II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 20 December 2007

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2007) 6514)

(only the Czech, Danish, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Maltese, Portuguese, Slovenian, Spanish and Swedish texts are authentic)

(2008/68/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1], and in particular Article 5(2)(c) thereof,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [2], and in particular Article 7(4) thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 5 of Regulation (EEC) No 729/70, Article 7 of Regulation (EC) No 1258/1999, and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section [3], the Commission is to carry out the necessary verifications, communicate to the Member States the results of these 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 report issued on the outcome has been examined by the Commission.

(3) Under Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999, only refunds on exports to third countries and intervention to stabilise agricultural markets, granted and undertaken respectively according to Community rules within the framework of the common organisation of the agricultural markets, 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 not fulfil these requirements and cannot, therefore, be financed under the EAGGF Guarantee Section.

[1] OJ L 94, 28.4.1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8.6.1995, p. 1).
[2] OJ L 160, 26.6.1999, p. 103.
[3] OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 465/2005 (OJ L 77, 23.3.2005, p. 6).

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section 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) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 3 September 2007 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section shall be excluded from Community financing because it does not comply with Community rules.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Hungary, the Republic of Malta, the Portuguese Republic, the Republic of Slovenia, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Table of corrections — Budget item 6 7 0 1

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
BE	Financial audit — late payments	2004	Failure to meet payment deadlines	one-off		EUR	– 5 586,40	0,00	– 5 586,40
BE	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		EUR	– 110 897,51	– 98 742,45	– 12 155,06
BE	RD Guarantee accompanying measures	2001	Shortcomings in cross-checks between the IACS data and AEM (agri-environmental measure) aid applications	flat rate	5	EUR	– 196 609,00	0,00	– 196 609,00
BE	RD Guarantee accompanying measures	2002	Shortcomings in cross-checks between the IACS data and AEM (agri-environmental measure) aid applications	flat rate	5	EUR	– 234 328,00	0,00	– 234 328,00
	Total BE					**EUR**	**– 547 420,91**	**– 98 742,45**	**– 448 678,46**
CY	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 161 932,84	– 161 932,84	0,00
	Total CY					**EUR**	**– 161 932,84**	**– 161 932,84**	**0,00**
CZ	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 34 749,34	– 34 749,34	0,00
CZ	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		CZK	– 897 245,29	0,00	– 897 245,29
	Total CZ					**EUR**	**– 34 749,34**	**– 34 749,34**	**0,00**
	Total CZ					**CZK**	**– 897 245,29**	**0,00**	**– 897 245,29**
DE	Meat premiums — ewes and goats	2003	Payment of aid to farmers with less than 10 premium rights	one-off		EUR	– 11 491,42	0,00	– 11 491,42
DE	Meat premiums — ewes and goats	2004	Payment of aid to farmers with less than 10 premium rights	one-off		EUR	– 10 441,46	0,00	– 10 441,46
DE	Meat premiums — ewes and goats	2005	Payment of aid to farmers with less than 10 premium rights	one-off		EUR	– 9 416,76	0,00	– 9 416,76
	Total DE					**EUR**	**– 31 349,64**	**0,00**	**– 31 349,64**

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
DK	Meat premiums — bovines	2004	Non-respect of six-month retention period and eligibility criteria control data missing	one-off		DKK	– 506 466,84	0,00	– 506 466,84
DK	Meat premiums — bovines	2005	Non-respect of six-month retention period and eligibility criteria control data missing	one-off		DKK	– 851 336,20	0,00	– 851 336,20
	Total DK					**DKK**	**– 1 357 803,04**	**0,00**	**– 1 357 803,04**
ES	Direct payments	2004	Weaknesses in on-the-spot checks (remote sensing and classical field visits)	flat rate	2	EUR	– 7 998 628,39	0,00	– 7 998 628,39
ES	Direct payments	2005	Weaknesses in on-the-spot checks (remote sensing and classical field visits)	flat rate	2	EUR	– 8 592 899,96	0,00	– 8 592 899,96
ES	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 4 135 287,21	– 4 135 287,21	0,00
ES	Financial audit — overshooting	2003	Overshooting of financial ceilings	one-off		EUR	– 87 144,50	– 126 355,45	39 210,95
ES	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	678 822,11	678 822,11	0,00
ES	Olive oil — production aid	2000	Shortcomings in checks on crop declarations in checks on yields and in monitoring of checks on mills	flat rate	5	EUR	– 47 311 467,25	0,00	– 47 311 467,25
ES	Olive oil — production aid	2000	No checks on crop declarations and shortcomings in checks on yields and in monitoring of checks on mills	flat rate	10	EUR	– 93 474,78	0,00	– 93 474,78
ES	Olive oil — production aid	2001	Shortcomings in checks on crop declarations in checks on yields and in monitoring of checks on mills	flat rate	5	EUR	– 15 347 930,92	0,00	– 15 347 930,92
ES	Olive oil — production aid	2001	No checks on crop declarations and shortcomings in checks on yields and in monitoring of checks on mills	flat-rate	10	EUR	– 69 115 466,84	0,00	– 69 115 466,84

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
ES	Olive oil — production aid	2002	Shortcomings in checks on crop declarations in checks on yields and in monitoring of checks on mills	flat rate	5	EUR	– 47 950 314,63	0,00	– 47 950 314,63
ES	Olive oil — production aid	2002	No checks on crop declarations and shortcomings in checks on yields and in monitoring of checks on mills	flat rate	10	EUR	– 937 645,09	0,00	– 937 645,09
ES	Olive oil — production aid	2003	Shortcomings in checks on crop declarations in checks on yields and in monitoring of checks on mills	flat rate	5	EUR	– 2 606 052,04	0,00	– 2 606 052,04
ES	Olive oil — production aid	2003	No checks on crop declarations and shortcomings in checks on yields and in monitoring of checks on mills	flat rate	10	EUR	– 289 665,00	0,00	– 289 665,00
ES	Olive oil — production aid	2004	Shortcomings in checks on crop declarations in checks on yields and in monitoring of checks on mills	flat rate	5	EUR	– 301 631,26	0,00	– 301 631,26
ES	Olive oil — production aid	2004	No checks on crop declarations and shortcomings in checks on yields and in monitoring of checks on mills	flat rate	10	EUR	– 11 537,73	0,00	– 11 537,73
ES	POSEI RSA	2005	Late payments not justified non-compliant with Article 7(1) of Regulation (EC) No 20/2002	one-off		EUR	– 1 011 071,88	0,00	– 1 011 071,88
ES	POSEI RSA	2006	Late payments not justified non-compliant with Article 7(1) of Regulation (EC) No 20/2002	one-off		EUR	– 181 662,46	0,00	– 181 662,46
Total ES						**EUR**	**– 205 293 057,83**	**3 582 820,55**	**– 201 710 237,28**
FI	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 10 098,23	– 10 098,23	0,00
FI	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 7 314 447,47	– 7 314 447,47	0,00
Total FI						**EUR**	**– 7 324 545,70**	**– 7 324 545,70**	**0,00**
FR	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 937 338,17	– 937 338,17	0,00
FR	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 84 733,89	– 84 733,89	0,00

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
FR	Fruit and vegetables — operational funds	2004	Personnel costs/Unjustified excessive use of lump sums	one-off		EUR	– 323 232,93	0,00	– 323 232,93
FR	Fruit and vegetables — operational funds	2005	Personnel costs/Unjustified excessive use of lump sums	one-off		EUR	– 2 568 380,73	0,00	– 2 568 380,73
FR	Fruit and vegetables — operational funds	2006	Personnel costs/Unjustified excessive use of lump sums	one-off		EUR	– 2 973 197,30	0,00	– 2 973 197,30
FR	Fruit and vegetables — producer groups	2004	National instructions on action plans/Late introduction of aid claims	one-off		EUR	– 429 334,45	0,00	– 429 334,45
FR	Fruit and vegetables — producer groups	2005	National instructions on action plans/Late introduction of aid claims	one-off		EUR	– 439 621,75	0,00	– 439 621,75
FR	Fruit and vegetables — withdrawals	2004	Weaknesses in quality controls	flat rate	10	EUR	– 510 681,82	0,00	– 510 681,82
FR	Fruit and vegetables — withdrawals	2004	Community withdrawal compensation paid to individual producers	one-off		EUR	– 103 558,53	0,00	– 103 558,53
FR	Fruit and vegetables — withdrawals	2005	Community withdrawal compensation paid to individual producers	one-off		EUR	– 85 710,57	0,00	– 85 710,57
FR	POSEI	2003	Shortcomings in physical checks on quantities of sugar cane delivered for processing and/or covered by transport aid	flat rate	5	EUR	– 82 207,54	0,00	– 82 207,54
FR	POSEI	2003	Shortcomings in physical checks on quantities of sugar cane delivered for processing and/or covered by transport aid	one-off		EUR	– 296 953,32	0,00	– 296 953,32
FR	POSEI	2004	Shortcomings in physical checks on quantities of sugar cane delivered for processing and/or covered by transport aid	flat rate	5	EUR	– 617 486,18	0,00	– 617 486,18
FR	POSEI	2004	Shortcomings in physical checks on quantities of sugar cane delivered for processing and/or covered by transport aid	one-off		EUR	– 185 876,12	0,00	– 185 876,12

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
FR	POSEI	2005	Shortcomings in physical checks on quantities of sugar cane delivered for processing and/or covered by transport aid	flat-rate	5	EUR	– 658 067,18	0,00	– 658 067,18
	Total FR					**EUR**	**– 10 296 380,48**	**– 1 022 072,06**	**– 9 274 308,42**
GR	Fruit and vegetables — citrus processing	1998	Shortcomings in checks — payments effected by cheques impeding the quality of controls performed	flat rate	2	EUR	– 213 766,07	0,00	– 213 766,07
GR	Fruit and vegetables — citrus processing	1999	Shortcomings in checks — payments effected by cheques impeding the quality of controls performed	flat rate	2	EUR	– 131 493,86	0,00	– 131 493,86
GR	RD Guarantee accompanying measures	2003	Cross-checks not completely satisfactory	flat rate	5	EUR	– 358 060,00	0,00	– 358 060,00
GR	RD Guarantee accompanying measures	2004	Cross-checks not completely satisfactory	flat rate	5	EUR	– 972 987,00	0,00	– 972 987,00
GR	Financial audit late payments	2004	Failure to meet payment deadlines	one-off		EUR	– 5 279 881,28	– 5 299 887,55	20 006,27
	Total GR					**EUR**	**– 6 956 188,21**	**– 5 299 887,55**	**– 1 656 300,66**
IE	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 702 633,30	– 702 633,30	0,00
IE	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 40 077,18	– 40 077,18	0,00
IE	Fruit and vegetables — operational funds	2004	Weaknesses concerning on-the-spot checks and administrative operations	flat rate	5	EUR	– 279 728,23	0,00	– 279 728,23
IE	Fruit and vegetables — operational funds	2005	Weaknesses concerning on-the-spot checks and administrative operations	flat rate	5	EUR	– 281 792,50	0,00	– 281 792,50
IE	Fruit and vegetables — operational funds	2006	Weaknesses concerning on-the-spot checks and administrative operations	flat rate	5	EUR	– 110 165,90	0,00	– 110 165,90
IE	Fruit and vegetables — operational funds	2007	Weaknesses concerning on-the-spot checks and administrative operations	flat rate	5	EUR	– 59 137,95	0,00	– 59 137,95
	Total IE					**EUR**	**– 1 473 535,06**	**– 742 710,48**	**– 730 824,58**

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
IT	Fruit and vegetables — tomato processing	2003	Shortcomings in administrative and accounting checks at one tomato processor; records kept by the processor not in conformity with the relevant regulations	flat rate	10	EUR	– 7 583,76	0,00	– 7 583,76
IT	Fruit and vegetables — tomato processing	2004	Shortcomings in administrative and accounting checks at one tomato processor; records kept by the processor not in conformity with the relevant regulations	flat rate	10	EUR	– 130 795,56	0,00	– 130 795,56
IT	Fruit and vegetables — tomato processing	2005	Shortcomings in administrative and accounting checks at one tomato processor; records kept by the processor not in conformity with the relevant regulations	flat rate	10	EUR	– 128 059,54	0,00	– 128 059,54
IT	Exceptional support measures	2003	Lack of precise control instructions failure to provide reliable information shortcomings in on-the-spot checks	flat rate	2	EUR	– 276 238,95	0,00	– 276 238,95
IT	Exceptional support measures	2003	Lack of precise control instructions failure to provide reliable information shortcomings in on-the-spot checks	flat rate	5	EUR	– 1 175 882,02	0,00	– 1 175 882,02
IT	Tobacco premiums	2003	Weaknesses in management and control of quota system	one-off		EUR	– 4 501 699,22	0,00	– 4 501 699,22
IT	Tobacco premiums	2004	Weaknesses in management and control of quota system	one-off		EUR	– 5 957 257,02	0,00	– 5 957 257,02
	Total IT					**EUR**	**– 12 177 516,07**	**0,00**	**– 12 177 516,07**
MT	Direct payments	2005	On-the-spot checks not carried out in compliance with the standard required and not effective	flat rate	10	MTL	– 5 830,91	0,00	– 5 830,91
MT	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		MTL	– 7 570,93	0,00	– 7 570,93
MT	Meat premiums — bovines	2005	Ineligible expenditure (payments for animals slaughtered before accession to the EU)	one-off		MTL	– 24 957,38	0,00	– 24 957,38
	Total MT					**MTL**	**– 38 359,22**	**0,00**	**– 38 359,22**

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
PT	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 49 554,59	– 49 554,59	0,00
PT	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 29 853,58	– 29 853,58	0,00
	Total PT					**EUR**	**– 79 408,17**	**– 79 408,17**	**0,00**
SE	RD Guarantee accompanying measures	2004	Checks on good farming practices not satisfactory	one-off		SEK	– 225 832,00	0,00	– 225 832,00
SE	Financial audit — overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 501 359,87	– 501 359,87	0,00
	Total SE					**SEK**	**– 225 832,00**	**0,00**	**– 225 832,00**
	Total SE					**EUR**	**– 501 359,87**	**– 501 359,87**	**0,00**
SI	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		EUR	– 66 375,30	– 66 375,30	0,00
SI	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		SIT	– 1 241 956,08	0,00	– 1 241 956,08
	Total SI					**EUR**	**– 66 375,30**	**– 66 375,30**	**0,00**
	Total SI					**SIT**	**– 1 241 956,08**	**0,00**	**– 1 241 956,08**

Table of corrections — Budget item 05 07 01 07

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
GB	Financial audit — late payments	2005	Failure to meet payment deadlines	one-off		EUR	– 9 745 763,94	– 10 193 240,48	447 476,54
GB	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		EUR	– 70 017,95	– 70 017,95	0,00
	Total GB					**EUR**	**– 9 815 781,89**	**– 10 263 258,43**	**447 476,54**
HU	Financial audit — late payments	2006	Failure to meet payment deadlines	one-off		EUR	– 43 174,16	– 43 174,16	0,00
HU	Financial audit — overshooting	2005	Overshooting of financial ceilings	one-off		EUR	– 1 126 881,93	– 1 175 988,98	49 107,05
	Total HU					**EUR**	**– 1 170 056,09**	**– 1 219 163,14**	**49 107,05**