COMMISSION IMPLEMENTING DECISION (EU) 2016/942

of 30 May 2016

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 the 2015 financial year

(notified under document C(2016) 3238)

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.

(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 the 2015 financial year, for the purpose of aligning the reference period for 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 2014 and 15 October 2015, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ([2]).

(3) This Decision concerns the clearance of accounts of the Rural Development programming period 2014-2020. Expenditure incurred in the period from 16 October 2014 to 31 December 2015 and related to the 2007-2013 programming period, will be subject to a clearance decision after 30 June 2016, as provided for in Article 37 of Regulation (EU) No 1306/2013.

(4) 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 the first subparagraph of 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.

(5) 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 2016, along with the necessary amendments.

([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).

(6) For certain paying agencies, the annual accounts and the accompanying documents allow the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.

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

(8) In accordance with Article 41 of Regulation (EU) No 1306/2013, the Commission may reduce or temporarily suspend interim payments to the Member States. It should inform the Member State(s) concerned accordingly. In adopting this Decision, the Commission should take into account the amounts reduced or suspended in order to avoid making any inappropriate or untimely payments, or reimbursing amounts that could later be subject to financial correction.

(9) 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 in 2016. 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.

(10) 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) in conjunction with point (c)(iv) of Article 102(1) of Regulation (EU) No 1306/2013. Therefore, such amounts should not be charged to the Member States concerned and are consequently to be borne by the Union budget.

(11) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision is 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 concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of the 2015 financial year and relating to the 2014-2020 programming period, are hereby cleared.

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 the 2015 financial year, the accounts of the Member States' paying agencies in respect of expenditure per Rural Development programme 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, 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, 30 May 2016.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX I

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2015

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 2015	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2015	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
AT	2014AT06RDNP001	381 310 898,63	0,00	381 310 898,63	0,00	381 310 898,63	381 361 903,88	– 51 005,25 (*)
BE	2014BE06RDRP001	25 824 568,05	0,00	25 824 568,05	0,00	25 824 568,05	25 824 519,99	48,06
CZ	2014CZ06RDNP001	165 754 969,31	0,00	165 754 969,31	0,00	165 754 969,31	192 471 958,06	– 26 716 988,75
DE	2014DE06RDRP003	69 343 628,07	0,00	69 343 628,07	0,00	69 343 628,07	69 344 016,91	– 388,84
DE	2014DE06RDRP004	145 877 031,79	0,00	145 877 031,79	0,00	145 877 031,79	145 877 031,80	– 0,01
DE	2014DE06RDRP010	16 005 787,32	0,00	16 005 787,32	0,00	16 005 787,32	16 005 787,32	0,00
DE	2014DE06RDRP015	12 294 259,14	0,00	12 294 259,14	0,00	12 294 259,14	12 294 259,14	0,00
DE	2014DE06RDRP019	22 260 981,16	0,00	22 260 981,16	0,00	22 260 981,16	22 260 981,16	0,00
DE	2014DE06RDRP020	690 939,74	0,00	690 939,74	0,00	690 939,74	690 939,74	0,00
DE	2014DE06RDRP021	21 179 649,99	0,00	21 179 649,99	0,00	21 179 649,99	21 179 657,44	– 7,45
DE	2014DE06RDRP023	531 180,02	0,00	531 180,02	0,00	531 180,02	531 180,01	0,01
DK	2014DK06RDNP001	2 689 075,24	0,00	2 689 075,24	0,00	2 689 075,24	2 696 105,67	– 7 030,43
EE	2014EE06RDNP001	35 181 403,94	0,00	35 181 403,94	0,00	35 181 403,94	35 181 411,29	– 7,35
ES	2014ES06RDRP002	6 519 362,16	0,00	6 519 362,16	0,00	6 519 362,16	6 519 364,35	– 2,19
ES	2014ES06RDRP006	6 691 192,15	0,00	6 691 192,15	0,00	6 691 192,15	6 691 190,86	1,29
ES	2014ES06RDRP008	6 878 585,48	0,00	6 878 585,48	0,00	6 878 585,48	6 878 585,02	0,46
ES	2014ES06RDRP009	190 411,31	0,00	190 411,31	0,00	190 411,31	190 411,31	0,00

(EUR)

MS	CCI	Expenditure 2015	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2015	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
FI	2014FI06RDRP001	428 149 136,49	0,00	428 149 136,49	0,00	428 149 136,49	428 151 198,81	– 2 062,32
FI	2014FI06RDRP002	2 399 619,93	0,00	2 399 619,93	0,00	2 399 619,93	2 399 488,31	131,62
HR	2014HR06RDNP001	54 740 205,68	0,00	54 740 205,68	0,00	54 740 205,68	54 723 353,56	16 852,12
IE	2014IE06RDNP001	377 083 584,62	0,00	377 083 584,62	0,00	377 083 584,62	377 083 558,84	25,78
IT	2014IT06RDRP007	8 784 801,71	0,00	8 784 801,71	0,00	8 784 801,71	8 784 801,71	0,00
IT	2014IT06RDRP011	4 562 792,61	0,00	4 562 792,61	0,00	4 562 792,61	4 562 792,73	– 0,12
IT	2014IT06RDRP014	5 306 212,36	0,00	5 306 212,36	0,00	5 306 212,36	5 306 212,34	0,02
LT	2014LT06RDNP001	39 557 009,30	0,00	39 557 009,30	0,00	39 557 009,30	39 561 467,01	– 4 457,71
LU	2014LU06RDNP001	11 671 087,56	0,00	11 671 087,56	0,00	11 671 087,56	12 223 285,00	– 552 197,44
LV	2014LV06RDNP001	55 866 391,67	0,00	55 866 391,67	0,00	55 866 391,67	55 866 391,67	0,00
NL	2014NL06RDNP001	28 548 767,47	0,00	28 548 767,47	0,00	28 548 767,47	28 565 642,25	– 16 874,78
PL	2014PL06RDNP001	82 487 087,18	0,00	82 487 087,18	0,00	82 487 087,18	174 360 864,74	– 91 873 777,56 (*)
PT	2014T06RDRP001	19 570 366,84	0,00	19 570 366,84	0,00	19 570 366,84	19 570 366,80	0,04
PT	2014PT06RDRP002	242 730 181,50	0,00	242 730 181,50	0,00	242 730 181,50	242 730 181,50	0,00
SI	2014SI06RDNP001	31 096 838,46	0,00	31 096 838,46	0,00	31 096 838,46	31 096 834,45	4,01
SK	2014SK06RDNP001	62 340 494,57	0,00	62 340 494,57	0,00	62 340 494,57	62 340 529,87	– 35,30
UK	2014UK06RDRP001	331 363 762,48	0,00	331 363 762,48	0,00	331 363 762,48	331 377 679,49	– 13 917,01
UK	2014UK06RDRP002	36 460 281,62	0,00	36 460 281,62	0,00	36 460 281,62	36 444 974,33	15 307,29
UK	2014UK06RDRP003	150 987 082,94	– 40 670,17	150 946 412,77	0,00	150 946 412,77	151 215 460,52	– 269 047,75

(*) The implementation of the clearance of accounts Decision must take into account any financial operations that the Commission has already executed in respect of this balance.

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2015 — EAFRD

List of the Paying Agencies and programmes for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency	Programme
Belgium	Région Wallonne	2014BE06RDRP002
Germany	Mecklenburg-Vorpommern	2014DE06RDRP011
Spain	Organismo pagador de la Comunidad Autónoma del Principado de Asturias	2014ES06RDRP003
	Consejería de Agricultura, Ganadería y Medio Ambiente del Gobierno de La Rioja	2014ES06RDRP016
France	Office du Développement Agricole et Rural de Corse (ODARC)	2014FR06RDRP094
	Agence de Services et de Paiement (ASP)	2014FR06RDRP006
		2014FR06RDRP011
		2014FR06RDRP021
		2014FR06RDRP024
		2014FR06RDRP025
		2014FR06RDRP026
		2014FR06RDRP031
		2014FR06RDRP042
		2014FR06RDRP043
		2014FR06RDRP052
		2014FR06RDRP053
		2014FR06RDRP054
		2014FR06RDRP072
		2014FR06RDRP073
		2014FR06RDRP082
		2014FR06RDRP083
		2014FR06RDRP091
		2014FR06RDRP093
Sweden	Statens jordbruksverk (SJV)	2014SE06RDNP001

ANNEX III

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2015 — EAFRD

Corrections according to Article 54(2) of Regulation (EU) 1306/2013

Member State	Currency	In National currency	In Euro
AT	EUR	—	—
BE (*)	EUR	182,53	182,53
BG	BGN	—	—
CY	EUR	—	—
CZ	CZK	11 608,23	429,50
DE (*)	EUR	15 423,04	15 423,04
DK	DKK	508 055,31	68 079,41
EE	EUR	25 072,89	25 072,89
ES (*)	EUR	129 359,14	129 359,14
FI	EUR	12 095,83	12 095,83
FR (*)	EUR	—	—
GB	GBP	27 682,77	37 703,93
GR	EUR	34 527,08	34 527,08
HU	HUF	38 935 496,00	116 806,49
IE	EUR	68 731,48	68 731,48
IT	EUR	124 824,58	124 824,58
LT	LTL	—	—
LU	EUR	—	—
LV	EUR	8 157,44	8 157,44
MT	EUR	861,21	861,21
NL	EUR	—	—
PL	PLN	1 302 207,30	306 018,72
PT	EUR	65 597,17	65 597,17
RO	RON	4 631,80	1 023,63
SE (*)	SEK	—	—
SI	EUR	16 900,12	16 900,12
SK	EUR	24,88	24,88

(*) In respect of the paying agencies for which the accounts are disjoined, the reduction as laid down in Art 54(2) is to be applied once the accounts are proposed for clearance.