

Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC

### TITLE III

## **PROGRAMMING, IMPLEMENTATION AND CONTROL**

### *Article 36*

#### **Work programmes and financial contributions**

1 The Commission shall adopt implementing acts, establishing common or separate annual or multiannual work programmes for the implementation of the measures referred to in Title II, except for Section 1 of Chapter I and Section 1 of Chapter II thereof. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).

2 The work programmes referred to in paragraph 1 shall set out the operational objectives pursued, which shall be in accordance with the general and specific objectives laid down in Article 2, the expected results, the method of implementation and their total amount. They shall also contain a description of the measures to be financed, an indication of the amount allocated to each measure and an indicative implementation timetable. In respect of grants, they shall include the priority actions, the evaluation criteria, the funding rate and the indicative list of eligible measures and costs, in accordance with Article 3 of this Regulation.

3 The work programmes for implementing the measures referred to in Section 2 of Chapter I of Title II, and in Section 2 and Section 3 of Chapter II of Title II shall be adopted by 30 of April of the year preceding their execution, provided that the draft budget is adopted. Those work programmes shall reflect the priorities as laid down in Annex III to this Regulation.

4 With regard to the implementation of the emergency measures referred to in Section 1 of Chapter I of Title II and Section 1 of Chapter II of Title II, or where it is necessary to respond to unforeseeable developments, the Commission shall adopt implementing acts, setting out its decision on the financial contribution. Those implementing acts shall be adopted, in accordance with the examination procedure referred to in Article 41(2).

5 The Commission shall adopt implementing acts laying down the procedures for submission by Member States of applications, reports and requests for payments for the grants referred to in Sections 1 and 2 of Chapter I, and Sections 1, 2 and 3 of Chapter II of Title II. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 652/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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### Article 37

#### **On-the-spot checks by the Commission**

The Commission may organise on-the-spot checks in Member States and at the premises of the beneficiaries with a view to verifying in particular:

- (a) the effective implementation of the measures benefitting from the Union financial contribution;
- (b) the compliance of administrative practices with Union rules;
- (c) the existence of the requisite supporting documents and their correlation with the measures benefitting from a Union contribution.

### Article 38

#### **Access to information**

Member States and beneficiaries shall make available to the Commission all information necessary for verifying the implementation of the measures and shall take all appropriate measures to facilitate the checks which the Commission deems to be appropriate in connection with the management of Union financing, including on-the-spot checks.

### Article 39

#### **Protection of the Union's financial interests**

1 The Commission shall take appropriate measures ensuring that, when measures financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, where irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive penalties.

2 The Commission, or its representatives, and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot, over all grant beneficiaries, implementing bodies, contractors and subcontractors who have received Union funds under this Regulation.

The European Anti-Fraud Office (OLAF) shall be authorised to carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Council Regulation (Euratom, EC) No 2185/96<sup>(1)</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or decision or a contract concerning Union funding.

Without prejudice to the first and the second subparagraphs, cooperation agreements with third countries and international organisations, grant agreements, grant decisions and contracts resulting from the implementation of this Regulation shall expressly entitle the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections.

**Changes to legislation:** *There are outstanding changes not yet made to Regulation (EU) No 652/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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- (1) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ([OJ L 292, 15.11.1996, p. 2](#)).

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EU) No 652/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 37(a)(b) words substituted by [S.I. 2018/1410 reg. 18\(3\)\(b\)](#)
- Art. 37(c) words substituted by [S.I. 2018/1410 reg. 18\(3\)\(c\)](#)