Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 22 June 2012 on 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(2012) 3838) (only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic) (2012/336/EU). (See end of Document for details)

Commission Implementing Decision of 22 June 2012 on 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(2012) 3838) (only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic) (2012/336/EU)

COMMISSION IMPLEMENTING DECISION

of 22 June 2012

on 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(2012) 3838)

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

(2012/336/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.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 22 June 2012 on 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(2012) 3838) (only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic) (2012/336/EU). (See end of Document for details)

- (3) Under Regulation (EC) No 1258/1999 and Regulation (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 1 February 2012 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 Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 June 2012.

For the Commission

Dacian CIOLOŞ

Member of the Commission

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 22 June 2012 on 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(2012) 3838) (only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic) (2012/336/EU). (See end of Document for details)

ANNEX

BUDGET ITEM: 6701

MS	Measur	eFinano year	ciaReason	Type	%	Curre	ncyAmour	nt Dedu	ctio hi nancia impact
DE	Clearanc of accounts	2 008	overpayr in the EAGF IACS population	OFF		EUR	-59 318,36	0,0	-59 318,36
Total I	DЕ				1	EUR	-59 318,36	0,0	-59 318,36
DK	Other Direct Aid — Bovines	2007	non- applicati of sanctions regarding potential eligible animals	S		EUR	-67 797,32	0,0	-67 797,32
DK	Other Direct Aid — Bovines	2008	non- applicati of sanctions regarding potential eligible animals	8		EUR	-48 411,25	0,0	-48 411,25
Total I	OK					EUR	-116 208,57	0,0	-116 208,57
ES	Rural Develops EAGGF (2000-20 Area related measures	06)—	deficience in the on-the-spot checks, in the measures of agricultu parcels, in applicati of Good Farming Practices in the measure	ment ral on	5,0 %	EUR	-350 224,0	0,0	-350 224,0

			•		- ' '				
			of agri- environn	nent					
ES	Rural Develop EAGGF (2000-20 Area related measures	006) —	insufficiorandom selection deficience in the on the spot checks, in the measure of agricultu parcels, in applicatiof Good Farming Practices in the measure of less-favoured areas	RATE , cies ment ral on	5,0 %	EUR	-710 805,0	0,0	-710 805,0
ES	Wine		plantatio of vine without the (re-)plan rights	OFF		EUR	-131 300 920,0	0,0	-131 300 920,0
Total ES						EUR	-132 361 949,0	0,0	-132 361 949,0
FR	Other Direct Aid — Bovines	2005	shortcon in the verificat of the eligibilit condition non-application of penalties unsatisfa checking of the moveme deficience in the	RATE ion y hs, on ctory s	2,0 %	EUR	-17 088 517,03	0,0	-17 088 517,03

Fortug	guese, Koman	ian, siovenia	ın ana spanısn	iexis are ai	unenuc) (201	2/330/EU). (see ena oj D	ocument for t	ieiuiis)
			application of notion of obvious error and in the acces to BDNI for slaughter!						
FR	Other Direct Aid — Bovines	2005	shortcoming the verification of the eligibility conditions non-application of penalties, unsatisfact checking of the movement deficience in the application of notion of obvious error and in the acces to BDNI for slaughterly	OFF on s, on etory its, ies		EUR	-12 394 594,82	0,0	-12 394 594,82
FR	Other Direct Aid — Bovines	2006	shortcoming the verification of the eligibility condition non-application of penalties, unsatisfaction checking	RĀTE on s, on	2,0 %	EUR	-16 233 350,64	0,0	-16 233 350,64

	guese, Roman		~ _P		/ (=	2/000/20). (
			of the movemed deficience in the application of notion of obvious error and in the acces to BDNI for slaughter	r					
FR	Other Direct Aid — Bovines	2006	shortcomin the verification of the eligibility condition non-application of penalties unsatisfat checking of the movement deficient in the application of obvious error and in the acces to BDNI for slaughter	off OFF on y on s, on		EUR	-8 732 969,42	0,0	-8 732 969,42
FR	Other Direct Aid — Bovines	2007	shortcom in the verificati of the eligibility condition non- applicati	RATE on y	2,0 %	EUR	-3 367 782,68	0,0	-3 367 782,68

	man and Spanish texts are difficulty (2		, ,		
	of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses				
FR Other Direct Aid — Bovines	shortcomingsE- in the OFF verification of the eligibility conditions, non- application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	EUR	-5 102 086,06	0,0	-5 102 086,06
Total FR		EUR	-62 919 300,65	0,0	-62 919 300,65

GB	Meat Premium Bovines	2004 ns —	no sanction applied in case of non- complian related to claimed above quota		GBP	-15 517,23	0,0	-15 517,23
GB	Meat Premium Ewe and Goats	2004 ns —	payment to claimant with less than 10 quota rights	OFF	GBP	-10 647,81	0,0	-10 647,81
GB	Meat Premium Bovines	2005 ns —	no sanction applied in case of non- complian related to claimed above quota		GBP	-6 790,67	0,0	-6 790,67
GB	Meat Premium Ewe and Goats	2005 ns —	payment to claimant with less than 10 quota rights	OFF	GBP	-3 492,44	0,0	-3 492,44
GB	Meat Premium Ewe and Goats	2005 ns —	payment to claimant with less than 10 quota rights, penalty for missing animals	OFF	GBP	-9 451,43	0,0	-9 451,43

		*					
		was not applied to the national envelope					
GB	Sugar — 2007 Production refunds	deficiency LAT in RATE substitution checks	5,0 %	EUR	-19,13	0,0	-19,13
GB	Sugar — 2007 other than Export refunds (2007+)	deficiency LAT in RATE substitution checks	5,0 %	EUR	-26,49	0,0	-26,49
GB	Export 2007 refunds — Sugar and isoglucose	deficiency LAT in RATE substitution checks	5,0 %	EUR	-726,63	0,0	-726,63
GB	Export 2007 refunds other	deficiency LAT in RATE substitution checks	5,0 %	EUR	-227,75	0,0	-227,75
GB	Export refunds other	deficiency LAT in RATE substitution checks	5,0 %	EUR	-26,39	0,0	-26,39
GB	Sugar — 2008 Production refunds	deficiency LAT in RATE substitution checks	5,0 %	EUR	0,86	0,0	0,86
GB	Export 2008 refunds — Sugar and isoglucose	deficiency LAT in RATE substitution checks	5,0 %	EUR	-557,68	0,0	-557,68
Total G	iΒ			GBP	-45 899,58	0,0	-45 899,58
Total G	BB			EUR	-1 583,21	0,0	-1 583,21
GR	Export 2006 refunds Sugar and isoglucose	absence of RATE production and storage	10,0 %	EUR	-1 800 082,7	0,0	-1 800 082,7

			control						
GR	Export refunds - Non- Annex I	2006	absence of production and storage control systems	FLAT RATE on	10,0 %	EUR	-12 890,85	0,0	-12 890,85
GR	Export refunds - Non- Annex I	2006	absence of production and storage control systems	FLAT RATE on	15,0 %	EUR	-66 216,34	0,0	-66 216,34
GR	Export refunds - Sugar and isogluco		absence of production and storage control systems	FLAT RATE on	15,0 %	EUR	-7 117 284,53	0,0	-7 117 284,53
GR	Export refunds - Sugar and isogluco	2007 se	absence of production and storage control systems	FLAT RATE on	10,0 %	EUR	-2 522 082,75	0,0	-2 522 082,75
GR	Export refunds - Non- Annex I	2007	absence of production and storage control systems	FLAT RATE on	10,0 %	EUR	-57 587,78	0,0	-57 587,78
GR	Export refunds - Sugar and isogluco		absence of production and storage control systems	FLAT RATE on	10,0 %	EUR	-515,62	0,0	-515,62
GR	Export refunds - Non- Annex I	2008	absence of production and storage	FLAT RATE on	10,0 %	EUR	-3 633,19	0,0	-3 633,19

		control						
GR	Other Direct Aid — Processe dried grape products (other measure	weaknes with regards to minimur yield, delivery requirem checks on processo cross- checks	OFF n ents,		EUR	-71 253 223,81	0,0	-71 253 223,81
GR	Other Direct Aid — Processe dried grape products (other measure	weaknes with regards to minimur yield, delivery requirem checks on processo cross- checks	OFF n ents,		EUR	-250 325,81	0,0	-250 325,81
GR	Other Direct Aid — Processe dried grape products (other measure	weaknes with regards to minimur yield, delivery requirem checks on processo cross- checks	OFF n ents,		EUR	-2 192,34	0,0	-2 192,34
GR	Fruit and Vegetabl Citrus Processi	Insufficionumber of administ controls and non-applicati	RATE rative	5,0 %	EUR	-255 264,74	0,0	-255 264,74

		of sanctions						
GR	Fruit and Vegetabl Citrus Processi	Insufficienumber of administ controls and non-application of sanctions	RATE rative	5,0 %	EUR	-258 047,81	0,0	-258 047,81
GR	Wine	plantatio of vine without the (re-)plan rights	OFF		EUR	-21 336 120,0	0,0	-21 336 120,0
Total (GR				EUR	-104 935 468,27	0,0	-104 935 468,27
IT	Fruit and Vegetabl Citrus Processi	weaknes in the control system (adminis and accounti checks)	RATE trative	5,0 %	EUR	-1 683 981,22	0,0	-1 683 981,22
IT	Fruit and Vegetabl Citrus Processi	weaknes in the control system (adminis and accounti checks)	RATE trative	5,0 %	EUR	-1 100 328,66	0,0	-1 100 328,66
IT	Fruit and Vegetabl Tomato Processi	insufficion check of tomato production yield	RATE	2,0 %	EUR	-3 510 182,04	0,0	-3 510 182,04
IT	Fruit and Vegetabl Tomato Processi	insufficion check of tomato production yield	RATE	2,0 %	EUR	-2 679 963,75	0,0	-2 679 963,75

Fortug	guese, Roman	ian, Siovenia	n ana spanis	n iexis are ai	unentic) (201	2/330/EU). (see ena oj Di	ocument for t	ieiaiis)
IT	Fruit and Vegetabl Tomato Processin		insufficie check of tomato production yield	RATE	2,0 %	EUR	-2 556 488,3	0,0	-2 556 488,3
IT	Olive Oil — Work program of operators organisa	s'	payment made after the regulator deadline	OFF		EUR	-515 252,59	0,0	-515 252,59
IT	RD Guarante Accomp Measure (area related measures	anying s	Article 25 (1) of Regulation (EC) No 796/2002 not respected in case of the announce of the on-the- spot checks in Calabria region	d ement	2,0 %	EUR	-160 616,0	0,0	-160 616,0
ĪT	Rural Develop EAGGF (2000-20 Area related measures	006) —	Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announce of the on-the- spot checks in Calabria region	1 d ement	2,0 %	EUR	-60 045,0	0,0	-60 045,0

1011118	uese, Roman	ian, siovenia	n ana spanis	n texts are at	imeniic) (201	2/330/EO). (see ena of B	beament for t	ieiuiis)
IT	Rural Develop EAGGF (2000-20 Area related measure	006) —	late on- the- spot checks for agri- envi measure: Article 25 (1) of Regulati- (EC) No 796/2004 not respected in case of the announc of the on-the- spot checks in Pugia region	on 4 d	2,0 %	EUR	-308 332,0	0,0	-308 332,0
IT	Rural Develop EAGGF (2000-20 Area related measure	006) —	late on- the- spot checks for agri- envi measure: Article 25 (1) of Regulati- (EC) No 796/2004 not respected in case of the announc of the on-the- spot checks in	on 4	5,0 %	EUR	-82 920,0	0,0	-82 920,0

	l l l l l l l l l l l l l l l l l l l	lan, storent	Pugia region						
IT	Rural Develop EAGGF (2000-20 Area related measure	006) —	late on- the- spot checks for agri- envi measure: Article 25 (1) of Regulati (EC) No 796/2004 not respected in case of the announc of the on-the- spot checks in Pugia region	on 4 d	2,0 %	EUR	-3 985,0	0,0	-3 985,0
IT	Wine		plantation of vine without the (re-)plantation rights	OFF		EUR	-98 881 120,0	0,0	-98 881 120,0
Total IT						EUR	-111 543 214,56	0,0	-111 543 214,56
NL	Clearance of accounts		wrongfu transfer of the rights of one certificat leading to wrongfu payment of	OFF te		EUR	-81 004,0	0,0	-81 004,0

			export refunds						
Total NI	<u>.</u>					EUR	-81 004,0	0,0	-81 004,0
PL	Cross Complia	2006 nce	some GAEC not defined and weaknes in sanctioni system (claim year 2005)		10,0 %	PLN	-9 462 163,58	-298 039,22	-9 164 124,36
PL	Cross Complia	2007 nce	some GAEC not defined (claim year 2006)	FLAT RATE	5,0 %	EUR	-3 231 141,53	-76 634,5	-3 154 507,03
PL	Cross Complia	2007 nce	some GAEC not defined and weaknes in sanctioni system (claim year 2005)		10,0 %	EUR	-3 730,29	-117,5	-3 612,79
PL	Cross Complia	2008 nce	some GAEC not defined (claim year 2006)	FLAT RATE	5,0 %	EUR	3 168,04	0,0	3 168,04
PL	Cross Complia	2008 nce	some GAEC not defined (claim year 2007)	FLAT RATE	5,0 %	EUR	-6 242 027,29	0,0	-6 242 027,29

PL	Cross	2008	some	FLAT	10,0 %	EUR	-602,58	0,0	-602,58
	Complia	nce	GAEC not defined and weaknes in sanction system (claim year 2005)						
PL	Cross Complia	2009 nce	some GAEC not defined (claim year 2006)	FLAT RATE	5,0 %	EUR	-585,38	0,0	-585,38
PL	Cross Complia	2009 nce	some GAEC not defined (claim year 2007)	FLAT RATE	5,0 %	EUR	-7 875,92	0,0	-7 875,92
Total P	L	I		ı	J	PLN	-9 462 163,58	-298 039,22	-9 164 124,36
Total P	L					EUR	-9 482 794,95	-76 752,0	-9 406 042,95
PT	Other Direct Aid — Bovines	2005	population excluded from on-the-spot checks		5,0 %	EUR	-43 659,0	0,0	-43 659,0
PT	Other Direct Aid — Ewe and Goats	2007	amounts paid for less than 10 quota rights	ONE- OFF		EUR	-831,83	0,0	-831,83
PT	Other Direct Aid — Bovines	2007	non- applicati of sanctions			EUR	-24 450,0	0,0	-24 450,0
PT	Other Direct	2008	non- applicati	ONE- ODFF		EUR	-41 350,0	0,0	-41 350,0

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 22 June 2012 on 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(2012) 3838) (only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic) (2012/336/EU). (See end of Document for details)

	Aid — Bovines		of sanctions	S				
Total PT					EUR	-110 290,83	0,0	-110 290,83
SI	Clearance of accounts	2 008	non-recovere amounts for errors in the EAGF IACS population		EUR	-8 014,42	0,0	-8 014,42
Total SI					EUR	-8 014,42	0,0	-8 014,42
<i>6701</i> To	tal				GBP	-45 899,58	0,0	-45 899,58
					PLN	-9 462 163,58	-298 039,22	-9 164 124,36
					EUR	-421 619 146,82	-76 752,0	-421 542 394,82

BUDGET ITEM: 6711

MS	Measur	eFinanc	iaReason	Type	%	CurrencyAmount Deduct					
		year							impact		
DE	Clearance of accounts		known errors in the EAFRD IACS population	ONE- OFF		EUR	-4 599,05	0,0	-4 599,05		
DE	Clearance of accounts		known errors in the EAFRD non- IACS population			EUR	-99 505,49	0,0	-99 505,49		
DE	Clearance of accounts		overpayi in the EAFRD	n ente - OFF		EUR	-6 422,93	0,0	-6 422,93		
Total DE				EUR	-110 527,47	0,0	-110 527,47				
EE	Rural Develop	2008 ment	control weaknes	FLAT s R sATE	5,0 %	EUR	-219 399,9	0,0	-219 399,9		

Porti	iguese, Romanian, Sloven	ian and Spanish texts are a	uthentic) (20	012/336/EU)	. (See end of L	Document f	or details)
	EAFRD Axis 1 + 3 — Investment orientated measures (2007-2013)						
EE	Rural 2009 Development EAFRD Axis 1 + 3 — Investment orientated measures (2007-2013)	control FLAT weakness RSATE	5,0 %	EUR	-432 949,15	0,0	-432 949,15
EE	Rural 2009 Development EAFRD Axis 4 LEADER (2007-2013)	control FLAT weakness & ATE	5,0 %	EUR	-54 631,06	0,0	-54 631,06
EE	Rural 2010 Development EAFRD Axis 4 LEADER (2007-2013)	control FLAT weakness RATE	5,0 %	EUR	-90 905,2	0,0	-90 905,2
Total E	E			EUR	-797 885,31	0,0	-797 885,31
IT	Rural 2008 Development EAFRD Axis 2 (2007-2013, area related measures)	late on- the- spot checks for agri- envi measures, Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement	2,0 %	EUR	-46 958,0	0,0	-46 958,0

		of the on-the- spot checks in Pugia region						
Total 1	TT				EUR	-46 958,0	0,0	-46 958,0
PL	Cross 2008 Compliance	some GAEC not defined (claim year 2007)	FLAT RATE	5,0 %	EUR	-1 577 692,31	0,0	-1 577 692,31
PL	Cross 2009 Compliance	some GAEC not defined (claim year 2007)	FLAT RATE	5,0 %	EUR	-2 873,42	0,0	-2 873,42
Total l	PL				EUR	-1 580 565,73	0,0	-1 580 565,73
PT	Clearance 2008 of accounts	most likely error	ONE- OFF		EUR	-507 308,0	0,0	-507 308,0
PT	Clearance 2008 of accounts	systemat	i © NE- OFF		EUR	-897 367,0	0,0	-897 367,0
PT	Clearanc 2008 of accounts	systemat error - RURIS	iONE- OFF		EUR	-590,0	0,0	-590,0
Total l	PT				EUR	-1 405 265,0	0,0	-1 405 265,0
SI	Clearance 2008 of accounts — Financial Clearance	known error found in the complete test of Annex II and III A	ONE- OFF		EUR	-6 010,62	0,0	-6 010,62
Total S	SI	,		-,	EUR	-6 010,62	0,0	-6 010,62

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<i>6711</i> Total	EUR	-3 947 212 13	0,0	-3 947 212 13
		212,13		212,13

BUDGET ITEM: 05 07 01 07

MS	Measur	eFinanci year	aReason	Type	%	Curren	cyAmoun	t Deduct	io hi nancial impact
RO	Financia audit — Late payment and payment deadline	s	late payment	ONE- soff		EUR	-7 674 175,73	-9 399 922,54	1 725 746,81
Total RO)					EUR	-7 674 175,73	-9 399 922,54	1 725 746,81
05 07 01	07 Total					EUR	-7 674 175,73	-9 399 922,54	1 725 746,81

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

Status:

Point in time view as at 31/01/2020.

Changes to legislation: