COMMISSION IMPLEMENTING DECISION (EU) 2021/870

of 28 May 2021

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 2020

(notified under document C(2021) 3684)

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 2020, account should be taken of expenditure incurred by the Member States between 16 October 2019 and 15 October 2020, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ([2]).

(3) Article 33(2), first subparagraph, 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, 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, therefore, their accounts cannot be cleared in this Decision.

(7) 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 2020 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.

([1]) OJ L 347, 20.12.2013, p. 549.

([2]) Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

([3]) Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

(8) 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 2020 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.

(9) The Commission has already reduced the relevant monthly payments for financial year 2020 for the amounts due to the European Agricultural Guarantee Fund (EAGF) as a result of financial and conformity clearance decisions, pursuant to Articles 51 and 52 of Regulation (EU) No 1306/2013, executed by the Commission in financial year 2020. Any such amounts are taken into account in this Decision.

(10) 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.

(11) 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 Article 102(1), first subparagraph, point (c)(iv), of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently borne by the Union budget.

(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

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 2020.

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

For financial year 2020, the accounts of the Member States' paying agencies in respect of expenditure financed by the EAGF, as set out in Annex III, are not cleared by this Decision and shall be the subject of a future clearance of accounts decision.

Article 3

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 4

This Decision is addressed to the Member States.

Done at Brussels, 28 May 2021.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX I

Clearance of the paying agencies' accounts Financial year 2020 - EAGF

Amount to be recovered from or paid to the Member State

MS		2020 - Expenditure / Assigned Revenue for the paying agencies for which the accounts are		Total a + b	Reductions, suspensions and other adjustments for executed conformity and financial clearance decisions for the whole financial year [1]	Amount to be charged according to Article 54(2) of Regulation (EU) No 1306/2013 in relation to the EAGF	Total including reductions, suspensions and other adjustments	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State [2]
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= 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	712 580 493,14	0,00	712 580 493,14	-438 052,82	0,00	712 142 440,32	712 142 440,32	0,00
BE	EUR	539 666 069,55	0,00	539 666 069,55	9 303 321,15	-714,37	548 968 676,33	549 216 464,24	-247 787,91
BG	BGN	0,00	0,00	0,00	0,00	-1 040 285,86	-1 040 285,86	0,00	-1 040 285,86
BG	EUR	797 560 837,08	0,00	797 560 837,08	-3 492 734,52	0,00	794 068 102,56	793 695 542,34	372 560,22
CY	EUR	53 903 497,85	0,00	53 903 497,85	-422 479,23	0,00	53 481 018,62	53 458 196,40	22 822,22
CZ	CZK	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
CZ	EUR	871 214 455,97	0,00	871 214 455,97	-3 340 163,44	0,00	867 874 292,53	867 874 836,43	-543,90
DE	EUR	4 873 382 533,21	0,00	4 873 382 533,21	-18 490 502,55	-19 513,11	4 854 872 517,55	4 855 086 234,98	-213 717,43
DK	DKK	0,00	0,00	0,00	0,00	-31 582,89	-31 582,89	0,00	-31 582,89
DK	EUR	825 164 121,08	0,00	825 164 121,08	28 998,28	0,00	825 193 119,36	825 355 180,69	-162 061,33
EE	EUR	143 792 110,83	0,00	143 792 110,83	3 747,48	0,00	143 795 858,31	143 783 751,64	12 106,67
ES	EUR	5 716 752 782,78	0,00	5 716 752 782,78	164 893 605,08	-1 332 201,60	5 880 314 186,26	5 884 081 566,21	-3 767 379,95
FI	EUR	528 790 333,50	0,00	528 790 333,50	-91 209,53	-24 300,53	528 674 823,44	528 684 388,58	-9 565,14
FR	EUR	7 433 340 301,86	0,00	7 433 340 301,86	109 417 008,04	-98 353,05	7 542 658 956,85	7 545 209 849,50	-2 550 892,65
EL	EUR	2 037 063 961,52	0,00	2 037 063 961,52	-45 204 886,19	-2 616 175,96	1 989 242 899,37	1 991 859 077,81	-2 616 178,44
HR	HRK	0,00	0,00	0,00	0,00	-503,39	-503,39	0,00	-503,39

HR	EUR	328 656 163,62	0,00	328 656 163,62	-1 264 626,90	0,00	327 391 536,72	327 397 989,80	-6 453,08
HU	HUF	0,00	0,00	0,00	0,00	-39 944 263,00	-39 944 263,00	0,00	-39 944 263,00
HU	EUR	1 304 392 525,48	0,00	1 304 392 525,48	-2 334 257,65	0,00	1 302 058 267,83	1 302 241 243,81	-182 975,98
IE	EUR	1 257 729 374,82	0,00	1 257 729 374,82	-2 242 355,99	0,00	1 255 487 018,83	1 254 623 848,09	863 170,74
IT	EUR	4 084 701 847,96	184 578 471,40	4 269 280 319,36	-167 562 267,97	-5 216 598,80	4 096 501 452,59	4 097 021 659,49	-520 206,90
LT	EUR	482 562 043,26	0,00	482 562 043,26	-435 684,24	-30,26	482 126 328,76	482 108 904,04	17 424,72
LU	EUR	33 208 362,60	0,00	33 208 362,60	-23 741,41	0,00	33 184 621,19	33 108 650,58	75 970,61
LV	EUR	279 850 914,39	0,00	279 850 914,39	-1 576,85	-11 798,86	279 837 538,68	279 849 337,54	-11 798,86
MT	EUR	5 408 270,44	0,00	5 408 270,44	-591 621,91	0,00	4 816 648,53	4 816 566,32	82,21
NL	EUR	685 966 710,88	0,00	685 966 710,88	-10 237 078,39	0,00	675 729 632,49	675 706 792,26	22 840,23
PL	PLN	0,00	0,00	0,00	0,00	-508 847,00	-508 847,00	0,00	-508 847,00
PL	EUR	3 421 262 538,14	0,00	3 421 262 538,14	854 066,26	0,00	3 422 116 604,40	3 422 195 465,64	-78 861,24
PT	EUR	782 678 219,08	0,00	782 678 219,08	-1 736 465,95	-358 738,54	780 583 014,59	778 248 881,98	2 334 132,61
RO	RON	0,00	0,00	0,00	0,00	-1 317 093,80	-1 317 093,80	0,00	-1 317 093,80
RO	EUR	1 982 545 963,24	0,00	1 982 545 963,24	-89 926 247,22	0,00	1 892 619 716,02	1 893 477 397,21	-857 681,19
SE	SEK	0,00	0,00	0,00	0,00	-17 891,73	-17 891,73	0,00	-17 891,73
SE	EUR	698 323 963,30	0,00	698 323 963,30	-34 313 208,44	0,00	664 010 754,86	664 235 363,37	-224 608,51
SI	EUR	140 919 228,17	0,00	140 919 228,17	1 234,75	-1,41	140 920 461,51	140 765 859,48	154 602,03
SK	EUR	0,00	458 885 221,00	458 885 221,00	0,00	0,00	458 885 221,00	458 885 221,00	0,00

(1) The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines established in August, September and October 2020 and other reductions in the context of Article 41 of Regulation (EU) No 1306/2013.

(2) For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b). Applicable exchange rate: Article 11(1), first subparagraph, second sentence of the Commission Delegated Regulation (EU) No 907/2014.

MS		Expenditure (1)	Assigned revenue (1)	Article 54(2) (=e)	Total (=h)
		08 02 06 01	6200	6200	
		i	j	k	l = i+j+k
AT	EUR	0,00	0,00	0,00	0,00
BE	EUR	0,00	-247 073,54	-714,37	-247 787,91
BG	BGN	0,00	0,00	-1 040 285,86	-1 040 285,86
BG	EUR	383 488,16	-10 927,94	0,00	372 560,22
CY	EUR	22 822,22	0,00	0,00	22 822,22
CZ	CZK	0,00	0,00	0,00	0,00
CZ	EUR	0,00	-543,90	0,00	-543,90
DE	EUR	0,00	-194 204,32	-19 513,11	-213 717,43
DK	DKK	0,00	0,00	-31 582,89	-31 582,89
DK	EUR	0,00	-162 061,33	0,00	-162 061,33
EE	EUR	12 106,67	0,00	0,00	12 106,67
ES	EUR	0,00	-2 435 178,35	-1 332 201,60	-3 767 379,95
FI	EUR	77 207,17	-62 471,78	-24 300,53	-9 565,14
FR	EUR	0,00	-2 452 539,60	-98 353,05	-2 550 892,65
EL	EUR	0,00	-2,48	-2 616 175,96	-2 616 178,44
HR	HRK	0,00	0,00	-503,39	-503,39
HR	EUR	0,00	-6 453,08	0,00	-6 453,08
HU	HUF	0,00	0,00	-39 944 263,00	-39 944 263,00
HU	EUR	0,00	-182 975,98	0,00	-182 975,98
IE	EUR	865 691,00	-2 520,26	0,00	863 170,74
IT	EUR	4 696 391,90	0,00	-5 216 598,80	-520 206,90
LT	EUR	17 454,98	0,00	-30,26	17 424,72
LU	EUR	75 970,61	0,00	0,00	75 970,61
LV	EUR	0,00	0,00	-11 798,86	-11 798,86

MT	EUR	82,21	0,00	0,00	82,21
NL	EUR	22 840,23	0,00	0,00	22 840,23
PL	PLN	0,00	0,00	-508 847,00	-508 847,00
PL	EUR	0,00	-78 861,24	0,00	-78 861,24
PT	EUR	2 693 015,61	-144,46	-358 738,54	2 334 132,61
RO	RON	0,00	0,00	-1 317 093,80	-1 317 093,80
RO	EUR	0,00	-857 681,19	0,00	-857 681,19
SE	SEK	0,00	0,00	-17 891,73	-17 891,73
SE	EUR	0,00	-224 608,51	0,00	-224 608,51
SI	EUR	154 603,44	0,00	-1,41	154 602,03
SK	EUR	0,00	0,00	0,00	0,00

([1]) BL 08 02 06 01 shall be split between the negative corrections which become assigned revenue in BL 62 00 and the positive ones in favour of MS which shall now be included on the expenditure side 08 02 06 01 as per article 43 of Regulation (EU) No 1306/2013.

NB: Nomenclature 2021 : 08 02 06 01 , 6200

ANNEX II

Clearance of the paying agencies' accounts Financial year 2020 - EAGF

Corrections according to Article 54(2) of Regulation (EU) No 1306/2013 (*)

Member State	Currency	In National currency	In Euro
AT	EUR		
BE	EUR		
BG	BGN		
CY	EUR	-	31 351,87
CZ	CZK	815 714,68	-
DE	EUR		
DK	DKK		
EE	EUR	-	-
ES	EUR		
FI	EUR		
FR	EUR		
UK	GBP		
EL	EUR		
HR	HRK		
HU	HUF	308 112,00	-
IE	EUR		
IT	EUR		
LT	EUR	-	20 686,14
LU	EUR		
LV	EUR	-	180,47
MT	EUR	-	-
NL	EUR		
PL	PLN	63 221,90	-
PT	EUR		
RO	RON		
SE	SEK		
SI	EUR	-	-
SK (**)	EUR	-	-

(*) 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) (Commission Regulation (EC) No 27/2004 of 5 January 2004 laying down transitional detailed rules for the application of Council Regulation (EC) No 1257/1999 as regards the financing by the EAGGF Guarantee Section of rural development measures in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ L 5, 9.1.2004, p. 36))

(**) In respect of the paying agencies for which the accounts are disjoined, the corrections as laid down in Article 54(2) of Regulation (EU) No 1306/2013 are to be applied once the accounts are proposed for clearance

ANNEX III

Clearance of the paying agencies' accounts Financial year 2020 - EAGF

List of the paying agencies for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying agency
Italy	Agenzia della regione Calabria per le Erogazioni in Agricoltura
Slovakia	Pôdohospodárska platobná agentúra