Commission Implementing Decision (EU) 2019/873 of 22 May 2019 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 2018 (notified under document C(2019) 3817)

COMMISSION IMPLEMENTING DECISION (EU) 2019/873

of 22 May 2019

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 2018

(notified under document C(2019) 3817)

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, 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 2017 and 15 October 2018, 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 before 30 April 2019, along with the necessary amendments.

(5) For certain 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) The information submitted by certain other paying agencies requires additional inquiries and their accounts cannot therefore be cleared in this Decision.

(7) In accordance with Article 83 of Regulation (EU) No 1303/2013 the deadline for interim payments, as 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.

(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 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.

(10) 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.

(11) 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 2018 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.

(12) 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

With the exception of the paying agencies referred to in Article 2, 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 2018 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

For financial year 2018, the accounts of the Member States' paying agencies in respect of expenditure for Rural Development programmes financed by the EAFRD relating to the 2014-2020 programming period, as set out in Annex II, are not covered by this Decision and shall be the subject of a future clearance of accounts Decision.

Article 3

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 III to this Decision.

Article 4

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 5

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) 2019/873. (See end of Document for details)*

ANNEX I

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2018

AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE PER PROGRAMME

APPROVED PROGRAMMES WITH DECLARED EXPENDITURE FOR EAFRD 2014-2020

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	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	522 020 035,12	0,00	522 020 035,12	0,00	522 020 035,12	512 890 738,99	9 129 296,13
BE	2014BE06RDRP001	38 520 111,32	0,00	38 520 111,32	0,00	38 520 111,32	38 520 095,94	15,38
BE	2014BE06RDRP002	30 294 877,02	0,00	30 294 877,02	0,00	30 294 877,02	30 319 674,43	– 24 797,41
BG	2014BG06RDNP001	205 686 970,07	0,00	205 686 970,07	0,00	205 686 970,07	206 442 232,26	– 755 262,19
CY	2014CY06RDNP001	14 520 014,26	0,00	14 520 014,26	0,00	14 520 014,26	14 520 014,26	0,00
CZ	2014CZ06RDNP001	323 611 581,76	0,00	323 611 581,76	0,00	323 611 581,76	323 613 468,79	– 1 887,03
DE	2014DE06RDRN001	676 761,19	0,00	676 761,19	0,00	676 761,19	676 761,19	0,00
DE	2014DE06RDRP003	85 593 723,78	0,00	85 593 723,78	0,00	85 593 723,78	85 594 307,99	– 584,21
DE	2014DE06RDRP004	192 663 260,91	0,00	192 663 260,91	0,00	192 663 260,91	192 663 260,91	0,00
DE	2014DE06RDRP007	107 756 134,37	0,00	107 756 134,37	0,00	107 756 134,37	107 756 187,14	– 52,77
DE	2014DE06RDRP010	37 547 775,8	0,00	37 547 775,8	0,00	37 547 775,8	37 547 775,8	0,00
DE	2014DE06RDRP011	106 103 576,84	0,00	106 103 576,84	0,00	106 103 576,84	106 103 576,84	0,00