the exercise of agricultural activity ;

HAVING REGARD TO Regulation (EC) No. 1120/2009 of the Commission of 29 October 2009 which lays down detailed rules for the implementation of the single payment scheme under Title III of the aforementioned Regulation (EC) No. 73/2009;

CONSIDERING the Commission Implementing Regulation (EU) No. 287/2013 of the Commission of 22 March 2013 amending Annexes IV and VIII of the aforementioned Regulation (EC) No. 73/2009, the ceilings on the amounts to be allocated to the Member States;

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CONSIDERING the Law of 29 December 1990, n. 428, concerning provisions for the fulfillment of obligations deriving from Italy to the European Communities - Community Law 1990- that Article 4, paragraph 3 provides that the Minister for Agriculture and Forestry shall, as part of its competence by decree and in agreement with this conference, administrative measures directly resulting from the provisions of the Regulations and Decisions of the

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EU, in order to ensure their implementation in the national territory;

CONSIDERING the ministerial decree 24 March 2005, with subsequent changes as a result of periodic new Community legislation which, making use of the planned capacity of establishing the national reserve shall, for the calculation of the regional averages of the securities for the aid, the procedures laid down 'Article 41 of the aforementioned Reg. (EC) no. 73/2009 with regard to the ceiling laid down in the Annexes of the Regulation itself, modified by the above mentioned Reg. (EU) 287/2013 ;

CONSIDERING the text of the draft decree submitted by the Ministry of Agriculture and Forestry 24 July 2013, with notes Protocol. 8730, the Secretariat of this Conference and circulated to the same regions and autonomous provinces following the July 26, with known Protocol. 3504, which, while maintaining unchanged the criteria and the case for access to stocks, amending the Ministerial Decree in force, for the year 2012, to meet the need to update the amounts to be used for the calculation of the regional averages as a result of 'entry into force of the aforementioned Regulation (EU) No. 287/2013 and replaces the Annex B integrating, also, in the single payment scheme, the award for the prunes d'Ente intended for processing;

CONSIDERING that the measure was not held technical investigation, pending the note sent to the short routes to this Secretariat from the Puglia region, coordinator for material containing the communication of the opinion in favor of the regional technical coordination;

HAVING REGARD to the outcome of the Permanent Committee for coordination in the field of agriculture that at its meeting on September 24 of this year Intesa expressed on the measure;

HAVING REGARD to the favorable outcome of today's session of this Conference, expressed by the Presidents of Regions and Autonomous Provinces

CONFIRMS AGREEMENT

on the draft decree of the Minister of Agriculture and Forestry entitled: "Amendments to the Decree of 24 March 2005 concerning the management of the national reserve of single payment scheme of the CAP."

THE SECRETARY PRESIDENT
Roberto G. Marino Graziano Delrio

Related Documents	Type	Topic	
	AGENDA	Convening and odg	[Detail]
	Act	Agreement on the draft decree of the Minister of Health concerning the functioning modes of the Registry computerized poultry farm. (HEALTH) Reference website: 4.10 / 2013/50 (Service III) Understanding the meaning of Article 4, paragraph 3, of Legislative Decree 25 January 2010, 9. Repertoire Acts No .: 122 / CSR 26/09 / 2013	[Detail]
	Act	Appoint two representatives of the regions in the	[Detail]

	Commission's hydrocarbon and mineral resources - CIRM. (ECONOMIC DEVELOPMENT) Code site: 4.12 / 2013/14 (Service IV) Designation under Article 1, paragraph 6, letter. h) of the Presidential Decree of 14 May 2007 78. Repertoire Acts No .: 123 / CSR 09/26/2013	
Act	Agreement on the draft decree of the Minister of Agriculture, Food and Forestry on "Discipline and application procedure for reporting stocks of corn and soybeans held by operators in the industry." (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/25 (Service VI) Understanding the meaning of Article 4, paragraph 3, of the Law of 29 December 1990 428. Repertoire Acts No .: 124 / CSR 09/26/2013	[Detail]
Act	Agreement on the draft decree of the Minister of Agriculture and Forestry on "National regulations concerning the recognition and control of organizations of fruit and vegetable producers and their associations, to operational funds and operational programs." (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/30 (Service VI) Understanding the meaning of Article 4, paragraph 3, of the Law of 29 December 1990, n. 428. Repertory Acts No .: 125 / CSR 26/09/2013	[Detail]
Act	Opinion on the draft decree of the Minister of Agriculture and Forestry on "Phytosanitary measures for the importation of plants of Chamaecyparis Spach, Juniperus L. and Pinus L., naturally or artificially dwarfed bonsai type, originating in the Republic of Korea" . (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/36 (Service VI) Opinion under Article 57 of Legislative Decree 18 August 2005, n. 214. Repertory Acts No .: 127 / CSR 26/09/2013	[Detail]
Act	Outside lot Repertory Acts No .: 128 / CSR 09/26/2013	[Detail]
Act	Information on the Decree of the Ministry of Agriculture and Forestry of 21 May 2013, n. 3525 on the support program for the wine sector - Breakdown of the budget for the year 2014. (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/29 (Service VI) Information in accordance with Article 6, paragraph 1, of Legislative Decree 28 August 1997, n. 281 Repertory Acts No .: 129 / CSR 26/09/2013	[Detail]
Act	Agreement on the draft decree of the Minister of Agriculture and Forestry on "Updating and	[Detail]

	<p>extending the National Strategy 2009-2013 and the National Environmental Policy for the organization of fruit and vegetable producers, of operational funds and operational programs." (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/28 (Service VI) Understanding the meaning of Article 4, paragraph 3, of the Law of 29 December 1990, n. 428. Repertory Acts No .: 130 / CSR 26/09/2013</p>	
Act	<p>Opinion on the draft decree of the Minister of Labour and Social Policy, in consultation with the Minister of Economy and Finance, concerning the allocation between the regions of the sums earmarked for the financing of the NHS, according to Article 5, paragraph 16, of the Legislative Decree 16 July 2012, n. 109. (LABOUR AND SOCIAL AFFAIRS) Code site: 4.4 / 2013/9 (The Service) Opinion under Article 5, paragraph 16, of Legislative Decree 16 July 2012, n. 109 Repertory Acts No .: 131 / CSR 26/09/2013</p>	[Detail]
Act	<p>Opinion on the draft decree of the Minister of Agriculture and Forestry in concert with the Minister of Economic Development on "Designation of varieties of paddy and the corresponding variety of rice for the 2013/2014 crop year." (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/31 (Service VI) Opinion under Article 2, paragraph 3, of Legislative Decree 28 August 1997, n. 281. Repertory Acts No .: 132 / CSR 26/09/2013</p>	[Detail]
Act	<p>Opinion on the draft decree of the Minister of Agriculture, Food and Forestry in concert with the Minister of Economic Development, Ministry of Health and Ministry of Economy and Finance on "Measures application of Article 12 of the Decree of the President of the Republic on Feb. 9, 2001, n. 187, concerning the revision of the legislation on the production and marketing of flours and pasta. " (AGRICULTURE, FOOD AND FORESTRY) Reference website: 4.18 / 2013/26 (Service VI) Opinion under Article 2, paragraph 3, of Legislative Decree 28 August 1997, n. 281. Repertory Acts No .: 133 / CSR 26/09/2013</p>	[Detail]
Act	<p>Agreement between the Government, the regions and the autonomous provinces of Trento and Bolzano entitled: "National list of directors of complex structure for the composition of the evaluation committees for the appointment of positions of complex structure for the professional profiles of the leadership role health ". (HEALTH)</p>	[Detail]

	Reference website: 4.10 / 2013/63 (Service III) Agreement pursuant to Article 4, Section 2, of Legislative Decree 28 August 1997, n. 281. Repertory Acts No .: 134 / CSR 26/09/2013	
Act	Agreement on the proposal of the Minister of Health of the CIPE resolution of allocation to the regions of the share linked to the illegal immigrants out of the National Health Fund, 2012. (HEALTH) Reference website: 4.10 / 2013 / 62D (Service III) Understanding the meaning of Article 39, paragraph 1 of Legislative Decree 15 December 1997 n. 446 and Article 115, paragraph 1, letter a) of Legislative Decree 31 March 1998 n. 112 Repertory Acts No .: 135 / CSR 26/09/2013	[Detail]
Act	Agreement on the proposal of the Minister of Health of the CIPE resolution of allocation to the regions of the share linked to the illegal immigrants out of the National Health Fund, 2011. (HEALTH) Reference website: 4.10 / 2013 / 62C (Service III) Understanding the meaning of Article 39, paragraph 1 of Legislative Decree 15 December 1997 n. 446 and Article 115, paragraph 1, letter a) of Legislative Decree 31 March 1998 n. 112. Repertory Acts No .: 136 / CSR 26/09/2013	[Detail]
Act	Agreement on the draft decree of the Minister of Health stating: "Annual program for national self- sufficiency of blood and blood products for the year 2013". (HEALTH) Reference website: 4.10 / 2013/44 (Service III) Agreement in accordance with Article 14, paragraph 2, of the law 21 October 2005 n. 219. Repertory Acts No .: 137 / CSR 26/09/2013	[Detail]
Act	Agreement between the Government, the regions and the autonomous provinces of Trento and Bolzano, on the proposal of the Minister of Health, concerning the definition of guidelines for the implementation of a program of active pharmacovigilance, through the signing of agreements between the AIFA and the individual regions for the use of the resources of art. 36, paragraph 14 of Law 27 December 1997, 449, for the years 2010 to 2011. Repertoire Acts No .: 138 / CSR 09/26/2013	[Detail]
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