

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

TITLE IV

NON-AREA-RELATED AND NON-ANIMAL-RELATED RURAL DEVELOPMENT MEASURES

CHAPTER II

Checks

Section 3

Provisions on checks for specific measures

Article 54

Knowledge transfer and information actions

The competent authority shall verify compliance with the requirement that the bodies providing knowledge transfer and information services have the appropriate capacities as required by Article 14(3) of Regulation (EU) No 1305/2013. The competent authority shall verify the content and duration of the farm and forest exchange schemes and visits according to Article 14(5) of that Regulation. Those verifications shall be carried out by administrative checks and, on a sample basis, by on-the-spot checks.

Article 55

Advisory services, farm management and farm relief services

For the operations provided for in Article 15(1)(a) and (c) of Regulation (EU) No 1305/2013, the competent authority shall verify compliance with the requirement that the authorities or bodies selected to provide advice have the appropriate resources and the selection procedure has been conducted through public procurement as required by Article 15(3) of that Regulation. That verification shall be carried out by administrative checks and, on a sample basis, by on-the-spot checks.

Article 56

Quality schemes for agricultural products, and foodstuffs

For the measure provided for in Article 16 of Regulation (EU) No 1305/2013, the competent authority may, where appropriate, make use of evidence received from other services, bodies or organisations to verify compliance with obligations and eligibility

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criteria. However, the competent authority shall ensure that it is satisfied that the service, body or organisation is operating to a standard sufficient to control compliance with the obligations and eligibility criteria. To this end, the competent authority shall carry out administrative checks and, on a sample basis, on-the-spot checks.

Article 57

Farm and business development

For the operations provided for in Article 19(1)(a) of Regulation (EU) No 1305/2013, the competent authority shall, by administrative checks and, on a sample basis, by on-the-spot checks, verify compliance with:

- (a) the business plan in accordance with Article 19(4) and (5) of Regulation (EU) No 1305/2013 and Article 8 of Commission Implementing Regulation (EU) No 808/2014⁽¹⁾, including in the case of young farmers the requirement that they comply with the definition of active farmer as referred to in Article 19(4) of Regulation (EU) No 1305/2013;
- (b) the rule for the grace period for meeting the conditions relating to occupational skills as referred to in Article 2(3) of Commission Delegated Regulation (EU) No 807/2014⁽²⁾.

Article 58

Setting up of producer groups and organisations

For the measure provided for in Article 27 of Regulation (EU) No 1305/2013, Member States shall recognise the producer group after verifying compliance of the group with the criteria set out in paragraph 1 of that Article and with the national rules. After recognition, the competent authority shall verify the continuous compliance with the recognition criteria and with the business plan in accordance with Article 27(2) of that Regulation by administrative checks and at least once during the five-year period through an on-the-spot check.

Article 59

Risk management

As regards the specific support provided for in Article 36 of Regulation (EU) No 1305/2013, the competent authority shall, by administrative checks and, on a sample basis, by on-the-spot checks, verify in particular:

- (a) that farmers were eligible for the support in accordance with Article 36(2) of Regulation (EU) No 1305/2013;
- (b) when controlling applications for payments by mutual funds as provided for in Article 36(1)(b) and (c) of Regulation (EU) No 1305/2013, that the compensation was paid in full to affiliated farmers in accordance with Article 36(3) of that Regulation.

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Article 60

LEADER

1. Member States shall implement an appropriate system for supervision of local action groups.

2. In respect of expenditure incurred under Article 35(1)(b) and (c) of Regulation (EU) No 1303/2013, Member States may delegate the carrying out of the administrative checks provided for in Article 48 of this Regulation to local action groups by a formal act. However, Member States shall remain responsible for verifying that those local action groups have the administrative and control capacity to undertake that work.

In case of delegation referred to in the first subparagraph, the competent authority shall carry out regular checks of the local action groups, including bookkeeping checks and repetition of administrative checks on a sample basis.

The competent authority shall also carry out on-the-spot checks as referred to in Article 49 of this Regulation. As regards the control sample for expenditure concerning LEADER, at least the same percentage as that referred to in Article 50 of this Regulation shall apply.

3. In respect of expenditure incurred under Article 35(1)(a), (d) and (e) of Regulation (EU) No 1303/2013 and Article 35(1)(b) and (c) of that Regulation where the local action group itself is the beneficiary of the support, administrative checks shall be carried out by persons independent of the local action group concerned.

Article 61

Interest rate and guarantee fee subsidies

1. In respect of expenditure incurred under Article 69(3)(a) of Regulation (EU) No 1303/2013, administrative checks and on-the-spot checks shall be carried out with reference to the beneficiary and depending on the realisation of the operation concerned. The risk analysis in accordance with Article 50 of this Regulation shall cover, at least once, the operation concerned on the basis of the discounted value of the subsidy.

2. The competent authority shall ensure, via administrative checks and, if necessary, via in-situ visits to the intermediate financial institutions and to the beneficiary, that the payments to the intermediate financial institutions are in conformity with Union law and with the agreement concluded between the paying agency and the intermediate financial institution.

3. If interest rate or guarantee fee subsidies are combined with financial instruments in a single operation targeting the same final recipients, the competent authority shall carry out checks at the level of final recipients only in those cases established in Article 40(3) of Regulation (EU) No 1303/2013.

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Article 62

Technical assistance at the initiative of the Member States

In respect of expenditure incurred under Article 51(2) of Regulation (EU) No 1305/2013, Articles 48 to 51 and Article 53 of this Regulation shall apply *mutatis mutandis*.

Administrative checks referred to in Article 48 and on-the-spot checks referred to in Article 49 shall be carried out by an entity which is functionally independent from the entity authorising the payment of the technical assistance.

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- (1) Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (see page 18 of this Official Journal).
- (2) Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions (see page 1 of this Official Journal).

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