

Regulation (EU) 2018/1475 of the European Parliament and of the Council of 2 October 2018 laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU

CHAPTER VII

CONTROL SYSTEM

Article 22

Principles of the control system

1 The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2 The Commission shall be responsible for the supervisory controls with regard to the European Solidarity Corps actions managed by the national agencies. It shall set the minimum requirements for the controls by the national agency and the independent audit body.

3 National agencies shall be responsible for the primary controls of grant beneficiaries for the actions of the European Solidarity Corps which are entrusted to them. Those controls shall be proportionate and adequate and give reasonable assurance that the grants awarded are used as intended and in compliance with the applicable Union rules.

4 With regard to the funds transferred to the national agencies, the Commission shall ensure proper coordination of its controls with the national authorities and the national agencies, on the basis of the single audit principle and following a risk-based analysis. This paragraph shall not apply to investigations carried out by the European Anti-Fraud Office (OLAF).

Article 23

Protection of the financial interests of the Union

1 The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors and other third parties who have received Union funds under the European Solidarity Corps. They may also conduct audits and carry out controls in relation to the national agencies.

2 OLAF may carry out investigations, including on-the-spot checks and inspections of economic operators concerned directly or indirectly by such funding, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96⁽²⁾, with a view to establishing whether there has been fraud, corruption or any other illegal activity

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affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under the European Solidarity Corps.

3 Without prejudice to paragraphs 1 and 2, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation, shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.

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- (1) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 ([OJ L 248, 18.9.2013, p. 1](#)).
- (2) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ([OJ L 292, 15.11.1996, p. 2](#)).

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