EAGGF Guarantee section: measures in respect of certains beneficiaries of operations financed by the fund

1994/0015(CNS) - 22/06/1995 - Final act

OBJECTIVE: to combat fraud and irregularities affecting the Community budget by reinforcing those measures designed to ensure that the Community funds intended for the implementation of the CAP are not granted to persons or companies that do not offer all the guarantees of reliability as to the proper execution of the operations concerned. COMMUNITY MEASURE: Council Regulation (EC) No 1469/95 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF. SUBSTANCE: . A Community system is established for the purpose of identifying and making known as rapidly as possible to the competent authorities of the Member States and the Commission operators presenting a risk of non-reliability in connection with tendering procedures, export refunds and sales at reduced prices of intervention products, financed by the Guarantee Section of the EAGGF; . The identification procedures and rules relating to notification shall be implemented on the initiative of the Member State in which the risk of the operator's non-reliability is identified; . According to the gravity of the charges, and whether or not they are established or alleged, Member States shall apply the appropriate sanctions from among a range of measures including reinforced checking of all operations performed by the operator, suspension of payment of amounts relating to current operations and, where appropriate, release of the guarantee relating thereto; . The measures must comply with the following principles: a prior hearing and right of appeal by the operator concerned, proportionality between the irregularity committed or suspected and the sanctions applied, and non-discrimination between operators; . The information provided must remain confidential. It is covered by professional confidentiality and may not be used for purposes other than those provided for in this regulation; . The Commission will submit to Parliament and the Council by 6 July 1997 a report on the implementation of the regulation, accompanied by proposals for possible amendments. DATE OF ENTRY INTO FORCE: 6 July 1995.