EAGGF Guarantee section: scrutiny by the member states of transactions (amend. Regul. 4045/89/EEC)

1994/0119(CNS) - 12/12/1994 - Final act

The Council regulation allowed the Member States greater flexibility in applying Regulation (EEC) No 4045/89 on the scrutiny of transactions forming part of the system of financing by the Guarantee Section of the EAGGF. First of all, it provided them with greater latitude as regards the selection criteria to be verified, in accordance with a risk analysis to be assessed more generally by them. The new regulation: - redefined the concept of a commercial document to include electronically stored data; - clarified the actions available to the Member States in cases where commercial documents were inadequate or where they were located outside Community territory: in the latter case, the undertaking in question should make available these documents to the officials responsible for the scrutiny at a place and time to be determined by the Member States responsible for carrying out the scrutiny; - strengthened the cooperation between Member States in carrying out inspections. In particular, the requested Member State that carried out the scrutiny should inform the requesting Member State of the results of that scrutiny at the latest three months after the end of the scrutiny period; - relaxed the system governing the Community's contribution to increased expenditure; - clarified the status of officials of the Commission or other Member States accompanying those responsible for the scrutiny; - stipulated that Commission officials could participate in the scrutinies. They could not themselves exercise the power of scrutiny accorded to national officials, but they would have access to the same premises and the same documents as the officials of the Member States; - officials of the requesting Member State could be present at the scrutinies and have access to the same premises and documents as the officials of the requested Member State. The regulation would enter into force on 23 December 1994. It would apply with effect from the 1995/96 scrutiny period.