Commission Implementing Decision (EU) 2019/1835 of 30 October 2019 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(2019) 7815) (Only the Bulgarian, Croatian, Czech, Dutch, English, French, German, Greek, Hungarian, Italian, Lithuanian, Maltese, Portuguese, Romanian, Slovak, Spanish and Swedish texts are authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1835

of 30 October 2019

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(notified under document C(2019) 7815)

(Only the Bulgarian, Croatian, Czech, Dutch, English, French, German, Greek, Hungarian, Italian, Lithuanian, Maltese, Portuguese, Romanian, Slovak, 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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1835. (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 15 September 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 Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, Ireland, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Portuguese Republic, Romania, the Slovak Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1835. (See end of Document for details)*

ANNEX

Decision: 61

Budget Item: 0 5 0 7 0 1 0 7

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Fruit and Vegetables - Operational Programmes	2009	Reimbursement following judgment in case T-237/17	EFLAT RATE	10,00 %	EUR	3 922 888,8	204 258,51	1 880 130,29
	Fruit and Vegetables - Operational Programmes	2010	Reimbursement following judgment in case T-237/17	EFLAT RATE	10,00 %	EUR	4 917 485,69	2 566 722,82	2 350 762,87
	Fruit and Vegetables - Operational Programmes	2011	Reimbursement following judgment in case T-237/17	EFLAT RATE	10,00 %	EUR	440 969,18	220 484,59	220 484,59
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EFLAT RATE	1,59 %	EUR	122 921,79	0,00	122 921,79
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EFLAT RATE	3,58 %	EUR	8 144 125,58	0,00	8 144 125,58
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EFLAT RATE	3,80 %	EUR	1 383 647,93	0,00	1 383 647,93
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EFLAT RATE	4,46 %	EUR	3 642 817,36	0,00	3 642 817,36
	Decoupled Direct Aids	2011	Reimbursement following judgment	EFLAT RATE	4,99 %	EUR	375 612,88	0,00	375 612,88

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1835. (See end of Document for details)*

			in case T-459/16						
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	5,86 %	EUR	9 260 920,72	0,00	9 260 920,72
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	6,40 %	EUR	677 367,04	0,00	677 367,04
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	6,52 %	EUR	1 126 563,99	0,00	1 126 563,99
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	7,68 %	EUR	773 889,45	0,00	773 889,45
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	8,60 %	EUR	608 889,9	0,00	608 889,9
	Decoupled Direct Aids	2011	Reimbursement following judgment in case T-459/16	EHAA RATE	10,04 %	EUR	15 628 447,21	0,00	15 628 447,21
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EHAA RATE	1,53 %	EUR	107 658,06	0,00	107 658,06
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EHAA RATE	3,52 %	EUR	1 461 366,24	0,00	1 461 366,24
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EHAA RATE	3,61 %	EUR	8 152 425,6	0,00	8 152 425,6

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1835. (See end of Document for details)*

	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	4,40 %	EUR	324 045,51	0,00	324 045,51
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	4,41 %	EUR	3 250 342,68	0,00	3 250 342,68
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	5,47 %	EUR	8 971 740,91	0,00	8 971 740,91
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	6,42 %	EUR	1 133 969,53	0,00	1 133 969,53
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	7,67 %	EUR	758 779,44	0,00	758 779,44
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	8,71 %	EUR	634 659,58	0,00	634 659,58
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	8,84 %	EUR	817 979,54	0,00	817 979,54
	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-459/16	EL AT RATE	10,06 %	EUR	16 284 452,86	0,00	16 284 452,86
	Decoupled Direct Aids	2013	Reimbursement following judgment in case T-459/16	EL AT RATE	1,52 %	EUR	233 815,98	0,00	233 815,98
	Decoupled Direct Aids	2013	Reimbursement following judgment	EL AT RATE	2,73 %	EUR	1 889 533,78	0,00	1 889 533,78