

Commission Implementing Regulation (EU) No 180/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 228/2013 of the European Parliament and of the Council laying down specific measures for agriculture in the outermost regions of the Union

CHAPTER II

MEASURES TO SUPPORT LOCAL AGRICULTURAL PRODUCTS

SECTION I

Aid applications

Article 18

Submission of applications

Aid applications for a calendar year shall be submitted to the office designated by the competent authorities of the Member State in accordance with the specimens drawn up by the latter and within the periods they have laid down. Those periods shall be fixed so as to allow time for the necessary on-the-spot checks and shall not run beyond 28 February of the following calendar year.

Article 19

Correction of manifest errors

An aid application may be rectified at any time after its submission where a manifest error is recognised by the competent authority.

Article 20

Late submission of applications

Except in cases of *force majeure* and exceptional circumstances, submission of an aid application after the time limit laid down in accordance with Article 18 shall lead to a 1 % reduction per working day in the amounts to which the aid applicant would have been entitled if the aid application had been lodged within the time limit. If the delay amounts to more than 25 days, the application shall be considered inadmissible.

Article 21

Withdrawal of aid applications

1 An aid application may be totally or partially withdrawn at any time.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 180/2014, CHAPTER II. (See end of Document for details)

However, where the competent authority has already informed the aid applicant of irregularities in the aid application or has given notice to the applicant of its intention to carry out an on-the-spot check and this check reveals irregularities, withdrawal shall not be authorised in respect of the parts of the aid application affected by those irregularities.

2 Withdrawal under paragraph 1 shall return the claimant to the situation prior to submitting an aid application or part of the aid application in question.

SECTION 2

Checks

Article 22

General principles

Verification shall be made by administrative and on-the-spot checks.

Administrative checks shall be exhaustive and shall include cross-checks with, *inter alia*, data from the integrated administration and control system provided for in Chapter II of Title V, Chapter II of Title VI and Articles 47, 61 and 102, paragraph 3 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council⁽¹⁾.

[^{F1}On the basis of a risk analysis in accordance with Article 24(1) of this Regulation, the competent authorities shall perform on-the-spot checks by sampling, for each action, at least 5 % of aid applications. The sample shall also represent at least 5 % of the amounts covered by the aid for each action.]

In all appropriate cases, Member States shall make use of the integrated administration and control system.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/920 of 28 June 2018 amending Implementing Regulation \(EU\) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.](#)

Article 23

On-the-spot checks

1 On-the-spot checks shall be unannounced. However, provided that the purpose of the check is not compromised, advance notice limited to the strict minimum necessary may be given. Such notice shall not exceed 48 hours, except in duly justified cases.

2 Where applicable, the on-the-spot checks provided for in this Section shall be carried out in conjunction with any other checks provided for by Union legislation.

3 The aid application or applications concerned shall be rejected if the applicants for aid or their representatives prevent an on-the-spot check from being carried out.

Article 24

Selection of aid applicants to be subjected to on-the-spot checks

1 Aid applicants shall be selected to undergo on-the-spot checks by the competent authority on the basis of a risk analysis and the representativeness of the aid applications submitted. The risk analysis shall take account of:

- a the amount of aid;
- b the number of agricultural parcels, the surface area and the number of animals covered by the aid application, or the quantity produced, transported, processed or marketed;
- c changes in comparison with the previous year;
- d the findings of checks performed in the preceding years;
- e other parameters to be defined by the Member States.

To provide the element of representativeness, Member States shall randomly select between 20 and 25 % of the minimum number of aid applicants to be subjected to on-the-spot checks. [F²When the minimum number of aid applicants to be subjected to on-the-spot checks is lower than 12, Member States shall randomly select at least one applicant.]

2 The competent authority shall keep records of the reasons why specific aid applicants were selected for on-the-spot checks. The inspector performing the on-the-spot check shall be informed of those reasons before beginning the check.

Textual Amendments

- F2** Inserted by Commission Implementing Regulation (EU) 2018/920 of 28 June 2018 amending Implementing Regulation (EU) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.

Article 25

Inspection report

1 Every on-the-spot check shall be the subject of an inspection report relating the details of the checks carried out. Reports shall indicate in particular:

- a the aid scheme and applications checked;
- b the persons present;
- c the agricultural parcels checked, the agricultural parcels measured, the results of the measurements per parcel measured and the measuring methods used;
- d the number and type of animals found and, where applicable, the ear tag numbers, entries in the register and in the computerised database for bovine animals and any supporting documents checked, the results of the checks and, where applicable, particular observations in respect of individual animals or their identification code;
- e the quantities produced, transported, processed or marketed which are covered by the check;
- f whether advance notice was given to the aid applicant of the visit and, if so, how much;
- g any further control measures carried out.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 180/2014, CHAPTER II. (See end of Document for details)

2 Aid applicants or their representatives shall be given the opportunity to sign the report to attest their presence at the check and to add observations. Where irregularities are found the aid applicant shall receive a copy of the inspection report.

Where the on-the-spot check is carried out by remote-sensing, the Member States may decide not to give the aid applicants or their representatives the opportunity to sign the inspection report if no irregularities are revealed during the check by remote-sensing.

SECTION 3

Reductions and exclusions, and undue payments

Article 26

Reductions and exclusions

In the event of a discrepancy between the information declared in the context of aid applications and the findings of the checks provided for in Section 2, the Member State concerned shall apply reductions and exclusions to the aid. Those reductions and exclusions shall be effective and proportionate and shall act as a deterrent.

Article 27

Exceptions to the application of reductions and exclusions

1 The reductions and exclusions provided for in Article 26 shall not apply where the aid applicant submitted factually correct information or can otherwise show that he or she is not at fault.

2 The reductions and exclusions shall not apply with regard to those parts of the aid application which the aid applicant informs the competent authority in writing are incorrect or have become incorrect since it was lodged, provided that the competent authority has not already informed the aid applicant of its intention to carry out an on-the-spot check or of any irregularity in the application.

On the basis of the information given by the aid applicant as referred to in the first subparagraph, the aid application shall be rectified to reflect the actual situation.

[^{F1}Article 28

Recovery of undue payments and penalties

1 In the event of undue payment, Article 7 of Commission Implementing Regulation (EU) No 809/2014⁽²⁾ shall apply *mutatis mutandis*.

2 Where the undue payment has been made as a result of a false declaration, false documents or serious negligence on the part of the aid applicant, a penalty shall be imposed equal to the amount unduly paid, with interest calculated in accordance with Article 7(2) of Implementing Regulation (EU) No 809/2014.

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Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/920 of 28 June 2018 amending Implementing Regulation \(EU\) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.](#)

Article 29

Force majeure and exceptional circumstances

In cases of *force majeure* or exceptional circumstances within the meaning of Article 2(2) of Regulation (EU) No 1306/2013, Article 4 of Commission Delegated Regulation (EU) No 640/2014⁽³⁾ shall apply *mutatis mutandis*.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/920 of 28 June 2018 amending Implementing Regulation \(EU\) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.](#)

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 180/2014, CHAPTER II. (See end of Document for details)

- (1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).
- (2) ^{F1}Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).]
- (3) ^{F1}Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ L 181, 20.6.2014, p. 48).]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2018/920 of 28 June 2018 amending Implementing Regulation (EU) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 180/2014, CHAPTER II.