Commission Implementing Decision (EU) 2020/707 of 25 May 2020 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2019 (notified under document C(2020) 3267)

COMMISSION IMPLEMENTING DECISION (EU) 2020/707

of 25 May 2020

on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2019

(notified under document C(2020) 3267)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council 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 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.

(2) In accordance with Article 39 of Regulation (EU) No 1306/2013 the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2019, for the purpose of aligning the reference period for the European Agricultural Fund for Rural Development (EAFRD) expenditure with that of the European Agricultural Guarantee Fund (EAGF), account should be taken of expenditure incurred by the Member States between 16 October 2018 and 15 October 2019, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014[(2)].

(3) The second subparagraph of Article 33(2) of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the intermediate payments

for the financial year concerned from the expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the next intermediate payment.

(4) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States, along with the necessary amendments.

(5) For all paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.

(6) In accordance with Article 83 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council[3] the deadline for interim payments, is the one laid down in Article 36(5) of Regulation (EU) No 1306/2013, may be interrupted for a maximum period of six months in order to carry out additional verifications following information received that these payments are linked to an irregularity having serious financial consequences. In adopting this Decision, the Commission should take into account the amounts interrupted in order to avoid making any inappropriate or untimely payments.

(7) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission, pursuant to Article 29 of Implementing Regulation (EU) No 908/2014, a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively.

(8) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within four years from the date of recovery request, or within eight years where the recovery is taken before the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which a particular Member State decided not to pursue recovery and the grounds for its decision are shown in the summary report referred to in Article 54(4) of Regulation (EU) No 1306/2013 in conjunction with point (c)(iv) of the first

subparagraph of Article 102(1) of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently to be borne by the Union budget.

(9) This Decision should also take into account the amounts that are still to be charged to the Member States as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the 2007-2013 programming period for EAFRD.

(10) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of intermediate payments for financial year 2019 due to expenditure not effected in accordance with Union rules. In this Decision, the Commission should take into account such reduced or suspended amounts on the basis of Article 41 of Regulation (EU) No 1306/2013, in order to avoid making any undue,or untimely, payments or reimbursements that could later be subject to financial correction.

(11) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of financial year 2019 and relating to the 2014-2020 programming period.

The amounts recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, are set out in Annex I.

Article 2

The amounts to be charged to the Member States, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 relating to the 2014-2020 programming period and to the 2007-2013 programming period for the European Agricultural Fund for Rural Development (EAFRD), are set out in Annex II to this Decision.

Article 3

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

Article 4

This Decision is addressed to the Member States.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/707. (See end of Document for details)*

Done at Brussels, 25 May 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) 2020/707. (See end of Document for details)*

ANNEX I

Cleared EAFRD expenditure by Rural Development programme for financial year 2019
Amount to be recovered from or paid to the Member State per programme
Approved programmes with declared expenditure for EAFRD 2014-2020

(in EUR)

MS	CCI	Expenditure 2019	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2019	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
AT	2014AT06RDNP001	530 792 506,55	-1 750 000,0	529 042 506,55	0,00	529 042 506,55	529 042 468,84	37,71
BE	2014BE06RDRP001	40 746 272,7	0,00	40 746 272,7	0,00	40 746 272,7	40 746 257,34	15,36
BE	2014BE06RDRP002	38 145 525,08	0,00	38 145 525,08	0,00	38 145 525,08	38 150 952,57	-5 427,49
BG	2014BG06RDNP001	309 155 718,57	0,00	309 155 718,57	0,00	309 155 718,57	309 390 025,15	-234 306,58
CY	2014CY06RDNP001	20 952 617,16	0,00	20 952 617,16	0,00	20 952 617,16	20 952 823,78	-206,62
CZ	2014CZ06RDNP001	394 915 055,66	-30 606,96	394 885 448,7	0,00	394 885 448,7	394 887 013,68	-1 564,98
DE	2014DE06RDRN001	635 763,53	0,00	635 763,53	0,00	635 763,53	635 763,52	0,01
DE	2014DE06RDRP003	92 445 964,03	0,00	92 445 964,03	0,00	92 445 964,03	92 445 964,03	0,00
DE	2014DE06RDRP004	203 932 538,55	0,00	203 932 538,55	0,00	203 932 538,55	203 932 538,55	0,00
DE	2014DE06RDRP007	125 628 955,07	0,00	125 628 955,07	0,00	125 628 955,07	125 629 013,11	-58,04
DE	2014DE06RDRP010	45 991 706,72	0,00	45 991 706,72	0,00	45 991 706,72	45 991 706,72	0,00
DE	2014DE06RDRP011	121 234 745,1	0,00	121 234 745,1	0,00	121 234 745,1	121 234 745,1	0,00
DE	2014DE06RDRP012	167 830 523,6	0,00	167 830 523,6	0,00	167 830 523,6	167 830 523,6	0,00