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| From:    | Presidency                                                                                                                                    |
| To:      | Working Party on Financial Agricultural Questions                                                                                             |
| Subject: | Proposal for a Regulation on Financing, management and monitoring of the CAP<br>- Slovenian comments on the drafting suggestion in article 35 |

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Delegations will find attached comments received from the Slovenian delegation on the drafting suggestion in article 35 of the above mentioned proposal.

## COMMENTS FROM SLOVENIA

### AT Presidency proposed changes to the HZR

| Article concerned | Current text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Possible new text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reason                                                                                                                                                                           | SI drafting suggestions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Article 35</b> | <p>The expenditure referred to in Article 5(2) and Article 6 may be financed by the Union only if:</p> <p>(a) it has been effected by accredited paying agencies,</p> <p>(b) it has been effected in accordance with the applicable Union rules, or</p> <p>(c) as regards types of interventions referred to in Regulation (EU) .../... [CAP Strategic Plan Regulation],</p> <p>(i) it is matched by a corresponding reported output, and</p> <p>(ii) it has been effected in accordance with the applicable governance systems, not extending</p> | <p>The expenditure referred to in Article 5(2) and Article 6 may be financed by the Union only if <b>it has been effected by accredited paying agencies and:</b></p> <p><del>(a) it has been effected by accredited paying agencies,</del></p> <p><b>(ab)</b> it has been effected in accordance with the applicable Union rules, or</p> <p><b>(be)</b> as regards types of interventions referred to in Regulation (EU) .../... [CAP Strategic Plan Regulation],</p> <p>(i) it is matched by a corresponding reported output, and</p> <p>(ii) it has been effected in accordance with the applicable</p> | <p>To clarify the text and make it more legible in accordance with the explanations on the intended meaning received from the Commission, in particular as regards the "or".</p> | <p>SI supports Presidency suggestion to make the wording of Article 35 more precise, taking into account explanations from the Commission. Based on the explanations from the Commission we understand that point (a) regulates the eligibility of expenditure referred to in Articles 5(2) and 6 that do not relate to the interventions referred to in Title III of CAP Strategic Plan Regulation. On the other hand, point (b) covers the eligibility of expenditure, corresponding to the interventions referred to in CAP Strategic Plan Regulation.</p> <p>In order to avoid difficulties in interpreting Article 35 we suggest a more explicit wording of point (a):</p> <p>“(a) it has been effected in accordance</p> |

| Article concerned | Current text                                                                                                                                                                                                                                                                                                        | Possible new text                                                                                                                                                                                                                                                                                                                                             | Reason | SI drafting suggestions                                                                                                                                                                                                            |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>to the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans.</p> <p>Point (c)(i) of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in Regulation (EU) No.../...[CAP Strategic Plan Regulation].</p> | <p>governance systems, not extending to the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans.</p> <p>Point (<b>eb</b>)(i) of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in Regulation (EU) No.../...[CAP Strategic Plan Regulation].</p> |        | <p>with the applicable Union rules, <b>in the case of expenditure referred to in Articles 5(2) and 6 which do not relate to the interventions referred to in Regulation (EU) No.../...[CAP Strategic Plan Regulation], or</b>”</p> |