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2009 - 2014

Committee on Regional Development

2013/0181(COD)

10.12.2013

AMENDMENTS

7 - 50

Draft opinion
Ivars Godmanis
(PE523.104v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on provisions and quality of statistics for the macroeconomic imbalances
procedure

Proposal for a regulation
(COM(2013)0342 – C7-0162/2013 – 2013/0181(COD))

AM_Com_LegOpinion

Amendment 7
Jean-Pierre Audy

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances¹ sets up an alert mechanism to facilitate the early identification and the monitoring of imbalances. Under this mechanism, the Commission is required to prepare an annual Alert Mechanism Report (AMR) containing a qualitative economic and financial assessment and identifying Member States that the Commission considers may be affected by, or may be at risk of being affected by, imbalances.

¹ OJ L 306, 23.11.11, p.25.

Amendment

(1) Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances¹ (**MIP**) up an alert mechanism to facilitate the early identification and the monitoring of imbalances. Under this mechanism, the Commission is required to prepare an annual Alert Mechanism Report (AMR) containing a qualitative economic and financial assessment and identifying Member States that the Commission considers may be affected by, or may be at risk of being affected by, imbalances.

¹ JO L 306 du 23.11.2011, p. 25.

Or. fr

Justification

Drafting point to clarify acronym.

Amendment 8
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Reliable statistical data are the basis for effective surveillance of macroeconomic imbalances. To guarantee sound and independent statistics, Member States

Amendment

(3) Reliable, **thorough, accurate and useful** statistical data are the basis for effective surveillance of macroeconomic imbalances. To guarantee sound and

should ensure the professional independence of national statistical authorities, consistent with the European statistics code of practice laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics³.

³ OJ L 87, 31.03.09, p. 164.

independent statistics, Member States should ensure the professional independence of national statistical authorities, consistent with the European statistics code of practice laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics³.

³ OJ L 61, 31.03.09, p. 164.

Or. pl

Amendment 9
Jean-Pierre Audy

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Reliable statistical data are **the basis** for effective surveillance of macroeconomic imbalances. To guarantee sound and independent statistics, Member States should ensure the professional independence of national statistical authorities, consistent with the European statistics code of practice laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics³.

³ OJ L 87, 31.03.09, p.164.

Amendment

(3) Reliable statistical data are **essential** for effective surveillance of macroeconomic imbalances. To guarantee sound and independent statistics, Member States should ensure the professional independence of national statistical authorities, consistent with the European statistics code of practice laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics³.

³ JO L 87 du 31.3.2009, p. 164.

Or. fr

Justification

Statistics are not the only source of information.

Amendment 10
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It is necessary that the Commission continues to address the need for reliable statistical information that enables Union policies to better respond to economic, social and territorial realities at regional level.

Or. en

Amendment 11
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) A reliable procedure should be set up for the compilation, monitoring and release of the data relevant for the macroeconomic imbalances procedure (hereinafter referred to as “MIP relevant data”) as well as a continuous improvement of the underlying statistical information in line with the Commission’s quality management frameworks for European statistics⁴. The Group of Directors of Macroeconomic Statistics (DMES), established by the Commission, is an appropriate expert group to provide the Commission (Eurostat) with the required assistance for the application of a robust quality monitoring procedure for the MIP relevant data.

(5) A reliable procedure should be set up for the ***collection***, compilation, monitoring and release of the data relevant for the macroeconomic imbalances procedure (hereinafter referred to as “MIP relevant data”) as well as a continuous improvement of the underlying statistical information in line with the Commission’s quality management frameworks for European statistics⁴. The Group of Directors of Macroeconomic Statistics (DMES), established by the Commission ***and including in its ranks experts from the European Statistical System Committee and the European System of Central Banks***, is an appropriate expert group to provide the Commission (Eurostat) with the required assistance for the application of a robust quality monitoring procedure for the MIP relevant data.

⁴ COM(2005)217 final and COM(2011)211 final.

⁴ COM(2005)217 final and COM(2011)211 final.

Or. pl

Amendment 12
Oldřich Vlasák

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) It is essential that the statistical production necessary for the performance of the activities of the Union should only be based on reliable data. In the production of MIP relevant data, which is an essential input for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union, unreliable data can have a significant impact on the interest of the Union. Additional measures to make the enforcement of the production, provision and quality monitoring of MIP relevant data more effective are necessary for the performance of the macroeconomic imbalances procedure. Those measures should enhance the credibility of the underlying statistical information as well as of the provision and quality monitoring of the MIP relevant data. ***In order to deter against misrepresentation, whether intentional or due to serious negligence, of MIP relevant data, a mechanism of financial sanctions should be established, which will also serve the purpose of ensuring due diligence in the production of MIP relevant data.***

Amendment

(6) It is essential that the statistical production necessary for the performance of the activities of the Union should only be based on reliable data. In the production of MIP relevant data, which is an essential input for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union, unreliable data can have a significant impact on the interest of the Union. Additional measures to make the enforcement of the production, provision and quality monitoring of MIP relevant data more effective are necessary for the performance of the macroeconomic imbalances procedure. Those measures should enhance the credibility of the underlying statistical information as well as of the provision and quality monitoring of the MIP relevant data.

Or. en

Amendment 13
Oldřich Vlasák

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) It is essential that the statistical production necessary for the performance of the activities of the Union should only be based on reliable data. In the production of MIP relevant data, which is an essential input for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union, unreliable data can have a significant impact on the interest of the Union. Additional measures to make the enforcement of the production, provision and quality monitoring of MIP relevant data more effective are necessary for the performance of the macroeconomic imbalances procedure. Those measures should enhance the credibility of the underlying statistical information as well as of the provision and quality monitoring of the MIP relevant data. In order to deter against misrepresentation, whether intentional or due to serious negligence, of MIP relevant data, a mechanism of financial sanctions should be established, which will also serve the purpose of ensuring due diligence in the production of MIP relevant data.

Amendment

(6) It is essential that the statistical production necessary for the performance of the activities of the Union should only be based on reliable data. In the production of MIP relevant data, which is an essential input for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union, unreliable data can have a significant impact on the interest of the Union. Additional measures to make the enforcement of the production, provision and quality monitoring of MIP relevant data more effective are necessary for the performance of the macroeconomic imbalances procedure. Those measures should enhance the credibility of the underlying statistical information as well as of the provision and quality monitoring of the MIP relevant data. In order to deter against misrepresentation, whether intentional or due to serious negligence, of MIP relevant data, a mechanism of financial sanctions *applied to the Eurozone Member States* should be established, which will also serve the purpose of ensuring due diligence in the production of MIP relevant data.

Or. en

Amendment 14
Oldřich Vlasák

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) To supplement the rules on calculating the fines for manipulation of statistics as well as the rules on the procedure to be followed by the Commission for the investigation of such actions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('the Treaty') should be delegated to the Commission in respect of detailed criteria for establishing the amount of the fine and for conducting the Commission's investigations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

deleted

Or. en

Amendment 15

Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Close cooperation and on-going dialogue should be established between the Commission and Member States' statistical authorities in order to ensure the quality of the MIP relevant data reported by Member States and the underlying statistical information.

(8) Close cooperation and on-going dialogue should be established between the Commission and Member States' statistical authorities in order to ensure the quality ***and accuracy*** of the MIP relevant data reported by Member States and the underlying statistical information. ***The scope of the data that will be linked to the MIP must be precisely defined.***

Amendment 16
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The establishment of a legal framework for 'Commitments on Confidence in Statistics' should be encouraged. Compliance with the data confidentiality rule within the ESS (European Statistical System), as well as with the principle of subsidiarity, will help to increase trust in statistical agencies.

Or. en

Amendment 17
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In order to ensure thorough, accurate and high-quality data, a system for researching the socio-economic processes taking place in cross-border regions should be set up, and statistics should be drawn up for macro-regions in order to obtain a reliable, full and accurate economic picture of regional and macro-regional development in both urban and rural areas.

Or. pl

Amendment 18
Ivars Godmanis

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The implementation of European and Structural (ESI) Funds is, according to Regulation (EU) n° .../2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, linked to sound economic governance and to the Macroeconomic Imbalances Procedure among others.

Or. en

Amendment 19
Ivars Godmanis

Proposal for a regulation
Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) In particular, Article 23(1) of Regulation (EU) No .../2013 provides that the Commission may request a Member State to review and propose amendments to its Partnership Agreement and relevant programmes, where this is necessary to support the implementation of relevant Council Recommendations addressed to

the Member State concerned and adopted in accordance with Articles 7(2) or 8(2) of Regulation (EU) No 1176/2011 on the prevention and correction of macro-economic imbalances, provided that these amendments are deemed necessary to help correct the macroeconomic imbalances.

Or. en

Amendment 20
Ivars Godmanis

Proposal for a regulation
Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) Article 23(9) and Annex III of Regulation (EU) No .../2013 also provides that the Commission is to make a proposal to the Council to suspend part or all of the commitments or payments for the programmes of a Member State where the Council adopts two successive recommendations in the same imbalance procedure, in accordance with Article 8(3) or Article 10(4) of Regulation (EU) No 1176/2011 on the prevention and correction of macro-economic imbalances.

Or. en

Amendment 21
Ivars Godmanis

Proposal for a regulation
Recital 12 d (new)

Text proposed by the Commission

Amendment

(12d) However, the suspension of funds due to be triggered by the macroeconomic

imbalances procedure should be used as a last resort and take into account an in-depth analyses of the unemployment, poverty and GDP contraction indicators.

Or. en

Amendment 22
Ivars Godmanis

Proposal for a regulation
Recital 12 e (new)

Text proposed by the Commission

Amendment

(12e) For the purpose of effectiveness, this Regulation should cover all statistical data that are required within the scope of the macroeconomic imbalances procedure.

Or. en

Amendment 23
Jean-Pierre Audy

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation lays down the rules on the provision and quality monitoring of statistical data which are compiled or transmitted for the purpose of the procedures for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union established under Articles 3 to 11 of Regulation (EU) No 1176/2011 (hereinafter referred to as the MIP relevant data).

1. This Regulation lays down the rules on the provision and quality monitoring of **data, including** statistical data, which are compiled or transmitted for the purpose of the procedures for the detection of macroeconomic imbalances as well as the prevention and correction of excessive macroeconomic imbalances within the Union established under Articles 3 to 11 of Regulation (EU) No 1176/2011 (hereinafter referred to as the MIP relevant data).

Justification

While statistics are essential, they are not the only source of useful data for the detection, prevention and correction of macroeconomic imbalances.

Amendment 24
Jean-Pierre Audy

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

Text proposed by the Commission

Amendment

2a. MIP relevant data shall be the subject of a certificate issued by the higher audit institution of the Member State concerned regarding the quality of the information provided by it.

Justification

It is proposed that higher national audit institutes, because of their independent status, be called on separately to issue a certificate regarding the quality of information provided by the Member States.

Amendment 25
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall indicate to the Member States, each year, the timetable of the annual Alert Mechanism Report established by Article 3 of Regulation (EU) No 1176/2011. Based on this timetable and on the deadlines and calendars referred to in paragraph 2, the Commission shall also

3. The Commission shall indicate to the Member States, each year, the timetable of the annual Alert Mechanism Report established by Article 3 of Regulation (EU) No 1176/2011. Based on this timetable and on the deadlines and calendars referred to in paragraph 2, the Commission shall also

decide on and communicate, to the Member States, a cut-off date for their transmission of all the most up-to-date MIP relevant data.

decide on and communicate, to the Member States, a cut-off date for their transmission of all the most up-to-date MIP relevant data ***and decide on the entire procedure for the transmission of such data.***

Or. pl

Amendment 26
Patrice Tirolien

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt ***implementing*** acts with a view to defining the modalities, structure and periodicity of the quality reports. Those ***implementing*** acts shall be adopted in accordance with the examination procedure referred to in Article ***14(2)***.

Amendment

3. The Commission shall adopt ***delegated*** acts with a view to defining the modalities, structure and periodicity of the quality reports. Those ***delegated*** acts shall be adopted in accordance with the examination procedure referred to in Article ***12***.

Or. fr

Amendment 27
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. In the event of doubt regarding the correct implementation of the rules governing the compilation and transmission of the MIP relevant data, the Member State concerned shall request clarification from the Commission (Eurostat). The Commission shall promptly examine the issue and communicate its

Amendment

1. In the event of doubt regarding the correct implementation of the rules governing the compilation and transmission of the MIP relevant data, the Member State concerned shall request clarification from the Commission (Eurostat). The Commission shall promptly examine the issue and communicate its

clarification to the Member State concerned, to the relevant expert group on macroeconomic statistics established by the Commission, to all other Member States and to the public.

clarification to the Member State concerned, to the relevant expert group on macroeconomic statistics established by the Commission, ***to the experts from the European Statistical System Committee and the European System of Central Banks***, to all other Member States and to the public.

Or. pl

Amendment 28
Patrice Tirolien

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall establish the inventories and send them to the Commission (Eurostat) at the latest on [...] [nine months after the adoption of this Regulation– exact date to be inserted by OP upon publication]. The Commission shall adopt ***implementing*** acts with a view to defining the structure and the modalities for the updating of these inventories by [...] [within six months after the adoption of this Regulation– exact date to be inserted by OP upon publication]. Those ***implementing*** acts shall be adopted in accordance with the examination procedure referred to in Article ***14(2)***.

Amendment

2. Member States shall establish the inventories and send them to the Commission (Eurostat) at the latest on [...] [nine months after the adoption of this Regulation– exact date to be inserted by OP upon publication]. The Commission shall adopt ***delegated*** acts with a view to defining the structure and the modalities for the updating of these inventories by [...] [within six months after the adoption of this Regulation– exact date to be inserted by OP upon publication]. Those ***delegated*** acts shall be adopted in accordance with the examination procedure referred to in Article ***12***.

Or. fr

Amendment 29
Dimitar Stoyanov

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States shall make their inventories public.

Amendment

3. Member States shall make their inventories public ***within one month of their submission to the Commission.***

Or. bg

Justification

In order to improve the provision of information, Member States need to ensure that, within one month of submitting the inventories of sources to the Commission, these are made available to the public.

Amendment 30

Patrice Tirolien

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The Commission (Eurostat) shall report to the Economic Policy Committee set up by Council Decision 74/122/EEC⁷ on the findings of these missions, including any comments on these findings made by the Member State concerned. After having been transmitted to the Economic Policy Committee, these reports, along with any comments made by the Member State concerned, shall be made public, without prejudice to the provisions concerning statistical confidentiality in Regulation (EC) No 223/2009.

Amendment

3. The Commission (Eurostat) shall report to the Economic Policy Committee set up by Council Decision 74/122/EEC⁷ ***and to the European Parliament*** on the findings of these missions, including any comments on these findings made by the Member State concerned. After having been transmitted to the Economic Policy Committee ***and European Parliament***, these reports, along with any comments made by the Member State concerned, shall be made public, without prejudice to the provisions concerning statistical confidentiality in Regulation (EC) No 223/2009.

⁷ OJ L 63, 05.03.74, p. 21.

⁷ JO L 63 du 5.3.1974, p. 21.

Or. fr

Amendment 31
Dimitar Stoyanov

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. The Commission (Eurostat) shall lay down the rules and procedures related to the selection of the experts, **taking into account** an appropriate distribution of experts across Member States and an appropriate rotation of experts between Member States, their working arrangements and the financial details. The Commission (Eurostat) shall share with the Member States the full cost incurred by the Member States for the assistance from their national experts.

Amendment

5. The Commission (Eurostat) shall lay down the rules and procedures related to the selection of the experts **needed to ensure** an appropriate distribution of experts across Member States and an appropriate **and timely** rotation of experts between Member States, their working arrangements and the financial details. The Commission (Eurostat) shall share with the Member States the full cost incurred by the Member States for the assistance from their national experts.

Or. bg

Justification

In order to ensure that the expert opinions provided are objective, it is necessary to ensure the right selection, distribution and timing in the rotation of those experts.

Amendment 32
Dimitar Stoyanov

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission (Eurostat) may express a reservation on the quality of a Member State's MIP relevant data. No later than **three working days** before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic Policy Committee the reservation it intends to

Amendment

3. The Commission (Eurostat) may express a reservation on the quality of a Member State's MIP relevant data. No later than **one month** before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic Policy Committee the reservation it intends to express and, **where**

express and make public. Where the issue is resolved after publication of the data and the reservation, withdrawal of the reservation shall be made public immediately thereafter.

corrective action has not been taken by the Member State prior to the date of publication, shall make that reservation public. Where the issue is resolved after publication of the data and the reservation, withdrawal of the reservation shall be made public immediately thereafter.

Or. bg

Justification

Member States must be given the possibility of correcting errors they have made that compromise the quality of MIP relevant data before those data are officially published.

Amendment 33 **Dimitar Stoyanov**

Proposal for a regulation **Article 8 – paragraph 4**

Text proposed by the Commission

4. The Commission (Eurostat) may amend data transmitted by Member States and provide the amended data and a justification of the amendment where there is evidence that the data reported by Member States do not comply with the requirements of Article 3(2). No later than **three** working days before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic Policy Committee the amended data and the justification for the amendment.

Amendment

4. The Commission (Eurostat) may amend data transmitted by Member States and provide the amended data and a justification of the amendment where there is evidence that the data reported by Member States do not comply with the requirements of Article 3(2). No later than **ten** working days before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic Policy Committee the amended data and the justification for the amendment.

Or. bg

Amendment 34 **Oldřich Vlasák**

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. The Council, acting on a proposal by the Commission, may decide to impose a fine on a Member State that intentionally or by serious negligence misrepresents the MIP relevant data.

deleted

Or. en

Amendment 35
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. The Council, acting on a proposal by the Commission, may decide to impose a fine on a Member State that intentionally or by serious negligence misrepresents the MIP relevant data.

1. The Council, acting on a proposal by the Commission, may decide to impose a fine on a ***Eurozone*** Member State that intentionally or by serious negligence misrepresents the MIP relevant data.

Or. en

Amendment 36
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The fine referred to in paragraph 1 shall be effective, dissuasive and proportionate to the nature, seriousness and duration of the misrepresentation. The amount of the fine shall not exceed 0.05% of the GDP of the Member State concerned.

deleted

Amendment 37
Nikos Chrysogelos

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The fine referred to in paragraph 1 shall be effective, dissuasive and proportionate to the nature, seriousness and duration of the misrepresentation. The amount of the fine shall not exceed **0.05%** of the GDP of the Member State concerned.

Amendment

2. The fine referred to in paragraph 1 shall be effective, dissuasive and proportionate to the nature, seriousness and duration of the misrepresentation. The amount of the fine shall not exceed **0.02%** of the GDP of the Member State concerned.

Or. en

Amendment 38
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The fine referred to in paragraph 1 shall be effective, dissuasive and proportionate to the nature, seriousness and duration of the misrepresentation. The amount of the fine shall not exceed **0.05%** of the GDP of the Member State concerned.

Amendment

2. The fine referred to in paragraph 1 shall be effective, dissuasive and proportionate to the nature, seriousness and duration of the misrepresentation. The amount of the fine shall not exceed **0.025%** of the GDP of the Member State concerned.

Or. en

Amendment 39
Nikos Chrysogelos

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States under procedure of suspension of European Funds in accordance with paragraph 5 of Article 21 of Regulation (EU) No. .../2013 of the European Parliament and of the Council of laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 shall be imposed a reduced fine taking into account the scope of suspension.

Or. en

Amendment 40
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may conduct all investigations necessary to establish the existence of the misrepresentations referred to in paragraph 1. It may decide to initiate an investigation when it finds that there are serious indications of the existence of facts liable to constitute such a misrepresentation. In investigating the putative misrepresentations, the Commission shall take into account any comments submitted by the Member State concerned. In order to carry out its tasks, the Commission may request the Member

deleted

State to provide information, and may conduct on-site inspections and access the underlying statistical information and documents related to the MIP relevant data. If the law of the Member State concerned requires prior judicial authorisation for on-site inspections, the Commission shall make the necessary applications.

Upon completion of its investigation, and before submitting any proposal to the Council, the Commission shall give the Member State concerned the opportunity of being heard in relation to the matters under investigation. The Commission shall base any proposal to the Council only on facts on which the Member State concerned has had the opportunity to comment.

The Commission shall fully respect the rights of defence of the Member State concerned during the investigations.

Or. en

Amendment 41
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 12 concerning: *deleted*

(a) detailed criteria establishing the amount of the fine referred to in paragraph 1;

(b) detailed rules concerning the procedures for the investigations referred to in paragraph 3, the associated measures and the reporting on the investigations;

(c) detailed rules of procedure aimed at guaranteeing the rights of the defence, access to the file, legal representation, confidentiality and provisions as to timing and the collection of the fines referred to in paragraph 1.

Or. en

Amendment 42
Oldřich Vlasák

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. The Court of Justice of the European Union shall have unlimited jurisdiction to review the decisions of the Council imposing fines under paragraph 1. It may annul, reduce or increase the fine so imposed.

deleted

Or. en

Amendment 43
Oldřich Vlasák

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

The sanctions imposed pursuant to Article 11 shall be of an administrative nature.

Or. en

Amendment 44
Oldřich Vlasák

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

The fines collected in accordance with Article 9 shall constitute other revenue, as referred to in Article 311 of the Treaty, and shall be assigned to the Union budget.

Or. en

Amendment 45
Oldřich Vlasák

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

deleted

Or. en

Amendment 46
Oldřich Vlasák

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 9(4) shall be conferred on the Commission for a period of three years starting after one month following the adoption of this Regulation. The Commission shall draw up a report in respect of the delegation of power not

deleted

later than nine months before the end of that 3-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 47
Oldřich Vlasák

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of power referred to in Article 9(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

deleted

Or. en

Amendment 48
Oldřich Vlasák

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously

deleted

to the European Parliament and to the Council.

Or. en

Amendment 49
Oldřich Vlasák

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. A delegated act adopted pursuant to Article 9(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

deleted

Or. en

Amendment 50
Oldřich Vlasák

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

For the measures referred to in Article 9 the Council shall act without taking into account the vote of the member of the Council representing the Member State concerned.

