Commission Implementing Decision (EU) 2019/874 of 22 May 2019 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2018 (notified under document C(2019) 3820)

COMMISSION IMPLEMENTING DECISION (EU) 2019/874

of 22 May 2019

on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2018

(notified under document C(2019) 3820)

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 2018, account should be taken of expenditure incurred by the Member States between 16 October 2017 and 15 October 2018, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014[(2)].

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

relating to the expenditure effected in the second month following the clearance of accounts decision.

(4) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States before 30 April 2019, along with the necessary amendments.

(5) For all paying agencies concerned, 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 5(5) of Commission Delegated Regulation (EU) No 907/2014[(3)], any overrun of deadlines during August, September and October is to be taken into account in the clearance of accounts decision. Some of the expenditure declared by certain Member States during those months in 2018 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.

(7) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of monthly payments for financial year 2018 due to failure to comply with financial ceilings or payment deadlines, or due to control system deficiencies. In this Decision, the Commission should take into account such reduced or suspended amounts in order to avoid making any inappropriate, or untimely, payments or reimbursements which could later be subject to financial correction. The amounts in question may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of Regulation (EU) No 1306/2013.

(8) 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.

(9) 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 the recovery request or within eight years where the recovery is taken to the national courts,

100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the Member State decided not to pursue recovery and the grounds for the 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 borne by the Union budget.

(10) Reductions according to Article 54(2) of Regulation (EU) No 1306/2013 presented in Annex I (column e) relate to the European Agricultural Guarantee Fund (EAGF). 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 in relation to the Temporary Rural Development Instrument (TRDI) funded by the European Agricultural Guidance and Guarantee Fund (EAGGF)[(4)] are presented in Annex II.

(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 Guarantee Fund (EAGF) in respect of financial year 2018.

The amounts recoverable from, or payable to, each Member State pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in Annexes I and II to this Decision.

Article 2

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 3

This Decision is addressed to the Member States.

Done at Brussels, 22 May 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) 2019/874. (See end of Document for details)*

ANNEX I

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018

Amount to be recovered from or paid to the Member State

MS		2018 - Expenditure / Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year[a]	Amount to be charged according to Article 54(2) of Regulation (EU) 1306/2013	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State[b]
		cleared = expenditure / assigned revenue declared in the annual declaration	disjoined = total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c = a + b	d	e	f = c + d + e	g	h = f – g
AT	EUR	716 420 978,95	0,00	716 420 978,95	– 37 170,38	0,00	716 383 808,57	715 609 830,36	773 978,21
BE	EUR	601 303 115,4	0,00	601 303 115,4	– 114 596,75	– 1 626,78	601 186 891,87	601 394 318,15	– 207 426,28
BG	BGN	0,00	0,00	0,00	0,00	– 1 063 919,18	– 1 063 919,18	0,00	– 1 063 919,18
BG	EUR	807 146 800,18	0,00	807 146 800,18	– 334 145,99	0,00	806 812 654,19	807 673 988,1	– 861 333,91
CY	EUR	56 393 523,1	0,00	56 393 523,1	0,00	0,00	56 393 523,1	56 387 865,72	5 657,38
CZ	CZK	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
CZ	EUR	838 161 503,79	0,00	838 161 503,79	0,00	0,00	838 161 503,79	838 147 041,76	14 462,03
DE	EUR	4 985 090 101,5	0,00	4 985 090 101,5	0,00	– 33 688,08	4 985 056 413,42	4 985 034 668,19	21 745,23

DK	DKK	0,00	0,00	0,00	0,00	– 125 077,44	– 125 077,44	0,00	– 125 077,44
DK	EUR	840 515 032,68	0,00	840 515 032,68	– 26 565,01	0,00	840 488 467,67	840 392 409,55	96 058,12
EE	EUR	125 125 241,18	0,00	125 125 241,18	0,00	0,00	125 125 241,18	125 117 498,73	7 742,45
ES	EUR	5 470 755 305,48	0,00	5 470 755 305,48	– 2 766 915,88	– 621 928,73	5 467 366 460,87	5 466 953 232,06	413 228,81
FI	EUR	528 528 562,98	0,00	528 528 562,98	– 161 352,27	– 28 687,91	528 338 522,8	528 456 887,44	– 118 364,64
FR	EUR	7 648 093 429,39	0,00	7 648 093 429,39	– 6 120 649,32	– 460 572,15	7 641 512 207,92	7 656 033 220,25	– 14 521 012,33
EL	EUR	2 011 103 975,47	0,00	2 011 103 975,47	– 3 028 436,21	– 1 638 086,99	2 006 437 452,27	2 008 075 711,5	– 1 638 259,23
HR	HRK	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
HR	EUR	247 188 806,71	0,00	247 188 806,71	– 6 040,18	0,00	247 182 766,53	247 212 246,42	– 29 479,89
HU	HUF	0,00	0,00	0,00	0,00	– 135 165 891,0	– 135 165 891,0	0,00	– 135 165 891,0
HU	EUR	1 295 635 431,84	0,00	1 295 635 431,84	– 6 020 231,35	0,00	1 289 615 200,49	1 289 615 200,46	0,03
IE	EUR	1 223 596 530,54	0,00	1 223 596 530,54	– 62 608,1	– 21 661,81	1 223 512 260,63	1 222 580 002,15	932 258,48
IT	EUR	4 103 975 978,84	0,00	4 103 975 978,84	– 28 260 620,76	– 2 680 831,62	4 073 034 526,46	4 073 733 454,03	– 698 927,57
LT	EUR	486 858 049,12	0,00	486 858 049,12	– 15 736,2	– 360,43	486 841 952,49	486 843 109,25	– 1 156,76
LU	EUR	33 289 659,49	0,00	33 289 659,49	0,00	– 3 565,63	33 286 093,86	33 238 794,75	47 299,11
LV	EUR	236 722 594,21	0,00	236 722 594,21	– 25,73	– 5 168,56	236 717 399,92	236 722 568,48	– 5 168,56