

Brussels, 23 April 2009

Commission insists that all Member States publish recipients of CAP payments by 30th April, as set out in EU law

The European Commission today expressed its surprise and disappointment with suggestions that Germany may not publish the list of beneficiaries of Common Agricultural Policy payments by 30th April 2009, as required by EU law. "We are very surprised. Germany voted in favour of this proposal and the legal situation is clear. Germany is obliged to implement this legislation. If they do suspend publication, we will react accordingly," said Mariann Fischer Boel, Commissioner for Agriculture and Rural Development. "This could mean starting infringement proceedings against Germany. This is taxpayers' money, so it is very important that people know where it is being spent. Transparency should also improve the management of these funds, by reinforcing public control of how the money is used. Only in this way can we guarantee an informed debate about the future of the Common Agricultural Policy. "

The new Financial Regulation, adopted in 2006, sets out the principle that Member States have to ensure the publication of a list of all recipients of all forms of EU agricultural and rural development funds for each financial year. A Commission Regulation sets out the details of how this publication will be carried out.

It provides that each Member State shall publish the information on a website which allows people to search for the beneficiaries by name, municipality, amounts received (and the currency concerned) or a combination of these three criteria and to extract the information as a single set of data. It requires Member States to inform the beneficiaries that their data will be made public and that they enjoy the rights accorded to them by EU data protection rules, thus ensuring that the system complies with the requirements of data protection. Recipients of money from the Rural Development fund have already been required to be published since September 2008. Germany has also published this data.

German Agriculture Minister Ilse Aigner has suggested "a temporary suspension" of the publication of this information, citing data protection concerns.

After careful examination, the Commission cannot agree to this suspension. Questions related to data protection were taken into consideration during the development of the legislation, which was backed by the Council. Germany itself voted in favour. EU regulations are directly applicable in all Member States, and the transparency rules are therefore binding in their entirety.

Neither the Member States nor the Commission may suspend the enforcement and application of these rules as long as they have not been declared invalid. Only the Court of Justice is empowered to declare an EU regulation to be invalid.

In this case, since an action is pending before the Court for a preliminary ruling on the validity of the EU transparency rules, the Commission must refrain from taking any action that could be perceived as prejudging the Court's future ruling.

As Guardian of the Treaties, the Commission will treat all Member States in the same way and ensure that transparency rules are fully enforced in the whole EU from 30 April 2009.