Commission Implementing Decision (EU) 2019/949 of 5 June 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) 3981) (Only the Bulgarian, Czech, Danish, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Slovak and Spanish texts are authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2019/949

of 5 June 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) 3981)

(Only the Bulgarian, Czech, Danish, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Slovak and Spanish texts are authentic)

THE EUROPEAN COMMISSION,

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

Having regard to 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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/949. (See end of Document for details)*

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 1 April 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 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 Slovak Republic.

Done at Brussels, 5 June 2019.

For the Commission

Phil HOGAN

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/949. (See end of Document for details)*

ANNEX

Decision: 60

Budget Item: *050452*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GR	Rural Development EAGGF (2000-2006) - Improving the competitiveness	2011	Reimbursement following judgment in case C-670/17P	ONE OFF		EUR	72 105 592,41	0,00	72 105 592,41
					Total GR:	**EUR**	**72 105 592,41**	**0,00**	**72 105 592,41**

Currency	Amount	Deductions	Financial Impact
EUR	**72 105 592,41**	**0,00**	**72 105 592,41**

Budget Item: *05070107*

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Decoupled Direct Aids	2012	Reimbursement following judgment in case T-156/15	FLAT RATE	100,00 %	EUR	9 630 390,11	0,00	9 630 390,11
	Other Direct Aid - Article 68 of Reg. 73/2009	2012-72	Reimbursement following judgment in case T-156/15	FLAT RATE	100,00 %	EUR	1 576 620,23	0,00	1 576 620,23
	Other Direct Aids	2012	Reimbursement following judgment in case T-156/15	FLAT RATE	100,00 %	EUR	968 446,88	– 0,01	968 446,89
	Decoupled Direct Aids	2013	Reimbursement following judgment in case T-156/15	FLAT RATE	100,00 %	EUR	9 594 884,58	0,00	9 594 884,58
	Other Direct	2013	Reimbursement following	FLAT RATE	100,00 %	EUR	1 651 565,64	0,00	1 651 565,64

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/949. (See end of Document for details)*

	Aid - Article 68 of Reg. 73/2009	2009-72	judgment in case T-156/15						
	Other Direct Aids	2013	Reimbursement following judgment in case T-156/15	FLAT RATE	100,00 %	EUR	930 600,78	0,00	930 600,78
					Total FR:	**EUR**	**24 352 508,22**	**– 0,01**	**24 352 508,23**

Currency	Amount	Deductions	Financial Impact
EUR	**24 352 508,22**	**– 0,01**	**24 352 508,23**

Budget Item: ***6701***

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
AT	Certification	2017	CEB/2018/000141 AT Errors in the EAGF population	ONE OFF		EUR	– 244 593,89	– 124,07	– 244 469,82
					Total AT:	**EUR**	**– 244 593,89**	**– 124,07**	**– 244 469,82**
Member State	**Measure**	**FY**	**Reason**	**Type**	**Correction %**	**Currency**	**Amount**	**Deductions**	**Financial Impact**
BE	Decoupled Direct Aids	2017	Weakness in administrative checks in respect of the aid claimed	ONE OFF		EUR	– 12 999,05	0,00	– 12 999,05
	Decoupled Direct Aids	2016	Weakness in administrative checks in respect of the aid claimed	ONE OFF		EUR	– 27 973,79	0,00	– 27 973,79

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/949. (See end of Document for details)*

	Decoupled Direct Aids	2016	Weakness in the correct calculation of the aid including administrative reductions and penalties	ONE OFF		EUR	– 14 715,59	0,00	– 14 715,59
	Decoupled Direct Aids	2017	Weakness in the correct calculation of the aid including administrative reductions and penalties	ONE OFF		EUR	– 12 418,85	0,00	– 12 418,85
	Decoupled Direct Aids	2016	Weakness in the performance of OTSC of sufficient quality	ONE OFF		EUR	– 29 289,0	0,00	– 29 289,0
	Decoupled Direct Aids	2016	Weakness in the performance of crosschecks to establish eligibility of the parcel declared	ONE OFF		EUR	– 2 191,26	0,00	– 2 191,26
	Decoupled Direct Aids	2018	Weakness in the performance of OTSC of sufficient quality	ONE OFF		EUR	– 37 795,75	0,00	– 37 795,75