Amendment 283
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Report
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Common agricultural policy: financing, management and monitoring

Proposal for a regulation
Article 84

Text proposed by the Commission

84 Control system for conditionality
1.

Member States shall set up a control system to ensure that beneficiaries of the aid referred to in Article 11 of Regulation (EU) …/… [CAP Strategic Plan Regulation] and in Chapter IV of Regulation (EU) No 228/2013 and in Chapter IV of Regulation (EU) No 229/2013 respectively, comply with the obligations referred to in Section 2 of Chapter 1 of Title III of Regulation (EU) …/…[CAP Strategic Plan Regulation].

Amendment

84 Control system for conditionality
1.

Member States shall have a control system in order to ensure that the following beneficiaries comply with the obligations referred to in Section 2 of Chapter 1 of Title III of Regulation (EU)…/…[CAP Strategic Plan Regulation]:

(a) beneficiaries receiving direct payments under Chapter II of Title III of Regulation (EU)…/…[CAP Strategic Plan Regulation];

(b) beneficiaries receiving annual payments in accordance with Articles 65, 66 and 67 of Regulation (EU)…/…[CAP Strategic Plan Regulation];

(c) beneficiaries receiving support in accordance with Chapter IV of Regulation (EU) No 228/2013 and in Chapter IV of Regulation (EU) No 229/2013.

Member States may make use of their existing control systems and administration
to ensure compliance with the rules on conditionality.

Those systems shall be compatible with the control system referred to in the first subparagraph of this paragraph.

Member States shall conduct a yearly review of the control system referred to in the first subparagraph in light of the results achieved.

1a. However, paragraph 1 shall not apply to beneficiaries participating in the simplified scheme for small farmers referred to in Article 25 of Regulation (EU) .../[CAP Strategic Plans Regulation] or beneficiaries with an agricultural area of less than or equal to 5ha receiving other payments referred in the first subparagraph of paragraph 1.

Member States may decide to apply simplified checks for beneficiaries with an agricultural area between 5ha to 10ha.

2. For the purposes of this Chapter, the following definitions shall apply:

(a) "requirement" means each individual statutory management requirement under Union law referred to in Article 11 of Regulation (EU) .../[CAP Strategic Plan Regulation] within a given act, differing in substance from any other requirements of the same act;

(b) "act" means each of the individual Directives and Regulations referred to in Article 11 of Regulation (EU) .../[CAP Strategic Plan Regulation].

3. In their control system referred to in paragraph...

3. In order to comply with their control obligations laid down in paragraph...
in paragraph 1 Member States:

(a) shall include on-the-spot checks to verify compliance by beneficiaries with the obligations laid down in Section 2 of Chapter 1 of Title III of Regulation (EU) …/… [CAP Strategic Plan Regulation];

(b) may decide, depending on the requirements, standards, acts or areas of conditionality in question, to use the checks carried out under the control systems applicable to the respective requirement, standard, act or area of conditionality, provided the effectiveness of these checks is, at least, equal to the on-the-spot checks referred to in point (a);

(c) may, where appropriate, make use of remote sensing or the area monitoring system to carry out the on-the-spot checks referred to in point (a);

(d) establish the control sample for the checks referred to in point (a) to be carried out each year on the basis of a risk analysis and shall include a random component and shall provide the control sample to cover at least 1% of beneficiaries receiving the aid provided for in Section 2 of Chapter 1 of Title III of Regulation (EU) …/… [CAP Strategic Plan Regulation].

1 Member States:

(a) shall include on-the-spot checks to verify compliance by beneficiaries with the obligations laid down in Section 2 of Chapter 1 of Title III of Regulation (EU) …/… [CAP Strategic Plan Regulation];

(b) may decide, depending on the requirements, standards, acts or areas of conditionality in question, to use the checks carried out under the control systems applicable to the respective requirement, standard, act or area of conditionality, provided the effectiveness of these checks is, at least, equal to the on-the-spot checks referred to in point (a);

(c) may, where appropriate and feasible, make use of remote sensing or the area monitoring and control system to carry out the on-the-spot checks referred to in point (a); and

(ca) shall establish an early warning system;

3a. Member States shall establish the control sample for the checks referred to in point (a) of paragraph 3 of this Article to be carried out each year on the basis of a risk analysis, for which they may apply weighting factors, and a random component, and shall ensure that the control sample covers at least 1% of the beneficiaries receiving aid under Section 2 of Chapter 1 of Title III of Regulation (EU) …/… [CAP Strategic Plan Regulation].

3b. The Commission is empowered to adopt delegated acts in accordance with
Article 100 supplementing this Regulation with rules on simplified checks referred to in paragraph 1a.

3c. The Commission shall adopt, by means of implementing acts, rules on the carrying out of checks referred to in this Article, including rules ensuring that risk analysis takes account of the following factors:

(a) the participation of farmers in the farm advisory services system provided for in Article 13 of Regulation (EU) …/… [CAP Strategic Plan Regulation];

(b) the participation of farmers in voluntary schemes for the climate, environment and animal welfare under Article 28 of Regulation (EU) …/… [CAP Strategic Plan Regulation] with equivalent agricultural practices to standards for good agricultural and environmental condition of land (GAECs) as referred to in paragraph 3a of Article 12 of Regulation (EU) …/… [CAP Strategic Plan Regulation];

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 101(3).

Or. en