



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director General

06 MARS 2013

Brussels,
LMP/vg – agriddg2.c.2 (2012)1597829

Dear Mr Schröder,

I am replying to your e-mail of 1 August 2012, addressed to Mr Jacquin, head of unit C.2, olive oil and horticultural products, on questions related to Article 117(3) of Implementing Regulation (EU) No 543/2011 and Article 3 of Regulation (EC) No 2988/95.

Regarding Article 117(3) of Implementing Regulation (EU) No 543/2011, you ask first whether the penalty to be applied pursuant to these provisions could lead to a negative amount. The answer to this question is no: the maximum penalty would be the total loss of the eligible amount of support. Then you also ask if the mentioned provisions of Article 117(3) are to be applied to each of the requests for partial payments lodged pursuant to Article 72 of the same Regulation or to the application for aid in the year concerned as a whole. The answer in this case is that the provisions of Article 117(3) are to be applied to the sum of all aid applications for a given operational programme year.

As regards the questions you ask on Article 3 of Regulation (EC) No 2988/95, I would suggest you to contact OLAF services for a more detailed reply, since they are responsible for the regulation in cause. More detailed background and the concrete issues at stake could also help.

This opinion does not prejudice any decision by the Court of Justice, which alone is competent to hand down legally binding rulings on the validity and interpretation of acts adopted by the European Union institutions.

Yours sincerely,



José Manuel SILVA RODRIGUEZ

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