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Committee on Agriculture and Rural Development

2012/0295(COD)

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AMENDMENTS

17 - 268

Draft opinion
Marc Tarabella
(PE504.229v01-00)

on the Proposal for a Regulation of the European Parliament and of the Council
on the Fund for European Aid to the Most Deprived

Proposal for a regulation
(COM(2012)0617 – C7-0358/2012 – 2012/0295(COD))

AM_Com_LegOpinion

Amendment 17
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) *In* line with the conclusions of the European Council of 17 June 2010, whereby the Union strategy for smart, sustainable and inclusive growth was adopted, the Union and the Member States have set themselves the objective of having at least 20 million fewer people at risk of poverty and social exclusion by 2020.

Amendment

(1) ***The provision of foodstuffs and agricultural products and assistance for the most deprived persons is an imperative, and whereas in*** line with the conclusions of the European Council of 17 June 2010, whereby the Union strategy for smart, sustainable and inclusive growth was adopted, the Union and the Member States have set themselves the objective of having at least 20 million fewer people at risk of poverty and social exclusion by 2020.

Or. fr

Amendment 18
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The number of persons suffering from material or even severe material deprivation in the Union is increasing and those persons are often too excluded to benefit from the activation measures of Regulation (EU) No [...CPR], and, in particular of Regulation (EU) No [...ESF].

Amendment

(2) The number of persons suffering from ***food and*** material or even severe ***food and*** material deprivation in the Union is increasing and those persons are often too excluded to benefit from the activation measures of Regulation (EU) No [...CPR], and, in particular of Regulation (EU) No [...ESF].

Or. fr

Amendment 19

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Article 2 of the Treaty of the European Union underlines that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Or. en

Amendment 20

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In 2010 nearly a quarter of Europeans (119.6 million people, almost 4 million more than in 2009) were at risk of poverty or social exclusion. Of those 119.6 million, 18 million were dependent almost every day on food parcels or meals distributed by charitable associations.

Or. fr

Amendment 21

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2 b) Article 6 of the Treaty of the European Union underlines that the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 22
Wojciech Michał Olejniczak

Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

(4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food deprivation, homelessness and material deprivation of children.

(4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food deprivation, homelessness and material deprivation of children ***and the elderly.***

Or. pl

Amendment 23
Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The Fund for European Aid to the Most Deprived (hereinafter the ‘Fund’) should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food deprivation, homelessness and material deprivation of children.

Amendment

(4) The Fund for European Aid to the Most Deprived (hereinafter the ‘Fund’) should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting, ***primarily through the provision of food supplies***, national schemes that provide non-financial assistance to the most deprived persons to alleviate food deprivation, homelessness and material deprivation of children.

Or. en

Justification

The symbolic amount offered in this Fund should focus primarily on emergency food provision. However the Fund should in no way be seen by Member States as an opportunity for them to reduce the budgets of their national poverty eradication and social reintegration programmes, which remain a Member State responsibility.

Amendment 24

Agnès Le Brun, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Tokia Saïfi

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food deprivation, ***homelessness and material deprivation of*** children.

Amendment

(4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food ***and material*** deprivation, ***particularly among the homeless and*** children.

Or. fr

Amendment 25
José Bové, Martin Häusling

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) In the EU, 90 million tonnes of food are wasted annually, of which a considerable part is safe and fit for consumption. Many beneficiaries already have supply sources other than EU support such as local or regional supermarkets, farmers, restaurants etc., which at the same time provides aid to the most deprived and prevents food waste. Notwithstanding efforts to minimise food waste supported by other EU programmes, this Fund should support the development of or strengthening these local food supply chains thereby reducing food waste.

Or. en

Amendment 26
Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) The Fund cannot replace public policies undertaken by Member State governments to limit the need for emergency food aid and to develop sustainable targets and policies for the full eradication of hunger, poverty and social exclusion.

Or. en

Justification

Member States must continue to develop long-term, sustainable projects to eradicate poverty, deprivation and social exclusion. This responsibility can in no way be replaced or reduced by using resources from the European Fund.

Amendment 27

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Those provisions also ensure that the operations supported shall comply with applicable Union and national laws, notably in regard to the safety of the goods that are distributed to the most deprived persons.

Amendment

(6) Those provisions also ensure that the operations supported shall comply with applicable Union and national laws, notably in regard to the safety of the goods ***and the quality of the food products*** that are distributed to the most deprived persons.

Or. fr

Amendment 28

Luís Paulo Alves

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty and material deprivation.

Amendment

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty and material deprivation, ***focusing in particular on Member States at present being subjected to severe austerity measures, which have been leading to cases of extreme social hardship.***

Amendment 29

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty and material deprivation.

Amendment

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty, ***relative poverty*** and material deprivation.

Amendment 30

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty and material deprivation.

Amendment

(7) In order to set out an appropriate financial framework, the Commission should establish, by means of implementing acts, an annual breakdown of global resources by Member State using an objective and transparent method reflecting disparities in terms of poverty and material deprivation ***within each Member State, taking account of the number of people classifiable in each Member State as ‘most deprived’ and also of the amounts that were allocated from the Food Distribution Programme to participating Member States.***

Amendment 31
Rachida Dati

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, and describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. It should also include elements necessary to ensure effective and efficient implementation of the operational programme.

Amendment

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, ***giving priority to the provision of basic foods and goods which are necessities for life***, and describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. It should also include elements necessary to ensure effective and efficient implementation of the operational programme.

Justification

The provision of basic foods and goods should take precedence over other priorities in order to ensure that the almost 43 million Europeans who cannot afford enough food or the right types of food can at least have their basic needs met.

Amendment 32
Czesław Adam Siekierski

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, and describe the objectives and

Amendment

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, and describe the objectives and

features of the assistance to the most deprived persons that will be provided through the support of national schemes. **It** should also include elements necessary to ensure effective and efficient implementation **of the operational programme**.

features of the assistance to the most deprived persons that will be provided through the support of national schemes. **Access to food should be the first deprivation to be addressed by the Member States. The programme should** also include elements necessary to ensure **its** effective and efficient implementation.

Or. pl

Justification

The Fund should prioritise food aid.

Amendment 33

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, and describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. **It** should also include elements necessary to ensure effective and efficient implementation **of the operational programme**.

Amendment

(8) The operational programme of each Member State should identify and justify the forms of material deprivation to be addressed, and describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. **Food insecurity should be the form of deprivation which Member States tackle before all others. The programme** should also include elements necessary to ensure **its** effective and efficient implementation.

Or. fr

Amendment 34

Vasilica Viorica Dăncilă

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to maximise effectiveness of the Fund, in particular as regards the national circumstances, it is appropriate to set out a procedure for potential amendment of the operational programme.

Amendment

(9) In order to maximise effectiveness of the Fund, in particular as regards the national circumstances, it is appropriate to set out a procedure for potential amendment of the operational programme, ***also taking into account the opinion of non-governmental organisations involved in implementing the programme.***

Or. ro

Amendment 35

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In order to improve the quality and design of each operational programme and evaluate the effectiveness and efficiency of the Fund, *ex ante and ex post* evaluations should be conducted. ***Those evaluations should be supplemented by surveys on the most deprived persons who have benefited from the operational programme and, if necessary, by evaluations during the programming period. The responsibilities of Member States and the Commission in this respect should be specified.***

Amendment

(12) In order to improve the quality and design of each operational programme and evaluate the effectiveness and efficiency of the Fund, evaluations should be conducted.

Or. fr

Amendment 36

Vasilica Viorica Dăncilă

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of the Member States and the beneficiaries, should be set out.

Amendment

(13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of **local and regional authorities in** the Member States and the beneficiaries, should be set out.

Or. ro

Amendment 37

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of the Member States and the beneficiaries, should be set out.

Amendment

(13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of the Member States and the beneficiaries, should be set out **in such a way that the dignity of the end recipients is not undermined.**

Or. fr

Amendment 38
Agnès Le Brun

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) It is necessary to establish a maximum level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources, while the situation of Member States facing temporary budget difficulties should be addressed.

deleted

Or. fr

Amendment 39

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) It is necessary to establish a maximum level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources, while the situation of Member States facing temporary budget difficulties should be addressed.

(15) The Member States most in need of the Fund are least likely to be able to afford to co-finance the measures, therefore the Fund should be 100% funded by the Union in order to ensure the highest possible uptake of the Fund.

Or. en

Justification

This Fund aims to provide emergency aid to people urgently in need. Therefore it makes sense to make it 100% financed by the Union. This ensures equal access to the Fund by all of Europe's citizens, irrespective of their Member State's budgetary situation.

Amendment 40
Luis Paulo Alves

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) It is necessary to establish a maximum level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources, while the situation of Member States *facing temporary budget difficulties* should be addressed.

Amendment

(15) It is necessary to establish a maximum level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources, while the situation of Member States *currently receiving macrofinancial assistance* should be addressed *and an exception clause laid down, departing from the co-financing arrangements*.

Or. pt

Amendment 41
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Uniform *and* equitable rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through adequate conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

Amendment

(16) Uniform, equitable *and simple* rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through *simple and* adequate conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

Or. fr

Amendment 42
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) **Uniform** and equitable rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through adequate conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

Amendment

(16) **Simple, uniform** and equitable rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through adequate **and simplified** conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

Or. fr

Amendment 43

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) All citizens in the European Union should be treated equally and yet levels of deprivation differ across Member States. The Commission should produce a report showing what percentage the European funds make up of national budgets for aid programmes for most deprived persons.

Or. en

Justification

The Most Deprived Persons Programme is a European scheme, yet not all of Europe's citizens currently benefit from the emergency aid provided. It would be very interesting to compare the national budgets for the provision of emergency food aid and to see what percentage the EU contribution makes up of Member States' budgets who currently choose to

use the Most Deprived Persons Programme.

Amendment 44

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation

Recital 16 b (new)

Text proposed by the Commission

Amendment

(16 b) Much of the work undertaken by associations working with the provision of food to Europe's most deprived is undertaken by volunteers. Therefore, the process for applying to be a beneficiary of the Fund must not be prohibitively complicated.

Or. en

Justification

Although it is essential that European funds are proportionately controlled in order to ensure that they are correctly used, it is also essential that those in need are able to access the available funding. Therefore the application process to participate in the Fund must not be prohibitively complicated.

Amendment 45

José Bové, Martin Häusling

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) However, the use of intervention stocks and food that would otherwise be wasted does not preclude the need for good supply management and wise management of the food chain which avoids systematic structural surpluses and which matches European production with

demand.

Or. en

Amendment 46

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to ensure broad support within society for the most deprived persons and to tackle food waste, Member States should remove obstacles to the donation of food or basic consumer goods by firms to food banks, civil society organisations and other stakeholders.

Or. fr

Amendment 47

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Member States and partner organisations should work actively with large and small scale companies throughout the food supply chain, in line with their corporate and social responsibility programmes, as well as economical incentives, to reduce food waste and to ensure this produce is made available to associations working with Europe's most deprived.

Justification

Supermarkets and the food distribution chain waste a lot of perfectly edible food and send it to landfill. This is costly for the company, bad for the environment and an inexcusable waste. Instead companies should donate their food to associations working with Europe's most deprived people. This reflects well on the company, provides valuable resources to the associations and reduces unnecessary waste.

Amendment 48

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation**Recital 19***Text proposed by the Commission*

(19) In accordance with the principle of shared management, Member States should have the primary responsibility, through their management and control system, for the implementation and control of their operational programme.

Amendment

(19) In accordance with the principle of shared management, Member States should have the primary responsibility, through their management and control system, for the implementation and control of their operational programme, ***while seeking at all times to improve effectiveness and reduce bureaucracy.***

Or. fr

Amendment 49

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation**Recital 21***Text proposed by the Commission*

(21) Member States should designate ***a managing authority, a certifying authority and a functionally independent auditing authority*** for their operational programme. ***To provide flexibility for Member States in the set-up of control systems, it is***

Amendment

(21) Member States should designate for their operational programme ***the authorities responsible for the sound management of the Fund***. Member States ***should carry out*** appropriate ***administrative and physical checks and***

appropriate *to provide the option for the functions of the certifying authority to be carried out by the managing authority. The Member States should also be allowed to designate intermediate bodies to carry out certain tasks of the managing authority or the certifying authority. The Member States should in that case lay down clearly their respective responsibilities and functions.*

provide for penalties in the case of irregularities in order to ensure that the operational programmes are implemented in accordance with the applicable rules.

Or. fr

Amendment 50

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) The managing authority bears the main responsibility for the effective and efficient implementation of the Fund and thus fulfils a substantial number of functions related to operational programme management and monitoring, financial management and controls as well as project selection. Its responsibilities and functions should be set out.

deleted

Or. fr

Amendment 51

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Recital 23

Text proposed by the Commission

Amendment

(23) The certifying authority should draw up and submit to the Commission

deleted

payment applications. It should draw up the annual accounts, certifying the completeness, accuracy and veracity of the annual accounts and that the expenditure entered in the accounts complies with applicable Union and national rules. Its responsibilities and functions should be set out.

Or. fr

Amendment 52
Vasilica Viorica Dăncilă

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) The certifying authority should draw up and submit to the Commission payment applications. It should draw up the annual accounts, certifying the completeness, accuracy and veracity of the annual accounts and that the expenditure entered in the accounts complies with applicable Union and national rules. Its responsibilities and functions should be set out.

Amendment

(23) The certifying authority should draw up and submit to the Commission payment applications. It should draw up the annual accounts, certifying the completeness, accuracy and veracity of the annual accounts and that the expenditure entered in the accounts complies with applicable Union and national rules. ***The certifying authority should ensure that the constraints imposed on beneficiary organisations are not over-complicated or excessive.*** Its responsibilities and functions should be set out.

Or. ro

Amendment 53
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The audit authority should ensure

Amendment

deleted

that audits are carried out on the management and control systems, on an appropriate sample of operations and on the annual accounts. Its responsibilities and functions should be set out.

Or. fr

Amendment 54

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in the framework of this Regulation should be ensured and criteria should be established which allow the Commission to determine, in the context of its strategy of control of national systems, the level of assurance it should obtain from national audit bodies.

deleted

Or. fr

Amendment 55

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) The powers and responsibilities of the Commission to verify the effective functioning of the management and control systems, and to require Member State action, should be laid down. The Commission should also have the power

deleted

to carry out audits focused on issues relating to sound financial management in order to draw conclusions on the performance of the Fund.

Or. fr

Amendment 56

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down common rules for interim payment requests, the payment of the annual balance and the final balance.

Amendment

(27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down **simple** common rules for interim payment requests, the payment of the annual balance and the final balance.

Or. fr

Amendment 57

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down common rules for interim payment requests, the payment of the annual balance and the final balance.

Amendment

(27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down **simple** common rules for interim payment requests, the payment of the annual balance and the final balance.

Or. fr

Amendment 58
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) In order to ensure that expenditure financed by the Union budget in any given financial year is used in accordance with the applicable rules, an appropriate framework should be created for the annual examination and acceptance of accounts. Under this framework, the designated bodies should submit to the Commission, in respect of the operational programme, a management declaration accompanied by the certified annual accounts, an annual summary of the final audit reports and of controls carried out and an independent audit opinion and control report.

Amendment

(32) In order to ensure that expenditure financed by the Union budget in any given financial year is used in accordance with the applicable rules, an appropriate **and simple** framework should be created for the annual examination and acceptance of accounts. Under this framework, the designated bodies should submit to the Commission, in respect of the operational programme, a management declaration accompanied by the certified annual accounts, an annual summary of the final audit reports and of controls carried out and an independent audit opinion and control report.

Or. fr

Amendment 59
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The frequency of audits on operations should be proportionate to the extent of the Union's support from the Fund. In particular, the number of audits carried out should be reduced where the total eligible expenditure for an operation does not exceed EUR 100 000. Nevertheless, it should be possible to carry out audits at any time where there is evidence of an irregularity or fraud, or as part of an audit

Amendment

(35) The frequency of audits on operations should be proportionate to the extent of the Union's support from the Fund. In particular, the number of audits carried out should be reduced where the total eligible expenditure for an operation does not exceed EUR 100 000. Nevertheless, it should be possible to carry out audits at any time where there is evidence of an irregularity or fraud, or as part of an audit

sample. In order that the level of auditing by the Commission is proportionate to the risk, the Commission should be able to reduce its audit work in relation to operational programmes where there are no significant deficiencies or where the audit authority can be relied on. In addition, the scope of audits should take fully into account the objective and the features of the target populations of the Fund.

sample. In order that the level of auditing by the Commission is proportionate to the risk, the Commission should be able to reduce its audit work in relation to operational programmes where there are no significant deficiencies or where the audit authority can be relied on. In addition, the scope of audits should take fully into account the objective and the features of the target populations of the Fund, *as well as the voluntary nature of the beneficiary bodies*.

Or. fr

Amendment 60
Vasilica Viorica Dăncilă

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

Amendment

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, *the right to social assistance and housing*, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

Or. ro

Amendment 61
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

Amendment

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, ***the right to social assistance and to housing***, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

Or. fr

Amendment 62

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) In order to ensure that delays in the implementation of this Regulation at the beginning of 2014 do not lead to a sudden drop-off in food aid, the Commission should take the transitional measures necessary to guarantee that persons dependent on food aid are not at risk of food poverty.

Or. fr

Amendment 63

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter ‘the Fund’) for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure *the effectiveness of* the Fund.

Amendment

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter ‘the Fund’) for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure *that the Fund is effective and easy to implement.*

Or. fr

Amendment 64
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter ‘the Fund’) for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure *the effectiveness of* the Fund.

Amendment

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter ‘the Fund’) for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure *that the Fund is effective and easy to implement.*

Or. fr

Amendment 65
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 2 – point 1

Text proposed by the Commission

(1) 'most deprived persons' means physical persons, whether individuals, families, households or groups composed of such persons, whose need for assistance has been established according to the objective criteria ***adopted*** by the national competent authorities, ***or defined by*** the partner organisations ***and which are approved by those competent authorities***;

Amendment

(1) 'most deprived persons' means physical persons, whether individuals, families, households or groups composed of such persons, whose need for assistance has been established according to the objective criteria ***defined*** by the national competent authorities ***in cooperation with*** the partner organisations, ***in particular national, regional or local organisations which are already working to hand out food to the most deprived, or which are providing assistance to homeless persons and people affected by poverty or social exclusion***;

Or. fr

Amendment 66

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Article 2 – point 2

Text proposed by the Commission

(2) 'partner organisations' means public bodies or non-for-profit organisations that deliver the food ***or*** goods directly or through other partner organisations to the most deprived persons, and whose operations have been selected by the managing authority in accordance with Article 29(3)(b);

Amendment

(2) 'partner organisations' means public bodies or non-for-profit organisations that deliver the food ***and possibly other essential*** goods directly or through other partner organisations to the most deprived persons, and whose operations have been selected by the managing authority in accordance with Article 29(3)(b);

Or. fr

Amendment 67

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Article 2 – point 6

Text proposed by the Commission

(6) 'beneficiary' means a public or private body responsible for initiating or initiating and implementing operations;

Amendment

(6) 'beneficiary' means ***a not-for-profit organisation or*** a public or private body, ***excluding commercial enterprises,*** responsible for initiating or initiating and implementing operations;

Or. fr

Amendment 68

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 2 – point 6

Text proposed by the Commission

(6) 'beneficiary' means a public ***or private*** body responsible for initiating or initiating and implementing operations;

Amendment

(6) 'beneficiary' means a public body ***or a not-for-profit organisation*** responsible for initiating or initiating and implementing operations;

Or. fr

Amendment 69

Marc Tarabella

Proposal for a regulation

Article 2 – point 7

Text proposed by the Commission

(7) 'end recipient' means the most deprived persons receiving the food or goods ***and/or benefiting from the accompanying measures;***

Amendment

(7) 'end recipient' means the most deprived persons receiving the food or goods;

Or. fr

Justification

Given the inadequate budgetary resources allocated to the MDP, the rapporteur wants aid to be provided primarily as food, on the grounds that having enough to eat is a basic necessity and fundamental to people's health. Accompanying measures still have a role to play, but they can be funded by other means. For example, Member States will be required to earmark 20 % of funding under their next national ESF programmes to social inclusion measures. Support for social inclusion is also envisaged under the sixth priority of the forthcoming rural development programmes.

Amendment 70

Agnès Le Brun

Proposal for a regulation

Article 2 – point 7

Text proposed by the Commission

(7) 'end recipient' means the most deprived persons receiving the food or goods and/or benefiting from *the* accompanying measures;

Amendment

(7) 'end recipient' means the most deprived persons receiving the food or goods and benefiting from *possible* accompanying measures;

Or. fr

Amendment 71

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 2 – point 9

Text proposed by the Commission

(9) 'intermediate body' means any public or private body which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;

Amendment

(9) 'intermediate body' means any *not-for-profit organisation or* any public or private body, *excluding commercial enterprises*, which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;

Or. fr

Amendment 72
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 2 – point 9

Text proposed by the Commission

(9) 'intermediate body' means any public *or private* body which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;

Amendment

(9) 'intermediate body' means any public body *or not-for-profit organisation* which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;

Or. fr

Amendment 73
José Bové, Martin Häusling

Proposal for a regulation
Article 3

Text proposed by the Commission

The Fund shall promote social cohesion in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy. The Fund shall contribute to achieving the specific objective of alleviating the worst forms of poverty in the Union by providing non-financial assistance to the most deprived persons. This objective shall be measured by the number of persons receiving assistance from the Fund.

Amendment

The Fund shall promote social *and territorial* cohesion in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy. The Fund shall contribute to achieving the specific objective of alleviating the worst forms of poverty in the Union by providing non-financial assistance to the most deprived persons *and by local and regional food supply chains that benefit the most deprived persons, by supplying them with nutritious, healthy, quality food with due emphasis on fresh and seasonal products*. This objective shall be measured by the number of persons receiving assistance

from the Fund *and the use of local and regional food supply networks*.

Or. en

Amendment 74

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

Proposal for a regulation

Article 3

Text proposed by the Commission

The Fund shall promote social cohesion in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy. The Fund shall contribute to achieving the specific objective of alleviating the worst forms of poverty in the Union by providing non-financial assistance to the most deprived persons. This objective shall be measured by the number of persons receiving assistance from the Fund.

Amendment

The Fund shall promote social cohesion in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy. The Fund shall contribute to achieving the specific objective of alleviating the worst forms of poverty in the Union, *and first and foremost food insecurity*, by providing non-financial assistance to the most deprived persons. This objective shall be measured by the number of persons receiving assistance from the Fund.

Or. fr

Amendment 75

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Fund shall be used to complement national strategies, not to replace or reduce national, long-term, sustainable

poverty eradication and social inclusion programmes, which remain the responsibility of Member States.

Or. en

Justification

Member States must continue to develop long-term, sustainable projects to eradicate poverty, deprivation and social exclusion. This responsibility can in no way be replaced or reduced by using resources from the European Fund.

Amendment 76

Wojciech Michał Olejniczak

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons or of children are distributed to the most deprived persons through partner organisations selected by Member States.

Amendment

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons, *the elderly* or of children are distributed to the most deprived persons through partner organisations selected by Member States.

Or. pl

Justification

Social exclusion and poverty are increasingly also affecting the elderly, most often those living alone. The Fund should therefore also pay particular attention to this group of recipients.

Amendment 77

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The Fund shall support national schemes **whereby food products and basic consumer goods for the personal use of homeless persons or of children are distributed** to the most deprived persons **through partner organisations selected by Member States.**

Amendment

1. The Fund shall support national systems **for distributing healthy food products** to the most deprived **as well as basic consumer goods for their personal use.**

Or. fr

Amendment 78

Agnès Le Brun, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Tokia Saïfi

**Proposal for a regulation
Article 4 – paragraph 1**

Text proposed by the Commission

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons or **of children are distributed to the most deprived persons** through partner organisations selected by Member States.

Amendment

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of **the most deprived persons, in particular** homeless persons or children, are distributed through partner organisations selected by Member States.

Or. fr

Amendment 79

Rachida Dati

**Proposal for a regulation
Article 4 – paragraph 1**

Text proposed by the Commission

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons or of children are distributed to the

Amendment

1. The Fund shall support national schemes whereby food products **- as a first priority** - and basic consumer goods for the personal use of homeless persons or of

most deprived persons through partner organisations selected by Member States.

children are distributed to the most deprived persons through partner organisations selected by Member States.

Or. fr

Justification

The provision of basic foods and goods should take precedence over other priorities in order to ensure that the almost 43 million Europeans who cannot afford enough food or the right types of food can at least have their basic needs met.

Amendment 80
Mairead McGuinness

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons or of children are distributed to the most deprived persons through partner organisations selected by Member States.

Amendment

1. The Fund shall support national schemes whereby food products and basic consumer goods for the personal use of homeless persons or of children are distributed to the most deprived persons through partner organisations selected by Member States.
Education regarding healthy eating and the preparation and use of food shall also be addressed within the national schemes.

Or. en

Amendment 81
Marc Tarabella

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social

Amendment

deleted

inclusion of the most deprived persons.

Or. fr

Justification

Given the inadequate budgetary resources allocated to the MDP, the rapporteur wants aid to be provided primarily as food, on the grounds that having enough to eat is a basic necessity and fundamental to people's health. Accompanying measures still have a role to play, but they can be funded by other means. For example, Member States will be required to earmark 20 % of funding under their next national ESF programmes to social inclusion measures. Support for social inclusion is also envisaged under the sixth priority of the forthcoming rural development programmes.

Amendment 82
Eric Andrieu

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons. *deleted*

Or. fr

Justification

Given the inadequate budgetary resources allocated to the MDP, the rapporteur wants aid to be provided primarily as food, on the grounds that having enough to eat is a basic necessity and fundamental to people's health. Accompanying measures still have a role to play, but they can be funded by other means. For example, Member States will be required to earmark 20 % of funding under their next national ESF programmes to social inclusion measures. Support for social inclusion is also envisaged under the sixth priority of the forthcoming rural development programmes.

Amendment 83
Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The Fund may support accompanying measures, complementing the provision of food **and goods**, contributing to the social inclusion of the most deprived persons.

Amendment

2. The Fund may support accompanying measures, **primarily** complementing the provision of food, contributing to the social inclusion of the most deprived persons. ***It should also encourage collaboration with organisations which focus on the eradication of poverty and long-term social reintegration.***

Or. en

Justification

This fund is symbolic in nature and must therefore focus primarily on food aid. The provision of emergency food aid is very different to the work undertaken by organisations working on long-term poverty eradication, often requiring special training and/or qualifications. However these associations may benefit from the availability of food stocks and there could well be ways where different organisations with different roles could increase their impact by working together.

Amendment 84
Agnès Le Brun

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons.

Amendment

2. The Fund may **provide** support **for** accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons, ***up to a maximum of 5 % of the total sum allocated to each operation.***

Or. fr

Amendment 85
Rachida Dati

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons.

Amendment

2. The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons.

However, the provision of basic foods and goods should remain the priority.

Or. fr

Justification

The provision of basic foods and goods should take precedence over other priorities in order to ensure that the almost 43 million Europeans who cannot afford enough food or the right types of food can at least have their basic needs met.

Amendment 86
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The Fund may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion of the most deprived persons.

Amendment

2. The Fund, ***via the partner organisations***, may support accompanying measures, complementing the provision of food and goods, contributing to the social inclusion ***and improving the quality of life*** of the most deprived persons ***and/or seeking to protect their human dignity***.

Or. fr

Amendment 87
José Bové, Martin Häusling

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Fund may, at the request of a Member State, provide beneficiaries with assistance and/or equipment to make more use or more efficient use of local food supply chains, thereby augmenting and diversifying the supply of food for the most deprived and also preventing the waste of food.

Or. en

Amendment 88
Marc Tarabella

Proposal for a regulation
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

In accordance with their respective responsibilities, the Commission and the Member States shall ensure coordination with the European Social Fund, and with other Union policies and instruments.

In accordance with their respective responsibilities, the Commission and the Member States shall ensure coordination with the European Social Fund, and with other Union policies and instruments, ***such as the European Agricultural Fund for Rural Development in a manner consistent with priorities three (promoting food chain organisation) and six (promoting social inclusion and poverty reduction) of Article 5 of Regulation (EU) No XXX/XXXX of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).***

Or. fr

Justification

In order to improve efficiency, EU measures concerning the Fund should be part of a comprehensive and consistent approach to the fight against poverty and exclusion – an approach which encompasses people's needs. Accordingly, it is vital to draw on all EU policies and all available resources, including the EAFRD.

Amendment 89

Vasilica Viorica Dăncilă

Proposal for a regulation

Article 5 – paragraph 8

Text proposed by the Commission

(8) The Commission and the Member States shall ensure the effectiveness of the Fund, in particular through monitoring, reporting and evaluation.

Amendment

(8) The Commission and the Member States shall ensure the effectiveness of the Fund, in particular through monitoring, reporting and evaluation, ***as well as by informing the public on the achievements of the Fund and on how money is used.***

Or. ro

Amendment 90

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 5 – paragraph 9

Text proposed by the Commission

(9) The Commission and the Member States shall ***carry out their respective roles in relation to the Fund with the aim of reducing the administrative burden for*** beneficiaries.

Amendment

(9) The Commission and the Member States shall ***take action to guarantee the effectiveness of the Fund, in particular through monitoring, reporting and evaluation. They shall also ensure that the Fund is easy for the partner organisations and beneficiaries to implement.***

Or. fr

Amendment 91

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

**Proposal for a regulation
Article 5 – paragraph 9**

Text proposed by the Commission

(9) The Commission and the Member States shall carry out their respective roles in relation to the Fund *with the aim of* reducing the administrative burden for beneficiaries.

Amendment

(9) The Commission and the Member States shall carry out their respective roles in relation to the Fund, *placing greater emphasis on* reducing the administrative burden for beneficiaries.

Or. fr

Amendment 92

Wojciech Michał Olejniczak

**Proposal for a regulation
Article 5 – paragraph 10**

Text proposed by the Commission

10. The Commission and the Member States shall ensure that equality between men and women and the integration of the gender perspective are promoted during the various stages of the implementation of the Fund. The Commission and the Member States shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in obtaining access to the Fund.

Amendment

10. The Commission and the Member States shall ensure that equality between men and women and the integration of the gender perspective are promoted during the various stages of the implementation of the Fund. The Commission and the Member States shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, *place of residence*, age or sexual orientation in obtaining access to the Fund.

Or. pl

Justification

Place of residence, especially in remote rural areas, should not be a barrier to accessing the resources of the Fund.

Amendment 93
Eric Andrieu

Proposal for a regulation
Article 5 – paragraph 11

Text proposed by the Commission

(11) Operations financed by the Fund shall comply with applicable Union and national law. In particular, the Fund may only be used to support distribution of food or goods that are in conformity with the Union legislation on consumer product safety.

Amendment

(11) Operations financed by the Fund shall comply with applicable Union and national law. In particular, the Fund may only be used to support distribution of food or goods that are in conformity with the Union legislation on consumer product safety. ***In order to prevent waste and to encourage the donation of food products which have not been sold or consumed because their expiry dates have passed, the Commission should make the definitions of use-by date and best-before date contained in EU rules clearer for distributors and consumers, so that foods which can still safely be eaten are not thrown away.***

Or. fr

Amendment 94
Eric Andrieu

Proposal for a regulation
Article 5 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

(11a) Operations financed by the Fund may also include the processing of certain highly perishable agricultural products for the purpose of conserving them for longer periods so that they can be distributed to the most deprived persons, thereby also preventing waste. This provision shall apply to agricultural products which have not been harvested by producers or agricultural products which have not been sold by distributors.

It may also apply to fruit or vegetables which have been withdrawn from the market by producer groups, using their operational funds, and which, under current law, may be made available to charitable bodies or foundations approved by the Member States.

Or. fr

Amendment 95
José Bové, Martin Häusling

Proposal for a regulation
Article 5 – paragraph 12

Text proposed by the Commission

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to **reduction of** food waste.

Amendment

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria **to ensure access to healthy, nutritious and quality food**. The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to **reducing** food waste, **and due emphasis on short food chains and local producers, as well as access to seasonal and fresh food**.

Or. en

Amendment 96
Sergio Paolo Francesco Silvestris

Proposal for a regulation
Article 5 – paragraph 12

Text proposed by the Commission

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. The selection

Amendment

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. The selection

criteria for the food products, and where appropriate for goods, shall also take into consideration climatic *and* environmental aspects, *in particular* with a view to reduction of food waste.

criteria for the food products, and where appropriate for goods, shall also take into consideration climatic, environmental *and nutritional* aspects, *through a wider basket of products*. *With a view to reduction of food waste it would be desirable to increase support also through measures to recover food that is still perfectly edible but can no longer be sold by the industry, retailers and catering outlets*.

Or. it

Amendment 97
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 5 – paragraph 12

Text proposed by the Commission

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to reduction of food waste.

Amendment

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. *Priority shall be given, under the selection criteria for the food products, to products of European origin. The selection criteria for the food products shall be set with a view to helping the end recipients achieve a healthy and balanced diet.* The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to reduction of food waste.

Or. fr

Amendment 98
Rachida Dati

Proposal for a regulation
Article 5 – paragraph 12

Text proposed by the Commission

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective criteria. The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to reduction of food waste.

Amendment

(12) Member States and beneficiaries shall choose the food products and the goods on the basis of objective ***and fair*** criteria ***which ensure that priority is given to the provision of basic foods and goods***. The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to reduction of food waste.

Or. fr

Justification

The provision of basic foods and goods should take precedence over other priorities in order to ensure that the almost 43 million Europeans who cannot afford enough food or the right types of food can at least have their basic needs met.

Amendment 99

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation

Article 5 – paragraph 12 a (new)

Text proposed by the Commission

Amendment

(12 a) The Fund shall be used to complement national strategies, not to replace Member States' authorities' responsibilities, for eradicating poverty and social exclusion, notably through the provision of long-term, sustainable programmes aiming at social reintegration rather than alleviating immediate food deprivation and material needs.

Or. en

Justification

Member States must continue to develop long-term, sustainable projects to eradicate poverty, deprivation and social exclusion. This responsibility can in no way be replaced or reduced by using resources from the European Fund.

Amendment 100

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward, Britta Reimers

Proposal for a regulation

Article 5 – paragraph 12 b (new)

Text proposed by the Commission

Amendment

(12 b) Member States, and the bodies designated by them, shall build partnerships with companies throughout the food chain to create programmes allowing food companies to reduce waste and fulfil corporate and social responsibility programmes, and for associations working with Europe's most deprived to gain access to food resources.

Or. en

Justification

Supermarkets and the food distribution chain waste a lot of perfectly edible food and send it to landfill. This is costly for the company, bad for the environment and an inexcusable waste. Instead companies should donate their food to associations working with Europe's most deprived people. This reflects well on the company, provides valuable resources to the associations and reduces unnecessary waste.

Amendment 101

Vasilica Viorica Dăncilă

Proposal for a regulation

Article 5 – paragraph 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Local and regional authorities, in partnership with non-governmental organisations, may organise local, regional and cross-border management networks to make use of perishable and non-perishable regional food products that are not marketed by food supply chains.

Or. ro

Amendment 102
Eric Andrieu

Proposal for a regulation
Article 5 – paragraph 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Commission shall ensure that the rules on VAT are interpreted uniformly throughout the Union, in such a way that the donation of foodstuffs to the partner organisations does not serve to penalise potential donors.

Or. fr

Justification

VAT is a tax paid by consumers. If a distribution firm decides to make a donation to the partner organisations that hand out food and goods to the most deprived persons, that firm will have paid VAT which it cannot then recover by selling the product on. This gives rise to problems in Member States, particularly as regards the interpretation of EU law on VAT. The Commission should clarify the situation for Member States in order to promote the uniform application of the law and thereby encourage food donations.

Amendment 103
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR **2 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be **at least** EUR **5 000 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. fr

Amendment 104
Eric Andrieu

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR **2 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR **3 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. fr

Justification

The Commission has acknowledged that the crisis has increased the number of people at risk of exclusion and poverty, and draws attention to one of the conclusions of the European Council of 17 June 2010, in which the Union and the Member States set the objective of reducing this figure by at least 20 million. Paradoxically, however, it has also proposed for the forthcoming programming period a EUR 1 billion reduction in the budget compared with 2007-2013 levels. The budget should remain at least at its current level.

Amendment 105

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa

i Balcells, Liam Aylward

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR 2 500 000 000 at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR 3 500 000 000 at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. en

Justification

This Fund represents a symbolic amount in any case. But as the EU remains in crisis it is unthinkable to provide less funding to Europe's Most Deprived than under the previous scheme. It is important to ask for this amount for the beginning of the next MFF. If the social situation improves and there is no longer a need for this fund then the revision clause included in the MFF will enable it to be reduced.

Amendment 106

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux, Tokia Saïfi

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR 2 500 000 000 at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be EUR 3 500 000 000 at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. fr

Amendment 107

Rareş-Lucian Niculescu

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be **EUR 2 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be **EUR 3 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. ro

Amendment 108
Petri Sarvamaa

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be **EUR 2 500 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Amendment

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall be **EUR 3 000 000 000** at 2011 prices, in accordance with the annual breakdown set out in Annex II.

Or. fi

Amendment 109
Rareş-Lucian Niculescu

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The level of resources available may be revised on the Commission's initiative, taking account of the impact of developments in the economic situation on the standard of living.

Or. ro

Amendment 110
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 6 – paragraph 3 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the population suffering from food poverty;

Or. fr

Amendment 111
Luis Paulo Alves

Proposal for a regulation
Article 6 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Member States receiving macroeconomic assistance and suffering a rapid deterioration in the quality of life of their citizens.

Or. pt

Amendment 112
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Each Member State shall submit to the Commission one operational programme ***covering the period between 1 January 2014 and 31 December 2020*** within three months of the entry into force of this Regulation, ***containing*** the following

Each Member State shall submit to the Commission one operational programme within three months of the entry into force of this Regulation ***that has been prepared in cooperation with the local authorities and the organisations fighting poverty***

items:

and social exclusion, including organisations formerly in receipt of MDP funding. The operational programme shall cover the period between 1 January 2014 and 31 December 2020 and shall contain the following items:

Or. fr

Amendment 113
Mairead McGuinness

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Each Member *State* shall submit to the Commission one operational programme covering the period between 1 January 2014 and 31 December 2020 within three months of the entry into force of this Regulation, containing the following items:

Member *States without existing national programmes and choosing to implement the Fund* shall submit to the Commission one operational programme covering the period between 1 January 2014 and 31 December 2020 within three months of the entry into force of this Regulation, containing the following items:

Or. en

Amendment 114
Marc Tarabella

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods ***and the accompanying measures to***

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods, having regard to the results of the

be provided, having regard to the results of the ex ante evaluation carried out in accordance with Article 14;

ex ante evaluation carried out in accordance with Article 14;

Or. fr

Justification

See justifications for amendments 17 and 18.

Amendment 115

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) an identification of **and a justification for selecting** the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods and the accompanying measures to be provided, **having regard to the results of the ex ante evaluation carried out in accordance with Article 14;**

(a) an identification of the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods and the accompanying measures to be provided;

Or. fr

Amendment 116

José Bové, Martin Häusling

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description

for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods and the accompanying measures to be provided, having regard to the results of the ex ante evaluation carried out in accordance with Article 14;

for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of **healthy, nutritious, quality** food or goods and/or the accompanying measures **and/or the measures to develop or strengthen local and regional food supply chains** to be provided, having regard to the results of the ex ante evaluation carried out in accordance with Article 14;

Or. en

Amendment 117
Rachida Dati

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods and the accompanying measures to be provided, having regard to the results of the ex ante evaluation carried out in accordance with Article 14;

Amendment

(a) an identification of and a justification for selecting the type(s) of material deprivation to be addressed under the operational programme and a description for each type of material deprivation addressed of the main characteristics and the objectives of the distribution of food or goods and, **possibly**, the accompanying measures to be provided, having regard to the results of the ex ante evaluation carried out in accordance with Article 14;

Or. fr

Justification

The provision of basic foods and goods should supersede other priorities, in order to ensure that the almost 43 million Europeans who do not have enough food or the right types of food can at least see their basic needs met.

Amendment 118
José Bové, Martin Häusling

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a strategy outlining how the support measures will support the development or strengthening of local and regional food supply chains to benefit the most deprived;

Or. en

Amendment 119

José Bové, Martin Häusling

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(a b) a strategy outlining how the programme will use food that would otherwise be wasted;

Or. en

Amendment 120

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the partner organisations and competent authorities;

Or. fr

Amendment 121

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) a description of the mechanism setting the eligibility criteria for the most deprived persons, differentiated if necessary by type of material deprivation addressed; *deleted*

Or. fr

Amendment 122

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) the criteria for the selection of operations and a description of the selection mechanism differentiated if necessary by type of material deprivation addressed; *deleted*

Or. fr

Amendment 123

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the criteria for the selection of the partner organisations differentiated if necessary by type of material deprivation addressed; *deleted*

Amendment 124

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) a description of the mechanism used to ensure complementarity with the European Social Fund; ***deleted***

Amendment 125

Marc Tarabella

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) a description of the mechanism used to ensure complementarity with the European Social Fund;

(f) a description of the mechanism used to ensure complementarity with the European Social Fund **and the European Agricultural Fund for Rural Development;**

Justification

To improve efficiency, EU action should take a comprehensive and consistent approach to the fight against poverty and exclusion – an approach which encompasses people's needs. Accordingly, it is vital to mobilise all EU policies and all available resources, including the EAFRD.

Amendment 126

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) a description of the provisions for implementing the operational programme containing the identification of the managing authority, the certifying authority where applicable, the audit authority and the body to which payments are to be made by the Commission and a description of the monitoring procedure; ***deleted***

Or. fr

Amendment 127
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) a description of the measures taken to involve the competent regional, local and other public authorities as well as bodies representing civil society and bodies responsible for promoting equality and non-discrimination in the preparation of the operational programme; ***deleted***

Or. fr

Amendment 128
Agnès Le Brun

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point j – point i

Text proposed by the Commission

Amendment

(i) a table specifying for each year in accordance with Article 18 the amount of

(i) a table specifying for each year in accordance with Article 18 the amount of

the financial appropriation envisaged for support from the Fund *and the co-financing in accordance with Article 18*;

the financial appropriation envisaged for support from the Fund;

Or. fr

Amendment 129
Marc Tarabella

Proposal for a regulation
Article 7 – paragraph 1 – point j – point ii

Text proposed by the Commission

Amendment

(ii) a table specifying, for the whole programming period, the amount of the total financial appropriation in respect of support from the operational programme for each type of material deprivation addressed *as well as the corresponding accompanying measures*.

(ii) a table specifying, for the whole programming period, the amount of the total financial appropriation in respect of support from the operational programme for each type of material deprivation addressed ;

Or. fr

Justification

See justifications for amendments 17 and 18.

Amendment 130
Agnès Le Brun

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The partner organisations referred to in point (e) that deliver directly the food or goods shall themselves undertake activities complementing the provision of material assistance, aiming at the social inclusion of the most deprived persons, whether or not these activities are

deleted

supported by the Fund.

Or. fr

Amendment 131

Rachida Dati

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The partner organisations referred to in point (e) that deliver directly the food or goods **shall** themselves undertake activities complementing the provision of material assistance, aiming at the social inclusion of the most deprived persons, whether or not these activities are supported by the Fund.

Amendment

The partner organisations referred to in point (e) that deliver directly the food or goods **may** themselves undertake activities complementing the provision of material assistance, aiming at the social inclusion of the most deprived persons, ***if they have the means to do so***, whether or not these activities are supported by the Fund.

Or. fr

Justification

The provision of basic foods and goods should take precedence over other priorities in order to ensure that the almost 43 million Europeans who cannot afford enough food or the right types of food can at least have their basic needs met. The organisations responsible for distributing the food should not be overburdened with obligations which might discourage them or render their task too difficult.

Amendment 132

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The Member States shall draft their operational programmes in accordance with the template set out in Annex I.

Amendment

deleted

Amendment 133

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the consistency of the operational programme with this Regulation and its contribution to the objectives of the Fund, **taking into account the ex ante evaluation carried out in accordance with Article 14.**

Amendment

1. The Commission shall assess the consistency of the operational programme with this Regulation and its contribution to the objectives of the Fund.

Amendment 134

Rareș-Lucian Niculescu

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. The Commission shall, by means of implementing acts, approve the amendment of an operational programme no later than **five** months after their formal submission by the Member State provided that any observations made by the Commission have been satisfactorily taken into account.

Amendment

3. The Commission shall, by means of implementing acts, approve the amendment of an operational programme no later than **three** months after their formal submission by the Member State provided that any observations made by the Commission have been satisfactorily taken into account.

Amendment 135

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

The Commission shall set up a Union level platform to facilitate the exchange of experience, capacity building **and** networking, as well as dissemination of relevant outcomes in the area of **non-financial assistance** to the most deprived persons.

Amendment

The Commission shall set up a Union level platform to facilitate the exchange of experience, **know-how**, capacity building, networking, **the deployment of distribution networks throughout Europe, particularly in those areas within each Member State where levels of poverty and exclusion are highest, and the development of transnational and cross-border activities**, as well as dissemination of relevant **and innovative** outcomes in the area of **food and goods distribution** to the most deprived persons.

It shall integrate and link on the platform the organisations that represent the partner organisations at Union level as well as the partner organisations and beneficiaries in each Member State.

It shall set up and manage a public website specifically for the platform. The site will include a presentation of the various partner organisations, their activities and where they operate Europe-wide, including in the outermost regions. It will also present all documents and information relevant to the running of the platform and to its work.

Or. fr

Amendment 136

Sylvie Goulard, Verónica Lope Fontagné, Silvia Costa, Jürgen Klute, Marian Harkin, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This platform shall include encouraging an exchange between those working on immediate material deprivation alleviation and organisations working for longer-term, sustainable social reintegration, and looking at how links could be developed between these different objectives.

Or. en

Justification

The provision of emergency food aid is very different to the work undertaken by organisations working on long-term poverty eradication, often requiring special training and/or qualifications. However there could well be ways where different organisations with different roles could increase their impact by working together and the Commission should enable these exchanges to take place.

Amendment 137

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

In addition, the Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level on the implementation of support from the Fund.

In addition, the Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level ***and the main partner organisations in each Member State*** on the implementation, ***and ease of implementation***, of support from the Fund. ***It shall publish reports on such consultation, and its results, on the platform website.***

Or. fr

Amendment 138

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Amendment

Implementation reports *and indicators*

Implementation reports

Or. fr

Amendment 139

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member States shall draft the annual implementation report in accordance with the template adopted by the Commission, including the list of common input and outcome indicators.

deleted

Or. fr

Amendment 140

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The annual implementation reports shall be admissible where they contain all the information required in accordance with the template referred in paragraph 2, including the common indicators. The Commission shall inform the Member

deleted

State concerned within 15 working days from the date of receipt of the annual implementation report if it is not admissible. Where the Commission has not sent that information within the time limit, the report shall be deemed admissible.

Or. fr

Amendment 141

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The Member States shall draft the final implementation report in accordance with the template adopted by the Commission.

deleted

Or. fr

Amendment 142

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall adopt the template for the annual implementation report, *including the list of common indicators* and for the final implementation report by means of implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

6. The Commission shall adopt the template for the annual implementation report and for the final implementation report by means of implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

Or. fr

Amendment 143

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 7

Text proposed by the Commission

7. The Commission may address observations to a Member State concerning the implementation of the operational programme. ***The managing authority shall within three months inform the Commission of the corrective measures taken.***

Amendment

7. The Commission may address observations to a Member State concerning the implementation of the operational programme.

Or. fr

Amendment 144

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 11 – paragraph 8

Text proposed by the Commission

8. The managing authority shall make public a summary of the contents of each annual and final implementation report.

Amendment

deleted

Or. fr

Amendment 145

Rareş-Lucian Niculescu

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission and each Member State shall meet ***every year from 2014 to 2022, unless otherwise agreed***, to examine the progress in implementing the operational programme, ***taking account of the annual implementation report and the Commission's observations referred to in Article 11(7), where applicable.***

1. The Commission and each Member State shall meet to examine the progress in implementing the operational programme, ***in the event that such meetings are necessary.***

Or. ro

Amendment 146
Rareş-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The bilateral review meeting shall be chaired by the Commission.

deleted

Or. ro

Amendment 147
Rareş-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Member State shall ensure that appropriate follow-up is given to any comments of the Commission following the meeting.

deleted

Or. ro

Amendment 148

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall provide the resources necessary for carrying out evaluations, and shall ensure that procedures are in place to produce and collect the data necessary for evaluations, ***including data related to the common indicators referred to in Article 11.***

1. 1. Member States shall provide the resources necessary for carrying out evaluations, and shall ensure that procedures are in place to produce and collect the data necessary for evaluations.

Or. fr

Amendment 149

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

**Proposal for a regulation
Article 14**

Text proposed by the Commission

Amendment

Article 14

deleted

Ex ante evaluation

1. Member States shall carry out an ex ante evaluation of the operational programme.

2. The ex ante evaluation shall be carried out under the responsibility of the authority responsible for preparing the operational programmes. It shall be submitted to the Commission at the same time as the operational programme, together with an executive summary.

3. Ex ante evaluations shall appraise the following elements:

(a) the contribution to the Union objective of at least 20 million fewer people at risk

of poverty and social exclusion by 2020, having regard to the selected type of material deprivation to be addressed, taking into account national circumstances in terms of poverty and social exclusion and material deprivation;

(b) the internal coherence of the proposed operational programme and its relation with other relevant financial instruments;

(c) the consistency of the allocation of budgetary resources with the objectives of the operational programme;

(d) contribution of the expected outputs to the results;

(e) the suitability of the procedures for monitoring the operational programme and for collecting the data necessary to carry out evaluations.

Or. fr

Amendment 150

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Ex ante evaluation

1. Member States shall carry out an ex ante evaluation of the operational programme.

2. The ex ante evaluation shall be carried out under the responsibility of the authority responsible for preparing the operational programmes. It shall be submitted to the Commission at the same time as the operational programme, together with an executive summary.

3. Ex ante evaluations shall appraise the

following elements:

(a) the contribution to the Union objective of at least 20 million fewer people at risk of poverty and social exclusion by 2020, having regard to the selected type of material deprivation to be addressed, taking into account national circumstances in terms of poverty and social exclusion and material deprivation;

(b) the internal coherence of the proposed operational programme and its relation with other relevant financial instruments;

(c) the consistency of the allocation of budgetary resources with the objectives of the operational programme;

(d) contribution of the expected outputs to the results;

(e) the suitability of the procedures for monitoring the operational programme and for collecting the data necessary to carry out evaluations.

Or. fr

Amendment 151
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Evaluation during the programming period

1. During the programming period, the managing authority may carry out evaluations for assessing the effectiveness and efficiency of the operational programme.

2. The managing authority shall carry out a structured survey on end recipients in

2017 and 2021, in accordance with the template provided by the Commission. The Commission shall adopt the template by means of an implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

3. The Commission may carry out, at its own initiative, evaluation of operational programmes.

Or. fr

Amendment 152
Agnès Le Brun

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. During the programming period, the **managing** authority may carry out evaluations for assessing the effectiveness and efficiency of the operational programme.

1. During the programming period, the **competent** authority may carry out evaluations for assessing the effectiveness and efficiency of the operational programme.

Or. fr

Amendment 153
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The managing authority shall carry out a structured survey on end recipients in 2017 and 2021, in accordance with the template provided by the Commission. The Commission shall adopt the template by means of an implementing act. This

deleted

implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

Or. fr

Amendment 154

Agnès Le Brun, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

3. The Commission may carry out, at its own initiative, evaluation of operational programmes.

Amendment

3. The Commission may carry out, at its own initiative, evaluation of operational programmes ***where it has evidence suggesting any irregularity in their implementation.***

Or. fr

Amendment 155

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 16

Text proposed by the Commission

At its own initiative and in close cooperation with the Member States, the Commission shall carry out, with the assistance of external experts, an ex-post evaluation, to assess the effectiveness and sustainability of results obtained as well as to measure the added value of the Fund. This ex post evaluation shall be completed by 31 December 2023.

Amendment

At its own initiative and in close cooperation with the Member States, the Commission shall carry out, with the assistance of external experts, an ex-post evaluation, to assess ***the simplicity of the management system for the programmes,*** the effectiveness and sustainability of results obtained ***and the needs indicated by the partner organisations,*** as well as to measure the added value of the Fund. This ex post evaluation shall be completed by 31 December 2023.

Or. fr

Amendment 156
Vasilica Viorica Dăncilă

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. The Member States shall provide information on and promote the actions supported by the Fund. The information shall be addressed to the most deprived persons, the media and the wider public. It shall highlight the role of the Union and ensure that the contribution from the Fund is visible.

Amendment

1. The Member States shall provide information on ***the achievements of the Fund and on how money is used*** and promote the actions supported by the Fund. The information shall be addressed to the most deprived persons, the media and the wider public. It shall highlight the role of the Union and ensure that the contribution from the Fund is visible.

Or. ro

Amendment 157
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. The Member States shall provide information on and promote the actions supported by the Fund. The information shall be addressed to the most deprived persons, the media and the wider public. It shall highlight the role of the Union and ensure that the contribution from the Fund is visible.

Amendment

1. The ***Commission and*** Member States shall provide information on and promote the actions supported by the Fund. The information shall be addressed to the most deprived persons, the media and the wider public. It shall highlight the role of the Union and ensure that the contribution from the Fund, ***the partner organisations and their volunteers*** is visible.

Or. fr

Amendment 158
Rareş-Lucian Niculescu

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The managing authority shall, in order to ensure transparency in the support of the Fund, maintain a list of operations supported by the Fund **in CSV or XML format** which shall be accessible through a website. The list shall include at least information on the beneficiary name, its address and allocated amount of Union funding as well as the type of material deprivation addressed.

Amendment

The managing authority shall, in order to ensure transparency in the support of the Fund, maintain a list of operations supported by the Fund which shall be accessible through a website. The list shall include at least information on the beneficiary name, its address and allocated amount of Union funding as well as the type of material deprivation addressed. **The list shall also include information on the method used for selecting the beneficiary and the activity report submitted by the beneficiary.**

Or. ro

Amendment 159
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The **managing** authority shall, in order to ensure transparency in the support of the Fund, maintain a list of operations supported by the Fund in CSV or XML format which shall be accessible through a website. The list shall include at least information on the **beneficiary name, its address** and allocated amount of Union funding as well as the type of material deprivation addressed.

Amendment

The **competent** authority shall, in order to ensure transparency in the support of the Fund, maintain a list of operations supported by the Fund in CSV or XML format which shall be accessible through a website. **For each operation supported,** the list shall include at least information on the **number of beneficiaries** and **the** allocated amount of Union funding as well as the type of material deprivation addressed.

Or. fr

Amendment 160
Marc Tarabella

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing at least one poster with information about the operation (minimum size A3), including about the financial support from the Union, at a location readily visible to the public, at each place of provision of the food, goods **and any accompanying measure**, except if this is not possible due to the circumstances of the distribution.

Amendment

During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing at least one poster with information about the operation (minimum size A3), including about the financial support from the Union, at a location readily visible to the public, at each place of provision of the food **and** goods, except if this is not possible due to the circumstances of the distribution.

Or. fr

Justification

See justifications for amendments 17 and 18.

Amendment 161
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing at least one poster with information about the operation (minimum size A3), including about the financial support from the Union, at a location readily visible to the public, at each place of provision of the food, goods and any accompanying measure, except if

Amendment

During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing **either** at least one poster with information about the operation (minimum size A3), including about the financial support from the Union, at a location readily visible to the public, at each place of provision of the food, goods and any accompanying measure **or a**

this is not possible due to the circumstances of the distribution.

European flag, and in such a way as not to stigmatise end recipients, except if this is not possible due to the circumstances of the distribution.

Or. fr

Amendment 162
Rareş-Lucian Niculescu

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those beneficiaries and partner organisations **which have websites shall also provide a short description of the operation, including its aims and results, and** highlighting the financial support from the Union.

Amendment

Those beneficiaries and partner organisations **shall be obliged to offer the public access to all information on the activities carried out, with the exception of information on the identity of the final recipients**, highlighting the financial support from the Union.

Or. ro

Amendment 163
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. The **managing** authority shall inform beneficiaries of publication of the list of operations in accordance with paragraph 2. The managing authority shall provide information and publicity kits, including templates in electronic format, to help beneficiaries and partner organisations to meet their obligations as set out in paragraph 3.

Amendment

5. The **competent** authority shall inform beneficiaries of publication of the list of operations in accordance with paragraph 2. The managing authority shall provide information and publicity kits, including templates in electronic format, to help beneficiaries and partner organisations to meet their obligations as set out in paragraph 3.

Or. fr

Amendment 164

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 17 – paragraph 6

Text proposed by the Commission

6. In processing personal data pursuant to this Article, the **managing** authority as well as the beneficiaries and partner organisations shall comply with Directive 95/46/EC.

Amendment

6. In processing personal data pursuant to this Article, the **competent** authority as well as the beneficiaries and partner organisations shall **abide by all confidential data protection rules and** comply with Directive 95/46/EC.

Or. fr

Amendment 165

Agnès Le Brun

Proposal for a regulation

Article 18 – title

Text proposed by the Commission

Co-financing

Amendment

Financing

Or. fr

Amendment 166

Sylvie Goulard, Verónica Lope Fontagné, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation

Article 18 – title

Text proposed by the Commission

Co-financing

Amendment

Financing

Or. en

Amendment 167
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 18 – title

Text proposed by the Commission

Amendment

Co-financing

Financing

Or. fr

Amendment 168
Agnès Le Brun

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. The ***co-financing*** rate at the level of the operational programme shall ***not be higher than 85%*** of the public eligible expenditure.

1. The ***financing*** rate at the level of the operational programme shall be ***100 %*** of the public eligible expenditure.

Or. fr

Amendment 169
Sylvie Goulard, Verónica Lope Fontagné, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. The ***co-financing*** rate at the level of the operational programme shall ***not be higher than 85%*** of the public eligible expenditure.

1. The ***financing*** rate at the level of the operational programme shall ***be 100%*** of the public eligible expenditure.

Justification

This Fund aims to provide emergency aid to people urgently in need. Therefore it makes sense to make it 100% financed by the Union. This ensures equal access to the Fund by all of Europe's citizens, irrespective of their Member State's budgetary situation.

Amendment 170

Vasilica Viorica Dăncilă

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. The **co-financing** rate at the level of the operational programme shall **not** be **higher than 85%** of the public eligible expenditure.

Amendment

1. The **financing** rate at the level of the operational programme shall be **set at 100%** of the public eligible expenditure.

Or. ro

Amendment 171

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. The **co-financing** rate at the level of the operational programme shall **not** be **higher than 85%** of the public eligible expenditure.

Amendment

1. The **financing** rate at the level of the operational programme shall be **100%** of the public eligible expenditure.

Or. fr

Amendment 172

Daciana Octavia Sârbu

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The co-financing rate at the level of the operational programme shall not be higher than **85%** of the public eligible expenditure.

Amendment

1. The co-financing rate at the level of the operational programme shall not be higher than **95%** of the public eligible expenditure.

Or. en

Amendment 173
Agnès Le Brun

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The Commission decision adopting an operational programme shall fix the co-financing rate applicable to the operational programme and the maximum amount of support from the Fund.

Amendment

deleted

Or. fr

Amendment 174

Sylvie Goulard, Verónica Lope Fontagné, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The Commission decision adopting an operational programme shall fix the co-financing rate applicable to the operational programme and the maximum amount of support from the

Amendment

deleted

Fund.

Or. en

Amendment 175

Agnès Le Brun

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. The technical assistance measures implemented at the initiative of, or on behalf of, the Commission may be financed at the rate of 100%.

deleted

Or. fr

Amendment 176

Wojciech Michał Olejniczak

Proposal for a regulation

Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The distribution of food to the most deprived people in rural areas may be financed at the rate of 100%.

Or. pl

Justification

It is very often in rural areas that people are living below the poverty line. Allowing 100% financing is likely to make it easier for local authorities to reach as many potential recipients of the Fund as possible.

Amendment 177

Agnès Le Brun

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Increase in payments for Member States with temporary budgetary difficulties

1. At the request of a Member State, interim payments and payments of the final balance may be increased by 10 percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

(a) where the Member State concerned has adopted the euro, it receives macro-financial assistance from the Union in accordance with Council Regulation (EU) No 407/2010;

(b) where the Member State concerned has not adopted the euro, it receives medium-term financial assistance in accordance with Council Regulation (EC) No 332/2002;

(c) financial assistance is made available to it in accordance with the Treaty establishing the European Stability Mechanism.

2. Notwithstanding paragraph 1, Union support through interim payments and payments of the final balance shall not be higher than the public support and the maximum amount of support from the Fund, as laid down in the Commission decision approving the operational programme.

Amendment 178

Sylvie Goulard, Verónica Lope Fontagné, Jürgen Klute, Marielle de Sarnez, Robert Rochefort, Jean-Luc Bennahmias, Nathalie Griesbeck, Ramon Tremosa i Balcells, Liam Aylward

Proposal for a regulation

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Increase in payments for Member States with temporary budgetary difficulties

1. At the request of a Member State, interim payments and payments of the final balance may be increased by 10 percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

(h) where the Member State concerned has adopted the euro, it receives macro-financial assistance from the Union in accordance with Council Regulation (EU) No 407/2010;

(i) where the Member State concerned has not adopted the euro, it receives medium-term financial assistance in accordance with Council Regulation (EC) No 332/2002;

(j) financial assistance is made available to it in accordance with the Treaty establishing the European Stability Mechanism.

2. Notwithstanding paragraph 1, Union support through interim payments and

payments of the final balance shall not be higher than the public support and the maximum amount of support from the Fund, as laid down in the Commission decision approving the operational programme.

Or. en

Amendment 179
Rareş-Lucian Niculescu

Proposal for a regulation
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. *At the request of a Member State, interim payments and payments of the final balance may be increased by 10 percentage points above the co-financing rate applicable to the operational programme.* The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

Amendment

1. **Member States facing temporary budget difficulties may, on request, benefit from a co-financing rate of 100%.** The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

Or. ro

Amendment 180
Luís Paulo Alves

Proposal for a regulation
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. At the request of a Member State, interim payments and payments of the final balance may be increased by **10** percentage

Amendment

1. At the request of a Member State, interim payments and payments of the final balance may be increased by **15** percentage

points above the co-financing rate applicable to the operational programme. The increased rate, which *can not* exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

points above the co-financing rate applicable to the operational programme. The increased rate, which *cannot* exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

Or. pt

Amendment 181
Daciana Octavia Sârbu

Proposal for a regulation
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. At the request of a Member State, interim payments and payments of the final balance may be increased by **10** percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

Amendment

1. At the request of a Member State, interim payments and payments of the final balance may be increased by **5** percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100%, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

Or. en

Amendment 182
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. Operations shall not be selected for

Amendment

2. Operations shall not be selected for

support by the operational programme where they have been physically completed or fully implemented before the application for funding under the operational programme is submitted by the beneficiary to the **managing** authority, irrespective of whether all related payments have been made by the beneficiary.

support by the operational programme where they have been physically completed or fully implemented before the application for funding under the operational programme is submitted by the beneficiary to the **competent** authority, irrespective of whether all related payments have been made by the beneficiary.

Or. fr

Amendment 183
Czesław Adam Siekierski

Proposal for a regulation
Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The food and the goods for **homeless** persons **or for children** may be purchased by the partner organisations themselves.

Amendment

The food and the goods for **the most deprived** persons may be purchased by the partner organisations themselves.

Or. pl

Justification

Some of the provisions in the draft regulation concerning target populations for aid might be interpreted in different ways. It is important therefore to clarify these provisions so as to avoid ambiguity. This amendment is intended to ensure that the provisions in the regulation are consistent, and to increase Member States' flexibility in determining which most deprived persons form the target population.

Amendment 184
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation
Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The food and the goods for **homeless persons or for children** may be purchased

Amendment

The food and the goods for **personal use by the end recipients** may be purchased by

by the partner organisations themselves.

the partner organisations themselves.

Or. fr

Amendment 185

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 21 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The food and the goods for *homeless persons or for children* may be purchased by the partner organisations themselves.

Amendment

The food and the goods for *the final beneficiaries of the Fund* may be purchased by the partner organisations themselves.

Or. fr

Amendment 186

Rareş-Lucian Niculescu

Proposal for a regulation

Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Material assistance may be provided in the form of vouchers exclusively intended for food purchases.

Or. ro

Amendment 187

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. That material assistance shall be

4. That *food and/or* material assistance

distributed free of charge to the most deprived persons.

shall *as a rule* be distributed free of charge to the most deprived persons. *Where the aims of providing such food and/or material assistance to the most deprived persons include furthering their integration or social rehabilitation, final beneficiaries may be charged a symbolic price not exceeding 10% of the market price.*

Or. fr

Amendment 188

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 21 – paragraph 4

Text proposed by the Commission

4. That material assistance shall be distributed free of charge to the most deprived persons.

Amendment

4. That material assistance shall be distributed free of charge to the most deprived persons, *or sold at a price no greater than 10% of the market price and not exceeding the distribution costs borne by the designated organisations.*

Or. fr

Amendment 189

Rachida Dati

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. An operation supported by the Fund shall not receive support from another Union instrument.

Amendment

deleted

Or. fr

Justification

The FEAD is broadening the tasks which partner organisations are required to carry out. They should accordingly be guaranteed maximum flexibility in their financing.

Amendment 190
Rareş-Lucian Niculescu

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

5. An operation supported by the Fund shall not receive support from another Union instrument.

Amendment

5. An operation supported by the Fund shall not receive support from another Union instrument. ***Beneficiaries may access other Union instruments for other types of operation that are not covered by this Regulation.***

Or. ro

Amendment 191
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic consumer goods for personal use of ***homeless persons or of children;***

Amendment

(a) the costs of purchasing food and basic consumer goods for ***the*** personal use of ***the final beneficiaries;***

Or. fr

Amendment 192
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic consumer goods for personal use of *homeless persons or of children*;

Amendment

(a) the costs of purchasing food and basic consumer goods for *the* personal use of *the final beneficiaries*;

Or. fr

Amendment 193

Daciana Octavia Sârbu

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic *consumer goods* for personal use of homeless persons or of children;

Amendment

(a) the costs of purchasing food and basic *goods as basic clothing items or blankets* for personal use of homeless persons or of *deprived* children ;

Or. en

Amendment 194

Czesław Adam Siekierski

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic consumer goods for personal use of *homeless persons or of children*;

Amendment

(a) the costs of purchasing food and basic consumer goods for personal use of *the most deprived* persons;

Or. pl

Justification

Some of the provisions in the draft regulation concerning target populations for aid might be interpreted in different ways. It is important therefore to clarify these provisions so as to avoid ambiguity. This amendment is intended to ensure that the provisions in the regulation

are consistent, and to increase Member States' flexibility in determining which most deprived persons form the target population.

Amendment 195
Wojciech Michał Olejniczak

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic consumer goods for personal use of homeless persons or of children;

Amendment

(a) the costs of purchasing food and basic consumer goods for personal use of homeless persons, **the elderly** or of children;

Or. pl

Amendment 196
Vasilica Viorica Dăncilă

Proposal for a regulation
Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the costs of purchasing food and basic consumer goods for personal use of homeless persons or of children;

Amendment

(a) the costs of purchasing food **meeting quality and food safety requirements** and basic consumer goods for personal use of homeless persons or of children;

Or. ro

Amendment 197
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation
Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) where a public body purchases the food

Amendment

(b) where a public body purchases the food

or basic consumer goods for personal use of *homeless persons or of children* and *provide* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

or basic consumer goods for *the* personal use of *the final beneficiaries* and *provides* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

Or. fr

Amendment 198
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) where a public body purchases the food or basic consumer goods for personal use of *homeless persons or of children* and *provide* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

Amendment

(b) where a public body purchases the food or basic consumer goods for *the* personal use of *the final beneficiaries* and *provides* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

Or. fr

Amendment 199
Czesław Adam Siekierski

Proposal for a regulation
Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) where a public body purchases the food or basic consumer goods for personal use of *homeless persons or of children* and *provide* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the

Amendment

(b) where a public body purchases the food or basic consumer goods for personal use of *the most deprived* persons and *provide* them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point

costs referred to in point (a);

(a);

Or. pl

Justification

Some of the provisions in the draft regulation concerning target populations for aid might be interpreted in different ways. It is important therefore to clarify these provisions so as to avoid ambiguity. This amendment is intended to ensure that the provisions in the regulation are consistent, and to increase Member States' flexibility in determining which most deprived persons form the target population.

Amendment 200

Wojciech Michał Olejniczak

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) where a public body purchases the food or basic consumer goods for personal use of homeless persons or of children and provide them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

Amendment

(b) where a public body purchases the food or basic consumer goods for personal use of homeless persons, *the elderly* or of children and provide them to partner organisations, the costs of transporting of food or goods to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

Or. pl

Amendment 201

Maria do Céu Patrão Neves

Proposal for a regulation

Article 24 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the costs of products which, without having consistently and recognisably proved to be economically the most favourable option, were comparable in

terms of value for money (and durability, where applicable) to the products or goods available;

Or. pt

Amendment 202
Agnès Le Brun

Proposal for a regulation
Article 24 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the costs of social inclusion activities undertaken and declared by the partner organisations delivering directly the material assistance to the most deprived persons at a flat rate of 5% of the costs referred to in point (a); *deleted*

Or. fr

Amendment 203
Wojciech Michał Olejniczak

Proposal for a regulation
Article 24 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) value added tax.

Or. pl

Justification

Many potential donors are discouraged from providing food and other goods to people in need because they are concerned about having to pay VAT. This is particularly the case for small businesses and associations. VAT should therefore be a fully eligible cost.

Amendment 204
Wojciech Michał Olejniczak

Proposal for a regulation
Article 24 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) value added tax. However, VAT amounts shall be eligible where they are not recoverable under national VAT legislation and are paid by a beneficiary other than a non-taxable person as defined in the first subparagraph of Article 13(1) of Council Directive 2006/112/EC.

deleted

Or. pl

Justification

A consequence of the amendment in paragraph 1.

Amendment 205
Rareș-Lucian Niculescu

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. At the initiative of the Member States, subject to a ceiling of **4 %** of the Fund allocation, the operational programme may finance preparation, management, monitoring, administrative and technical assistance, audit, information, control and evaluation measures necessary for implementing this Regulation. It may also finance technical assistance and capacity building of partner organisations.

2. At the initiative of the Member States, subject to a ceiling of **1 %** of the Fund allocation, the operational programme may finance preparation, management, monitoring, administrative and technical assistance, audit, information, control and evaluation measures necessary for implementing this Regulation. It may also finance technical assistance and capacity building of partner organisations.

Or. ro

Amendment 206

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

- 1. Member States shall carry out administrative and physical checks to ensure that operational programmes are implemented in compliance with the applicable rules and shall establish the penalties applicable in the event of irregularities.***
- 2. Member States shall fulfil the management, control and audit obligations and assume the resulting responsibilities laid down in the rules on shared management set out in the Financial Regulation and this Regulation.***
- 3. Member States shall prevent, detect and correct irregularities and shall recover amounts unduly paid, together with any interest on late payments.***
- 4. Member States shall establish and implement a procedure for the independent examination and resolution of complaints concerning the selection or implementation of operations cofinanced by the Fund.***

Or. fr

Amendment 207

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 26

Article 26

deleted

General principles of Member State management and control systems

Management and control systems shall provide for:

- (a) a description of the functions of each body concerned in management and control, and the allocation of functions within each body;**
- (b) compliance with the principle of separation of functions between and within such bodies;**
- (c) procedures for ensuring the correctness and regularity of expenditure declared;**
- (d) computerised systems for accounting, for the storage and transmission of financial data and data on indicators, for monitoring and for reporting;**
- (e) systems for reporting and monitoring where the responsible body entrusts execution of tasks to another body;**
- (f) arrangements for auditing the functioning of the management and control systems;**
- (g) systems and procedures to ensure an adequate audit trail;**
- (h) the prevention, detection and correction of irregularities, including fraud, and the recovery of amounts unduly paid, together with any interest;**

Or. fr

Amendment 208

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 27

Article 27

deleted

Responsibilities of Member States

1. Member States shall fulfil the management, control and audit obligations and assume the resulting responsibilities laid down in the rules on shared management set out in the Financial Regulation and this Regulation. In accordance with the principle of shared management, Member States shall be responsible for the management and control of operational programmes.

2. Member States shall prevent, detect and correct irregularities and shall recover amounts unduly paid, together with any interest on late payments. They shall notify these irregularities to the Commission and shall keep the Commission informed of the progress of related administrative and legal proceedings.

When amounts unduly paid to a beneficiary cannot be recovered and this is as a result of fault or negligence on the part of a Member State, the Member State shall be responsible for reimbursing the amounts concerned to the general budget of the Union.

The Commission shall be empowered to adopt delegated acts in accordance with Article 59 laying down detailed rules concerning the obligations of the Member States specified in this paragraph.

3. Member States shall establish and implement a procedure for the independent examination and resolution of complaints concerning the selection or implementation of operations co-financed by the Fund. Member States shall report the results of such examinations to the Commission upon request.

4. All official exchanges of information between the Member State and the Commission shall be carried out using an electronic data exchange system established in compliance with the terms and conditions laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 60(3).

Or. fr

Amendment 209
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 27

Text proposed by the Commission

Amendment

Article 27

deleted

Responsibilities of Member States

1. Member States shall fulfil the management, control and audit obligations and assume the resulting responsibilities laid down in the rules on shared management set out in the Financial Regulation and this Regulation. In accordance with the principle of shared management, Member States shall be responsible for the management and control of operational programmes.

2. Member States shall prevent, detect and correct irregularities and shall recover amounts unduly paid, together with any interest on late payments. They shall notify these irregularities to the Commission and shall keep the Commission informed of the progress of related administrative and legal proceedings.

When amounts unduly paid to a

beneficiary cannot be recovered and this is as a result of fault or negligence on the part of a Member State, the Member State shall be responsible for reimbursing the amounts concerned to the general budget of the Union.

The Commission shall be empowered to adopt delegated acts in accordance with Article 59 laying down detailed rules concerning the obligations of the Member States specified in this paragraph.

3. Member States shall establish and implement a procedure for the independent examination and resolution of complaints concerning the selection or implementation of operations co-financed by the Fund. Member States shall report the results of such examinations to the Commission upon request.

4. All official exchanges of information between the Member State and the Commission shall be carried out using an electronic data exchange system established in compliance with the terms and conditions laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 60(3).

Or. fr

Amendment 210

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Designation and organisation of management and control bodies

- 1. The Member State shall designate a national public authority or body as managing authority.***
- 2. The Member State shall designate a national public authority or body as a certifying authority, without prejudice to paragraph 3.***
- 3. The Member State may designate a managing authority which carries out in addition the functions of the certifying authority.***
- 4. The Member State shall designate a national public authority or body, functionally independent from the managing authority and the certifying authority, as audit authority.***
- 5. Provided that the principle of separation of functions is respected, the managing authority, the certifying authority, where applicable, and the audit authority may be part of the same public authority or body.***
- 6. The Member State may designate one or more intermediate bodies to carry out certain tasks of the managing or the certifying authority under the responsibility of that authority. The relevant arrangements between the managing authority or certifying authority and the intermediate bodies shall be formally recorded in writing.***
- 7. The Member State or the managing authority may entrust the management of part of the operational programme to an intermediate body by way of an agreement in writing between the intermediate body and the Member State or managing authority. The intermediate body shall provide guarantees of its solvency and competence in the domain concerned, as well as its administrative and financial management.***
- 8. The Member State shall lay down in writing rules governing its relations with the managing authority, certifying***

authority and audit authority, the relations between such authorities, and the relations of such authorities with the Commission.

Or. fr

Amendment 211
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Designation and organisation of management and control bodies

- 1. The Member State shall designate a national public authority or body as managing authority.*
- 2. The Member State shall designate a national public authority or body as a certifying authority, without prejudice to paragraph 3.*
- 3. The Member State may designate a managing authority which carries out in addition the functions of the certifying authority.*
- 4. The Member State shall designate a national public authority or body, functionally independent from the managing authority and the certifying authority, as audit authority.*
- 5. Provided that the principle of separation of functions is respected, the managing authority, the certifying authority, where applicable, and the audit authority may be part of the same public authority or body.*
- 6. The Member State may designate one or more intermediate bodies to carry out certain tasks of the managing or the*

certifying authority under the responsibility of that authority. The relevant arrangements between the managing authority or certifying authority and the intermediate bodies shall be formally recorded in writing.

7. The Member State or the managing authority may entrust the management of part of the operational programme to an intermediate body by way of an agreement in writing between the intermediate body and the Member State or managing authority. The intermediate body shall provide guarantees of its solvency and competence in the domain concerned, as well as its administrative and financial management.

8. The Member State shall lay down in writing rules governing its relations with the managing authority, certifying authority and audit authority, the relations between such authorities, and the relations of such authorities with the Commission.

Or. fr

Amendment 212

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Functions of the managing authority

1. The managing authority shall be responsible for managing the operational programme in accordance with the principle of sound financial management.

2. As regards the management of the operational programme, the managing

authority shall:

(a) draw up and submit to the Commission annual and final implementation reports;

(b) make available to intermediate bodies and beneficiaries information that is relevant to the execution of their tasks and the implementation of operations respectively;

(c) establish a system to record and store in computerised form data necessary for monitoring, evaluation, financial management, verification and audit;

(d) ensure that the data referred to in point (c) is collected, entered and stored in the system, in compliance with the provisions Directive 95/46/CE.

3. As regards the selection of operations, the managing authority shall:

(a) Draw up and apply appropriate selection procedures and criteria that are non-discriminatory and transparent;

(b) ensure that the selected operation:

(i) falls within the scope of the Fund and the operational programme;

(ii) fulfils the criteria set out in the operational programme and in Articles 20, 21 and 24;

(iii) takes into account the principles set out in Article 5(10), (11) and (12).

(c) provide to the beneficiary a document setting out the conditions for support of each operation including the specific requirements concerning the products or services to be delivered under the operation, the financing plan, and the time-limit for execution;

(d) satisfy itself that the beneficiary has the administrative, financial and operational capacity to fulfil the conditions defined in point (c) before approval of the operation;

(e) satisfy itself that, where the operation has started before the submission of an application for funding to the managing authority, Union and national rules relevant for the operation have been complied with;

(f) determine the type of material assistance to which the expenditure of an operation shall be attributed.

4. As regards the financial management and control of the operational programme, the managing authority shall:

(a) verify that the co-financed products and services have been delivered and that expenditure declared by the beneficiaries has been paid by them and that it complies with applicable Union and national law, the operational programme and the conditions for support of the operation;

(b) ensure that beneficiaries involved in the implementation of operations reimbursed pursuant to Article 23(1)(a) maintain either a separate accounting system or an adequate accounting code for all transactions relating to an operation;

(c) put in place effective and proportionate anti-fraud measures taking into account the risks identified;

(d) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements of Article 26(g);

(e) draw up the management declaration and annual summary referred to in Article 56 (5) (a) and (b) of the Financial Regulation.

5. Verifications pursuant to paragraph 4(a) shall include the following procedures:

(a) administrative verifications in respect of each application for reimbursement by beneficiaries;

(b) on-the-spot verifications of operations.

The frequency and coverage of the on-the-spot verifications shall be proportionate to the amount of public support to an operation and the level of risk identified by these verifications and audits by the audit authority for the management and control system as a whole.

6. On-the-spot verifications of individual operations pursuant to paragraph (5)(b) may be carried out on a sample basis.

7. Where the managing authority is also a beneficiary under the operational programme, arrangements for the verifications referred to in paragraph 4(a) shall ensure adequate separation of functions.

8. The Commission shall adopt delegated acts, in accordance with Article 59, laying down the modalities of the exchange of information in paragraph 2(c).

9. The Commission shall adopt delegated acts, in accordance with Article 59, laying down rules concerning arrangements for the audit trail referred to in paragraph 4(d).

10. The Commission shall adopt, by means of implementing acts, the template for the management declaration referred to in paragraph 4(e). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

Or. fr

Amendment 213
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Functions of the managing authority

1. The managing authority shall be responsible for managing the operational programme in accordance with the principle of sound financial management.

2. As regards the management of the operational programme, the managing authority shall:

(a) draw up and submit to the Commission annual and final implementation reports;

(b) make available to intermediate bodies and beneficiaries information that is relevant to the execution of their tasks and the implementation of operations respectively;

(c) establish a system to record and store in computerised form data necessary for monitoring, evaluation, financial management, verification and audit;

(d) ensure that the data referred to in point (c) is collected, entered and stored in the system, in compliance with the provisions Directive 95/46/CE.

3. As regards the selection of operations, the managing authority shall:

(a) Draw up and apply appropriate selection procedures and criteria that are non-discriminatory and transparent;

(b) ensure that the selected operation:

(i) falls within the scope of the Fund and the operational programme;

(ii) fulfils the criteria set out in the operational programme and in Articles 20, 21 and 24;

(iii) takes into account the principles set

out in Article 5(10), (11) and (12).

(c) provide to the beneficiary a document setting out the conditions for support of each operation including the specific requirements concerning the products or services to be delivered under the operation, the financing plan, and the time-limit for execution;

(d) satisfy itself that the beneficiary has the administrative, financial and operational capacity to fulfil the conditions defined in point (c) before approval of the operation;

(e) satisfy itself that, where the operation has started before the submission of an application for funding to the managing authority, Union and national rules relevant for the operation have been complied with;

(f) determine the type of material assistance to which the expenditure of an operation shall be attributed.

4. As regards the financial management and control of the operational programme, the managing authority shall:

(a) verify that the co-financed products and services have been delivered and that expenditure declared by the beneficiaries has been paid by them and that it complies with applicable Union and national law, the operational programme and the conditions for support of the operation;

(b) ensure that beneficiaries involved in the implementation of operations reimbursed pursuant to Article 23(1)(a) maintain either a separate accounting system or an adequate accounting code for all transactions relating to an operation;

(c) put in place effective and proportionate anti-fraud measures taking into account the risks identified;

(d) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements of Article 26(g);

(e) draw up the management declaration and annual summary referred to in Article 56 (5) (a) and (b) of the Financial Regulation.

5. Verifications pursuant to paragraph 4(a) shall include the following procedures:

(a) administrative verifications in respect of each application for reimbursement by beneficiaries;

(b) on-the-spot verifications of operations.

The frequency and coverage of the on-the-spot verifications shall be proportionate to the amount of public support to an operation and the level of risk identified by these verifications and audits by the audit authority for the management and control system as a whole.

6. On-the-spot verifications of individual operations pursuant to paragraph (5)(b) may be carried out on a sample basis.

7. Where the managing authority is also a beneficiary under the operational programme, arrangements for the verifications referred to in paragraph 4(a) shall ensure adequate separation of functions.

8. The Commission shall adopt delegated acts, in accordance with Article 59, laying down the modalities of the exchange of information in paragraph 2(c).

9. The Commission shall adopt delegated acts, in accordance with Article 59, laying down rules concerning arrangements for the audit trail referred to in paragraph 4(d).

10. The Commission shall adopt, by

means of implementing acts, the template for the management declaration referred to in paragraph 4(e). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

Or. fr

Amendment 214

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Functions of the certifying authority

The certifying authority shall be responsible in particular for the following:

- 1. drawing up and submitting to the Commission payment applications and certifying that these result from reliable accounting systems, are based on verifiable supporting documents and have been subject to verifications by the managing authority;*
- 2. drawing up the annual accounts referred to in Article 56 (5) (a) of the Financial Regulation;*
- 3. certifying the completeness, accuracy and veracity of the annual accounts and that the expenditure entered in the accounts complies with applicable Union and national rules and has been incurred in respect of operations selected for funding in accordance to the criteria applicable to the operational programme and complying with Union and national rules;*
- 4. ensuring that there is a system which*

records and stores, in computerised form, accounting records for each operation, and which supports all the data required for drawing up payment applications and annual accounts, including records of amounts recoverable, amounts recovered and amounts withdrawn following cancellation of all or part of the contribution for an operation or the operational programme;

5. ensuring for the purposes of drawing up and submission of payment applications that it has received adequate information from the managing authority on the procedures and verifications carried out in relation to expenditure;

6. taking into account when drawing up and submitting payment applications the results of all audits carried out by or under the responsibility of the audit authority;

7. maintaining accounting records in a computerised form of expenditure declared to the Commission and the corresponding public contribution paid to the beneficiaries;

8. keeping an account of amounts recoverable and of amounts withdrawn following cancellation of all or part of the contribution for an operation. Amounts recovered shall be repaid to the general budget of the Union prior to the closure of the operational programme by deducting them from the next statement of expenditure.

Or. fr

Amendment 215
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Functions of the certifying authority

The certifying authority shall be responsible in particular for the following:

- 1. drawing up and submitting to the Commission payment applications and certifying that these result from reliable accounting systems, are based on verifiable supporting documents and have been subject to verifications by the managing authority;*
- 2. drawing up the annual accounts referred to in Article 56 (5) (a) of the Financial Regulation;*
- 3. certifying the completeness, accuracy and veracity of the annual accounts and that the expenditure entered in the accounts complies with applicable Union and national rules and has been incurred in respect of operations selected for funding in accordance to the criteria applicable to the operational programme and complying with Union and national rules;*
- 4. ensuring that there is a system which records and stores, in computerised form, accounting records for each operation, and which supports all the data required for drawing up payment applications and annual accounts, including records of amounts recoverable, amounts recovered and amounts withdrawn following cancellation of all or part of the contribution for an operation or the operational programme;*
- 5. ensuring for the purposes of drawing up and submission of payment applications that it has received adequate information from the managing authority*

on the procedures and verifications carried out in relation to expenditure;

6. taking into account when drawing up and submitting payment applications the results of all audits carried out by or under the responsibility of the audit authority;

7. maintaining accounting records in a computerised form of expenditure declared to the Commission and the corresponding public contribution paid to the beneficiaries;

8. keeping an account of amounts recoverable and of amounts withdrawn following cancellation of all or part of the contribution for an operation. Amounts recovered shall be repaid to the general budget of the Union prior to the closure of the operational programme by deducting them from the next statement of expenditure.

Or. fr

Amendment 216
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Functions of the audit authority

1. The audit authority shall ensure that audits are carried out on the management and control systems, on an appropriate sample of operations and on the annual accounts.

The Commission shall be empowered to adopt delegated acts in accordance with Article 59 to set out the conditions which those audits shall fulfil.

- 2. Where audits are carried out by a body other than the audit authority, the audit authority shall ensure that any such body has the necessary functional independence.***
- 3. The audit authority shall ensure that audit work takes account of internationally accepted audit standards.***
- 4. The audit authority shall, within six months of adoption of the operational programme, prepare an audit strategy for performance of audits. The audit strategy shall set out the audit methodology, the sampling method for audits on operations and the planning of audits in relation to the current accounting year and the two subsequent accounting years. The audit strategy shall be updated annually from 2016 until and including 2022. The audit authority shall submit the audit strategy to the Commission upon request.***
- 5. The audit authority shall draw up the following:***
- (a) an audit opinion in accordance with Article 56 (5) of the Financial Regulation; (s)***
- (b) an annual control report setting out the findings of the audits carried out during the preceding accounting year.***
- The report under point (b) shall set out any deficiencies found in the management and control system and any corrective measures taken or proposed to be taken.***
- 6. The Commission shall adopt, by means of implementing acts, models for the audit strategy, the audit opinion and the annual control report, as well as the methodology for the sampling method referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 60(3).***
- 7. Implementing rules concerning the use of data collected during audits carried out***

by Commission officials or authorised Commission representatives shall be adopted by the Commission in accordance with the examination procedure referred to in Article 60(3).

Or. fr

Amendment 217
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Functions of the audit authority

1. The audit authority shall ensure that audits are carried out on the management and control systems, on an appropriate sample of operations and on the annual accounts.

The Commission shall be empowered to adopt delegated acts in accordance with Article 59 to set out the conditions which those audits shall fulfil.

2. Where audits are carried out by a body other than the audit authority, the audit authority shall ensure that any such body has the necessary functional independence.

3. The audit authority shall ensure that audit work takes account of internationally accepted audit standards.

4. The audit authority shall, within six months of adoption of the operational programme, prepare an audit strategy for performance of audits. The audit strategy shall set out the audit methodology, the sampling method for audits on operations and the planning of audits in relation to the current accounting year and the two

subsequent accounting years. The audit strategy shall be updated annually from 2016 until and including 2022. The audit authority shall submit the audit strategy to the Commission upon request.

5. The audit authority shall draw up the following:

(a) an audit opinion in accordance with Article 56 (5) of the Financial Regulation; (s)

(b) an annual control report setting out the findings of the audits carried out during the preceding accounting year.

The report under point (b) shall set out any deficiencies found in the management and control system and any corrective measures taken or proposed to be taken.

6. The Commission shall adopt, by means of implementing acts, models for the audit strategy, the audit opinion and the annual control report, as well as the methodology for the sampling method referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 60(3).

7. Implementing rules concerning the use of data collected during audits carried out by Commission officials or authorised Commission representatives shall be adopted by the Commission in accordance with the examination procedure referred to in Article 60(3).

Or. fr

Amendment 218

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefoux

**Proposal for a regulation
Article 32**

Article 32

deleted

Procedure for designation of the managing and the certifying authorities

- 1. Member states shall notify to the Commission the date and form of the designation of the managing authority and, where appropriate the certifying authority, within six months of the adoption of decision adopting the operational programme.***
- 2. The designation referred to in paragraph 1 shall be based on a report and an opinion of an independent audit body that assesses the management and control system, including the role of intermediate bodies therein, and its compliance with Articles 26, 27, 29 and 30, in accordance with criteria on internal environment, control activities, information and communication, and monitoring established by the Commission by means of delegated act in accordance with Article 59.***
- 3. The independent body shall carry out its work in accordance with internationally accepted audit standards.***
- 4. Member States may decide that a managing authority or a certifying authority which has been designated in relation to an ESF co-financed operational programme pursuant to Regulation (EU) No [CPR] is deemed to be designated for the purposes of this Regulation.***

The Commission may request, within two months of receipt of the notification referred to in paragraph 1, the report and the opinion of the independent audit body and the description of the management and control system.

The Commission may make observations within two months of receipt of those

documents.

5. The Member State shall supervise the designated body and withdraw its designation by formal decision if one or more of the criteria referred to in paragraph 2 are no longer met, unless the body takes the necessary remedial actions within a period of probation to be determined by the Member State according to the severity of the problem. The Member State shall notify the Commission immediately of the setting of any probation period for a designated body and of any withdrawal decision.

Or. fr

Amendment 219
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Procedure for designation of the managing and the certifying authorities

1. Member states shall notify to the Commission the date and form of the designation of the managing authority and, where appropriate the certifying authority, within six months of the adoption of decision adopting the operational programme.

2. The designation referred to in paragraph 1 shall be based on a report and an opinion of an independent audit body that assesses the management and control system, including the role of intermediate bodies therein, and its compliance with Articles 26, 27, 29 and 30, in accordance with criteria on internal environment, control activities,

information and communication, and monitoring established by the Commission by means of delegated act in accordance with Article 59.

3. The independent body shall carry out its work in accordance with internationally accepted audit standards.

4. Member States may decide that a managing authority or a certifying authority which has been designated in relation to an ESF co-financed operational programme pursuant to Regulation (EU) No [CPR] is deemed to be designated for the purposes of this Regulation.

The Commission may request, within two months of receipt of the notification referred to in paragraph 1, the report and the opinion of the independent audit body and the description of the management and control system.

The Commission may make observations within two months of receipt of those documents.

5. The Member State shall supervise the designated body and withdraw its designation by formal decision if one or more of the criteria referred to in paragraph 2 are no longer met, unless the body takes the necessary remedial actions within a period of probation to be determined by the Member State according to the severity of the problem. The Member State shall notify the Commission immediately of the setting of any probation period for a designated body and of any withdrawal decision.

Or. fr

Amendment 220

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Commission powers and responsibilities

1. The Commission shall satisfy itself on the basis of available information, including the information on the designation of the managing authority and the certifying authority, annual management declaration, annual control reports, annual audit opinion, annual implementation report and audits carried out by national and Union bodies, that the Member States have set up management and control systems that comply with this Regulation and that these systems function effectively during the implementation of operational programme.

2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot audits or checks upon giving adequate prior notice. The scope of such audits or checks may include, in particular, verification of the effective functioning of management and control systems in an operational programme or a part thereof, operations and assessment of the sound financial management of operations or operational programme. Officials or authorised representatives of the Member State may take part in such audits.

Commission officials or authorised Commission representatives, duly empowered to carry out on-the-spot audits, shall have access to all records, documents and metadata, irrespective of the medium in which they are stored, relating to operations supported by the Fund or to management and control systems. Member States shall provide

copies of such records, documents and metadata to the Commission upon request.

The powers set out in this paragraph shall not affect the application of national provisions which reserve certain acts for agents specifically designated by national legislation. Commission officials and authorised representatives shall not take part, inter alia, in home visits or the formal questioning of persons within the framework of national legislation. However, they shall have access to the information thus obtained.

3. The Commission may require a Member State to take the actions necessary to ensure the effective functioning of their management and control systems or the correctness of expenditure in accordance with this Regulation.

4. The Commission may require a Member State to examine a complaint submitted to the Commission concerning the implementation of operations co-financed by the Fund or the functioning of the management and control system.

Or. fr

Amendment 221
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Commission powers and responsibilities

1. The Commission shall satisfy itself on the basis of available information, including the information on the designation of the managing authority

and the certifying authority, annual management declaration, annual control reports, annual audit opinion, annual implementation report and audits carried out by national and Union bodies, that the Member States have set up management and control systems that comply with this Regulation and that these systems function effectively during the implementation of operational programme.

2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot audits or checks upon giving adequate prior notice. The scope of such audits or checks may include, in particular, verification of the effective functioning of management and control systems in an operational programme or a part thereof, operations and assessment of the sound financial management of operations or operational programme. Officials or authorised representatives of the Member State may take part in such audits.

Commission officials or authorised Commission representatives, duly empowered to carry out on-the-spot audits, shall have access to all records, documents and metadata, irrespective of the medium in which they are stored, relating to operations supported by the Fund or to management and control systems. Member States shall provide copies of such records, documents and metadata to the Commission upon request.

The powers set out in this paragraph shall not affect the application of national provisions which reserve certain acts for agents specifically designated by national legislation. Commission officials and authorised representatives shall not take part, inter alia, in home visits or the formal questioning of persons within the framework of national legislation.

However, they shall have access to the information thus obtained.

3. The Commission may require a Member State to take the actions necessary to ensure the effective functioning of their management and control systems or the correctness of expenditure in accordance with this Regulation.

4. The Commission may require a Member State to examine a complaint submitted to the Commission concerning the implementation of operations co-financed by the Fund or the functioning of the management and control system.

Or. fr

Amendment 222

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Cooperation with audit authority

1. The Commission shall cooperate with audit authorities to coordinate their audit plans and methods and shall immediately exchange the results of audits carried out on management and control systems.

2. The Commission and the audit authority shall meet on a regular basis and at least once a year, unless otherwise agreed, to examine the annual control report, the opinion and the audit strategy, and to exchange views on issues relating to improvement of the management and control systems.

Amendment 223
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Cooperation with audit authority

1. The Commission shall cooperate with audit authorities to coordinate their audit plans and methods and shall immediately exchange the results of audits carried out on management and control systems.

2. The Commission and the audit authority shall meet on a regular basis and at least once a year, unless otherwise agreed, to examine the annual control report, the opinion and the audit strategy, and to exchange views on issues relating to improvement of the management and control systems.

Amendment 224
Rareş-Lucian Niculescu

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission and the audit authority shall meet **on a regular basis and at least once a year, unless otherwise agreed**, to examine the annual control report, the opinion and the audit strategy, and to exchange views on issues relating to improvement of the management and

2. The Commission and the audit authority shall meet **where necessary** to examine the annual control report, the opinion and the audit strategy, and to exchange views on issues relating to improvement of the management and control systems.

control systems.

Or. ro

Amendment 225

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

1. **Managing** authority shall ensure that, in the case of grants to partner organisations, beneficiaries are provided with a flow sufficient to ensure proper implementation of the operations.

Amendment

1. **The competent** authority shall ensure that, in the case of grants to partner organisations, beneficiaries are provided with a flow sufficient to ensure proper implementation of the operations.

Or. fr

Amendment 226

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. **Managing** authority shall ensure that the beneficiaries receive the total amount of public support as quickly as possible and in full and in any event before the inclusion of the corresponding expenditure in the payment application. No amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce these amounts for the beneficiaries.

Amendment

2. **The competent** authority shall ensure that the beneficiaries receive the total amount of public support as quickly as possible and in full and in any event before the inclusion of the corresponding expenditure in the payment application. No amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce these amounts for the beneficiaries.

Or. fr

Amendment 227

Daciana Octavia Sârbu

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision adopting the operational programme, a pre-financing amounting **11%** of the Fund overall contribution to the operational programme concerned shall be paid by the Commission.

Amendment

1. Following the Commission decision adopting the operational programme, a pre-financing amounting **20%** of the Fund overall contribution to the operational programme concerned shall be paid by the Commission.

Or. en

Amendment 228
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

1. The **certifying** authority shall submit on a regular basis an application for interim payment covering amounts entered in its accounts as public support paid to beneficiaries in the accounting year ending 30 June.

Amendment

1. The **competent** authority shall submit on a regular basis an application for interim payment covering amounts entered in its accounts as public support paid to beneficiaries in the accounting year ending 30 June.

Or. fr

Amendment 229
Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The **certifying** authority shall submit the final application for interim payment by 31 July following the end of the previous accounting year and, in any event, before the first application for interim payment for

Amendment

2. The **competent** authority shall submit the final application for interim payment by 31 July following the end of the previous accounting year and, in any event, before the first application for interim payment for

the next accounting year.

the next accounting year.

Or. fr

Amendment 230

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 42 – paragraph 3

Text proposed by the Commission

Amendment

3. The first application for interim payment shall not be made before the notification to the Commission of the designation of the ***managing authority and the certifying authority*** in accordance to Article 32(1).

3. The first application for interim payment shall not be made before the notification to the Commission of the designation of the ***competent authorities*** in accordance to Article 32(1)

Or. fr

Amendment 231

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Interruption of the time limit payment

1. The time limit for the payment of an interim payment claim may be interrupted by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of nine months when the following conditions are met:

(a) on the basis of the information provided by a national or Union audit body, there is evidence to suggest a significant deficiency in the functioning

of the management and control system;
(b) the authorising officer by delegation has to carry out additional verifications following information coming to his attention alerting him that expenditure in a request for payment is linked to an irregularity having serious financial consequences;

(c) there is a failure to submit one of the documents required under Article 45(1).

2. The authorising officer by delegation may limit the interruption to the part of the expenditure covered by the payment claim affected by the elements referred to in paragraph 1. The authorising officer by delegation shall inform the Member State and the managing authority immediately of the reason for interruption and shall ask them to remedy the situation. The interruption shall be ended by the authorising officer by delegation as soon as the necessary measures have been taken.

Or. fr

Amendment 232
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Interruption of the time limit payment

1. The time limit for the payment of an interim payment claim may be interrupted by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of nine months when the following conditions are met:

(a) on the basis of the information provided by a national or Union audit body, there is evidence to suggest a significant deficiency in the functioning of the management and control system;

(b) the authorising officer by delegation has to carry out additional verifications following information coming to his attention alerting him that expenditure in a request for payment is linked to an irregularity having serious financial consequences;

(c) there is a failure to submit one of the documents required under Article 45(1).

2. The authorising officer by delegation may limit the interruption to the part of the expenditure covered by the payment claim affected by the elements referred to in paragraph 1. The authorising officer by delegation shall inform the Member State and the managing authority immediately of the reason for interruption and shall ask them to remedy the situation. The interruption shall be ended by the authorising officer by delegation as soon as the necessary measures have been taken.

Or. fr

Amendment 233

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments

1. All or part of the interim payments may be suspended by the Commission where:

(a) there is a serious deficiency in the

management and control system of the operational programme for which corrective measures have not been taken;

(b) expenditure in a statement of expenditure is linked to an irregularity having serious financial consequences which has not been corrected;

(c) the Member State has failed to take the necessary action to remedy the situation giving rise to an interruption under Article 43;

(d) there is a serious deficiency in the quality and reliability of the monitoring system or of the data on indicators.

2. The Commission may decide, by means of implementing acts, to suspend all or part of interim payments, after having given the Member State the opportunity to present its observations.

3. The Commission shall end suspension of all or part of interim payments where the Member State has taken the necessary measures to enable the suspension to be lifted.

Or. fr

Amendment 234

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments

1. All or part of the interim payments may be suspended by the Commission where:

(a) there is a serious deficiency in the management and control system of the operational programme for which

corrective measures have not been taken;

(b) expenditure in a statement of expenditure is linked to an irregularity having serious financial consequences which has not been corrected;

(c) the Member State has failed to take the necessary action to remedy the situation giving rise to an interruption under Article 43;

(d) (cc) there is a serious deficiency in the quality and reliability of the monitoring system or of the data on indicators.

2. The Commission may decide, by means of implementing acts, to suspend all or part of interim payments, after having given the Member State the opportunity to present its observations.

3. The Commission shall end suspension of all or part of interim payments where the Member State has taken the necessary measures to enable the suspension to be lifted.

Or. fr

Amendment 235

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 46 – paragraph 1 – point a

Text proposed by the Commission

(a) the total amount of eligible expenditure entered into the accounts of the **certifying** authority as having been incurred and paid by beneficiaries in implementing operations, the total amount of public eligible expenditure incurred in implementing operations and the corresponding eligible public contribution which has been paid to beneficiaries;

Amendment

(a) the total amount of eligible expenditure entered into the accounts of the **competent** authority as having been incurred and paid by beneficiaries in implementing operations, the total amount of public eligible expenditure incurred in implementing operations and the corresponding eligible public contribution which has been paid to beneficiaries;

Amendment 236

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. The **certifying** authority may specify in the accounts a provision, which shall not exceed 5 % of the total expenditure in payment applications presented for a given accounting year, where the assessment of the legality and regularity of the expenditure is subject to an on-going procedure with the audit authority. The amount covered shall be excluded from the total amount of eligible expenditure referred to in paragraph 1(a). These amounts shall be definitively included in, or excluded from, the annual accounts of the following year.

Amendment

2. The **competent** authority may specify in the accounts a provision, which shall not exceed 5 % of the total expenditure in payment applications presented for a given accounting year, where the assessment of the legality and regularity of the expenditure is subject to an on-going procedure with the audit authority. The amount covered shall be excluded from the total amount of eligible expenditure referred to in paragraph 1(a). These amounts shall be definitively included in, or excluded from, the annual accounts of the following year.

Amendment 237

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 48

Text proposed by the Commission

Article 48

Availability of documents

1. The managing authority shall ensure that all supporting documents on operations are made available to the Commission and the European Court of Auditors upon request for a period of three years. This three year period shall

Amendment

deleted

run from 31 December of the year of the decision on acceptance of accounts by the Commission pursuant to Article 47 or, at the latest, from the date of payment of the final balance.

This three year period shall be interrupted either in the case of legal or administrative proceedings or by a duly justified request of the Commission.

2. The documents shall be kept either in the form of the originals, or certified true copies of the originals, or on commonly accepted data carriers including electronic versions of original documents or documents existing in electronic version only.

3. The documents shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 59 to set out which data carriers can be considered as commonly accepted.

5. The procedure for certification of conformity of documents held on commonly accepted data carriers with the original document shall be laid down by the national authorities and shall ensure that the versions held comply with national legal requirements and can be relied on for audit purposes.

6. Where documents exist in electronic version only, the computer systems used must meet accepted security standards that ensure that the documents held comply with national legal requirements and can be relied on for audit purposes.

Or. fr

Amendment 238
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 48

Text proposed by the Commission

Amendment

Article 48

deleted

Availability of documents

1. The managing authority shall ensure that all supporting documents on operations are made available to the Commission and the European Court of Auditors upon request for a period of three years. This three year period shall run from 31 December of the year of the decision on acceptance of accounts by the Commission pursuant to Article 47 or, at the latest, from the date of payment of the final balance.

This three year period shall be interrupted either in the case of legal or administrative proceedings or by a duly justified request of the Commission.

2. The documents shall be kept either in the form of the originals, or certified true copies of the originals, or on commonly accepted data carriers including electronic versions of original documents or documents existing in electronic version only.

3. The documents shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 59 to set out which data carriers can be considered as commonly accepted.

5. The procedure for certification of conformity of documents held on commonly accepted data carriers with the

original document shall be laid down by the national authorities and shall ensure that the versions held comply with national legal requirements and can be relied on for audit purposes.

6. Where documents exist in electronic version only, the computer systems used must meet accepted security standards that ensure that the documents held comply with national legal requirements and can be relied on for audit purposes.

Or. fr

Amendment 239

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State shall make the financial corrections required in connection with individual or systemic irregularities detected in operations or the operational programme. Financial corrections shall consist of cancelling all or part of the public contribution to an operation or the operational programme. The Member State shall take into account the nature and gravity of the irregularities and the financial loss to the Fund and shall apply a proportionate correction. Financial corrections shall be recorded in the annual accounts by the managing authority for the accounting year in which the cancellation is decided.

deleted

Or. fr

Amendment 240

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State shall make the financial corrections required in connection with individual or systemic irregularities detected in operations or the operational programme. Financial corrections shall consist of cancelling all or part of the public contribution to an operation or the operational programme. The Member State shall take into account the nature and gravity of the irregularities and the financial loss to the Fund and shall apply a proportionate correction. Financial corrections shall be recorded in the annual accounts by the managing authority for the accounting year in which the cancellation is decided.

deleted

Or. fr

Amendment 241

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. The contribution from the Fund cancelled in accordance with paragraph 2 may be reused by the Member State within the operational programme concerned, subject to paragraph 4.

deleted

Or. fr

Amendment 242

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. The contribution from the Fund cancelled in accordance with paragraph 2 may be reused by the Member State within the operational programme concerned, subject to paragraph 4. *deleted*

Or. fr

Amendment 243

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation
Article 50 – paragraph 4

Text proposed by the Commission

Amendment

4. The contribution cancelled in accordance with paragraph 2 may not be reused for any operation that was the subject of the correction or, where a financial correction is made for a systemic irregularity, for any operation affected by the systemic irregularity. *deleted*

Or. fr

Amendment 244

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 50 – paragraph 4

Text proposed by the Commission

Amendment

4. The contribution cancelled in accordance with paragraph 2 may not be reused for any operation that was the subject of the correction or, where a financial correction is made for a *deleted*

systemic irregularity, for any operation affected by the systemic irregularity.

Or. fr

Amendment 245

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

Amendment

5. A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under the present Article. *deleted*

Or. fr

Amendment 246

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

Amendment

5. A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under the present Article. *deleted*

Or. fr

Amendment 247

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

Financial corrections by the Commission

1. The Commission shall make financial corrections, by means of implementing act, by cancelling all or part of the Union contribution to an operational programme and effecting recovery from the Member State in order to exclude from Union financing expenditure which is in breach of applicable Union and national law, including in relation to deficiencies in the management and control systems of Member States which have been detected by the Commission or the European Court of Auditors.

2. A breach of applicable Union or national law shall lead to a financial correction only when one of the following conditions is met:

(pp) the breach has or could have affected the selection of an operation by the managing authority for support by the Fund;

(qq) the breach has or could have affected the amount of expenditure declared for reimbursement by the Union budget.

Or. fr

Amendment 248

Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation

Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

Financial corrections by the Commission

1. The Commission shall make financial

corrections, by means of implementing act, by cancelling all or part of the Union contribution to an operational programme and effecting recovery from the Member State in order to exclude from Union financing expenditure which is in breach of applicable Union and national law, including in relation to deficiencies in the management and control systems of Member States which have been detected by the Commission or the European Court of Auditors.

2. A breach of applicable Union or national law shall lead to a financial correction only when one of the following conditions is met:

(pp) the breach has or could have affected the selection of an operation by the managing authority for support by the Fund;

(qq) the breach has or could have affected the amount of expenditure declared for reimbursement by the Union budget.

Or. fr

Amendment 249

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

Criteria for financial correction by the Commission

1. The Commission shall make financial corrections after carrying out the necessary examination, it concludes that:

(rr) there is a serious deficiency in the management and control system of the operational programme which has put at

risk the Union contribution already paid to the operational programme;

(ss) the Member State has not complied with its obligations under Article 50 prior to the opening of the correction procedure under this paragraph;

(tt) expenditure contained in a payment application is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph.

The Commission shall base its financial corrections on individual cases of irregularity identified and shall take account of whether an irregularity is systemic. When it is not possible to quantify precisely the amount of irregular expenditure charged to the Fund, the Commission shall apply a flat rate or extrapolated financial correction.

2. The Commission shall, when deciding the amount of a correction under paragraph 1, take account of the nature and gravity of the irregularity and the extent and financial implications of the deficiencies in management and control systems found in the operational programme.

3. Where the Commission bases its position on reports of auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences after examining the measures taken by the Member State concerned under Article 50(2), the notifications sent under Article 27(2), and any replies from the Member State.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 59 establishing the criteria for establishing the level of financial correction to be applied.

Or. fr

Amendment 250
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

Criteria for financial correction by the Commission

1. The Commission shall make financial corrections after carrying out the necessary examination, it concludes that:

(rr) there is a serious deficiency in the management and control system of the operational programme which has put at risk the Union contribution already paid to the operational programme;

(ss) the Member State has not complied with its obligations under Article 50 prior to the opening of the correction procedure under this paragraph;

(tt) expenditure contained in a payment application is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph.

The Commission shall base its financial corrections on individual cases of irregularity identified and shall take account of whether an irregularity is systemic. When it is not possible to quantify precisely the amount of irregular expenditure charged to the Fund, the Commission shall apply a flat rate or extrapolated financial correction.

2. The Commission shall, when deciding the amount of a correction under paragraph 1, take account of the nature and gravity of the irregularity and the extent and financial implications of the deficiencies in management and control

systems found in the operational programme.

3. Where the Commission bases its position on reports of auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences after examining the measures taken by the Member State concerned under Article 50(2), the notifications sent under Article 27(2), and any replies from the Member State.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 59 establishing the criteria for establishing the level of financial correction to be applied.

Or. fr

Amendment 251

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 53

Text proposed by the Commission

Amendment

Article 53

deleted

Procedure for financial corrections by the Commission

1. Before taking a decision on a financial correction, the Commission shall launch the procedure by informing the Member State of the provisional conclusions of its examination and requesting the Member State to submit its comments within two months.

2. Where the Commission proposes a financial correction on the basis of extrapolation or a flat rate, the Member State shall be given the opportunity to demonstrate, through an examination of the documentation concerned, that the actual extent of irregularity is less than

the Commission's assessment. In agreement with the Commission, the Member State may limit the scope of this examination to an appropriate proportion or sample of the documentation concerned. Except in duly justified cases, the time allowed for this examination shall not exceed a further period of two months after the two-month period referred to in paragraph 1.

3. The Commission shall take account of any evidence supplied by the Member State within the time limits set out in paragraphs 1 and 2.

4. Where the Member State does not accept the provisional conclusions of the Commission, the Member State shall be invited to a hearing by the Commission, in order to ensure that all relevant information and observations are available as a basis for conclusions by the Commission on the application of the financial correction.

5. In order to apply financial corrections the Commission shall take a decision, by means of implementing acts, within six months of the date of the hearing, or of the date of receipt of additional information where the Member State agrees to submit such additional information following the hearing. The Commission shall take account of all information and observations submitted during the course of the procedure. If no hearing takes place, the six month period shall begin to run two months after the date of the letter of invitation to the hearing sent by the Commission.

6. Where irregularities affecting annual accounts sent to the Commission are detected by the Commission or by the European Court of Auditors, the resulting financial correction shall reduce support from the Fund to the operational programme.

Amendment 252
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 53

Text proposed by the Commission

Amendment

Article 53

deleted

Procedure for financial corrections by the Commission

1. Before taking a decision on a financial correction, the Commission shall launch the procedure by informing the Member State of the provisional conclusions of its examination and requesting the Member State to submit its comments within two months.

2. Where the Commission proposes a financial correction on the basis of extrapolation or a flat rate, the Member State shall be given the opportunity to demonstrate, through an examination of the documentation concerned, that the actual extent of irregularity is less than the Commission's assessment. In agreement with the Commission, the Member State may limit the scope of this examination to an appropriate proportion or sample of the documentation concerned. Except in duly justified cases, the time allowed for this examination shall not exceed a further period of two months after the two-month period referred to in paragraph 1.

3. The Commission shall take account of any evidence supplied by the Member State within the time limits set out in paragraphs 1 and 2.

4. Where the Member State does not accept the provisional conclusions of the Commission, the Member State shall be

invited to a hearing by the Commission, in order to ensure that all relevant information and observations are available as a basis for conclusions by the Commission on the application of the financial correction.

5. In order to apply financial corrections the Commission shall take a decision, by means of implementing acts, within six months of the date of the hearing, or of the date of receipt of additional information where the Member State agrees to submit such additional information following the hearing. The Commission shall take account of all information and observations submitted during the course of the procedure. If no hearing takes place, the six month period shall begin to run two months after the date of the letter of invitation to the hearing sent by the Commission.

6. Where irregularities affecting annual accounts sent to the Commission are detected by the Commission or by the European Court of Auditors, the resulting financial correction shall reduce support from the Fund to the operational programme.

Or. fr

Amendment 253

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 54

Text proposed by the Commission

Amendment

Article 54

deleted

Repayments to the Union Budget - Recoveries

1. Any repayment due to be made to the general budget of the Union shall be

effected before the due date indicated in the order for recovery drawn up in accordance with Article 77 of the Financial Regulation. The due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be one-and-a-half percentage points above the rate applied by the European Central Bank in its main refinancing operations on the first working day of the month in which the due date falls.

Or. fr

Amendment 254
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 54

Text proposed by the Commission

Amendment

Article 54

deleted

Repayments to the Union Budget - Recoveries

1. Any repayment due to be made to the general budget of the Union shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 77 of the Financial Regulation. The due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be one-and-a-half percentage points above the rate

applied by the European Central Bank in its main refinancing operations on the first working day of the month in which the due date falls.

Or. fr

Amendment 255

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 55

Text proposed by the Commission

Amendment

Article 55

deleted

Proportional control of operational programmes

1. Operations for which the total eligible expenditure does not exceed EUR 100 000 shall not be subject to more than one audit by either the audit authority or the Commission prior to the examination of all the expenditure concerned under Article 47. Other operations shall not be subject to more than one audit per accounting year by the audit authority and the Commission prior to the examination of all the expenditure concerned under Article 47. Those provisions are without prejudice to paragraphs 5 and 6.

2. Audit of an operation may cover all stages of its implementation and all levels of the distribution chain, with the exception of control of the actual end recipients, unless a risk assessment establishes a specific risk of irregularity or fraud.

3. When the most recent audit opinion on the operational programme indicates that there are no significant deficiencies, the Commission may agree with the audit authority in the subsequent meeting

referred to in Article 34(2) that the level of audit work required may be reduced so that it is proportionate to the risk established. In such cases, the Commission will not carry out its own on-the-spot audits unless there is evidence suggesting deficiencies in the management and control system affecting expenditure declared to the Commission in an accounting year for which the accounts have been accepted.

4. If the Commission concludes that it can rely on the opinion of the audit authority for the operational programme, it may agree with the audit authority to limit its own on the spot audits to audit the work of the audit authority unless there is evidence of deficiencies in the work of the audit authority work for an accounting year for which the accounts have been accepted.

5. The audit authority and the Commission may carry out audits of operations at any time where a risk assessment establishes a specific risk of irregularity or fraud, in case of evidence of serious deficiencies in the management and control system of the operational programme, and, during the 3 years following acceptance of all the expenditure of an operation under Article 47, as part of an audit sample.

6. The Commission may at any time carry out audits of operations for the purpose of assessing the work of an audit authority by re-performance of its audit activity.

Or. fr

Amendment 256
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 55

Text proposed by the Commission

Amendment

Article 55

deleted

Proportional control of operational programmes

1. Operations for which the total eligible expenditure does not exceed EUR 100 000 shall not be subject to more than one audit by either the audit authority or the Commission prior to the examination of all the expenditure concerned under Article 47. Other operations shall not be subject to more than one audit per accounting year by the audit authority and the Commission prior to the examination of all the expenditure concerned under Article 47. Those provisions are without prejudice to paragraphs 5 and 6.

2. Audit of an operation may cover all stages of its implementation and all levels of the distribution chain, with the exception of control of the actual end recipients, unless a risk assessment establishes a specific risk of irregularity or fraud.

3. When the most recent audit opinion on the operational programme indicates that there are no significant deficiencies, the Commission may agree with the audit authority in the subsequent meeting referred to in Article 34(2) that the level of audit work required may be reduced so that it is proportionate to the risk established. In such cases, the Commission will not carry out its own on-the-spot audits unless there is evidence suggesting deficiencies in the management and control system affecting expenditure declared to the Commission in an accounting year for which the accounts have been accepted.

4. If the Commission concludes that it can rely on the opinion of the audit authority for the operational programme, it may agree with the audit authority to limit its own on the spot audits to audit the work of the audit authority unless there is evidence of deficiencies in the work of the audit authority work for an accounting year for which the accounts have been accepted.

5. The audit authority and the Commission may carry out audits of operations at any time where a risk assessment establishes a specific risk of irregularity or fraud, in case of evidence of serious deficiencies in the management and control system of the operational programme, and, during the 3 years following acceptance of all the expenditure of an operation under Article 47, as part of an audit sample.

6. The Commission may at any time carry out audits of operations for the purpose of assessing the work of an audit authority by re-performance of its audit activity.

Or. fr

Amendment 257

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 56

Text proposed by the Commission

Amendment

Article 56

deleted

Rules on decommitment

1. The Commission shall decommit any part of the amount calculated in accordance with the second subparagraph in an operational programme that has not been used for payment of the pre-financing, interim payments and annual

balance by 31 December of the second financial year following the year of budget commitment under the operational programme or for which a payment application drawn up in accordance with Article 38 has not been sent in accordance with Article 42.

For the purposes of the decommitment, the Commission shall calculate the amount by adding one sixth of the annual budget commitment related to the 2014 total annual contribution to each of the 2015 to 2020 budget commitments.

2. By way of derogation from the first subparagraph of paragraph 1, the deadlines for decommitment shall not apply to the annual budget commitment related to the 2014 total annual contribution.

3. If the first annual budget commitment is related to the 2015 total annual contribution, by way of derogation from paragraph 1, the deadlines for decommitment shall not apply to the annual budget commitment related to the total annual contribution of 2015. In such cases, the Commission shall calculate the amount under the first sub-paragraph of paragraph 1 by adding one fifth of the annual budget commitment related to the 2015 total amount contribution to each of the 2016 to 2020 budget commitments.

4. That part of commitments still open on 31 December 2022 shall be decommitted if any of the documents required under Article 47(2) has not been submitted to the Commission by 30 September 2023.

Or. fr

Amendment 258
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 56

Text proposed by the Commission

Amendment

Article 56

deleted

Rules on decommitment

1. The Commission shall decommit any part of the amount calculated in accordance with the second subparagraph in an operational programme that has not been used for payment of the pre-financing, interim payments and annual balance by 31 December of the second financial year following the year of budget commitment under the operational programme or for which a payment application drawn up in accordance with Article 38 has not been sent in accordance with Article 42.

For the purposes of the decommitment, the Commission shall calculate the amount by adding one sixth of the annual budget commitment related to the 2014 total annual contribution to each of the 2015 to 2020 budget commitments.

2. By way of derogation from the first subparagraph of paragraph 1, the deadlines for decommitment shall not apply to the annual budget commitment related to the 2014 total annual contribution.

3. If the first annual budget commitment is related to the 2015 total annual contribution, by way of derogation from paragraph 1, the deadlines for decommitment shall not apply to the annual budget commitment related to the total annual contribution of 2015. In such cases, the Commission shall calculate the amount under the first sub-paragraph of paragraph 1 by adding one fifth of the annual budget commitment related to the 2015 total amount contribution to each of the 2016 to 2020 budget commitments.

4. That part of commitments still open on 31 December 2022 shall be decommitted if any of the documents required under Article 47(2) has not been submitted to the Commission by 30 September 2023.

Or. fr

Amendment 259

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 57

Text proposed by the Commission

Amendment

Article 57

deleted

Exception to the decommitment

1. The amount concerned by decommitment shall be reduced by the amounts that the responsible body has not been able to declare to the Commission because of:

(uu) operations suspended by a legal proceeding or by an administrative appeal having suspensory effect; or

(vv) reasons of force majeure seriously affecting implementation of all or part of the operational programme. The national authorities claiming force majeure shall demonstrate the direct consequences of the force majeure on the implementation of all or part of the operational programme;

(ww) The reduction may be requested once if the suspension or force majeure lasted up to one year, or several times corresponding to the duration of the force majeure or the number of years between the date of the legal or administrative decision suspending the implementation of the operation and the date of the final legal or administrative decision.

2. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in paragraph 1 for the amount to be declared by the end of the preceding year.

Or. fr

Amendment 260
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 57

Text proposed by the Commission

Amendment

Article 57

deleted

Exception to the decommitment

1. The amount concerned by decommitment shall be reduced by the amounts that the responsible body has not been able to declare to the Commission because of:

(uu) operations suspended by a legal proceeding or by an administrative appeal having suspensory effect; or

(vv) reasons of force majeure seriously affecting implementation of all or part of the operational programme. The national authorities claiming force majeure shall demonstrate the direct consequences of the force majeure on the implementation of all or part of the operational programme;

(ww) The reduction may be requested once if the suspension or force majeure lasted up to one year, or several times corresponding to the duration of the force majeure or the number of years between the date of the legal or administrative decision suspending the implementation of the operation and the date of the final legal or administrative decision.

2. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in paragraph 1 for the amount to be declared by the end of the preceding year.

Or. fr

Amendment 261

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Article 58

Text proposed by the Commission

Amendment

Article 58

deleted

Procedure for decommitments

1. The Commission shall inform the Member State and the managing authority in good time whenever there is a risk of application of decommitment under Article 56.

2. On the basis of the information it has on 31 January, the Commission shall inform the Member State and the managing authority of the amount of the decommitment resulting from the information in its possession.

3. The Member State shall have two months to agree to the amount to be decommitted or to submit its observations.

4. By 30 June, the Member State shall submit to the Commission a revised financing plan reflecting for the financial year concerned the reduced amount of support of the operational programme. Failing such submission, the Commission shall revise the financing plan by reducing the contribution from the Fund for the financial year concerned.

5. The Commission shall amend the decision adopting the operational

programme, by means of implementing act, no later than 30 September.

Or. fr

Amendment 262
Patrick Le Hyaric, Younous Omarjee

Proposal for a regulation
Article 58

Text proposed by the Commission

Amendment

Article 58

deleted

Procedure for decommitments

1. The Commission shall inform the Member State and the managing authority in good time whenever there is a risk of application of decommitment under Article 56.

2. On the basis of the information it has on 31 January, the Commission shall inform the Member State and the managing authority of the amount of the decommitment resulting from the information in its possession.

3. The Member State shall have two months to agree to the amount to be decommitted or to submit its observations.

4. By 30 June, the Member State shall submit to the Commission a revised financing plan reflecting for the financial year concerned the reduced amount of support of the operational programme. Failing such submission, the Commission shall revise the financing plan by reducing the contribution from the Fund for the financial year concerned.

5. The Commission shall amend the decision adopting the operational programme, by means of implementing act, no later than 30 September.

Amendment 263
Marc Tarabella

Proposal for a regulation
Article 60 a (new)

Text proposed by the Commission

Amendment

Article 60a

1. A transitional scheme is established for 2014 whereby food products may be distributed to the most deprived persons in the Union through organisations, which shall not be commercial undertakings, designated by Member States. For the purposes of this food distribution scheme, products in intervention stocks shall be made available or, where there are no intervention stocks suitable for the food distribution scheme, food products shall be purchased on the market.

2. Each Member State wishing to participate in the food distribution scheme provided for in paragraph 1 shall submit to the Commission a food distribution programme containing the following:

(a) details of the main characteristics and objectives of the programme;

(b) the organisations designated;

(c) the requests for quantities of food products to be distributed in 2014 and other relevant information.

Member States shall choose the food products on the basis of objective criteria including nutritional value and suitability for distribution. For that purpose, Member States may give preference to food products of Union origin.

3. The Commission shall adopt the plan for 2014 on the basis of the requests and other relevant information referred to in

point (c) of the first subparagraph of paragraph 2 and submitted by Member States as part of their food distribution programmes. The EU financial allocation by Member State is then established.

When food products included in the 2014 plan are not available in intervention stocks in the Member State where such products are required, the Commission shall make provision for the transfer of those products to that Member State from Member States where they are available in intervention stocks.

4. The food products shall be released to designated organisations free of charge. The distribution of the food products to the most deprived persons shall be:

(a) free of charge; or

(b) at a price which is in no case greater than that justified by the costs incurred by the designated organisations in their distribution and that are not eligible costs under points (a) and (b) of the second subparagraph of paragraph 7.

5. Member States participating in the food distribution scheme provided for in paragraph 1 shall:

(a) submit to the Commission an annual report on implementation of their food distribution programmes;

(b) keep the Commission informed in a timely manner on developments affecting the implementation of their food distribution programmes.

6. The Union shall finance the eligible costs under the scheme. This financing shall be consistent with the operational programmes submitted for the period 2014-2020.

7. The eligible costs under the scheme shall be:

(a) the cost of food products released from intervention stocks;

(b) the cost of food products purchased on the market; and

(c) the cost of transporting food products in intervention stocks between Member States.

Within the financial resources available to implement the 2014 plan in each Member State, the national competent authorities may consider eligible the following costs:

(a) the cost of transporting food products to the storage depots of the designated organisations;

(b) the following costs incurred by the designated organisations, to the extent that they are directly linked with the implementation of the 2014 plan:

(i) administrative costs;

(ii) transport costs between the storage depots of the designated organisations and the points of final distribution; and

(iii) storage costs.

8. Member States shall carry out administrative and physical controls to ensure that the 2014 plan is implemented in compliance with the applicable rules and shall establish the penalties applicable in the event of irregularities.

9. The words "European Union aid" accompanied by the emblem of the European Union shall be clearly marked on the packing of food distributed through the 2014 plan as well as at the distribution points.

10. The food distribution scheme provided for in paragraph 1 shall be without prejudice to any national schemes, whereby food products are distributed to most deprived persons, that are in conformity with Union law.

11. This article shall apply until the completion of the 2014 plan.

Justification

The new scheme is scheduled to enter into force on 1 January 2014. Under the provisional schedule, it should become operational in the Member States some 10 months earlier. This is impossible, given that the regulation will not be adopted until mid-2013 at the earliest. A simplified transitional procedure exclusively covering food aid, which is the top priority, is therefore required for 2014. It is proposed that this should involve taking the MDP procedure over into the proposal (which will mean using ESF funding).

Amendment 264

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Elisabeth Morin-Chartier, Dominique Vlasto, Philippe Boulland, Brice Hortefeux

Proposal for a regulation

Article 60 a (new)

Text proposed by the Commission

Amendment

Article 60a

The Commission shall take the necessary financial and regulatory measures, if need be through budgetary redeployment, early pre-financing or prolongation of Regulation (EC) No 121/2012, in order to ensure the continuity of the MDP from 2013 to 2014 in the event of delays in the implementation of this regulation.

Amendment 265

Agnès Le Brun, Marie-Thérèse Sanchez-Schmid, Brice Hortefeux

Proposal for a regulation

Annex 1

Text proposed by the Commission

Amendment

This annex is deleted.

Amendment 266
Marc Tarabella

Proposal for a regulation
Annex 1 – Chapter 2 – sub-section 2.x.1

Text proposed by the Commission

Description of the main characteristics and objectives of the material assistance to be provided ***and the corresponding accompanying measures.***

Amendment

Description of the main characteristics and objectives of the material assistance to be provided.

Or. fr

Justification

See justifications for amendments 17 and 18.

Amendment 267
Marc Tarabella

Proposal for a regulation
Annex 1 – chapter 4 – point 2

Text proposed by the Commission

(2) a table specifying, for the whole programming period, the amount of the total financial appropriation of the support from the operational programme per type of material deprivation addressed ***as well as the corresponding accompanying measures.***

Amendment

(2) a table specifying, for the whole programming period, the amount of the total financial appropriation of the support from the operational programme per type of material deprivation addressed.

Or. fr

Justification

See justifications for amendments 17 and 18.

Amendment 268
Marc Tarabella

Proposal for a regulation
Annex 1 – chapter 4 – point 4.1.2

Text proposed by the Commission

4.1.2. Financing plan giving the amount of the total financial appropriations of the support from the Operational programme per type of material deprivation addressed **as well as the corresponding accompanying measures** (in EUR)

In the table, delete the wording ‘of which, accompanying measures’, which appears three times.

Amendment

4.1.2. Financing plan giving the amount of the total financial appropriations of the support from the Operational programme per type of material deprivation addressed (in EUR)

Or. fr

Justification

See justifications for amendments 17 and 18.