Commission Implementing Decision (EU) 2020/201 of 12 February 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) 541) (Only the Czech, Danish, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Spanish and Swedish texts are authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2020/201

of 12 February 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) 541)

(Only the Czech, Danish, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Spanish and Swedish 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 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 52 thereof,

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.

(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 twenty-four 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 30 November 2019,

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 Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, Hungary, the Republic of Austria, the Republic of Poland, the Portuguese Republic and the Kingdom of Sweden.

Done at Brussels, 12 February 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) 2020/201. (See end of Document for details)*

ANNEX

Decision: 62

Budget Item: 0 5 0 2 0 8 1 1

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PL	Fruit and Vegetables - Pre-recognised Producer Groups	2017	Lifting of suspension of monthly payments made to Poland (EAGF) - Commission Decision C(2016)2050 of 7 April 2016 and Commission Decision C(2017)2104 of 4 April 2017 - Period from 16 October 2016 to 15 October 2017	ONE OFF		EUR	0,00	- 3 007 191,14	3 007 191,14
	Fruit and Vegetables - Pre-recognised Producer Groups	2016	Lifting of suspension of monthly payments made to Poland (EAGF) - Commission Decision	ONE OFF		EUR	0,00	- 9 356 312,09	9 356 312,09

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/201. (See end of Document for details)*

			C(2016) 2050 of 7 April 2016 - Period from 1 March 2016 to 15 October 2016						
					Total PL:	**EUR**	**0,00**	**- 12 363 503,23**	**12 363 503,23**

Currency	Amount	Deductions	Financial Impact
EUR	0,00	- 12 363 503,23	12 363 503,23

Budget Item: 0 5 0 3 0 1 0 7

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Decoupled Direct Aids	2016	Lifting of suspension of monthly payments made to France (EAGF) - Commission Decision C(2016) 4287 du 12 juillet 2016	ONE OFF		EUR	0,00	- 10 499 112,7	10 499 112,7
					Total FR:	**EUR**	**0,00**	**- 10 499 112,7**	**10 499 112,7**

Currency	Amount	Deductions	Financial Impact
EUR	0,00	- 10 499 112,7	10 499 112,7

Budget Item: 0 5 0 3 0 1 1 0

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/201. (See end of Document for details)*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Decoupled Direct Aids	2016	Lifting of suspension of monthly payments made to France (EAGF) - Commission Decision C(2016)4287 du 12 juillet 2016	ONE OFF		EUR	0,00	- 101 753 593,01	101 753 593,01
					Total FR:	**EUR**	**0,00**	**- 101 753 593,01**	**101 753 593,01**

Currency	Amount	Deductions	Financial Impact
EUR	0,00	- 101 753 593,01	101 753 593,01

Budget Item: 0 5 0 3 0 1 1 1

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Decoupled Direct Aids	2016	Lifting of suspension of monthly payments made to France (EAGF) - Commission Decision C(2016)4287 du 12 juillet 2016	ONE OFF		EUR	0,00	- 61 833 996,81	61 833 996,81
					Total FR:	**EUR**	**0,00**	**- 61 833 996,81**	**61 833 996,81**