



EUROPEAN PARLIAMENT

2009 - 2014

*Committee on Regional Development*

---

**2012/0295(COD)**

27.3.2013

## **OPINION**

of the Committee on Regional Development

for the Committee on Employment and Social Affairs

on the proposal for a regulation of the European Parliament and of the Council  
on the Fund for European Aid to the Most Deprived  
(COM(2012)0617 – C7-0358/2012 – 2012/0295(COD))

**Rapporteur for the opinion:** Younous Omarjee

PA\_Legam

## SHORT JUSTIFICATION

Your rapporteur notes the ruling of the European Court of Justice of 13 April 2011 which heralded the end of the European Programme of Food Aid for the Most Deprived Persons (MDP) set up in 1986, which had been in existence for 25 years. The MDP programme was based on the European Union's Common Agricultural Policy and worked on the principle of redistributing agricultural surpluses to the most deprived persons. Your rapporteur rejects the European Council's Agreement of 8 February 2013 on the Multiannual Financial Framework, which reduced that funding from EUR 3.5 to 2.5 billion. Your rapporteur considers that maintaining the amount allocated for the current period (2007-2013), EUR 3.5 billion, is the absolute minimum required, and the funding should have been increased to over EUR 4.5 billion, given that the scope of the programme has been simultaneously extended to include the distribution of goods and to cover seven new Member States. However, your rapporteur welcomes the Commission proposal to establish a new fund, the Fund for European Aid to the Most Deprived (FEAD) to replace the MDP. The new fund proposed by the Commission, which takes account of the European Court of Justice's ruling, will be brought within the scope of cohesion policy (Article 174 TFEU).

The overarching objective of combating poverty and social exclusion is one of the European Union's founding principles (Article 9 TFEU and Article 3 TEU). The Union has also set itself the objective of reducing by at least 20 million by the year 2020 the number of people experiencing, or at risk of, poverty and social exclusion in the Member States.

We are very far from achieving that objective at present, however. In 2010, almost a quarter of all Europeans (119.6 million) were at risk of poverty or social exclusion, of whom over 18 million Europeans were estimated to depend almost on a daily basis on food parcels or meals provided by voluntary organisations and charities. There has also been a steady and alarming increase in the number of people suffering from food deprivation and material deprivation in the last few years. More and more of our fellow-citizens are relying on food aid. The financial, economic and social crisis which is affecting all the Member States is placing additional responsibilities on the European Union, particularly in view of the increasing inequality between rich and poor not only within the Union, but also within the Member States.

The FEAD is intended, therefore, on the basis of Article 174 of the TFEU, to enhance social cohesion and combat poverty within the European Union. The aim is to use this new fund as a means of increasing social cohesion within the Union by supporting the systems which provide non-financial assistance to the most deprived people at national level, and thereby help to reduce the increasingly alarming incidence of food and material deprivation within the Union.

Your rapporteur has a considerable number of reservations concerning the Commission's initial proposal.

### Co-financing

The Commission proposal requires Member States or local authorities to co-finance FEAD programmes by providing 15% of the funding. As the Committee of Regions has also pointed out, at the present time of public expenditure cuts, it is unlikely that the States and local authorities which are under the most pressure will be able to co-finance FEAD programmes.

#### The Fund's cumbersome administrative procedures

Co-financing arrangements and the overall system for distributing foodstuffs and basic goods must continue to be simple and straightforward. The fund's priority must be to enable charities to continue their work while taking account of the fact that they are often voluntary organisations. There must be continuity between the new regulation and the rules which applied to the MDP in the years 2012 and 2013. It is against this background that your rapporteur proposes streamlining the fund, in particular by abolishing the certifying, managing and auditing authorities. Your rapporteur also proposes to remove the requirement for the Member States to define criteria for identifying the people eligible to benefit from the fund. The Commission should have confidence in the Member States and the charities and voluntary organisations, whose work in the field of distributing foodstuffs and goods has been remarkable and exemplary.

#### Objectives of the FEAD

Extending the scope of the fund to material assistance is justified, given that the most deprived people in Europe are not only short of food, but also suffer from material deprivation. If the budget allocated to the FEAD by the Heads of State is not enough to allow this extension of the fund's activities, food aid must continue to be the priority, with the aim being to avoid spreading resources too thinly and thus detracting from the fund's ability to meet its objectives effectively. It is because having enough food to eat is a fundamental requirement for social integration that the provision of food aid is an essential prerequisite for policies aimed at preventing social exclusion. Your rapporteur supports the argument that the FEAD should be primarily geared towards distributing food.

As solidarity is one of the values underpinning the European Union, the FEAD symbolises the importance of European integration in the eyes of its citizens. The public would not understand why the Union was turning its back on the most vulnerable, and reducing the aid to the poorest would increase the growing unpopularity of the European institutions with the peoples they serve.

Your rapporteur strongly believes that Parliament must act, together with the charities and voluntary associations, to ensure that this fund can operate efficiently and, above all, on behalf of the most deprived people and the charitable organisations which work with them every day.

## AMENDMENTS

The Committee on Regional Development calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following amendments into its report:

### **Amendment 1** **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 food products and agricultural products is a very worthwhile means of assisting the most deprived, and,*** 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 2** **Proposal for a regulation**

#### **Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Since 1987, following a particularly severe winter in Europe, the Union has provided its most deprived citizens with direct food aid from agricultural stocks through charitable organisations. The temporary assistance provided at that time has been placed on a permanent footing by means of a European scheme, the European Food Distribution Programme for the Most Deprived Persons. At the same time, other supply sources have been developed, such as surplus stock from local and regional supermarkets, partnerships with local farmers,***

*restaurants and grocery shops acting in solidarity, etc.*

**Amendment 3**  
**Proposal for a regulation**

**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*(1b) On 29 October 1992, the European Food Distribution Programme for the Most Deprived Persons of the Community (PEAD) was consolidated by means of an implementing regulation.*

**Amendment 4**  
**Proposal for a regulation**

**Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*(1c) In 2010, around 119.6 million people, 25 million of them children, were at risk of social exclusion or poverty in the EU, and of those, 40 million were suffering from severe material deprivation and 4.1 million were homeless, which represents an increase of around 4 million over the previous year. Of those 119.6 million, 18 million were dependent almost every day on food parcels or meals distributed by charitable associations.*

**Amendment 5**  
**Proposal for a regulation**

**Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) The number of persons suffering from material or even severe material deprivation in the Union is increasing and

(2) The number of **homeless persons and** persons suffering from material or even severe **food and/or** material deprivation in

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].

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 6**

### **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') ***aims to*** strengthen social cohesion by contributing to the reduction of poverty ***and social exclusion*** in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate ***all forms of deprivation and poverty.***

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Food security is a basic human right and is achieved by ensuring the availability and accessibility of stable and sufficient supplies of appropriate, healthy and nutritious food.***

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 6**

*Text proposed by the Commission*

(6) Those provisions also ensure that the operations supported shall comply with

*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  
that are distributed to the most deprived  
persons.

applicable Union and national laws,  
notably in regard to the safety of the goods  
**and food** that are distributed to the most  
deprived persons.

**Amendment 9**  
**Proposal for a regulation**

**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The provisions governing the Fund should ensure consistency with the strategies and measures to reduce food wastage along the entire supply chain, make the food supply chain more efficient and raise public awareness of this important issue that are set out in the European Parliament resolution of 19 January 2012.***

**Amendment 10**  
**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

*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.

(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 ***differences in development between regions and*** disparities in terms of poverty, ***relative poverty and food*** and material deprivation ***which exist within each Member State, taking into account the number of people classifiable in each Member State as ‘most deprived’ and also of the amounts that were allocated to Member States participating in the Food Distribution Programme.***



**Amendment 11**  
**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 ***food and/or*** 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, ***speedy*** and efficient implementation of the operational programme, ***particularly with regard to tackling food waste.***

**Amendment 12**  
**Proposal for a regulation**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Member States should have the option of giving preference to products of Union origin.***

**Amendment 13**  
**Proposal for a regulation**

**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) With a view to ensuring the effective and efficient implementation of the measures financed from the Fund, cooperation should be fostered between regional and local authorities and bodies representing civil society. Member States***

*therefore need to promote the participation of all those involved in drawing up and implementing measures financed from the Fund.*

**Amendment 14**  
**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 account of the opinions of non-governmental organisations involved in implementing the programme.*

**Amendment 15**  
**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) Exchanges of experience and best practices have a significant added value and the Commission should facilitate *such* dissemination.

*Amendment*

(10) Exchanges of experience and best practices, *as well as social innovation*, have a significant added value and the Commission *and the competent authorities of the Member States* should facilitate *their* dissemination *and promotion, including by organising training schemes and developing a platform for cooperation at Union level covering all interested parties.*

**Amendment 16**  
**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 17**  
**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 18**  
**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

*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.

*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 *publicity and* dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, *simple* rules about information, communication *and publicity, and* the responsibilities of *local and regional authorities in* the Member States and the beneficiaries *in this respect*, should be set out.

*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*.

operational programmes to provide for a multiplier effect of Union resources, while *ensuring flexibility by providing solutions for* Member States facing temporary budget difficulties.

## **Amendment 19**

### **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.

## **Amendment 20**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

(17) [Proposal for a] Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) provides that products bought under public intervention may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union *if that scheme so provides*. Given that, depending on the circumstances, obtaining of food from the use, processing or sale of such stocks *might be economically the most* favourable option, it is appropriate to provide for such a possibility in this

*Amendment*

(17) [Proposal for a] Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) provides that products bought under public intervention may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union. Given that, depending on the circumstances, obtaining of food from the use, processing or sale of such stocks *remains a* favourable option, it is appropriate to provide for such a possibility in this Regulation. The amounts derived from a transaction concerning the

Regulation. The amounts derived from a transaction concerning the stocks should be used for the benefit of the most deprived, and should not be applied so as to diminish the obligation of the Member States to co-finance the programme. In order to ensure the most efficient possible use of the intervention stocks **and the proceeds thereof**, the Commission should in accordance with Article 19(e) of the Regulation (EU) No [CMO] adopt implementing acts establishing procedures by which the products in intervention stocks may be used, processed **or** sold for the purposes of the most deprived programme.

stocks should be used for the benefit of the most deprived, **as a complement to this fund**, and should not be applied so as to diminish the obligation of the Member States to co-finance the programme. In order to ensure the most efficient possible use of the intervention stocks, the Commission should in accordance with Article 19(e) of Regulation (EU) No [CMO] adopt implementing acts establishing procedures by which the products in intervention stocks may be used, processed, sold **at favourable prices and/or donated** for the purposes of the most deprived programme.

## **Amendment 21**

### **Proposal for a regulation**

#### **Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**(17a) In order to ensure widespread support for the most deprived, Member States should take care to eliminate any potential obstacles in the way of companies' donating food and other basic goods to food banks and not-for-profit organisations whose main activity is helping the most deprived.**

## **Amendment 22**

### **Proposal for a regulation**

#### **Recital 19**

*Text proposed by the Commission*

*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

(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 constantly**

operational programme.

*seeking to improve effectiveness and  
reduce bureaucracy.*

## **Amendment 23**

### **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 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.*

*Amendment*

(21) Member States should designate for their operational programme *the authorities responsible for the sound management of the Fund. Member States should undertake adequate administrative and physical monitoring and provide for penalties in the event of irregularities in order to ensure that the operational programmes are implemented in accordance with the applicable rules.*

## **Amendment 24**

### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

(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.*

*Amendment*

*deleted*

**Amendment 25**  
**Proposal for a regulation**

**Recital 23**

*Text proposed by the Commission*

*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. Its responsibilities and functions should be set out.** **deleted**

**Amendment 26**  
**Proposal for a regulation**

**Recital 24**

*Text proposed by the Commission*

*Amendment*

**(24) The audit authority should ensure 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.** **deleted**

**Amendment 27**  
**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** **deleted**

*determine, in the context of its strategy of control of national systems, the level of assurance it should obtain from national audit bodies.*

**Amendment 28**  
**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 to carry out audits focused on issues relating to sound financial management in order to draw conclusions on the performance of the Fund.*

*deleted*

**Amendment 29**  
**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

*Amendment*

(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.

(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.

**Amendment 30**  
**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 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.

*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, ***as well as the voluntary character of the beneficiary bodies.***

**Amendment 31**  
**Proposal for a regulation**

**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) To avoid a sudden cut in food aid if the implementation of this Regulation were to be delayed at the beginning of 2014, the Commission should take the transitional measures necessary to ensure that persons dependent on food aid do not suffer food poverty.***

**Amendment 32**  
**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 the *efficiency and straightforwardness* of the Fund.

**Amendment 33**  
**Proposal for a regulation**

**Article 2 – paragraph 1 – 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 by the national, *regional and local* competent authorities *in cooperation with* the partner organisations;

**Amendment 34**  
**Proposal for a regulation**

**Article 2 – paragraph 1 – 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

*Amendment*

(2) ‘partner organisations’ means public bodies or non-for-profit organisations that deliver the food *and/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);

Article 29(3)(b);

## **Amendment 35**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – 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;

## **Amendment 36**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – 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 ***and/or*** goods and/or benefiting from the accompanying measures;

## **Amendment 37**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – 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;

**Amendment 38**  
**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 developing local and regional food supply chains for them***. This objective shall be measured by the number of persons receiving assistance from the Fund.

**Amendment 39**  
**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, ***regional and local*** schemes whereby ***high-quality*** food products and basic consumer goods for ***their*** personal use are distributed to the most deprived persons ***and basic consumer goods are distributed for the personal use of the most deprived persons. The distribution shall be carried out by*** partner organisations ***which are*** selected by Member States ***and whose work is concerned at least in part with the distribution of food products and/or agricultural products to the most deprived.***

**Amendment 40**  
**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

(3) Support from the Fund shall be implemented in close cooperation ***between*** the Commission ***and the Member States***.

*Amendment*

(3) Support from the Fund shall be implemented ***by the Member States*** in close cooperation ***with*** the Commission.

**Amendment 41**  
**Proposal for a regulation**

**Article 5 – paragraph 5**

*Text proposed by the Commission*

(5) Arrangements for the implementation and use of the Fund, and in particular the financial and administrative resources required in relation to reporting, evaluation, management and control shall take into account the principle of proportionality having regard to the level of support allocated.

*Amendment*

(5) Arrangements for the implementation and use of the Fund, and in particular the financial and administrative resources required in relation to reporting, evaluation, management and control shall take into account the principle of proportionality having regard to the level of support allocated ***and to the specific nature of the objectives***.

**Amendment 42**  
**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 ***at the programming stage and at the subsequent*** monitoring, reporting and evaluation ***stages. They shall also ensure that implementation is simple for the partner organisations and the beneficiaries, and shall inform the public about the realisation and use of the Fund.***

**Amendment 43**  
**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) ***In view of the charitable nature of the aid to the most deprived persons and in many cases the involvement of volunteers in it,*** the Commission and the Member States shall carry out their respective roles in relation to the Fund with the ***constant*** aim of reducing the administrative burden for beneficiaries, ***establishing simple operating rules so as to simplify to the maximum the administrative systems with which partner organisations and/or beneficiaries are required to comply and thus affording them easy and rapid access to assistance.***

**Amendment 44**  
**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, ethnic origin, religion or belief, disability, age or sexual orientation in obtaining access to the Fund ***and to the programmes or activities associated with it.***

**Amendment 45**  
**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 quality criteria. ***The selection criteria for the food products shall favour local products. The organisations or associations responsible for distributing the food shall, wherever possible, aim to provide a healthy and balanced diet for the end recipients and pursue public health and food security objectives.*** 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 ***at every stage of the distribution chain.***

**Amendment 46**  
**Proposal for a regulation**

**Article 5 – paragraph 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) 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.***

**Amendment 47**  
**Proposal for a regulation**

**Article 6 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the population suffering from *severe material deprivation*;

*Amendment*

(a) the population suffering from *food poverty*;

**Amendment 48**  
**Proposal for a regulation**

**Article 6 – paragraph 3 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) the population suffering from severe material deprivation;*

**Amendment 49**  
**Proposal for a regulation**

**Article 6 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the population living in households with very low work intensity.

(b) the population living in households with very low *incomes or* work intensity.

**Amendment 50**  
**Proposal for a regulation**

**Article 6 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the population living below the relative poverty threshold, i.e. the percentage of the population living in households with an income below 60% of the national median income.*



**Amendment 51**  
**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

Each Member State shall submit to the Commission one operational programme, ***prepared in close cooperation with the competent regional, local and other public authorities as well as bodies concerned with or responsible for representing civil society, combating poverty and promoting non-discrimination***, 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:

**Amendment 52**  
**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 the type(s) of ***food and/or*** material deprivation to be addressed under the operational programme and a description of the main characteristics and the objectives of the distribution of ***good-quality, healthy*** food or goods and the accompanying measures to be provided

**Amendment 53**  
**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(aa) an action plan for the development of local and regional food supply chains for the benefit of the most deprived;***

#### **Amendment 54**

##### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ab) an action plan to reduce food waste;***

#### **Amendment 55**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) a description of the corresponding national scheme(s) for each type of material deprivation addressed;

(b) a description of the corresponding national scheme(s) for each type of ***food and/or*** material deprivation addressed;

#### **Amendment 56**

##### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ba) a description of the criteria for the selection of partner organisations, differentiated if necessary by type of material deprivation addressed;***

#### **Amendment 57**

##### **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;

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

**Amendment 58**

**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***

**Amendment 59**

**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 60**

**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 61**  
**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*

**Amendment 62**  
**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;

(h) a description of the *participation by* the competent regional *and* local authorities, *their representative organisations 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;

**Amendment 63**  
**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1 – point j – subpoint 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 *food and/or* material deprivation addressed as well as the corresponding accompanying measures.

**Amendment 64**  
**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 (ba) that deliver **food** directly **and those that deliver** the food **and/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 65**  
**Proposal for a regulation**

**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. Operational programmes shall be drawn up by Member States or any authority designated by them in cooperation with the competent regional, local and other public authorities as well as bodies representing civil society and bodies responsible for promoting equality and non-discrimination.

*Amendment*

2. Operational programmes shall be drawn up by Member States or any authority designated by them in cooperation with the competent regional **and** local authorities, **their representative bodies** and other public authorities as well as bodies representing civil society and bodies responsible for promoting equality and non-discrimination.

**Amendment 66**  
**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 67**  
**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, ***taking into account the selection criteria adopted by the Member States***, shall assess the consistency of the operational programme with this Regulation and its contribution to the objectives of the Fund.

**Amendment 68**  
**Proposal for a regulation**

**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. The Commission may make observations within ***three*** months of the date of submission of the operational programme. The Member State shall provide to the Commission all necessary additional information and, where appropriate, revise the proposed operational programme.

*Amendment*

2. The Commission may make observations within ***two*** months of the date of submission of the operational programme. The Member State shall provide to the Commission all necessary additional information and, where appropriate, revise the proposed operational programme.

**Amendment 69**  
**Proposal for a regulation**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Provided that any observations made by the Commission in accordance with paragraph 2 have been satisfactorily taken into account, the Commission shall, by means of implementing acts, approve the operational programme no later than ***six*** months after its formal submission by the

*Amendment*

3. Provided that any observations made by the Commission in accordance with paragraph 2 have been satisfactorily taken into account, the Commission shall, by means of implementing acts, approve the operational programme no later than ***three*** months after its formal submission by the

Member State, but not before 1 January 2014.

Member State, but not before 1 January 2014.

**Amendment 70**  
**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall assess the information provided in accordance with paragraph 1, taking account of the justification provided by the Member State. The Commission may make observations and the Member State shall provide to the Commission all necessary additional information.

*Amendment*

2. The Commission shall assess the information provided in accordance with paragraph 1, taking account of the justification provided by the Member State. The Commission may, ***within a period of two months***, make observations and the Member State shall provide to the Commission all necessary additional information.

**Amendment 71**  
**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 72**  
**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

*Amendment*

The Commission shall set up a Union level platform to facilitate the exchange of experience, ***know-how***, capacity building,

networking, as well as dissemination of relevant outcomes in the area of *non-financial assistance* to the most deprived persons.

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.*

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 10 – paragraph 2**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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.*



**Amendment 74**  
**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*

**Amendment 75**  
**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 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.** *deleted*

**Amendment 76**  
**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*

**Amendment 77**  
**Proposal for a regulation**

**Article 11 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

The Commission shall examine the final implementation report and inform the Member State of its observations within **five** months of receipt of the final report.

*Amendment*

The Commission shall examine the final implementation report and inform the Member State of its observations within **three** months of receipt of the final report.

**Amendment 78**  
**Proposal for a regulation**

**Article 11 – paragraph 6**

*Text proposed by the Commission*

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).

*Amendment*

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).

**Amendment 79**  
**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.

**Amendment 80**  
**Proposal for a regulation**

**Article 11 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

**Amendment 81**  
**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. 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.***

**Amendment 82**  
**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.*

### **Amendment 83** **Proposal for a regulation**

#### **Article 16 – paragraph 1**

##### *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 effectiveness **and ease of management of the programmes in respect of barriers to their implementation, their stated aims and the results obtained; the needs reported by the partner organisations and beneficiaries in terms of financing the distribution of food products to the most deprived persons; and** the added value of the Fund. This ex post evaluation shall be completed by 31 December 2023.

### **Amendment 84** **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**

##### *Amendment*

1. The **Commission and the** Member States shall provide information on **how the Fund is implemented and how money is used** and promote the actions supported by the Fund, **notably by making use of the platform and by establishing local and**

ensure that the contribution from the Fund is visible.

***regional contact points***. The information shall be addressed to the most deprived persons, the media and the wider public. It shall highlight the role of the Union, ensure that the contribution from the Fund is visible ***and give prominence to the beneficiary and partner organisations' volunteers***.

## **Amendment 85**

### **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.

## **Amendment 86**

### **Proposal for a regulation**

#### **Article 17 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The list of operations shall be updated at least every ***twelve*** months.

*Amendment*

The list of operations shall be updated at least every ***six*** months.

## **Amendment 87**

### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

During the implementation of an

*Amendment*

During the implementation of an operation,

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 88**

### **Proposal for a regulation**

#### **Article 17 – paragraph 4**

*Text proposed by the Commission*

4. ***All information*** and communication measures undertaken by the beneficiary and the partner organisations shall acknowledge support from the Fund to the operation by displaying the emblem of the Union together with a reference to the Union and the Fund.

## **Amendment 89**

### **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

the ***beneficiary*** and partner organisations shall ***display either an EU flag or a*** poster (minimum size A3) with information about the operation, including about the financial support from the Union.

*Amendment*

4. ***Information*** and communication measures undertaken by the beneficiary and the partner organisations ***in connection with any operation financed by the European Union*** shall acknowledge support from the Fund to the operation by displaying the emblem of the Union together with a reference to the Union and the Fund.

*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 ***and stickers representing the EU flag***, to help beneficiaries and partner organisations to meet their obligations as set out in

paragraph 3.

paragraph 3.

**Amendment 90**  
**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.

**Amendment 91**  
**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 ***exceed***:

- (a) 85% of the ***total*** expenditure;
- (b) ***95% of the total expenditure in the case of support in Member States eligible for support under the Financial Stability Facility (EFSF), the European Stability Mechanism (ESM) or the Cohesion Funds (CSF).***

**Amendment 92**  
**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Expenditure shall be eligible for a

*Amendment*

1. Expenditure shall be eligible for a

support from the operational programme if it is incurred and paid by a beneficiary between 1 January 2014 and 31 December **2022**.

support from the operational programme if it is incurred and paid by a beneficiary between 1 January 2014 and 31 December **2023**.

### **Amendment 93** **Proposal for a regulation**

#### **Article 20 – paragraph 2**

##### *Text proposed by the Commission*

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.

##### *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 **competent** authority, irrespective of whether all related payments have been made by the beneficiary.

### **Amendment 94** **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.

### **Amendment 95** **Proposal for a regulation**

#### **Article 21 – paragraph 3 – subparagraph 2**

##### *Text proposed by the Commission*

They may also be purchased by a public body and made available free of charge to the partner organisations. In that case, the food may be obtained from the use, processing or sale of the products in

##### *Amendment*

They may also be purchased by a public body and made available free of charge to the partner organisations. In that case, the food may be obtained from the use, processing or sale of the products in



intervention stocks made available in accordance with Article 15 of the Regulation (EU) No [CMO], provided that this is economically the most favourable option and does not unduly delay the delivery of the food products to the partner organisations. Any amount derived from a transaction concerning those stocks shall be used for the benefit of the most deprived persons, and shall not be applied so as to diminish the obligation of the Member States, provided in Article 18 of this Regulation, to co-finance the programme.

intervention stocks made available in accordance with Article 15 of the Regulation (EU) No [CMO], provided that this is economically the most favourable option and does not unduly delay the delivery of the food products to the partner organisations. Any amount derived from a transaction concerning those stocks shall be used for the benefit of the most deprived persons, and shall not be applied so as to diminish the obligation of the Member States, provided in Article 18 of this Regulation, to co-finance the programme *as a complement to the budget of the Fund..*

**Amendment 96**  
**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. Where the final beneficiaries are charged a price, that price shall not exceed 10% of the market price.**

**Amendment 97**  
**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;**

**Amendment 98**  
**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 ***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);

**Amendment 99**

**Proposal for a regulation**

**Article 24 – paragraph 1 – point d**

*Text proposed by the Commission*

(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);

*Amendment*

(d) the costs of social inclusion activities undertaken and declared by the partner organisations delivering the ***food and/or*** material assistance directly or indirectly to the ***final beneficiaries*** at a flat rate of 5% of the costs referred to in point (a);

**Amendment 100**

**Proposal for a regulation**

**Article 26**

*Text proposed by the Commission*

***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***

*Amendment*

***deleted***

*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;*

#### **Amendment 101**

#### **Proposal for a regulation**

#### **Article 26 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 26a**

*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.*

#### **Amendment 102**

#### **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).*

**Amendment 103**  
**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.*

#### **Amendment 104**

##### **Proposal for a regulation**

##### **Article 29**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

#### **Amendment 105**

##### **Proposal for a regulation**

##### **Article 30**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

**Amendment 106**  
**Proposal for a regulation**

**Article 31**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

**Amendment 107**  
**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.*

## **Amendment 108**

### **Proposal for a regulation**

#### **Article 33**

*Text proposed by the Commission*

*[...]*

*Amendment*

*deleted*

## **Amendment 109**

### **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 110**

**Proposal for a regulation**

**Article 37 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall reimburse as interim payments **90%** of the amount resulting from applying the co-financing rate laid down in the decision adopting the operational programme corresponding to the public eligible expenditure included in the payment application. It shall determine the annual balance in accordance with Article 47(2).

1. The Commission shall reimburse as interim payments **100%** of the amount resulting from applying the co-financing rate laid down in the decision adopting the operational programme corresponding to the public eligible expenditure included in the payment application. It shall determine the annual balance in accordance with Article 47(2).

**Amendment 111**

**Proposal for a regulation**

**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. **Managing** authority shall ensure that, in the case of grants to partner organisations,

1. **The competent** authority shall ensure that, in the case of grants to partner

beneficiaries are provided with a flow sufficient to ensure proper implementation of the operations.

organisations, beneficiaries are provided with a flow sufficient to ensure proper implementation of the operations.

**Amendment 112**  
**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.

**Amendment 113**  
**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 the next accounting year.

*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.

**Amendment 114**  
**Proposal for a regulation**

**Article 42 – paragraph 3**

*Text proposed by the Commission*

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)***.

*Amendment*

3. The first application for interim payment shall not be made before the notification to the Commission of the designation of the ***competent authorities***.

**Amendment 115**  
**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.***

**Amendment 116**  
**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.***

**Amendment 117**  
**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 118**  
**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 119**  
**Proposal for a regulation**

**Article 48**

*Text proposed by the Commission*

***Article 48***

***Availability of documents***

***1. The managing authority shall ensure***

*Amendment*

***deleted***

*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.*

**Amendment 120**  
**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*

**Amendment 121**  
**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*

**Amendment 122**  
**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*

#### **Amendment 123**

##### **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*

#### **Amendment 124**

##### **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:**

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

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

**Amendment 125**  
**Proposal for a regulation**

**Article 52**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

**Amendment 126**  
**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 127**  
**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.*

**Amendment 128**  
**Proposal for a regulation**

**Article 55**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

**Amendment 129**  
**Proposal for a regulation**

**Article 56**

**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.*

**Amendment 130**  
**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:***

***(a) operations suspended by a legal proceeding or by an administrative appeal having suspensory effect; or***

***(b) 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;***

***(c) (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.***

**Amendment 131**  
**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 132**  
**Proposal for a regulation**

**Article 59 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The delegated acts shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** 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 2 months at the initiative of the European Parliament or the Council.

**Amendment 133**  
**Proposal for a regulation**

**Article 60 a (new)**

*Text proposed by the Commission*

*Amendment*

The delegated acts shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **4** 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 2 months at the initiative of the European Parliament or the Council.

*Amendment*

**Article 60a**

***Transitional rules***

***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 134**  
**Proposal for a regulation**

**Annex 1**

*Text proposed by the Commission*

[...]

*Amendment*

***deleted***

## PROCEDURE

<b>Title</b>	Fund for European Aid to the Most Deprived
<b>References</b>	COM(2012)0617 – C7-0358/2012 – 2012/0295(COD)
<b>Committee responsible</b> Date announced in plenary	EMPL 19.11.2012
<b>Opinion by</b> Date announced in plenary	REGI 19.11.2012
<b>Rapporteur</b> Date appointed	Younous Omarjee 27.11.2012
<b>Discussed in committee</b>	23.1.2013                      19.2.2013
<b>Date adopted</b>	19.3.2013
<b>Result of final vote</b>	+:                      28 –:                      5 0:                      9
<b>Members present for the final vote</b>	François Alfonsi, Luís Paulo Alves, Catherine Bearder, Jean-Jacob Bicep, Alain Cadec, Salvatore Caronna, Nikos Chrysogelos, Rosa Estaràs Ferragut, Danuta Maria Hübner, María Irigoyen Pérez, Seán Kelly, Mojca Kleva Kekuš, Constanze Angela Krehl, Petru Constantin Luhan, Ramona Nicole Mănescu, Riikka Manner, Iosif Matula, Erminia Mazzoni, Miroslav Mikolášik, Jens Nilsson, Wojciech Michał Olejniczak, Younous Omarjee, Markus Pieper, Monika Smolková, Nuno Teixeira, Lambert van Nistelrooij, Justina Vitkauskaitė, Oldřich Vlasák, Hermann Winkler, Elżbieta Katarzyna Łukacijewska
<b>Substitute(s) present for the final vote</b>	Vasilica Viorica Dăncilă, Karima Delli, Cornelia Ernst, Ivars Godmanis, Karin Kadenbach, Rodi Kratsa-Tsagaropoulou, Ivari Padar, Mirosław Piotrowski, Marie-Thérèse Sanchez-Schmid, Patrice Tirolien, Derek Vaughan, Iuliu Winkler