Amendment 282
Anne Sander
on behalf of the PPE Group
Pina Picierno
on behalf of the S&D Group
Krzysztof Jurgiel
on behalf of the ECR Group

Report
Ulrike Müller
Common agricultural policy: financing, management and monitoring

Proposal for a regulation
Article 47

Text proposed by the Commission

47 Checks by the Commission
1. Without prejudice to the checks carried out by Member States under national law, regulations and administrative provisions or Article 287 of the Treaty or to any check organised under Article 322 of the Treaty or based on Council Regulation (Euratom, EC) No 2185/96, the Commission may organise checks in Member States with a view to verifying in particular:

(a) compliance of administrative practices with Union rules;
(b) whether the expenditure falling within the scope of Articles 5(2) and 6 and corresponding to the interventions referred to in Regulation (EU) …/[CAP Strategic Plan Regulation] have a corresponding output as reported in the annual performance report;

Amendment

47 Checks by the Commission
1. Without prejudice to the checks carried out by Member States under national law, regulations and administrative provisions or Article 287 of the Treaty or to any check organised under Article 322 of the Treaty or based on Council Regulation (Euratom, EC) No 2185/96 or to Article 127 of the Financial Regulation, the Commission may organise checks in Member States with a view to verifying:

(a) compliance of administrative practices with Union rules;
(b) whether the operations falling within the scope of Articles 5(2) and 6 and corresponding to the interventions referred to in Regulation (EU) …/[CAP Strategic Plan Regulation] have been effected in accordance with Union requirements and checked in order to ensure compliance with those requirements;
(ba) whether the other operations falling within the scope of Articles 5(2) and 6 have been effected and checked in accordance with Union law;
(c) whether the work of the certification body is carried out in accordance with Article 11 and for the purposes of Section 2 of this Chapter;

(d) whether a paying agency complies with the accreditation criteria laid down in Article 8(2) and whether the Member State correctly applies Article 8(5).

Persons authorised by the Commission to carry out checks on its behalf, or Commission agents acting within the scope of the powers conferred on them, shall have access to the books and all other documents, including documents and metadata drawn up or received and recorded on an electronic medium, relating to expenditure financed by the EAGF or the EAFRD.

The powers to carry out checks shall not affect the application of national provisions which reserve certain acts for agents specifically designated by national law. Without prejudice to the specific provisions of Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, persons authorised by the Commission to act on its behalf shall not take part, inter alia, in home visits or the formal questioning of persons on the basis of law of the Member State concerned. However, they shall have access to

(c) whether the work of the certification body is carried out in accordance with Article 11 and for the purposes of Section 2 of this Chapter;

(d) whether a paying agency complies with the accreditation criteria laid down in Article 8(2) and whether the Member State correctly applies Article 8(5).

(d) whether the action plans referred to in Articles 39 and 40 are correctly implemented.

If the Commission cannot rely on the work of the certification body as referred to in Article 46, in the case of serious deficiencies detected in the Member State’s governance, management and control system or to ensure that the financial interests of the Union are protected in accordance with Article 57 of this Regulation, the Commission may carry out extended monitoring, including on-the-spot checks as long as the serious deficiencies in the governance system persist.

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information thus obtained.

2.

The Commission shall give sufficient prior notice of a check to the Member State concerned or to the Member State within whose territory the check is to take place, taking into account the administrative impact on paying agencies when organising checks. Agents from the Member State concerned may take part in such checks.

At the request of the Commission and with the agreement of the Member State, additional checks or inquiries into the operations covered by this Regulation shall be undertaken by the competent bodies of that Member State. Commission agents or persons authorised by the Commission to act on its behalf may take part in such checks.

In order to improve checks, the Commission may, with the agreement of the Member States concerned, request the assistance of the authorities of those Member States for certain checks or inquiries.

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