Commission Implementing Decision of 15 April 2011 of excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (notified under document C(2011) 2517) (only the Bulgarian, Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Romanian, and Spanish texts are authentic) (2011/244/EU)

COMMISSION IMPLEMENTING DECISION

of 15 April 2011

of excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2011) 2517)

(only the Bulgarian, Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Romanian, and Spanish texts are authentic)

(2011/244/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽²⁾, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

- (1) Under Article 7(4) of Regulation (EC) No 1258/1999 and Article 31 of Regulation (EC) No 1290/2005, 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 reports issued on the outcome have been examined by the Commission.

- (3) Under Regulations (EC) No 1258/1999 and (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed European Union rules 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 this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section, the EAGF and the EAFRD.
- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section, 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 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 European Union 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 31 December 2010 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, under the EAGF or under the EAFRD shall be excluded from European Union financing because it does not comply with European Union rules.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic, Romania and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 15 April 2011.

For the Commission

Dacian CIOLOŞ

Member of the Commission

ANNEX

MS	Measur	reFinan Year	ciaReason	Type	%	Curre	ncyAmoun	t Deduc	ctio hi nancia impact
BUDO	GET ITEM	1		l				l	<u> </u>
BG	Decoupl Direct Aids	e ⊉ 009	Weaknes in the function of LPIS- GIS	RATE	10,0	EUR	-20 848 236,79	0,0	-20 848 236,79
					TOTAL (BG)	EUR	-20 848 236,79	0,0	-20 848 236,79
DK	Fruit and Vegetable Operation Program	nal	Deficien performs of the on-the- spot control	1	2,0	DKK	-36 186,06	0,0	-36 186,06
DK	Fruit and Vegetable - Operation Program	nal	Deficien performs of the on-the- spot control		2,0	EUR	-58 609,25	0,0	-58 609,25
DK	Dried Fodder	2005	Non-complian with the minimur percenta of additional checks of operators who dried fodder has been supplied to and the late submission of the annual statistics	n ge al	2,0	DKK	-81 519,23	0,0	-81 519,23
DK	Dried Fodder	2006	Non- complian	FLAT REATE	2,0	DKK	-384 358,59	0,0	-384 358,59

			with the minimum percenta of additiona checks of operators who dried fodder has been supplied to and the late submissi of the annual statistics	ge al					
DK	Dried Fodder (2007+)	2007	Non-compliar with the minimum percenta of additional checks of operators who dried fodder has been supplied to and the late submissi of the annual statistics	n ge al	2,0	DKK	-376 720,62	0,0	-376 720,62
DK	Dried Fodder (2007+)	2008	Non- complian with the minimum percenta of additiona	n ge	2,0	DKK	-54 280,43	0,0	-54 280,43

			checks of operators who dried fodder has been supplied to and the late submissi of the annual statistics	on					
					TOTAL (DK)	EUR	-58 609,25	0,0	-58 609,25
					TOTAL (DK)	DKK	-933 064,93	0,0	-933 064,93
ES	Meat Premium - Ewe and Goats	2004 is	Late start of on-the- spot checks	FLAT RATE	2,0	EUR	-1 559 059,12	0,0	-1 559 059,12
ES	Meat Premium - Bovines	2004 ns	On-the- spot control weaknes	FLAT RATE s	5,0	EUR	-13 753,33	0,0	-13 753,33
ES	Meat Premium - Bovines	2004 as	On-the-spot control weaknes - insuffice or inadequa quality of control - inadequa control	nt .te	5,0	EUR	-1 401 451,46	0,0	-1 401 451,46
ES	Meat Premium - Ewe and Goats	2005 is	Late start of on-the- spot checks	FLAT RATE	2,0	EUR	-1 652 652,3	0,0	-1 652 652,3
ES	Meat Premiun	2005 is	On-the-spot	FLAT RATE	5,0	EUR	-14 080,18	0,0	-14 080,18

	- Bovines		control weaknes	S					
ES	Meat Premium - Bovines	2005 is	On-the-spot control weaknes - insuffice or inadequa quality of control - inadequa control	RATE ses nt te	5,0	EUR	-1 421 329,38	0,0	-1 421 329,38
ES	Meat Premium - Bovines	2006 is	On-the-spot control weaknes - insuffice or inadequa quality of control - inadequa control	RATE ses nt te	5,0	EUR	-1 379 600,32	-4 082,25	-1 375 518,07
ES	Fruit and Vegetabl - Operatio Program	nal	Deficien in the environr manager of packagir	OFF nental nent		EUR	-2 672 816,95	0,0	-2 672 816,95
ES	Fruit and Vegetabl - Operatio Program	nal	Deficien in the environr manager of packagir	OFF nental nent		EUR	-16 985 313,14	0,0	-16 985 313,14
ES	Fruit and Vegetabl - Operatio Program	nal	Deficien in the environr manager of packagir	OFF nental nent		EUR	-17 594 421,01	0,0	-17 594 421,01
ES	Meat Premium	2006 is	On-the-spot	FLAT RATE	2,0	EUR	-187 589,74	0,0	-187 589,74

	- Bovines		control weaknes	ses					
ES	Olive Oil - Production Aid	2003 on	Deficien in the controls of yields	cF4sAT RATE	2,0	EUR	-21 570,64	0,0	-21 570,64
ES	Olive Oil - Producti Aid	2003 on	Incorrect technical tolerance leading to non respect of Olive GIS requirem the first year of application	RATE	5,0	EUR	-4 462,77	0,0	-4 462,77
ES	Olive Oil - Production Aid	2004 on	Correction of effect of flat rate correction one-off correction	OFF		EUR	166 246,08	0,0	166 246,08
ES	Olive Oil - Production	2004 on	Deficien in the controls of yields	cFesAT RATE	2,0	EUR	-16 844 579,61	0,0	-16 844 579,61
ES	Olive Oil - Production Aid	2004 on	Incorrect calculation of sanction	o ⊚ FF		EUR	-5 230 671,0	0,0	-5 230 671,0
ES	Olive Oil - Production Aid	2004 on	Incorrect technical tolerance leading to non respect of Olive GIS requirem the first	RATE ≎s	5,0	EUR	-5 678 034,36	0,0	-5 678 034,36

			year of application					
ES	Olive Oil - Producti Aid	2005 on	Correction NE of OFF effect of flat rate correction on one- off correction	-	EUR	78 467,6	0,0	78 467,6
ES	Olive Oil - Producti Aid	2005 on	Deficience RATI		EUR	-19 830 448,92	0,0	-19 830 448,92
ES	Olive Oil - Producti Aid	2005 on	Incorrect ONE calculation of sanctions	-	EUR	-3 923 380,0	0,0	-3 923 380,0
ES	Olive Oil - Producti Aid	2005 on	Incorrect FLAT technical RATI tolerances leading to non respect of Olive GIS requirements the first year of application		EUR	-89 880,78	0,0	-89 880,78
ES	Olive Oil - Producti Aid	2006 on	CorrectionNE of OFF effect of flat rate correction on one- off correction	-	EUR	11 060,06	0,0	11 060,06
ES	Olive Oil - Producti Aid	2006 on	Deficienc FdsA RATI		EUR	-19 030 403,0	0,0	-19 030 403,0
ES	Olive Oil -	2006	Incorrect ONE calculatio@FF	-	EUR	-553 003,0	0,0	-553 003,0

	Producti Aid	on	of sanctions	5					
ES	Olive Oil - Producti Aid	2006 on	Incorrect technical tolerance leading to non respect of Olive GIS requirem the first year of applicati	RATE	5,0	EUR	-10 623,55	0,0	-10 623,55
					TOTAL (ES)	EUR	-115 843 350,82	-4 082,25	-115 839 268,57
FR	Direct Payment	2007 s	Weaknes in the administ procedur	OFF rative		EUR	-724 823,68	0,0	-724 823,68
FR	Direct Decoupl Aid (single payment scheme - SPS)		Weaknes in the administ procedur	OFF rative		EUR	-872 782,68	0,0	-872 782,68
FR	Decoupl Direct Aids	e 2 1009	Weaknes in the administ procedur	OFF rative		EUR	-727 988,33	0,0	-727 988,33
					TOTAL (FR)	EUR	-2 325 594,69	0,0	-2 325 594,69
GB	Export refunds - Other	2006	Weaknes in the procedur for certificat of exit	RATE e	5,0	EUR	-339,41	0,0	-339,41
GB	Export refunds - Non- Annex I	2006	Weaknes in the procedur for certificat of exit	RATE e	5,0	EUR	-1 551,62	0,0	-1 551,62

GB	Export refunds - Sugar and isoglucos	2006 se	Weakness in the F procedure for certification of exit	RATE	5,0	EUR	-2 957,78	0,0	-2 957,78
GB	Export refunds - Other	2007	Weakness in the F procedure for certification of exit	RATE	5,0	EUR	-224,14	0,0	-224,14
GB	Export refunds - Non- Annex I	2007	Weakness in the F procedure for certification of exit	RATE	5,0	EUR	-1 024,64	0,0	-1 024,64
GB	Export refunds - Sugar and isoglucos	2007 se	Weaknesskin the F procedure for certification of exit	RATE	5,0	EUR	-1 953,22	0,0	-1 953,22
GB	Export refunds - Sugar and isoglucos	2008 se	Weakness in the F procedure for certification of exit	RATE	5,0	EUR	-153,04	0,0	-153,04
GB	Export refunds - Other	2008	Weaknessin the F procedure for certification of exit	RATE	5,0	EUR	-17,57	0,0	-17,57
GB	Export refunds - Non- Annex I	2008	Weakness in the F procedure for certification of exit	RATE	5,0	EUR	-80,28	0,0	-80,28
GB	Export refunds - Sugar and isoglucos	2009 se	Weaknesskin the F procedure for certification of exit	RATE	5,0	EUR	-7,57	0,0	-7,57

GB	Export refunds - Other	2009	Weaknesses A in the RAT procedure for certification of exit		EUR	-0,87	0,0	-0,87
GB	Export refunds - Non- Annex I	2009	Weaknesses. A in the RAT procedure for certification of exit		EUR	-3,97	0,0	-3,97
GB	Fruit and Vegetab - Operation Program	nal	Deficienc Fds A RAI controls on recognition and operational programmes		EUR	-508 223,82	0,0	-508 223,82
GB	Fruit and Vegetab - Operation Program	nal	Deficience OFF controls on recognition and operational programmes		EUR	-6 171 594,78	0,0	-6 171 594,78
GB	Fruit and Vegetab - Operation Program	nal	Deficienc RASA controls on recognition and operational programmes	/	EUR	-999 359,83	0,0	-999 359,83
GB	Fruit and Vegetab - Operation Program	nal	Deficienc@Min key OFF controls on recognition and operational programmes	I	EUR	-12 135 684,18	0,0	-12 135 684,18
GB	Fruit and Vegetab	2008 les	Deficience OFF controls on recognition		EUR	-6 589 732,17	0,0	-6 589 732,17

	Operation Program		and operation program						
GB	Fruit and Vegetabl - Operation Program	nal	Deficien in key controls on recogniti and operation program	RATE on nal	5,0	EUR	-542 656,97	0,0	-542 656,97
GB	Exception support measure.		Rendering and transport costs unduly charged to the EU budget; dead animals claimed for EU financing	OFF		EUR	-284 317,36	0,0	-284 317,36
				7					
				P	TOTAL (GB)	EUR	-27 239 883,22	0,0	-27 239 883,22
GR	Addition Amounts of Aid		Incorrectinformatin the LPIS/GIS and weakness in the on-the-spot controls	FLAT i & ATE		EUR EUR		0,0	

GR	Other Direct Aid - Direct Payment	2008 ts	Incorrect FLAT informati & ATE in the LPIS/GIS and weaknesses in the on-the-spot controls	5,0	EUR	-1 497 576,86	0,0	-1 497 576,86
GR	Other Direct Aid - Cotton	2008	Incorrect FLAT informationATE in the LPIS/GIS and weaknesses in the on-the-spot controls	5,0	EUR	-9 155 093,09	0,0	-9 155 093,09
GR	Other Direct Aid - Article 69 of Reg.178 - except Ovines and Bovines		Incorrect FLAT informationATE in the LPIS/GIS and weaknesses in the on-the-spot controls	5,0	EUR	-3 310 395,31	0,0	-3 310 395,31
GR	Direct Decoupl Aid (single payment scheme - SPS)		Incorrect FLAT informationATE in the LPIS/GIS and weaknesses in the on-the-spot controls	5,0	EUR	-91 632 386,41	0,0	-91 632 386,41
GR	Other Direct Aids	2009	Incorrect FLAT informationATE in the LPIS/GIS and	5,0	EUR	5 928,18	0,0	5 928,18

GR	Other	2009	weaknes in the on-the- spot controls	tFLAT	5,0	EUR	1	0,0	1
	Direct Aid - Article 69 of Reg.178 - except Ovines and Bovines	2/2003	informat in the LPIS/ GIS and weaknes in the on-the- spot controls				407,54		407,54
GR	Addition Amounts of Aid		Incorrectinformatin the LPIS/GIS and weaknes in the on-the-spot controls	i&nATE	5,0	EUR	2 668,68	0,0	2 668,68
GR	Decoupl Direct Aids	e 2 1009	Incorrectinformatin the LPIS/GIS and weakness in the on-the-spot controls	i&nATE	5,0	EUR	-810 049,67	0,0	-810 049,67
GR	Olive Oil - Producti Aid	2004 on	Weaknes in the controls of mills and in the olive cultivation	RATE	10,0	EUR	-193 490,2	0,0	-193 490,2
GR	Olive Oil - Producti	2005 on	Weaknes in the controls	sæk.AT RATE	15,0	EUR	-283 443,46	0,0	-283 443,46

	Aid (2007+)		of mills and in the olive cultivation						
GR	Olive Oil - Producti Aid (2007+)	2005 on	Weaknes in the controls of mills and in the olive cultivation GIS	RATE	10,0	EUR	-43 471 909,07	0,0	-43 471 909,07
GR	Olive Oil - Producti Aid (2007+)	2006 on	Weakness in the controls of mills and in the olive cultivation	RATE	10,0	EUR	-447 353,51	0,0	-447 353,51
GR	Olive Oil - Producti Aid (2007+)	2006 on	Weaknes in the controls of mills and in the olive cultivation	RATE	15,0	EUR	-89 134 155,41	-215 120,8	-88 919 034,62
GR	Olive Oil - Financer GIS	2004 ment	Ineligible expendit concerni activities carried out after 31 October 2003	utoetsF ng		EUR	-3 437 468,51	0,0	-3 437 468,51
GR	Olive Oil - Financer GIS	2006 nent	Ineligible expendit concerni activities carried out after 31	utoetsF ng		EUR	-263 620,0	0,0	-263 620,0

			October 2003						
					TOTAL (GR)	EUR	-247 443 305,6	-215 120,8	-247 228 184,8
IT	Public Storage - Sugar	2005	Booking the sugar intake in 2005 not subject to physical moveme	OFF		EUR	-797 560,0	0,0	-797 560,0
IT	Public Storage - Sugar	2006	35 % increase in storage costs	FLAT RATE	10,0	EUR	-171 418,0	0,0	-171 418,0
IT	Public Storage - Sugar	2006	Late inventor controls	FLAT yRATE	5,0	EUR	-781 044,0	0,0	-781 044,0
IT	Public Storage - Sugar	2007	35 % increase in storage costs	FLAT RATE	10,0	EUR	-182 006,0	0,0	-182 006,0
IT	Public Storage - Sugar	2008	35 % increase in storage costs	FLAT RATE	10,0	EUR	-111 062,0	0,0	-111 062,0
IT	Public Storage - Sugar	2009	35 % increase in storage costs	FLAT RATE	10,0	EUR	-34 547,0	0,0	-34 547,0
					TOTAL (IT)	EUR	-2 077 637,0	0,0	-2 077 637,0
NL	Fruit and Vegetabl - Operatio Program	nal	Ineligible costs for printing on packages and expendit	OFF		EUR	-5 166 882,8	0,0	-5 166 882,8

			of a producer organisa with decentra marketin	tion lised					
NL	Fruit and Vegetabl - Operatio Program	nal	Ineligible costs for printing on packages and expendit of a producer organisa with decentra marketin	OFF ures tion		EUR	-10 543 404,52	0,0	-10 543 404,52
NL	Fruit and Vegetabl - Operatio Program	nal	Ineligible costs for printing on packages and expendit of a producer organisa with decentra marketin	OFF ures tion		EUR	-6 981 120,47	0,0	-6 981 120,47
					TOTAL (NL)	EUR	-22 691 407,79	0,0	-22 691 407,79
PT	Other Direct Aid - Bovines	2007	Weeknes establish in the function of IT system	e∂ FF		EUR	-415 669,1	0,0	-415 669,1
PT	Other Direct Aid - Bovines	2008	Weeknes establish in the function of IT system	e∂ FF		EUR	-304 813,73	0,0	-304 813,73

					TOTAL	EUR	-720 482 83	0,0	-720
RO	Other Direct Aid - Energy Crops	2009	Weaknessin functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ cross-checks	RATE ing ance	10,0	EUR	-6 694,99	0,0	-6 694,99
RO	Other Direct Aid - Energy Crops	2009	Weaknessin function of LPIS-GIS, in the performa of the on-the-spot/field visits followin administ cross-checks	OFF ing ance		EUR	-108 740,61	0,0	-108 740,61
RO	Other Direct Aids	2009	Weaknessin functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ	OFF ing ance		EUR	-52 831,05	0,0	-52 831,05

			cross- checks						
RO	Decoupl Direct Aids	≥2 1009	Weakness in functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ cross-checks	RATE ing ance	10,0	EUR	-489 527,3	0,0	-489 527,3
RO	Decoupl Direct Aids	≥2 1009	Weakness in functions of LPIS-GIS, in the performs of the on-the-spot/field visits following administ cross-checks	OFF ing ance		EUR	-38 620 445,36	0,0	-38 620 445,36
					TOTAL (RO)	EUR	-39 278 239,32	0,0	-39 278 239,32
					TOTAL (6701)	EUR	-478 526 747,31	-219 203,05	-478 307 544,26
DUDG	מתח דמוייי				TOTAL (6701)	DKK	-933 064,93	0,0	-933 064,93
	ET ITEM			I .	I				
BG	Rural Develop EAFRD Axis 2 (2007-20		Weaknes in the function of	RATE	10,0	EUR	-1 204 509,85	0,0	-1 204 509,85

	area related measure	s)	LPIS- GIS						
BG	Rural Develop EAFRD Compler to direct payment (2007-20	nent	Weakness in the functions of LPIS-GIS and on-the-spot controls	RATE	5,0	EUR	-2 490 360,23	0,0	-2 490 360,23
					TOTAL (BG)	EUR	-3 694 870,08	0,0	-3 694 870,08
GR	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Incorrectinformatin the LPIS/GIS and weakness in the on-the-spot controls	i&nATE	5,0	EUR	-3 154 596,63	0,0	-3 154 596,63
GR	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Incorrectinformatin the LPIS/GIS and weakness in the on-the-spot controls	i&ATE	5,0	EUR	-8 414 084,26	0,0	-8 414 084,26
GR	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Incorrectinformatin the LPIS/GIS and weakness in the on-the-spot controls	i&ATE	5,0	EUR	-597 155,1	0,0	-597 155,1

					TOTAL (GR)	EUR	-12 165 835,99	0,0	-12 165 835,99
RO	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Weaknessin functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ cross-checks	RATE ing ance	10,0	EUR	-7 246 383,51	0,0	-7 246 383,51
RO	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Weakness in functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ cross-checks	OFF ing ance		EUR	-10 512 529,35	0,0	-10 512 529,35
RO	Rural Develop EAFRD Axis 2 (2007-20 area related measure	013,	Weaknessin functions of LPIS-GIS, in the performs of the on-the-spot/field visits followin administ	OFF ing ance		EUR	-877 717,21	0,0	-877 717,21

			cross-						
RO	Rural Develop EAFRD Compler to direct payment (2007-20	nent	checks Weaknes in function of LPIS- GIS, in the performa of the on-the- spot/ field visits followin administ cross- checks	RATE ing	10,0	EUR	-10 975 412,09	0,0	-10 975 412,09
RO	Rural Develop EAFRD Compler to direct payment (2007-20	nent	Weaknes in function of LPIS- GIS, in the performa of the on-the- spot/ field visits followin administ cross- checks	OFF ing ince		EUR	-6 008 420,75	0,0	-6 008 420,75
					TOTAL (RO)	EUR	-35 620 462,91	0,0	-35 620 462,91
					TOTAL (6711)	EUR	-51 481 168,98	0,0	-51 481 168,98
BUDGI	ET ITEM		7	I			T	T	
DE	Irregular	i Ø0 9	Reimbur concerni irregular cases	n @ FF		EUR	508 165,76	0,0	508 165,76
					TOTAL (DE)	EUR	508 165,76	0,0	508 165,76
					TOTAL (050701)		508 165,76	0,0	508 165,76

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- (1) OJ L 160, 26.6.1999, p.103.
- (2) OJ L 209, 11.8.2005, p. 1.

Changes to legislation: