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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Financial Agricultural Questions
N° Cion doc.:	9634/18 + COR 1 + ADD 1
Subject:	Proposal for a Regulation on Financing, management and monitoring of the CAP - Comments received from Member States

Following the request from the Presidency on 12 October 2018 (WK 11762/2018 INIT), delegations will find in the Annex contribution received from the Belgian delegation on Block (5) - Articles 91-95, Block (6) - Articles 43; 46-56, Block (7) - Articles 57-62; 74-83 and Block (8): Articles 96-99; 100-101; 102-104.

BELGIUM

PUBLIC

DATE	MEMBER STATE
18/10/2018	Belgium

TITLE III: FINANCIAL MANAGEMENT OF THE FUNDS**Chapter III: Common provisions**

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 43		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		

TITLE III: FINANCIAL MANAGEMENT OF THE FUNDS

Chapter IV: Clearance of accounts

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 46		
Article 47		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 48		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
Article 49		
Article 50		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 51		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 52		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
Article 53		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>	More details in basic act	
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
<i>Paragraph 6</i>		
<i>Paragraph 7</i>		
Article 54		
Article 55		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 56		

TITLE IV: CONTROL SYSTEMS AND PENALTIES

Chapter I: General rules

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 57		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
<i>Paragraph 6</i>		
Article 58		
<i>Paragraph 1</i>	Delete chapter III –art 74- 83 scrutiny of transactions and adding it here in general – parts of art 75.1, 76.1 Art 78.1 Mutual assistance can be helpful, as well for EAGF as for EAFRD	1. The system set up by the Member States in accordance with Article 57(2) shall include systematic checks which shall also target the areas where the risk of errors is the highest. In relation to measures financed outside the CAP SP, Member States may, as part of the control system, carry out systematic scrutiny of the commercial documents of undertakings, in particular by cross checks. Member States shall ensure a level of checks needed for an effective management of the risks. 1bis Mutual assistance Member States shall assist each other for

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
		the purposes of carrying out the scrutiny checks provided for in this Chapter in the following cases: (a) where an undertaking or third party is established in a Member State other than that in which payment of the amount in question has or should have been made or received; (b) where an undertaking or third party is established in a Member State other than that in which the documents and information required for scrutiny are to be found. (The Commission may coordinate joint actions involving mutual assistance between two or more Member States)
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
Article 59		
Article 60		
Article 61		
Article 62		
<i>Paragraph 1</i>		

Regulation on financing, management and monitoring of the CAP

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		

TITLE IV: CONTROL SYSTEMS AND PENALTIES

Chapter III: Scrutiny of transactions

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 74	Controls no longer to be specified, because - New delivery model: controls of beneficiaries are a responsibility of the MS. The choice to use this kind of control must be given to the MS. - The nature of the measures: no export restitutions anymore; originally created for this. - The scope of the measures: little risk since producer organisations for fruits and vegetables are no longer concerned	Deletion of Article 74
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
Article 75	Idem article 74	Deletion of Article 75
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
Article 76	Idem article 74	Deletion of Article 76
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
Article 77	Idem article 74	Deletion of Article 77
<i>Paragraph 1</i>		

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
Article 78	Mutual assistance	Deletion of Article 78,
<i>Paragraph 1</i>	Mutual assistance can be OK helpful as well for EAGF as EAFDR	Added under art 58, 1
<i>Paragraph 2</i>		Delete par 2
<i>Paragraph 3</i>		Delete par 3
Article 79	See art 74	Deletion of Article 79
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
<i>Paragraph 6</i>		
Article 80	See art 74	Deletion of Article 80
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
Article 81	See art 74	Deletion of Article 81
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 82	See article 74	Deletion of Article 82
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
Article 83	See article 74	Deletion of Article 83

TITLE V: COMMON PROVISIONS

Chapter II: Use of the euro

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 91		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 92		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
<i>Paragraph 6</i>		
Article 93		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
Article 94		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		

TITLE V: COMMON PROVISIONS

Chapter III: Reporting

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 95		

TITLE V: COMMON PROVISIONS

Chapter IV: Transparency

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 96		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
Article 97		
Article 98		
Article 99		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		

TITLE VI: DELEGATED ACTS AND IMPLEMENTING ACTS

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 100		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		
<i>Paragraph 4</i>		
<i>Paragraph 5</i>		
<i>Paragraph 6</i>		
Article 101		
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		
<i>Paragraph 3</i>		

TITLE VII: FINAL PROVISIONS

COMMISSION PROPOSAL	COMMENTS	DRAFTING SUGGESTIONS
Article 102	Belgium requests that Article 118 of the current Horizontal regulation nr 1306/2013 on the level of implementation be maintained in the new Regulation. A recital is legally not sufficient. Which recital was meant by the Commission in the agrifin-meeting in the CAP SP Regulation and or in the Horizontal Reg.	Art 102: level of implementation Member States shall be responsible for implementing programmes and carrying out their tasks under this Regulation at the level they deem appropriate, in accordance with the institutional, legal and financial framework of the Member State and subject to compliance with this Regulation and other relevant Union rules.
<i>Paragraph 1</i>	Article 102 to become article 103	Art 102 Art 103, par 1
<i>Paragraph 2</i>		par 2
Article 103	Article 103 to become article 104	Art 103 Art 104
Article 104	Article 104 to become article 105	Art 104 Art 105
<i>Paragraph 1</i>		
<i>Paragraph 2</i>		