COMMISSION IMPLEMENTING DECISION (EU) 2021/2019

of 17 November 2021

excluding from European Union financing certain expenditure incurred by the United Kingdom under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2021) 8164)

(Only the English text is 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, in conjunction with Articles 131 and 138 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

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 United Kingdom the results of those verifications, take note of the comments provided by the United Kingdom, initiate a bilateral discussion so that an agreement may be reached and formally communicate its conclusions to the United Kingdom.

(2) The United Kingdom has had an opportunity to request the launch of a conciliation procedure, but did not request it.

(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 and the outcome of the bilateral discussion, part of the expenditure declared by the United Kingdom 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 United Kingdom.

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

(6) The amounts excluded from Union financing by this 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 United Kingdom 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 31 May 2021,

HAS ADOPTED THIS DECISION:

Article 1

The amounts set out in the Annex and related to expenditure incurred by the United Kingdom's accredited paying agencies and declared under the EAGF and the EAFRD shall be excluded from Union financing.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 November 2021.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

[2] Ares(2021)6573344

ANNEX

Decision: 67 - UK only

Budget Item: 6200

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Clearance of Accounts - Financial Clearance	2019	Late recovery orders - EAGF	ONE OFF		EUR	- 342,95	0,00	- 342,95
	Clearance of Accounts - Financial Clearance	2019	Random error EAGF Non-IACS	ONE OFF		EUR	- 313 022,77	- 15 651,14	- 297 371,63
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2017 GP	FLAT RATE	10,00%	EUR	- 5 247 160,51	0,00	- 5 247 160,51
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2017 GP	FLAT RATE	10,00%	EUR	- 37 486,29	0,00	- 37 486,29
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2018 GP	FLAT RATE	10,00%	EUR	- 4 902 353,40	0,00	- 4 902 353,40
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2019 GP	FLAT RATE	10,00%	EUR	- 3 833 815,60	0,00	- 3 833 815,60
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification)- CY 2019 BPS	ONE OFF		EUR	- 3 313,00	0,00	- 3 313,00
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification) - CY 2019 GP	ONE OFF		EUR	- 1 036,00	0,00	- 1 036,00
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries)- CY 2017 BPS	ONE OFF		EUR	- 4 519 391,39	0,00	- 4 519 391,39

	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries)- CY 2017 BPS	ONE OFF		EUR	- 28 342,61	0,00	- 28 342,61
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 GP	ONE OFF		EUR	- 1 249 445,83	0,00	- 1 249 445,83
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 GP	ONE OFF		EUR	- 8 926,17	0,00	- 8 926,17
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2018 BPS	ONE OFF		EUR	- 1 202 579,00	0,00	- 1 202 579,00
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2018 GP	ONE OFF		EUR	- 339 001,00	0,00	- 339 001,00
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Performance of cross-checks to establish eligibility of the parcel declared' CY2019 GP	ONE OFF		EUR	- 1 125 353,00	0,00	- 1 125 353,00
	Decoupled Direct Aids	2016	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 150 143,07	0,00	- 1 150 143,07
	Decoupled Direct Aids	2017	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 152 217,27	0,00	- 1 152 217,27

	Decoupled Direct Aids	2018	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 154 637,16	0,00	- 1 154 637,16
	Decoupled Direct Aids	2018	Weaknesses in the check of the active farmer condition - claim year 2017 - EAGF	ONE OFF		EUR	- 2 372 363,90	0,00	- 2 372 363,90
	Decoupled Direct Aids	2020	Weaknesses in the checks of certain eligibility conditions - claim year 2019	ONE OFF		EUR	- 2 126,80	0,00	- 2 126,80
	Decoupled Direct Aids	2016	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 2 581,08	0,00	- 2 581,08
	Decoupled Direct Aids	2017	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 2 800,79	0,00	- 2 800,79
	Decoupled Direct Aids	2018	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 3 012,37	0,00	- 3 012,37
	Decoupled Direct Aids	2019	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 3 223,57	0,00	- 3 223,57
	Decoupled Direct Aids	2017	Weaknesses in the checks of the minimum size of the holding - claim years 2016 and 2017	ONE OFF		EUR	- 1 832,47	0,00	- 1 832,47
	Decoupled Direct Aids	2018	Weaknesses in the checks of the minimum size of the holding - claim years 2016 and 2017	ONE OFF		EUR	- 1 380,40	0,00	- 1 380,40
	Decoupled Direct Aids	2016	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 124 824,32	0,00	- 124 824,32
	Decoupled Direct Aids	2017	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 93 618,24	0,00	- 93 618,24
	Decoupled Direct Aids	2018	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 62 412,16	0,00	- 62 412,16
	Decoupled Direct Aids	2019	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 31 206,09	0,00	- 31 206,09

	Decoupled Direct Aids	2018	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2017 YFS	ONE OFF		EUR	- 20 580,17	0,00	- 20 580,17
	Decoupled Direct Aids	2019	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2017 YFS	ONE OFF		EUR	- 169,83	0,00	- 169,83
	Decoupled Direct Aids	2019	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2018 YFS	ONE OFF		EUR	- 9 081,00	0,00	- 9 081,00
					Total GB:	**EUR**	**- 28 999 780,21**	**- 15 651,14**	**- 28 984 129,07**

Currency	Amount	Deductions	Financial Impact
EUR	- 28 999 780,21	- 15 651,14	- 28 984 129,07

Budget Item: 6201

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Clearance of Accounts - Financial Clearance	2019	Known error EAFRD IACS	ONE OFF		EUR	- 20 000,00	0,00	- 20 000,00
	Clearance of Accounts - Financial Clearance	2019	Late recovery orders EAFRD 2007-2013	ONE OFF		EUR	- 32 067,30	0,00	- 32 067,30
	Clearance of Accounts - Financial Clearance	2019	Late recovery orders EAFRD 2014-2020	ONE OFF		EUR	- 21 454,91	0,00	- 21 454,91
	Clearance of Accounts - Financial Clearance	2019	Random errors EAFRD Non-IACS	ONE OFF		EUR	- 42 967,38	0,00	- 42 967,38
	Rural Development EAFRD measures subject to IACS	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CYs 2017-2018 EAFRD M10 CS	ONE OFF		EUR	- 31 583,90	0,00	- 31 583,90
	Rural Development EAFRD measures subject to IACS	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CYs 2017-2018 EAFRD M10 CS	ONE OFF		EUR	- 36 775,10	0,00	- 36 775,10
	Rural Development EAFRD measures subject to IACS	2018	Weaknesses in the check of the active farmer condition - claim year 2017 - EAFRD	ONE OFF		EUR	- 313 994,82	0,00	- 313 994,82
					Total GB:	**EUR**	**- 498 843,41**	**0,00**	**- 498 843,41**

Currency	Amount	Deductions	Financial Impact
EUR	- 498 843,41	0,00	- 498 843,41