



Council of the
European Union

**Brussels, 5 April 2016
(OR. en)**

7586/16

**AGRI 162
AGRIFIN 26**

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	38th Conference of Directors of EU Paying Agencies (Luxembourg, 11-13 November 2015) - Information from the Luxembourg delegation

In view of the "Agriculture and Fisheries" Council of 11 April 2016, delegations will find attached a document provided by the Luxembourg delegation on the above-mentioned subject, that will be presented under "Any other business".

CONCLUSIONS OF THE 38TH CONFERENCE OF THE DIRECTORS OF EU PAYING AGENCIES

Luxemburg, 11-13 of November 2015

The participants at the Conference came from the 28 Member States, Former Yugoslav Republic of Macedonia, Turkey, the European Commission (DG AGRI), the European Court of Auditors (ECA) and the European Commission Anti-Fraud Office (OLAF).

The focal point of the conference had been put on the exchange of the first experiences related to the implementation of the new CAP. This topic was picked out as a central theme in plenary session and all three workshops were organised to discuss several issues of the new CAP more in detail.

Since all Paying Agencies are regularly confronted with audit missions and the related findings and since the new procedure of conformity clearance is in place and implicates considerable changes, these issues had been discussed in workshop 1. Since the new CAP as such had only been in place for some months at that time, the Luxembourg Presidency had chosen to organize a 2nd workshop to that issue which analysed first experiences of the Paying Agencies with the new CAP. As simplification constituted the focal point of the previous conference in Riga, the Presidency had also decided to create a link to this significant topic in order to point out the importance of the ongoing process of simplification for the new CAP. Therefore workshop 3 dealt with the simplification in the area of Cross-Compliance.

These themes enabled those taking part in the Conference to discuss the practical problems and issues, and to formulate suggestions for improving and simplifying the paying agencies' day-to-day work.

Conclusions of the workshops and the conferences are as follows:

As a general conclusion it crystallised that stability of legislation and procedures is needed for the entire CAP especially in the short term. Changes within the current legal framework should be reduced to a minimum. Moreover, concerning simplification and more particularly long-term simplification, proposals need to be seen in respect of the CAP post 2020.

Participants of workshop 1 suggested that most common audit findings should be presented more frequently by the European Commission (2 or 3 times a year) in a general, anonymized form. Moreover, these findings should be addressed more targeted in Directors (or Paying Agencies) meetings and Expert groups including a detailed analysis of reasons for the errors and findings. Nevertheless, Member States must also show more activity from their side and clearly express their needs! This also means that there is a need to have more specific discussions between Member States on a voluntary basis (Learning Network) or by bilateral exchange.

First experiences with the new CAP from workshop 2 show that at least some payments to farmers will be delayed, even where advances have been used. The reasons are that the new rules of the CAP reform are complicated and impose additional communication, control burdens and administrative costs on both claimants and paying agencies.

Simplification remains therefore an important issue although this needs to be done in a controlled way to maintain stability. There is a constant need to continue to exchange best practice between member states at different levels (e.g. through Conference of Paying Agency Directors, Learning Network etc.) and use common audit findings to drive improvements. Therefore, it appears opportune to liaise with AGRI D3 where necessary.

The aim of the 3rd workshop concerning the simplification of the Cross-Compliance was to focus more on long-term simplification proposals in respect of CAP2021 rather than achieve quick short-term simplifications, as stability is preferred in the short term (no changes within the current legal framework). Moreover it was proposed to identify key issues for simplification of the cross compliance system.

Hence, the top priority should be to limit checks to relevant, objective and controllable cross compliance that can be applied in a way that provides full legal certainty.

Priority 2 should be to assure that the rules are relevant within the sector of agricultural activities (SMR 2 + 3).

Finally, priority 3 should focus on the removal of the general rule on reductions for intentional non-compliances in combination with more proportionate rules on reductions and penalties.