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# MEASURE 16 COOPERATION: CHALLENGES OF IMPLEMENTATION IN AUSTRIA

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# SUVEY OF SUBMEASURES/TYPES OF OPERATION 16 USED IN AUSTRIA

Code	Submeasure/type of operation
16.01.1 (par. 1 c)	Operational groups of EIP „AGRI“
16.02.1 (par. 2 a,b)	Pilot projects, development of new products, practices, processes and technologies
16.02.2 a) (par. 2 c)	Pilot projects tourism, (ministry of economics)
16.03.1 a) (par. 2 c)	Co-operation/development/marketing of tourism services
16.03.2 (par 2 c)	Co-operation and integration of small operators (handcrafter) (ministry of economics)
16.04.1 (par. 2 d and e)	Horizontal and vertical co-operation among supply chain actors for the establishment and development of short supply chains and local markets and promotion activities
16.05.1) (par. 2 f, g)	Forest/water/resilience of natural hazard
16.05.2) (par. 2 f, g)	Preservation of rural heritage – nature and environment protection
16.08.1 (par. 2 j)	Drawing-up forest management plans or equivalent instruments
16.09.1 (par. 2 k)	Diversification of farming activities into activities concerning health care, social integration,
16.10.1 (par 1 b)	Creation of clusters
16.10.2 (par. 1 b)	Creation of networks
16.10.3 (par. 1 a)	Co-operation producer groups, cooperatives and inter-branch organisations

# LEGAL BASIS OF COOPERATION

## 1. Incorporated enterprise = legal entity:

- a. e.g. association
- b. e.g. capital company
  - seldom the case
  - easier to manage

## 2. Consortium/Cooperation

- No legal entity
- Most of the time cooperations are only founded temporarily (realisation of the operation)
- Consortium (at least 2 entities) = applicant for support
- Beneficiary = the individual entities of the consortium (cooperation partners)



Cooperation agreement is the legal basis (very important)

## WHO CAN APPLY FOR PAYMENT?

1. Formally always the Consortium is applying
  - represented by the lead partner of the Consortium
2. Different possibilities how a cooperation partner applies for his costs in the cooperation project
3. Payment: Each support is only transferred from the paying Agency to the account of the lead partner

# CHALLENGE TO MANAGE THE DATABASE

1. the consortium is the applicant for support (with his name, account,...)
2. Each of the cooperation partners has to be recorded in the database of the paying agency
3. The lead partner (with his address, account,...) is the contact person
4. Each payment is transferred from the paying Agency to the account of the lead partner
5. The lead partner has to distribute the money further to the cooperation partners

# NON COMPLIANCE WITH THE ELIGIBILITY CRITERIA - SANCTIONS (ART. 35 REG. 640/2014)



- applicant of support is liable for irregularities :
  - In case of a consortium (= applicant), a lot of entities are involved
  - Problem: If one entity causes a serious non-compliance, the support claimed shall be refused or withdrawn in full for the whole consortium
  - Consequence: no cooperation partner will take over the liability of the other entities of a consortium
  - goal of this measure 16 will fail: to get widespread cooperation
  - Assessment: the sanction is disproportional for the other entities of the consortium
  - Possible solution: sanctions are limited to the economic beneficiary (=entity which causes the sanctions)



# A NEW MEASURE CAUSES NEW CHALLENGE AND NEEDS NEW APPROACHES AND ADAPTATIONS/INTERPRETATIONS OF THE RULES



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