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Answer given by Mr Hogan
on behalf of the European Commission
(10.7.2019)

The Commission cannot disclose any information on ongoing conformity clearance procedures to parties not directly involved.

The Commission, however, wishes to clarify the (i) context, (ii) the purpose of a conformity clearance procedure, and (iii) the possible financial consequence for the Member State. The Commission emphasises that these financial consequences cannot be considered as a “fine”.

(i) The Common Agricultural Policy is implemented in shared management. Its sound financial management is therefore based on Member States’ compliance with the rules laid down in the legislation. Commission conformity audits verify that Member States are implementing management and control systems which are in conformity with the regulations.

(ii) The conformity clearance procedure is designed to exclude expenditure from Union financing which has not been effected in conformity with the applicable rules. It is, however, not a mechanism whereby irregular payments are recovered from beneficiaries. Where undue payments linked to irregularities committed by the beneficiary are identified as a result of a conformity audit, Member States are in principle required to ensure recovery from final beneficiaries in accordance with the applicable provisions.

(iii) The amount of financial corrections is calculated on the basis of the loss actually caused to the EU budget. Where this is not possible, flat-rates are used which reflect the gravity of the deficiencies in the national control systems.