

**COMMISSION IMPLEMENTING DECISION (EU) 2022/820****of 24 May 2022****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2021***(notified under document C(2022) 3307)*

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 <sup>(1)</sup>, 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 prior to 31 May of the year following the budget year in question.
- (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 financial year 2021, account should be taken of expenditure incurred by the Member States between 16 October 2020 and 15 October 2021, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 <sup>(2)</sup>.
- (3) Article 33(2), first subparagraph, 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 Article 33(1) of that Regulation, are to be established by deducting the monthly payments for the financial year concerned from expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the monthly payment relating to the expenditure effected in the second month following the clearance of accounts decision.
- (4) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States, together with the amendments it proposes.
- (5) For certain paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (6) The information submitted by certain other paying agencies requires additional inquiries and, therefore, their accounts cannot be cleared in this Decision.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> 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).

- (7) In accordance with Article 5(5) of Commission Delegated Regulation (EU) No 907/2014 <sup>(3)</sup>, any overrun of payment deadlines is to be taken into account, at the latest, in the accounts clearance decision referred to in Article 51 of Regulation (EU) No 1306/2013. Some of the expenditure declared by certain Member States during financial year 2021 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.
- (8) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of monthly payments for financial year 2021 due to failure to comply with financial ceilings, or due to control system deficiencies. In this Decision, the Commission should take into account such reduced or suspended amounts in order to avoid making any inappropriate, or untimely, payments or reimbursements which could later be subject to financial correction. The amounts in question may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of that Regulation.
- (9) The Commission has already reduced the relevant monthly payments for financial year 2021 for the amounts due to the European Agricultural Guarantee Fund (EAGF) as a result of financial and conformity clearance decisions, pursuant to Articles 51 and 52 of Regulation (EU) No 1306/2013, executed by the Commission in financial year 2021. Any such amounts are taken into account in this Decision.
- (10) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within 4 years from the date of the recovery request, or within 8 years where the recovery is taken before the national courts. 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. 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 4 or 8 years respectively.
- (11) 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 4 years from the date of the recovery request or within 8 years where the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown in the summary report referred to in Article 54(4) of that Regulation in conjunction with Article 102(1), first subparagraph, point (c)(iv), of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently borne by the Union budget.
- (12) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be 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*

The accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Guarantee Fund (EAGF) in respect of financial year 2021.

<sup>(3)</sup> Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing 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, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

The amounts recoverable from, or payable to, each Member State pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in Annexes I and II to this Decision.

*Article 2*

For financial year 2021, the accounts of the Member States' paying agencies in respect of expenditure financed by the EAGF, as set out in Annex III, are not cleared by this Decision and shall be the subject of a future clearance of accounts decision.

*Article 3*

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 4*

This Decision is addressed to the Member States.

Done at Brussels, 24 May 2022.

*For the Commission*  
Janusz WOJCIECHOWSKI  
*Member of the Commission*

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## Clearance of the paying agencies' accounts

Financial year 2021 – EAGF

## Amount to be recovered from or paid to the Member State

MS		2021 - Expenditure / Assigned Revenue for the paying agencies for which the accounts are		Total a + b	Reductions, suspensions and other adjustments for executed conformity and financial clearance decisions for the whole financial year 1)	Amount to be charged according to Article 54(2) of Regulation (EU) No 1306/2013 in relation to the EAGF	Total including reductions, suspensions and other adjustments	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State 2)
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c=a+b	d	e	f=c+d+e	g	h=f-g
AT	EUR	706 430 573,23	0,00	706 430 573,23	- 2 870 315,25	0,00	703 560 257,98	703 560 257,98	0,00
BE	EUR	554 760 898,85	0,00	554 760 898,85	- 351 989,67	- 3 177,15	554 405 732,03	554 733 385,87	- 327 653,84
BG	BGN	0,00	0,00	0,00	0,00	- 1 556,12	- 1 556,12	0,00	- 1 556,12
BG	EUR	863 821 851,29	0,00	863 821 851,29	- 3 138 702,25	0,00	860 683 149,04	861 522 574,67	- 839 425,63
CY	EUR	52 502 823,95	0,00	52 502 823,95	12 089,72	- 256 486,43	52 258 427,24	52 550 492,04	- 292 064,80
CZ	CZK	0,00	0,00	0,00	0,00	- 2 919,33	- 2 919,33	0,00	- 2 919,33
CZ	EUR	867 205 026,59	0,00	867 205 026,59	- 1 980 556,04	0,00	865 224 470,55	865 224 470,86	- 0,31
DE	EUR	4 728 310 987,83	0,00	4 728 310 987,83	- 2 023 816,79	- 201 516,47	4 726 085 654,57	4 726 685 305,04	- 599 650,47
DK	DKK	0,00	0,00	0,00	0,00	- 74 800,08	- 74 800,08	0,00	- 74 800,08
DK	EUR	807 631 689,90	0,00	807 631 689,90	- 44 732 587,53	0,00	762 899 102,37	762 919 853,48	- 20 751,11
EE	EUR	166 809 943,17	0,00	166 809 943,17	- 133 455,75	- 8 582,90	166 667 904,52	166 676 066,54	- 8 162,02
ES	EUR	5 653 944 798,91	0,00	5 653 944 798,91	- 23 331 476,95	- 1 540 518,27	5 629 072 803,69	5 632 844 872,47	- 3 772 068,78
FI	EUR	525 039 902,75	0,00	525 039 902,75	- 11 403,31	- 1 903,38	525 026 596,06	525 014 939,18	11 656,88
FR	EUR	7 323 853 757,26	0,00	7 323 853 757,26	- 119 323 840,58	- 4 735 016,88	7 199 794 899,80	7 207 429 699,92	- 7 634 800,12
EL	EUR	2 036 268 718,40	0,00	2 036 268 718,40	176 894 797,88	- 1 706 909,35	2 211 456 606,93	2 213 249 638,46	- 1 793 031,53
HR	HRK	0,00	0,00	0,00	0,00	- 866 935,30	- 866 935,30	0,00	- 866 935,30
HR	EUR	359 555 285,25	0,00	359 555 285,25	- 46 307,48	0,00	359 508 977,77	359 509 968,88	- 991,11

MS		2021 - Expenditure / Assigned Revenue for the paying agencies for which the accounts are		Total a + b	Reductions, suspensions and other adjustments for executed conformity and financial clearance decisions for the whole financial year 1)	Amount to be charged according to Article 54(2) of Regulation (EU) No 1306/2013 in relation to the EAGF	Total including reductions, suspensions and other adjustments	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State 2)
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c=a+b	d	e	f=c+d+e	g	h=f-g
HU	HUF	0,00	0,00	0,00	0,00	- 66 196 569,00	- 66 196 569,00	0,00	- 66 196 569,00
HU	EUR	1 308 388 735,04	0,00	1 308 388 735,04	- 6 114 909,10	0,00	1 302 273 825,94	1 302 448 012,60	- 174 186,66
IE	EUR	1 185 513 381,00	0,00	1 185 513 381,00	- 4 185 327,13	- 13 776,71	1 181 314 277,16	1 180 317 724,81	996 552,35
IT	EUR	4 227 648 632,75	0,00	4 227 648 632,75	- 216 393 398,86	- 5 713 858,78	4 005 541 375,11	4 025 018 120,95	- 19 476 745,84
LT	EUR	513 777 203,73	0,00	513 777 203,73	- 2 003 428,81	- 1 985,43	511 771 789,49	511 452 567,68	319 221,81
LU	EUR	34 777 912,12	0,00	34 777 912,12	75 370,02	- 54 311,19	34 798 970,95	34 749 464,51	49 506,44
LV	EUR	296 433 444,83	0,00	296 433 444,83	- 11 798,86	- 10 500,36	296 411 145,61	296 422 643,44	- 11 497,83
MT	EUR	5 070 956,79	0,00	5 070 956,79	82,21	- 283,11	5 070 755,89	5 071 039,00	- 283,11
NL	EUR	0,00	701 449 904,92	701 449 904,92	0,00	0,00	701 449 904,92	701 449 904,92	0,00
PL	PLN	0,00	0,00	0,00	0,00	- 480 360,21	- 480 360,21	0,00	- 480 360,21
PL	EUR	3 344 928 202,03	0,00	3 344 928 202,03	- 11 615 407,04	0,00	3 333 312 794,99	3 333 287 343,21	25 451,78
PT	EUR	855 072 937,80	0,00	855 072 937,80	- 4 129 633,81	- 215 614,84	850 727 689,15	849 980 286,77	747 402,38
RO	RON	0,00	0,00	0,00	0,00	- 6 362 606,76	- 6 362 606,76	0,00	- 6 362 606,76
RO	EUR	1 939 544 980,75	0,00	1 939 544 980,75	- 40 876 104,60	0,00	1 898 668 876,15	1 903 229 534,93	- 4 560 658,78
SE	SEK	0,00	0,00	0,00	0,00	- 19 042,00	- 19 042,00	0,00	- 19 042,00
SE	EUR	684 849 433,65	0,00	684 849 433,65	- 1 810 296,09	0,00	683 039 137,56	683 740 589,85	- 701 452,29
SI	EUR	139 003 233,25	0,00	139 003 233,25	154 602,03	- 101 944,37	139 055 890,91	139 157 835,28	- 101 944,37
SK	EUR	394 889 567,79	0,00	394 889 567,79	- 19 604 716,19	- 64 401,76	375 220 449,84	375 302 826,10	- 82 376,26

MS		Expenditure 3)	Assigned revenue 3)	Article 54(2) (=e)	Total (=h)
		08 02 06 01	6200	6200	
		i	j	k	l = i+j+k
AT	EUR	0,00	0,00	0,00	0,00
BE	EUR	0,00	- 324 476,69	- 3 177,15	- 327 653,84
BG	BGN	0,00	0,00	- 1 556,12	- 1 556,12
BG	EUR	0,00	- 839 425,63	0,00	- 839 425,63
CY	EUR	0,00	- 35 578,37	- 256 486,43	- 292 064,80
CZ	CZK	0,00	0,00	- 2 919,33	- 2 919,33
CZ	EUR	0,00	- 0,31	0,00	- 0,31
DE	EUR	0,00	- 398 134,00	- 201 516,47	- 599 650,47
DK	DKK	0,00	0,00	- 74 800,08	- 74 800,08
DK	EUR	0,00	- 20 751,11	0,00	- 20 751,11
EE	EUR	420,88	0,00	- 8 582,90	- 8 162,02
ES	EUR	0,00	- 2 231 550,51	- 1 540 518,27	- 3 772 068,78
FI	EUR	81 444,62	- 67 884,36	- 1 903,38	11 656,88
FR	EUR	0,00	- 2 899 783,24	- 4 735 016,88	- 7 634 800,12
EL	EUR	0,00	- 86 122,18	- 1 706 909,35	- 1 793 031,53
HR	HRK	0,00	0,00	- 866 935,30	- 866 935,30
HR	EUR	0,00	- 991,11	0,00	- 991,11
HU	HUF	0,00	0,00	- 66 196 569,00	- 66 196 569,00
HU	EUR	0,00	- 174 186,66	0,00	- 174 186,66
IE	EUR	1 241 932,20	- 231 603,14	- 13 776,71	996 552,35
IT	EUR	0,00	- 13 762 887,06	- 5 713 858,78	- 19 476 745,84
LT	EUR	321 207,24	0,00	- 1 985,43	319 221,81
LU	EUR	103 817,63	0,00	- 54 311,19	49 506,44
LV	EUR	0,00	- 997,47	- 10 500,36	- 11 497,83
MT	EUR	0,00	0,00	- 283,11	- 283,11
NL	EUR	0,00	0,00	0,00	0,00
PL	PLN	0,00	0,00	- 480 360,21	- 480 360,21
PL	EUR	25 451,78	0,00	0,00	25 451,78
PT	EUR	1 111 005,26	- 147 988,04	- 215 614,84	747 402,38

MS		Expenditure 3)	Assigned revenue 3)	Article 54(2) (=e)	Total (=h)
		08 02 06 01	6200	6200	
		i	j	k	l = i+j+k
RO	RON	0,00	0,00	- 6 362 606,76	- 6 362 606,76
RO	EUR	0,00	- 4 560 658,78	0,00	- 4 560 658,78
SE	SEK	0,00	0,00	- 19 042,00	- 19 042,00
SE	EUR	0,00	- 701 452,29	0,00	- 701 452,29
SI	EUR	0,00	0,00	- 101 944,37	- 101 944,37
SK	EUR	0,00	- 17 974,50	- 64 401,76	- 82 376,26

- 1) The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines and other reductions in the context of Article 41 of Regulation (EU) No 1306/2013.
- 2) For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b). Applicable exchange rate: Article 11(1), first subparagraph, second sentence of the Commission Delegated Regulation (EU) No 907/2014.
- 3) BL 08 02 06 01 shall be split between the negative corrections which become assigned revenue in BL 62 00 and the positive ones in favour of MS which shall now be included on the expenditure side 08 02 06 01 as per article 43 of Regulation (EU) No 1306/2013.

NB: Nomenclature 2022 : 08 02 06 01 , 6200

## ANNEX II

## Clearance of the paying agencies' accounts

## Financial year 2021 - EAGF

## Corrections according to Article 54(2) of Regulation (EU) No 1306/2013 (\*)

Member State	Currency	In National currency	In Euro
AT	EUR		
BE	EUR		
BG	BGN		
CY	EUR	-	5 937,99
CZ	CZK	-	-
DE	EUR		
DK	DKK		
EE	EUR	-	-
ES	EUR		
FI	EUR		
FR	EUR		
EL	EUR		
HR	HRK		
HU	HUF	-	-
IE	EUR		
IT	EUR		
LT	EUR	-	-
LU	EUR		
LV	EUR	-	-
MT	EUR	-	-
NL	EUR		
PL	PLN	215 989,80	-
PT	EUR		
RO	RON		
SE	SEK		
SI	EUR	-	-
SK	EUR	-	-

(\*) Amounts to be charged to the Member States as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the Temporary Rural Development Instrument (TRDI) funded by the European Agricultural Guidance and Guarantee Fund (EAGGF) (Commission Regulation (EC) No 27/2004 of 5 January 2004 laying down transitional detailed rules for the application of Council Regulation (EC) No 1257/1999 as regards the financing by the EAGGF Guarantee Section of rural development measures in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ L 5, 9.1.2004, p. 36))



## ANNEX III

**Clearance of the paying agencies' accounts****Financial year 2021 - EAGF****List of the paying agencies for which the accounts are disjoined and are subject of a later clearance decision**

Member State	Paying agency
Netherlands	Rijksdienst voor Ondernemend Nederland