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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/260

of 14 February 2019

amending Implementing Regulation (EU) No 180/2014 as regards the volumes of traditional trade flows between certain outermost regions of the Union and the United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to and in the United Kingdom. If that agreement enters into force, Commission Implementing Regulation (EU) No 180/2014 ⁽²⁾ will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.
- (3) Article 15(1) of Implementing Regulation (EU) No 180/2014 provides for the possibility for operators to export, in the context of traditional trade flows or regional trade, and to dispatch, in the context of traditional trade flows, processed products containing raw materials which have benefited from specific supply arrangements as referred to in Article 10 of Regulation (EU) No 228/2013. Processors intending to export or dispatch those products in that context may do so within the limits of the annual quantities set out in Annexes II to V to Implementing Regulation (EU) No 180/2014. The list of third countries to which those products can be exported is set out in Annex VI to that Regulation.
- (4) In order to avoid potential disruption of traditional trade flows between the outermost regions concerned and the United Kingdom, the volumes of the relevant processed products that are currently dispatched from Madeira and the Canary Islands to the United Kingdom as a Member State should be expressed as exports to third countries in Annexes III and IV to Implementing Regulation (EU) No 180/2014. In addition, the United Kingdom should be referred to as a third country in Annex VI to that Regulation.
- (5) Implementing Regulation (EU) No 180/2014 should therefore be amended accordingly.

⁽¹⁾ OJ L 78, 20.3.2013, p. 23.

⁽²⁾ Commission Implementing Regulation (EU) No 180/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 228/2013 of the European Parliament and of the Council laying down specific measures for agriculture in the outermost regions of the Union (OJ L 63, 4.3.2014, p. 13).

- (6) In accordance with Article 4(3) of Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾, the cessation of application of acts fixed at a given date occurs on the expiry of the last hour of the day falling on that date. This Regulation should therefore apply from the day following that on which Implementing Regulation (EU) No 180/2014 ceases to apply to and in the United Kingdom.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III, IV and VI to Implementing Regulation (EU) No 180/2014 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the day following that on which Implementing Regulation (EU) No 180/2014 ceases to apply to and in the United Kingdom.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

ANNEX

Annexes III, IV and VI to Implementing Regulation (EU) No 180/2014 are amended as follows:

(1) in Annex III, the table for Madeira is amended as follows:

(a) the rows relating to headings 1905 and 2009 and subheadings 2202 10 and 2202 90 are replaced by the following:

'1905	116 100	400
2009	*13 480	*20
2202 10	752 100	42 900'
2202 90		

(b) the row relating to heading 2208 is replaced by the following:

'2208	*24 800	*31 200'
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(2) in the table in Annex IV the row relating to subheading 1704 90 is replaced by the following:

'1704 90	417 500	229 000'
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(3) in Annex VI, the text concerning the Azores and Madeira is replaced by the following:

'Third countries to which processed products are exported from the Azores and Madeira in the context of regional trade

Angola, Canada, Cape Verde, Guinea-Bissau, Morocco, Mozambique, South Africa, United Kingdom, United States of America and Venezuela'.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/261**of 14 February 2019****amending Implementing Regulation (EU) 2018/140 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cast iron articles originating in the People's Republic of China and terminating the investigation on imports of certain cast iron articles originating in India**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) By Implementing Regulation (EU) 2018/140 ⁽²⁾, the Commission imposed a definitive anti-dumping duty at rates ranging from 15,5 % to 38,1 % on imports of certain articles of lamellar graphite cast iron (grey iron) or spheroidal graphite cast iron (also known as ductile cast iron), and parts thereof falling within Combined Nomenclature ('CN') codes ex 7325 10 00 (TARIC code 7325 10 00 31) and ex 7325 99 10 (TARIC code 7325 99 10 51) and originating in the People's Republic of China.
- (2) By judgment of 12 July 2018 in Joined Cases C-397/17 and C-398/17, *Profit Europe* ⁽³⁾, the Court of Justice held that the CN must be interpreted as meaning that the cast tube or pipe fittings of spheroidal graphite cast iron must be classified under the residual subheading 7307 19 90 as other cast fittings, rather than under subheading 7307 11 10 as fittings of non-malleable cast iron, or under CN subheading 7307 19 10 as fittings of malleable cast iron.
- (3) The two tariff headings 7325 and 7307 have an almost identical structure and concern the same materials. Therefore, it was considered appropriate to reflect the Court of Justice's finding also in the classification of articles falling under heading 7325.
- (4) Implementing Regulation (EU) 2018/140 concerning certain articles of spheroidal graphite cast iron (also known as ductile cast iron) continues to refer to their classification under CN code 7325 99 10 as other articles of malleable cast iron.
- (5) Therefore, CN code ex 7325 99 10 (TARIC code 7325 99 10 51) should be replaced by CN code ex 7325 99 90 (TARIC code 7325 99 90 80) among the codes listed in Implementing Regulation (EU) 2018/140 with regard to goods the imports of which are subject to the definitive anti-dumping duty.
- (6) To ensure the effective collection of the anti-dumping duties in place, Implementing Regulation (EU) 2018/140 should be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Implementing Regulation (EU) 2018/140 is replaced by the following:

'1. A definitive anti-dumping duty is imposed on imports of certain articles of lamellar graphite cast iron (grey iron) or spheroidal graphite cast iron (also known as ductile cast iron), and parts thereof currently falling within CN codes ex 7325 10 00 (TARIC code 7325 10 00 31), and ex 7325 99 90 (TARIC code 7325 99 90 80) and originating in the People's Republic of China.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2018/140 of 29 January 2018 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cast iron articles originating in the People's Republic of China and terminating the investigation on imports of certain cast iron articles originating in India (OJ L 25, 30.1.2018, p. 6).

⁽³⁾ Judgment of the Court of Justice of 12 July 2018, Joined Cases C-397/17 and C-398/17, *Profit Europe NV v Belgische Staat*, ECLI:EU:C:2018:564.

These articles are of a kind used to:

- cover ground or sub-surface systems, and/or openings to ground or sub-surface systems, and also
- give access to ground or sub-surface systems and/or provide view to ground or sub-surface systems.

The articles may be machined, coated, painted and/or fitted with other materials such as but not limited to concrete, paving slabs, or tiles.

The following product types are excluded from the definition of the product concerned:

- channel gratings and cast tops subject to standard EN 1433, to be fitted as a component on channels in polymer, plastic, galvanised steel or concrete allowing surface water to flow into the channel,
- floor drains, roof drains, cleanouts and covers for cleanouts, subject to standard EN 1253,
- step irons, lifting keys, and fire hydrants.’

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/262**of 14 February 2019****amending Council Implementing Regulation (EU) No 430/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) By Implementing Regulation (EU) No 430/2013 ⁽²⁾, the Council imposed a definitive anti-dumping duty at rates ranging from 14,9 % to 57,8 % on imports of threaded tube or pipe cast fittings, of malleable cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, currently falling within Combined Nomenclature ('CN') code ex 7307 19 10 (TARIC code 7307 19 10 10) and originating in the People's Republic of China and Thailand.
- (2) By judgment of 12 July 2018 in Joined Cases C-397/17 and C-398/17, *Profit Europe* ⁽³⁾, the Court of Justice held that the CN must be interpreted as meaning that the cast tube or pipe fittings of spheroidal graphite cast iron must be classified under the residual subheading 7307 19 90 as other cast fittings, rather than under subheading 7307 11 10 as fittings of non-malleable cast iron, or under CN subheading 7307 19 10 as fittings of malleable cast iron.
- (3) Following that judgment, the Explanatory Notes to the Combined Nomenclature to CN code 7307 19 10 were modified, removing fittings of spheroidal graphite cast iron from that CN code.
- (4) Commission Regulation (EU) No 1071/2012 ⁽⁴⁾, imposing a provisional anti-dumping on imports of threaded tube or pipe cast fittings, of malleable cast iron, explicitly referred to the classification of threaded tube or pipe cast fittings of spheroidal graphite cast iron (also known as ductile cast iron) under CN code 7307 19 10. Implementing Regulation (EU) No 430/2013 continues to refer to that classification under CN code 7307 19 10 as fittings of malleable cast iron. The reference to the CN code is now inconsistent with the Court of Justice's case-law and with the Explanatory Notes to the Combined Nomenclature to CN code 7307 19 10.
- (5) Therefore, CN code ex 7307 19 90 and the corresponding TARIC code should also be included among the codes listed in Implementing Regulation (EU) No 430/2013 with regard to goods the imports of which are subject to the definitive anti-dumping duty.
- (6) To ensure the effective collection of the anti-dumping duties in place, Implementing Regulation (EU) No 430/2013 should be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 430/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia (OJ L 129, 14.5.2013, p. 1).

⁽³⁾ Judgment of the Court of Justice of 12 July 2018, Joined Cases C-397/17 and C-398/17, *Profit Europe NV v Belgische Staat*, ECLI:EU:C:2018:564.

⁽⁴⁾ Commission Regulation (EU) No 1071/2012 of 14 November 2012 imposing a provisional anti-dumping duty on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand (OJ L 318, 15.11.2012, p. 10).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 430/2013 is amended as follows:

(1) the title is replaced by the following:

'Council Implementing Regulation (EU) No 430/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron and spheroidal graphite cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia';

(2) Article 1(1) is replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron and spheroidal graphite cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, currently falling within CN code ex 7307 19 10 (TARIC code 7307 19 10 10) and ex 7307 19 90 (TARIC code 7307 19 90 10) and originating in the People's Republic of China ('PRC') and Thailand.'

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/263**of 14 February 2019****amending Implementing Regulation (EU) No 964/2014 as regards standard terms and conditions for financial instruments for the Co-Investment Facility and for the Urban Development Fund**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ⁽¹⁾, and in particular the second subparagraph of Article 38(3) thereof,

Whereas:

- (1) Annexes I, V and VI to Commission Implementing Regulation (EU) No 964/2014 ⁽²⁾ set out the annotated table of content of a funding agreement between a managing authority and a financial intermediary, the terms and conditions for the Co-Investment Facility and the Urban Development Fund respectively.
- (2) Article 40 of Regulation (EU) No 1303/2013 clarifies the management verifications and audit arrangements in case of financial instruments implemented by the EIB and other international financial institutions in which a Member State is a shareholder. These arrangements should be reflected in Annex I as part of the funding agreement between a managing authority and the EIB or other international financial institutions in which a Member State is a shareholder.
- (3) Article 43a of Regulation (EU) No 1303/2013, as inserted by Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽³⁾ clarifies the rules governing financial instruments with regard to differentiated treatment of investors operating under the market economy principle in case of profit and risk sharing. The terminology used in Annexes I, V and VI to Implementing Regulation (EU) No 964/2014 should be aligned with that in Article 43a of Regulation (EU) No 1303/2013.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Coordination Committee for the ESI Funds.
- (5) In order to ensure legal certainty and to limit discrepancies between the amended provisions of Regulation (EU) No 1303/2013, which apply from 2 August 2018 or earlier in accordance with Article 282 of Regulation (EU, Euratom) 2018/1046 and the provisions of this Regulation to a minimum, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (6) Implementing Regulation (EU) No 964/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, V and VI to Implementing Regulation (EU) No 964/2014 are amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 320.

⁽²⁾ Commission Implementing Regulation (EU) No 964/2014 of 11 September 2014 laying down rules for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards standard terms and conditions for financial instruments (OJ L 271, 12.9.2014, p. 16).

⁽³⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes I, V and VI to Implementing Regulation (EU) No 964/2014 are amended as follows:

1. In Annex I, the annotated table of content of a funding agreement between a managing authority and a financial intermediary is amended as follows:

(a) In point 11 a new paragraph is introduced:

'Provisions on management verifications and audit arrangements in line with paragraphs 1 and 2 of Article 40 of Regulation (EU) No 1303/2013 in cases where the bodies implementing the financial instruments are the EIB or other international financial institutions in which a Member State is a shareholder.');

(b) In point 17, the third paragraph is replaced by the following:

'Provisions regarding the re-use of resources attributable to the support of the ESI Funds until the end of the eligibility period in compliance with Article 44 of Regulation (EU) No 1303/2013 and, where applicable, provisions regarding differentiated treatment as referred to in Article 43a.');

2. In Annex V, the terms and conditions for the Co-Investment Facility are amended as follows:

(a) in the section 'Fund Contribution to financial instrument: amount and rate (product details)', the fourth paragraph is replaced by the following:

'Differentiated treatment of investors operating under the market economy principle, aimed solely at asymmetric profit-sharing, shall be set in line with Article 43a of Regulation (EU) No 1303/2013 and Article 21(13)(b) of Regulation (EU) No 651/2014.');

(b) in the section 'Eligible Financial Intermediary and Co-investors', the third paragraph is replaced by the following:

'The managing authority and fund of funds shall comply with Union law when selecting financial intermediaries. The selection of financial intermediaries shall be open, transparent, proportionate and non-discriminatory, avoiding conflict of interests. The selection of the financial intermediaries shall establish appropriate risk-sharing arrangements in the case of differentiated treatment and determine possible carried interest.');

3. In Annex VI, the terms and conditions for the Urban Development Fund are amended as follows:

(a) in the section 'State aid implication', the fifth paragraph is replaced by the following:

'Differentiated treatment (asymmetric conditions on risk-sharing arrangements) for the fund of funds, financial intermediary contribution and co-investors contributions at fund level and project level in form of loans, if any, shall be set in accordance with Article 43a of Regulation (EU) No 1303/2013, points (b) and (c) of Article 16(8) of Regulation (EU) No 651/2014, as further specified under the pricing policy.');

(b) in the section 'Programme contribution to financial instrument: amount and rate (product details)', the first paragraph is replaced by the following:

'The actual risk sharing rate, programme public contribution, differentiated treatment and interest rate on loans shall be based on the *ex ante* assessment findings and shall ensure that the benefit to the final recipients complies with Article 16(8)(b) of Regulation (EU) No 651/2014.');

(c) in the section 'Lending and risk-sharing at financial intermediary level (alignment of interest)', the sixth indent is replaced by the following:

'the risk-sharing with the financial intermediary and with co-investors (at fund level or at urban development project level) shall be made pro-rata as for the programme contribution except if the *ex ante* assessment as referred in Article 37(2)(c) of Regulation (EU) No 1303/2013 demonstrates that differentiated treatment is needed in the form of an asymmetric risk-sharing set between co-investors. Such arrangements shall be in line with Article 16(8)(b) and (c) of Regulation (EU) No 651/2014 and included in the co-investment agreement between the parties. Such arrangements do not apply to the 1 % invested by the financial intermediary from its own resources as required here above for the purpose of alignment of interest.');

(d) in the section 'Eligible Financial Intermediaries', the sixth paragraph is replaced by the following:

'The managing authority and the fund of funds shall comply with Union law when selecting financial intermediaries. The selection of financial intermediaries shall be open, transparent, proportionate and non-discriminatory, avoiding conflict of interests. The selection of the financial intermediaries shall aim at establishing appropriate risk-sharing arrangements in case of differentiated treatment.'

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2019/264

of 7 February 2019

on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision (CFSP) 2017/464 (BiH/27/2019)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee to take relevant decisions on the appointment of the EU Operation Commander.
- (2) On 7 March 2017, the Political and Security Committee adopted Decision (CFSP) 2017/464 ⁽²⁾ appointing Deputy Supreme Allied Commander for Europe (DSACEUR) General Sir James EVERARD as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.
- (3) On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland notified the European Council, in accordance with Article 50(2) of the Treaty on European Union, of its intention to withdraw from the European Union.
- (4) On 8 October 2018, the Political and Security Committee decided in principle that the Vice-Chief of Staff at the Supreme Headquarters Allied Powers Europe (SHAPE) should be appointed as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina as of 29 March 2019, subject to NATO confirming his availability.
- (5) On 7 December 2018, the North Atlantic Council confirmed the availability of the Vice-Chief of Staff at SHAPE to assume the role of EU Operation Commander for the European Union military operation in Bosnia and Herzegovina under the 'Berlin plus' Arrangements, as of 29 March 2019.
- (6) Lieutenant General Olivier RITTMANN, Vice-Chief of Staff at SHAPE, should therefore be appointed as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina as of 29 March 2019 at 12.00 hours CET.
- (7) Decision (CFSP) 2017/464 should therefore be repealed.
- (8) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.
- (9) On 12 and 13 December 2002, the Copenhagen European Council adopted a declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those Member States of the Union which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ Political and Security Committee Decision (CFSP) 2017/464 of 7 March 2017 on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision BiH/21/2014 (BiH/24/2017) (OJ L 72, 17.3.2017, p. 70).

HAS ADOPTED THIS DECISION:

Article 1

Lieutenant General Olivier RITTIMANN, Vice-Chief of Staff at the Supreme Headquarters Allied Powers Europe, is hereby appointed to succeed General Sir James EVERARD as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina as of 29 March 2019 at 12.00 hours CET.

Article 2

Decision (CFSP) 2017/464 is hereby repealed.

Article 3

This Decision shall enter into force on 29 March 2019.

Done at Brussels, 7 February 2019.

For the Political and Security Committee
The Chairperson
S. FROM-EMMESBERGER

COMMISSION IMPLEMENTING DECISION (EU) 2019/265**of 12 February 2019****excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)***(notified under document C(2019) 869)***(Only the Czech, Dutch, English, French, German, Greek, Italian, Portuguese, Romanian, Spanish and Swedish texts are authentic)**

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 52 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 52 of Regulation (EU) No 1306/2013 the Commission is to carry out the necessary verifications, communicate to the Member States the results of those 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) In accordance with Regulation (EU) No 1306/2013, only agricultural expenditure which has been incurred in a way that has not infringed Union law 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 EAGF and the EAFRD.
- (5) The amounts that are not recognised as being chargeable to the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the verifications to the Member States.
- (6) The amounts excluded from Union financing by the present Decision should also take into account any reductions or suspensions in accordance with Article 41 of Regulation (EU) No 1306/2013 due to the fact that such reductions or suspensions are of a provisional nature and without prejudice to decisions taken pursuant to Articles 51 or 52 of that Regulation.
- (7) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with Union law was notified by the Commission to the Member States in a summary report on the subject ⁽²⁾.
- (8) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice of the European Union in cases pending on 15 November 2018,

HAS ADOPTED THIS DECISION:

Article 1

The amounts set out in the Annex and related to expenditure incurred by the Member States' accredited paying agencies and declared under the EAGF or the EAFRD shall be excluded from Union financing.

⁽¹⁾ OJ L 347, 20.12.2013, p.549

⁽²⁾ Ares(2019)404605

Article 2

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania and the Kingdom of Sweden.

Done at Brussels, 12 February 2019.

For the Commission

Phil HOGAN

Member of the Commission

Budget Item: 05070107

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
CZ	Cross-compliance	2011	Reimbursement following judgment in case T-627/16	FLAT RATE	2,00 %	EUR	423 793,95	3,36	423 790,59
	Cross-compliance	2011	Reimbursement following judgment in case T-627/16	FLAT RATE	10,00 %	EUR	2 118 969,77	16,78	2 118 952,99
					Total CZ:	EUR	2 542 763,72	20,14	2 542 743,58
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SE	Decoupled Direct Aids	2014	Reimbursement following judgment in case T-260/16	FLAT RATE	2,00 %	EUR	8 811 286,44	0,00	8 811 286,44
					Total SE:	EUR	8 811 286,44	0,00	8 811 286,44

Currency	Amount	Deductions	Financial Impact
EUR	11 354 050,16	20,14	11 354 030,02

Budget Item: 6701

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
AT	Decoupled Direct Aids	2016	Payment entitlements - Article 24(6) of R. 1307/2013	ONE OFF		EUR	- 2 762 784,00	0,00	- 2 762 784,00
	Decoupled Direct Aids	2017	Payment entitlements - Article 24(6) of R. 1307/2013	ONE OFF		EUR	- 5 268 498,00	0,00	- 5 268 498,00
	Decoupled Direct Aids	2016	Quality of LPIS - pro rata - 10 % threshold	ONE OFF		EUR	- 95 167,00	0,00	- 95 167,00

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Decoupled Direct Aids	2017	Quality of LPIS - pro rata - 10 % threshold	ONE OFF		EUR	- 95 167,00	0,00	- 95 167,00
	Decoupled Direct Aids	2017	Quality of LPIS - pro rata factors	ONE OFF		EUR	- 639 853,00	0,00	- 639 853,00
	Decoupled Direct Aids	2016	Quality of the LPIS - pro rata factors	ONE OFF		EUR	- 538 452,00	0,00	- 538 452,00
					Total AT:	EUR	- 9 399 921,00	0,00	- 9 399 921,00
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Certification	2017	CEB/2018/020/DE - errors in EAGF and EAFRD	ONE OFF		EUR	- 162,53	0,00	- 162,53
					Total DE:	EUR	- 162,53	0,00	- 162,53
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Other Direct Aid - POSEI (2014+)	2015	Area paid for production of tomato not exported	ONE OFF		EUR	- 617 823,18	0,00	- 617 823,18
	Other Direct Aid - POSEI (2014+)	2016	Area paid for production of tomato not exported	ONE OFF		EUR	- 433 756,91	0,00	- 433 756,91
	Other Direct Aid - POSEI (2014+)	2017	Area paid for production of tomato not exported	ONE OFF		EUR	- 424 985,80	0,00	- 424 985,80
	Certification	2016	Known errors - EAGF	ONE OFF		EUR	- 374 098,28	- 363 476,73	- 10 621,55

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2016	Known errors- EAGF Non IACS	ONE OFF		EUR	- 861 340,55	- 412 107,97	- 449 232,58
	Other Direct Aid - POSEI (2014+)	2015	non-compliance in determining the area for payment in the administrative checks: unauthorised tolerance of 1 % is used	ONE OFF		EUR	- 4 472,38	0,00	- 4 472,38
	Other Direct Aid - POSEI (2014+)	2016	non-compliance in determining the area for payment in the administrative checks: unauthorised tolerance of 1 % is used	ONE OFF		EUR	- 901,63	0,00	- 901,63
	POSEI (2014+)	2015	SSA-Regional trade: non respect of the maximum quantities of processed products which can be exported annually from the Canary Islands in the context of regional trade, Annex V Regulation 180/2014, CN code 1901 90	ONE OFF		EUR	- 12 501,12	0,00	- 12 501,12
					Total ES:	EUR	- 2 729 879,85	- 775 584,70	- 1 954 295,15
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Certification	2015	Ponctuelle: erreur connue	ONE OFF		EUR	- 3 008,88	0,00	- 3 008,88
	Certification	2015	Ponctuelle: gestion des irregularites	ONE OFF		EUR	- 1 450 566,69	0,00	- 1 450 566,69
	Certification	2015	Ponctuelle: tests de validation	ONE OFF		EUR	- 76 266,65	- 88,75	- 76 177,90
					Total FR:	EUR	- 1 529 842,22	- 88,75	- 1 529 753,47

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GR	Fruit and Vegetables - Operational programmes incl withdrawals	2015	Deficiencies identified in 2 key controls	FLAT RATE	5,00 %	EUR	- 515 238,30	- 344,73	- 514 893,57
	Fruit and Vegetables - Operational programmes incl withdrawals	2016	Deficiencies identified in 2 key controls	FLAT RATE	5,00 %	EUR	- 525 168,09	0,00	- 525 168,09
	Fruit and Vegetables - Operational programmes incl withdrawals	2017	Deficiencies identified in 2 key controls	FLAT RATE	5,00 %	EUR	- 501 093,03	0,00	- 501 093,03
	Apiculture	2015	deficiencies in the on-the-spot checks and no penalties were applied.	FLAT RATE	5,00 %	EUR	- 2 543,94	0,00	- 2 543,94
	Apiculture	2016	deficiencies in the on-the-spot checks and no penalties were applied.	FLAT RATE	5,00 %	EUR	- 2 887,86	0,00	- 2 887,86
	Apiculture	2017	deficiencies in the on-the-spot checks and no penalties were applied.	FLAT RATE	5,00 %	EUR	- 3 614,40	0,00	- 3 614,40
	Fruit and Vegetables - Operational programmes incl withdrawals	2018	FY 2018 until February - weakness in 2 key controls	FLAT RATE	5,00 %	EUR	- 16 468,70	0,00	- 16 468,70
	Other Direct Aid - POSEI (2014+)	2015	weakness on the spot checks and no penalties applied in the SAI	FLAT RATE	5,00 %	EUR	- 56 942,35	0,00	- 56 942,35
	Other Direct Aid - POSEI (2014+)	2016	weakness on the spot checks and no penalties applied in the SAI	FLAT RATE	5,00 %	EUR	- 57 827,79	0,00	- 57 827,79
	Other Direct Aid - POSEI (2014+)	2017	weakness on the spot checks and no penalties applied in the SAI	FLAT RATE	5,00 %	EUR	- 56 383,70	0,00	- 56 383,70
					Total GR:	EUR	- 1 738 168,16	- 344,73	- 1 737 823,43

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
IE	Irregularities	2015	Deficiencies in debt management	ONE OFF		EUR	- 324 716,97	0,00	- 324 716,97	
	Irregularities	2015	Deficiencies in key controls	FLAT RATE	5,00 %	EUR	- 309 730,38	- 2 610,77	- 307 119,61	
						Total IE:	EUR	- 634 447,35	- 2 610,77	- 631 836,58
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
IT	Certification	2016	pre-2008 debts	ONE OFF		EUR	- 7 544 556,82	0,00	- 7 544 556,82	
	Clearance of accounts - Conformity Clearance	2007	reissue of payments to the beneficiaries in 2008 after being declared to the Fund in 2007	ONE OFF	0,00 %	EUR	- 31 246,05	0,00	- 31 246,05	
						Total IT:	EUR	- 7 575 802,87	0,00	- 7 575 802,87
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
RO	Decoupled Direct Aids	2010	LPIS - Cross-checks and OTSC weakness CY 2009 - SAPS	ESTIMATED BY AMOUNT		EUR	- 23 154 676,68	- 46 309,35	- 23 108 367,33	
	Decoupled Direct Aids	2011	LPIS - Cross-checks and OTSC weakness CY 2010 - SAPS	ESTIMATED BY AMOUNT		EUR	- 20 574 656,79	0,00	- 20 574 656,79	
						Total RO:	EUR	- 43 729 333,47	- 46 309,35	- 43 683 024,12
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
SE	Decoupled Direct Aids	2016	Accuracy of scales of LPIS & ESPG	ONE OFF		EUR	- 4 038,74	0,00	- 4 038,74	

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Decoupled Direct Aids	2017	Accuracy of scales of LPIS & ESPG	ONE OFF		EUR	- 4 124,26	0,00	- 4 124,26
	Decoupled Direct Aids	2016	Distinction LLF with grass and TG	FLAT RATE	5,00 %	EUR	- 7 116 696,66	- 157 127,27	- 6 959 569,39
	Decoupled Direct Aids	2017	Distinction LLF with grass and TG	FLAT RATE	5,00 %	EUR	- 7 517 150,74	- 390 044,95	- 7 127 105,79
	Decoupled Direct Aids	2016	OTSC to sufficient number & quality	FLAT RATE	2,00 %	EUR	- 562 860,06	- 2 557,41	- 560 302,65
	Decoupled Direct Aids	2017	OTSC to sufficient number & quality	FLAT RATE	2,00 %	EUR	- 903,80	- 3,90	- 899,90
	Decoupled Direct Aids	2017	OTSC to sufficient number & quality	FLAT RATE	5,00 %	EUR	- 1 427 157,53	- 2 462,89	- 1 424 694,64
	Decoupled Direct Aids	2016	Pro-rata not appropriately applied	ONE OFF		EUR	- 48 691,52	0,00	- 48 691,52
	Decoupled Direct Aids	2017	Pro-rata not appropriately applied	ONE OFF		EUR	- 45 214,48	0,00	- 45 214,48
					Total SE:	EUR	- 16 726 837,79	- 552 196,42	- 16 174 641,37

Currency	Amount	Deductions	Financial Impact
EUR	- 84 064 395,24	- 1 377 134,72	- 82 687 260,52

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Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
AT	Rural Development EAFRD Knowledge and innovation	2016	Absence of audit trail regarding the evaluation of reasonableness of costs - M16 - FY2016	FLAT RATE	2,00 %	EUR	- 21 082,63	0,00	- 21 082,63
	Rural Development EAFRD Knowledge and innovation	2017	Absence of audit trail regarding the evaluation of reasonableness of costs - M16 - FY2017	FLAT RATE	2,00 %	EUR	- 15 936,07	0,00	- 15 936,07
	Rural Development EAFRD Knowledge and innovation	2016	Absence of audit trail regarding the evaluation of reasonableness of costs - M1 - FY2016	FLAT RATE	2,00 %	EUR	- 14 491,20	0,00	- 14 491,20
	Rural Development EAFRD Knowledge and innovation	2017	Absence of audit trail regarding the evaluation of reasonableness of costs - M1 - FY2017	FLAT RATE	2,00 %	EUR	- 16 281,84	0,00	- 16 281,84
	Rural Development EAFRD Knowledge and innovation	2016	Absence of audit trail regarding the evaluation of reasonableness of costs - M3 - FY2016	FLAT RATE	2,00 %	EUR	- 9 485,57	0,00	- 9 485,57
	Rural Development EAFRD Knowledge and innovation	2017	Absence of audit trail regarding the evaluation of reasonableness of costs - M3 - FY2017	FLAT RATE	2,00 %	EUR	- 10 215,31	0,00	- 10 215,31
					Total AT:	EUR	- 87 492,62	0,00	- 87 492,62
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Rural Development EAFRD Measures with flat-rate support	2015	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	7,00 %	EUR	- 65 667,11	0,00	- 65 667,11
	Rural Development EAFRD investment - private beneficiaries	2015	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 663 989,13	0,00	- 663 989,13

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Measures with flat-rate support	2015	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 224 305,01	- 21 670,95	- 202 634,06
	Rural Development EAFRD Measures with flat-rate support	2016	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	7,00 %	EUR	- 128 715,39	0,00	- 128 715,39
	Rural Development EAFRD investment - private beneficiaries	2016	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 871 916,33	0,00	- 871 916,33
	Rural Development EAFRD Measures with flat-rate support	2016	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 132 163,98	0,00	- 132 163,98
	Rural Development EAFRD investment - private beneficiaries	2016	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	ONE OFF		EUR	- 34 362,79	0,00	- 34 362,79
	Rural Development EAFRD Measures with flat-rate support	2016	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	ONE OFF		EUR	- 621 040,86	- 621 040,86	0,00
	Rural Development EAFRD Measures with flat-rate support	2017	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	7,00 %	EUR	- 3 391,35	0,00	- 3 391,35

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD investment - private beneficiaries	2017	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 164 804,35	0,00	- 164 804,35
	Rural Development EAFRD Measures with flat-rate support	2017	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	FLAT RATE	10,00 %	EUR	- 6 070,22	0,00	- 6 070,22
	Rural Development EAFRD Measures with flat-rate support	2017	Absence et déficiences de contrôles clés Absence d'un contrôle auxiliaire	ONE OFF		EUR	- 34 690,79	0,00	- 34 690,79
	Rural Development EAFRD forestry measures	2016	Déficiences de contrôles clés.	ONE OFF		EUR	- 23 742,86	0,00	- 23 742,86
					Total BE:	EUR	- 2 974 860,17	- 642 711,81	- 2 332 148,36
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Certification	2017	CEB/2018/020/DE - errors in EAGF and EAFRD	ONE OFF		EUR	- 97 411,09	0,00	- 97 411,09
					Total DE:	EUR	- 97 411,09	0,00	- 97 411,09
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Certification	2016	Erreur connue détectée lors du test de validation HSGC_20	ONE OFF		EUR	- 6 125,06	0,00	- 6 125,06

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
	Certification	2016	Erreur connue détectée lors du test de validation HSIGC_22	ONE OFF		EUR	- 6 907,00	0,00	- 6 907,00	
	Certification	2016	Erreur connue détectée lors du test de validation HSIGC_32	ONE OFF		EUR	- 16 949,09	0,00	- 16 949,09	
	Certification	2016	Erreur connue détectée lors du test de validation HSIGC_5	ONE OFF		EUR	- 399,02	0,00	- 399,02	
	Certification	2015	Erreur connue Test de conformité n°8 NSIGC	ONE OFF		EUR	- 44,55	0,00	- 44,55	
	Certification	2016	Erreur extrapolée sur le 5ème trimestre du programme de développement rural 2007-2013	ESTIMATED BY AMOUNT		EUR	- 996 414,95	0,00	- 996 414,95	
	Certification	2015	Erreur la plus probable détectée sur les 4 premiers trimestres du dernier exercice de développement rural	ESTIMATED BY AMOUNT		EUR	- 430 526,99	0,00	- 430 526,99	
						Total FR:	EUR	- 1 457 366,66	0,00	- 1 457 366,66
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
IT	Clearance of accounts - Conformity Clearance	2007	debt not recorded in Annex III	ONE OFF	0,00 %	EUR	- 330 771,05	0,00	- 330 771,05	
	Certification	2017	MLE for EAFRD population	ESTIMATED BY AMOUNT		EUR	- 766 522,66	- 70 653,34	- 695 869,32	
						Total IT:	EUR	- 1 097 293,71	- 70 653,34	- 1 026 640,37

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
NL	Certification	2015	Clearance of accounts EAFRD closure exercise 2007-2013. Financial correction is composed of the sum of the MLE for Q1-Q4 (EUR 323 284,12).	ESTIMATED BY AMOUNT		EUR	- 323 284,12	- 30 599,35	- 292 684,77
	Certification	2016	Clearance of accounts EAFRD closure exercise 2007-2013. Financial correction is composed of the sum of the MLE Q5 (EUR 666 290,00).	ESTIMATED BY AMOUNT		EUR	- 666 290,00	0,00	- 666 290,00
					Total NL:	EUR	- 989 574,12	- 30 599,35	- 958 974,77
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PT	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2010	Deficient checks on the SME status	ONE OFF		EUR	- 986 742,27	- 19 734,85	- 967 007,42
	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2011	Deficient checks on the SME status	ONE OFF		EUR	- 661 912,45	- 13 238,25	- 648 674,20
	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2012	Deficient checks on the SME status	ONE OFF		EUR	- 383 755,22	- 7 675,10	- 376 080,12
	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2013	Deficient checks on the SME status	ONE OFF		EUR	- 2 742 818,76	- 54 856,38	- 2 687 962,38

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment - private beneficiaries	2014	Deficient checks on the SME status	ONE OFF		EUR	- 1 090 453,19	- 11 739,23	- 1 078 713,96
	Rural Development EAFRD investment - private beneficiaries	2015	Deficient checks on the SME status	ONE OFF		EUR	- 1 631 769,52	- 6 527,08	- 1 625 242,44
	Rural Development EAFRD investment - private beneficiaries	2016	Deficient checks on the SME status	ONE OFF		EUR	- 593 335,15	0,00	- 593 335,15
					Total PT:	EUR	- 8 090 786,56	- 113 770,89	- 7 977 015,67
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
RO	Rural Development EAFRD Measures with flat-rate support	2015	Creation of artificial conditions for receiving a financial support higher than the regulatory ceiling	ONE OFF		EUR	- 112 285,43	0,00	- 112 285,43
	Rural Development EAFRD Measures with flat-rate support	2016	Creation of artificial conditions for receiving a financial support higher than the regulatory ceiling	ONE OFF		EUR	- 299 457,90	0,00	- 299 457,90
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Deduction of RD2/2011/010/RO - CY 2010	ESTIMATED BY AMOUNT		EUR	2 731 178,66	5 486,46	2 725 692,20
	Rural Development EAFRD Investment - public beneficiaries	2014	Insufficient checks on the eligibility criteria for the projects (Agro-tourism or Accommodation for tourists in rural areas)	FLAT RATE	5,00 %	EUR	- 35 915,55	- 18 124,26	- 17 791,29
	Rural Development EAFRD Measures with flat-rate support	2015	Insufficient checks on the eligibility criteria for the projects (Agro-tourism or Accommodation for tourists in rural areas)	FLAT RATE	5,00 %	EUR	- 847 408,37	0,00	- 847 408,37

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Measures with flat-rate support	2016	Insufficient checks on the eligibility criteria for the projects (Agro-tourism or Accommodation for tourists in rural areas)	FLAT RATE	5,00 %	EUR	- 718 001,23	0,00	- 718 001,23
	Certification	2015	Known error (advances) + reconciliation error	ONE OFF		EUR	- 343 392,94	- 10 564,52	- 332 828,42
	Certification	2015	Known error (non-IACS)	ONE OFF		EUR	- 7 479,27	- 7 479,27	0,00
	Rural Development EAFRD Complement to direct payment (2007-2013)	2010	LPIS - Cross-checks and OTSC weakness CY 2009 - CNDP	ESTIMATED BY AMOUNT		EUR	- 3 702 778,52	0,00	- 3 702 778,52
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	LPIS - Cross-checks and OTSC weakness CY 2009 - RD	ESTIMATED BY AMOUNT		EUR	- 11 640 416,05	- 0,17	- 11 640 415,88
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	LPIS - Cross-checks and OTSC weakness CY 2009 - RD	ESTIMATED BY AMOUNT		EUR	- 12 554 382,97	- 25 219,59	- 12 529 163,38
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	LPIS - Cross-checks and OTSC weakness CY 2010 - RD	ESTIMATED BY AMOUNT		EUR	- 26 997 516,00	- 54 233,35	- 26 943 282,65
	Certification	2015	Most likely error (IACS+non-IACS) FY2015 and FY2016	ESTIMATED BY AMOUNT		EUR	- 34 194 181,65	- 7 411 850,18	- 26 782 331,47
	Certification	2016	Most likely error (IACS+non-IACS) FY2015 and FY2016	ESTIMATED BY AMOUNT		EUR	- 9 947 831,00	- 2 719 256,79	- 7 228 574,21
					Total RO:	EUR	- 98 669 868,22	- 10 241 241,67	- 88 428 626,55

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SE	Rural Development EAFRD investment - private beneficiaries	2017	Correction on transitional period FY2016-2017-2018: M01 (prev. 111), M04 (prev. 121) and M07 (prev. 321)	FLAT RATE	5,00 %	EUR	- 136,58	0,00	- 136,58
	Rural Development EAFRD investment - public beneficiaries	2017	Correction on transitional period FY2016-2017-2018: M01 (prev. 111), M04 (prev. 121) and M07 (prev. 321)	FLAT RATE	5,00 %	EUR	- 254,37	0,00	- 254,37
	Rural Development EAFRD Knowledge and innovation	2017	Correction on transitional period FY2016-2017-2018: M01 (prev. 111), M04 (prev. 121) and M07 (prev. 321)	FLAT RATE	5,00 %	EUR	- 314,51	0,00	- 314,51
	Rural Development EAFRD investment - public beneficiaries	2018	Correction on transitional period FY2016-2017-2018: M01 (prev. 111), M04 (prev. 121) and M07 (prev. 321)	FLAT RATE	5,00 %	EUR	- 497,91	0,00	- 497,91
	Rural Development EAFRD Knowledge and innovation	2018	Correction on transitional period FY2016-2017-2018: M01 (prev. 111), M04 (prev. 121) and M07 (prev. 321)	FLAT RATE	5,00 %	EUR	- 36,65	0,00	- 36,65
	Rural Development EAFRD Measures with flat-rate support	2015	Deficiencies in KC: Selection and appraisal of projects; Evaluation of reasonableness of costs - M312	FLAT RATE	5,00 %	EUR	- 85 400,97	- 85 400,97	0,00
	Rural Development EAFRD Measures with flat-rate support	2016	Deficiencies in KC: Selection and appraisal of projects; Evaluation of reasonableness of costs - M312	FLAT RATE	5,00 %	EUR	- 20 805,06	0,00	- 20 805,06
	Rural Development EAFRD investment - public beneficiaries	2015	Deficiencies in KC: Selection and appraisal of projects; Evaluation of reasonableness of costs - M321	FLAT RATE	5,00 %	EUR	- 1 009 988,55	- 1 009 988,55	0,00

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD investment - public beneficiaries	2016	Deficiencies in KC: Selection and appraisal of projects; Evaluation of reasonableness of costs - M321	FLAT RATE	5,00 %	EUR	- 10 921,32	0,00	- 10 921,32
	Rural Development EAFRD Knowledge and innovation	2015	Deficiencies in KC: Selection and appraisal of projects (M111, M331); Adequate verification of all payment claims (M331)	FLAT RATE	5,00 %	EUR	- 780 486,39	- 1 632,52	- 778 853,87
	Rural Development EAFRD Knowledge and innovation	2016	Deficiencies in KC: Selection and appraisal of projects (M111, M331); Adequate verification of all payment claims(M331)	FLAT RATE	5,00 %	EUR	- 226 592,89	0,00	- 226 592,89
	Rural Development EAFRD investment - private beneficiaries	2015	Deficiencies in KC: Selection and appraisal of projects - M121	FLAT RATE	5,00 %	EUR	- 115 476,12	- 115 476,12	0,00
	Rural Development EAFRD investment - private beneficiaries	2016	Deficiencies in KC: Selection and appraisal of projects - M121	FLAT RATE	5,00 %	EUR	- 349,35	0,00	- 349,35
					Total SE:	EUR	- 2 251 260,67	- 1 212 498,16	- 1 038 762,51

Currency	Amount	Deductions	Financial Impact
EUR	- 115 715 913,82	- 12 311 475,22	- 103 404 438,60

COMMISSION IMPLEMENTING DECISION (EU) 2019/266**of 14 February 2019****terminating the anti-dumping proceeding concerning imports of solar glass originating in Malaysia**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

1. PROCEDURE

- (1) On 23 May 2018 the European Commission ('the Commission') initiated an anti-dumping proceeding concerning imports of solar glass originating in Malaysia by publishing a notice of initiation in the *Official Journal of the European Union* ⁽²⁾.
- (2) The investigation was initiated following a complaint lodged by EU ProSun Glass ('the complainant') on behalf of two Union producers representing more than 25 % of the total Union production of solar glass. The complaint contained evidence of dumping and of resulting material injury that was considered sufficient to justify the initiation of the investigation.
- (3) In the notice of initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the complainant, other known Union producers, the known exporting producer and the Malaysian authorities, known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.
- (4) All interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within the time limit set in the notice of initiation.

2. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (5) By letter of 14 December 2018, the complainant informed the Commission that it wished to withdraw its complaint.
- (6) Under Article 9(1) of Regulation (EU) 2016/1036, proceedings may be terminated where the complaint is withdrawn, unless such termination would not be in the Union interest.
- (7) The investigation had not brought to light any considerations showing that a continuation of the case would be in the Union interest. Therefore, the Commission considered that the investigation into imports into the Union of solar glass originating in Malaysia should be terminated. Interested parties were informed accordingly and were given an opportunity to comment. Ten users of solar glass came forward supporting the termination. No other comments were received.
- (8) The Commission therefore concluded that the anti-dumping proceeding concerning imports into the Union of solar glass originating in Malaysia should be terminated without the imposition of measures.
- (9) This Decision is in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Notice of initiation of an anti-dumping proceeding concerning imports of solar glass originating in Malaysia (OJ C 174, 23.5.2018, p. 8).

HAS ADOPTED THIS DECISION:

Article 1

The anti-dumping proceeding concerning imports of solar glass falling within TARIC codes 7007 19 80 12, 7007 19 80 18, originating in Malaysia, is hereby terminated.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

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