Commission Implementing Decision (EU) 2020/859 of 16 June 2020 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (notified under document C(2020) 3609) (Only the Bulgarian, Croatian, Czech, Danish, Dutch, English, French, German, Greek, Italian, Lithuanian, Polish, Romanian, Slovak, Slovenian and Spanish texts are authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2020/859

of 16 June 2020

excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2020) 3609)

(Only the Bulgarian, Croatian, Czech, Danish, Dutch, English, French, German, Greek, Italian, Lithuanian, Polish, Romanian, Slovak, Slovenian and Spanish texts are authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1306/2013 of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(1)], and in particular Article 52 thereof, in conjunction with Article 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) In accordance with Article 52 of Regulation (EU) No 1306/2013 the Commission is to carry out the necessary verifications, communicate to the Member States the results of those verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the reports issued on the outcome have been examined by the Commission.

(3) In accordance with Regulation (EU) No 1306/2013, only agricultural expenditure which has been incurred in a way that has not infringed Union law may be financed.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/859. (See end of Document for details)*

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGF and the EAFRD.

(5) The amounts that are not recognised as being chargeable to the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the verifications to the Member States.

(6) The amounts excluded from Union financing by the present Decision should also take into account any reductions or suspensions in accordance with Article 41 of Regulation (EU) No 1306/2013 due to the fact that such reductions or suspensions are of a provisional nature and without prejudice to decisions taken pursuant to Articles 51 or 52 of that Regulation.

(7) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with Union law was notified by the Commission to the Member States in a summary report on the subject[(2)].

(8) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice of the European Union in cases pending on 31 March 2020,

HAS ADOPTED THIS DECISION:

Article 1

The amounts set out in the Annex and related to expenditure incurred by the Member States' accredited paying agencies and declared under the EAGF or the EAFRD shall be excluded from Union financing.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, Romania, the Republic of Slovenia, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 16 June 2020.

For the Commission

Janusz WOJCIECHOWSKI

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/859. (See end of Document for details)*

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/859. (See end of Document for details)*

ANNEX

Decision: 63

Budget Item: *05040501*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Rural Development EAFRD Risk management	2016	Reimbursement linked to FC published in ad hoc decision 62	ONE OFF		EUR	150 000,0	0,00	150 000,0
					Total DE:	**EUR**	**150 000,0**	**0,00**	**150 000,0**

Currency	Amount	Deductions	Financial Impact
EUR	150 000,0	0,00	150 000,0

Budget Item: *05046001*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
CZ	Rural Development EAFRD measures subject to IACS	2017	Reimbursement following judgment in case T-509/18	FLAT RATE	5,00%	EUR	144 617,1	0,00	144 617,1
	Rural Development EAFRD measures subject to IACS	2018	Reimbursement following judgment in case T-509/18	FLAT RATE	5,00%	EUR	6 499,55	0,00	6 499,55
	Rural Development EAFRD measures subject to IACS	2017	Reimbursement following judgment in case T-8/20	FLAT RATE	5,00%	EUR	14 191,54	0,00	14 191,54

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/859. (See end of Document for details)*

	Rural Development EAFRD measures subject to IACS	2018	Reimbursement following judgment in case T-8/20	ELAT RATE	5,00%	EUR	15 511,62	0,00	15 511,62
	Rural Development EAFRD measures subject to IACS	2019	Reimbursement following judgment in case T-8/20	ELAT RATE	5,00%	EUR	5 405,86	0,00	5 405,86
					Total CZ:	**EUR**	**186 225,67**	**0,00**	**186 225,67**
DE	Rural Development EAFRD Risk management	2017	Reimbursement linked to FC published in ad hoc decision 62	ONE OFF		EUR	53 750,0	0,00	53 750,0
					Total DE:	**EUR**	**53 750,0**	**0,00**	**53 750,0**

Currency	Amount	Deductions	Financial Impact
EUR	239 975,67	0,00	239 975,67

Budget Item: *05070107*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Irregularities	2012	Reimbursement following judgment in case T-287/16	ONE OFF RENV		EUR	9 601 619,0	0,00	9 601 619,0
					Total BE:	**EUR**	**9 601 619,0**	**0,00**	**9 601 619,0**
BG	Clearance of Accounts -	2018	Errors in EAGF and reimbursement	ONE OFF		EUR	238 474,09	0,00	238 474,09