



Committee on Petitions

28.9.2012

NOTICE TO MEMBERS

Subject: Petition 0363/2012 by Jacques Maret (French), on non-payment or late payment of EAFRD subsidies in France

1. Summary of petition

The petitioner complains about the non-payment or late payment of subsidies from the European Agricultural Fund for Rural Development (EAFRD) to farmers in France (in particular in the department of Charente-Maritime). The petitioner, who, as an organic farmer, is entitled to EAFRD subsidies, believes that the outstanding payment results in discrimination against organic farms in favour of conventional farms in France. He requests an investigation.

2. Admissibility

Declared admissible on 6 July 2012. Information requested from Commission under Rule 202(6).

3. **Commission reply**, received on 28 September 2012

‘Commission’s observations

Regulation (EC) No 1698/2005¹ on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) is based on the sharing of responsibilities between the Member States and the Commission. Under Title VI Chapter I of this regulation, the Member States are responsible for managing and implementing the programme in an efficient, effective and correct way. Relations between the national authorities and recipients are therefore the responsibility of the Member State concerned.

Deployment of EAFRD funds are governed by Article 26 of Council Regulation (EC) No 1290/2005 of 21 June 2005, which states that: *‘Subject to resource availability, the Commission shall make intermediate payments in order to reimburse the expenditure incurred by accredited paying agencies in implementing the programmes. Each intermediate payment shall be made subject to compliance with the following requirements:*

(a) transmission to the Commission of a declaration of expenditure signed by the accredited paying agency (...)’. All EAFRD fund payments therefore constitute reimbursement to the Member State of payments already made.

The Commission attaches great importance to the effective and appropriate use of its funds, including the EAFRD. The question of delayed payments under the rural development programme for France (agri-environmental measures) was raised with the French authorities at the annual meeting of 8 November 2011. The management authorities indicated that payment delays for 2010 had been

¹ OJ L 277, 21.10.2005.

rectified in the summer of 2011. The Commission stressed the need to find a definitive rather than temporary solution.

Conclusion

While EU legislation contains no specific provisions with regard to these delays, the EAFRD must be used effectively. In cases of non-payment or late payment, the recipient must envisage legal proceedings at national level.’