

Official Journal of the European Union

L 59



English edition

Legislation

Volume 64

19 February 2021

Contents

II *Non-legislative acts*

DECISIONS

- ★ **Commission Implementing Decision (EU) 2021/260 of 11 February 2021 approving national measures designed to limit the impact of certain diseases of aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429 of the European Parliament and of the Council and repealing Commission Decision 2010/221/EU (notified under document C(2021) 773) ⁽¹⁾** 1
- ★ **Commission Implementing Decision (EU) 2021/261 of 17 February 2021 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(2021) 927)** 10
- ★ **Commission Implementing Decision (EU) 2021/262 of 17 February 2021 excluding from European Union financing certain expenditure incurred by the United Kingdom under the European Agricultural Guarantee Fund (EAGF) (notified under document C(2021) 895)** 33

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision No 1/2021 of the Committee on Services and Investment of 29 January 2021 adopting a code of conduct for Members of the Tribunal, Members of the Appellate Tribunal and mediators [2021/263]** 36
- ★ **Decision No 1/2021 of the CETA Joint Committee of 29 January 2021 setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal [2021/264]** 41
- ★ **Decision No 2/2021 of the CETA Joint Committee of 29 January 2021 adopting a procedure for the adoption of interpretations in accordance with Articles 8.31.3 and 8.44.3(a) of CETA as an Annex to its Rules of Procedure (2021/265)** 45

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Decision No 2/2021 of the Committee on Services and Investment of 29 January 2021 adopting rules for mediation for use by disputing parties in investment disputes [2021/266]	48
---	----

II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/260

of 11 February 2021

approving national measures designed to limit the impact of certain diseases of aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429 of the European Parliament and of the Council and repealing Commission Decision 2010/221/EU

(notified under document C(2021) 773)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 226(3) thereof,

Whereas:

- (1) Council Directive 2006/88/EC ⁽²⁾ lays down, inter alia, the animal health requirements to be applied for the placing on the market, the importation and the transit of aquaculture animals and products thereof, minimum preventive measures aimed at increasing the awareness of diseases in aquaculture animals, and minimum control measures to be applied in the event of suspicion of, or an outbreak of certain diseases in aquatic animals. That Directive is repealed by Regulation (EU) 2016/429 with effect from 21 April 2021.
- (2) Article 9(1)(d) of Regulation (EU) 2016/429 concerns the control rules which apply in relation to listed diseases for which measures are needed to prevent their spread, whether on entry into the Union or as a result of movements between Member States.
- (3) Union aquaculture is extremely diverse as regards the species grown and the production systems used across Member States, and it is likely that this diversity will increase over time. Consequently certain diseases which are not listed under Article 9(1)(d) of Regulation (EU) 2016/429, may nonetheless be relevant to certain Member States either because the species is present in those Member States, or because of the type of aquaculture production methods employed in those Member States. Where a disease other than a listed disease, as referred to in Article 9(1)(d) of Regulation (EU) 2016/429, constitutes a significant risk to the health of aquatic animals in those Member States, Member States may, in order to control the spread of the disease, adopt national measures pursuant to Article 226(1) of that Regulation, provided these measures are appropriate and necessary to the goals to be achieved.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).

- (4) In order to ensure that the national measures proposed by a Member State are appropriate and necessary, the Commission is to be notified in advance of any measures that may affect the movements of aquatic animals between Member States, so that the measures can be approved, or if necessary, amended.
- (5) Certain Member States have received approval to adopt national measures for the purposes of limiting the impact of certain diseases on aquaculture animals pursuant to Article 43 of Directive 2006/88/EC. Commission Decision 2010/221/EU ⁽³⁾ sets out the details of those Member States and the diseases for which they have national measures in place.
- (6) Certain Member States have obtained disease-free status for Koi herpes virus disease, or are implementing an approved eradication or surveillance programme for that disease under Directive 2006/88/EC. However, Koi herpes virus disease is now listed as a category E disease pursuant to Commission Implementing Regulation (EU) 2018/1882 ⁽⁴⁾, meaning it is a listed disease for which there is a need for surveillance within the Union. It may therefore, be considered for national measures pursuant to Article 226 of Regulation (EU) 2016/429.
- (7) To ensure a smooth transition to the new regime under Regulation (EU) 2016/429, Member States concerned are to seek approval for national measures under Article 226(2) of Regulation (EU) 2016/429 from 21 April 2021.
- (8) The Commission has assessed the measures proposed by the Member States concerned, taking into account the standards of the World Organisation for Animal Health (OIE) ⁽⁵⁾, and the overall impact on the Union of the diseases in question and of the measures proposed. The Commission considers that the Member States concerned have demonstrated the appropriateness and necessity of those measures to warrant their approval in order to prevent the introduction of the diseases in question in their territories, or to control their spread between Member States. The Member States concerned should be listed in the Annexes to this Decision, as appropriate.
- (9) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EU) 2016/429, as well as the Commission acts based on it, applies to and in the United Kingdom in respect of Northern Ireland after the end of the transition period provided for in the Withdrawal Agreement. For that reason, the United Kingdom (Northern Ireland) should be listed in the Annexes to this Decision, as appropriate.
- (10) In order to protect the health status of Member States with national measures approved for a particular disease pursuant to Article 226(3) of Regulation (EU) 2016/429, consignments of species of aquatic animals which are susceptible to the diseases in question are required to originate from a Member State, or part thereof, which is free from the same disease. Such consignments are to be accompanied by an official certificate attesting to this disease-free status.
- (11) Animal health certificates attesting as to the place of origin of a consignment destined for a Member State, or part thereof, which has national measures approved pursuant to Article 226(3) of Regulation (EU) 2016/429, are included in the relevant model official certificates for the movement of aquatic animals between Member States set

⁽³⁾ Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC (OJ L 98, 20.4.2010, p. 7).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

⁽⁵⁾ The OIE Aquatic Animal Health Code and the OIE Manual of Diagnostic Tests for Aquatic Animals.

out in Commission Implementing Regulation (EU) 2020/2236 ⁽⁶⁾. These animal health certificates are to be used when aquatic animals of listed species are destined for a Member State or part thereof for which the Commission has approved national measures in accordance with Article 226(3) of Regulation (EU) 2016/429.

- (12) The national measures approved by this Decision should only apply for as long as they continue to be appropriate and necessary in order to prevent the introduction of the diseases to the Member States concerned, or to control their spread between Member States. To allow the Commission to make a regular assessment of the appropriateness and necessity of such measures, and to provide an opportunity to amend the measures if necessary, the Member States should send an annual report to the Commission detailing the functioning of the measures in the previous year. Such annual reports and other relevant reporting should include certain information set out in Commission Implementing Regulation (EU) 2020/2002 ⁽⁷⁾.
- (13) Eradication programmes approved in accordance with Article 226(3) of Regulation (EU) 2016/429 should lead to an improvement in the disease situation within a reasonable period of time. In the interest of coherence, this period of time should not be longer than the period within which an eradication programme for a category C disease is to be completed. The period of application of an eradication programme approved in accordance with Article 226(3) of Regulation (EU) 2016/429 should, therefore, not exceed 6 years from the date of its initial approval by the Commission. In duly justified cases, and at the request of the Member State concerned, the Commission should have the possibility of extending the period of application of the eradication programme for an additional 6-year period. This maximum period of application is laid down in order to give an adequate period of time within which an eradication programme may be completed, whilst at the same time, preventing the disproportionate and long-lasting disruption of movements of aquatic animals within the Union.
- (14) In the interest of clarity of Union legislation, Decision 2010/221/EU should be repealed.
- (15) As Regulation (EU) 2016/429 has a date of application of 21 April 2021, this Decision should also apply from that date.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision approves the national measures which have been adopted by those Member States or parts of those Member States which are listed in Annexes I and II in order to limit the impact of certain diseases affecting aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429, and lays down:

- (a) conditions for the initial and continued approval of those measures;
- (b) restrictions on the movement of aquatic animals between Member States;
- (c) reporting obligations of Member States.

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates for the entry into the Union and movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008 (OJ L 442, 30.12.2020, p. 410).

⁽⁷⁾ Commission Implementing Regulation (EU) 2020/2002 of 7 December 2020 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council with regard to Union notification and Union reporting of listed diseases, to formats and procedures for submission and reporting of Union surveillance programmes and of eradication programmes and for application for recognition of disease free status, and to the computerized information system (OJ L 412, 8.12.2020, p. 1).

*Article 2***Approval of national measures in disease-free areas**

The Member States or parts thereof, which are listed in the second and fourth column of the table in Annex I, are considered free from the diseases listed in the first column of that table and are granted approval to adopt national measures in accordance with Article 226(3) of Regulation (EU) 2016/429.

*Article 3***Approval of eradication programmes for diseases which are subject to national measures**

1. The eradication programmes adopted by the Member States listed in the second column of the table in Annex II for the diseases which are subject to national measures and which are listed in the first column of that table, in respect of the areas listed in the fourth column thereof, are approved.
2. The period of application of an eradication programme shall not exceed 6 years from the date of its initial approval by the Commission. In duly justified cases, the Commission may, at the request of the Member State concerned, extend the period of application of the eradication programme for an additional 6-year period.

*Article 4***Movements between Member States or parts thereof, of aquatic animals of susceptible species which are subject to national measures including eradication programmes**

Aquatic animals of species susceptible to the diseases set out in the second column of Annex III shall only be moved to Member States or parts thereof which are listed in the second and fourth column of the tables in Annexes I or II if they:

- (a) originate from a Member State or part thereof, which is listed in the second and fourth column of the table in Annex I as being free from the disease in question; and
- (b) are accompanied by an official certificate issued by the competent authority of the Member State of origin, drawn up in accordance with an appropriate model animal health certificate set out in Chapters 1, 2, 3 or 5 of Annex I to Implementing Regulation (EU) 2020/2236, specifying the guarantees relevant for the specific national measures in question.

*Article 5***Annual reporting by Member States**

1. By 30 April each year at the latest, the Member States listed in the second column of the tables in Annexes I and II shall submit a report to the Commission on the approved national measures for the disease-free status of those Member States and parts thereof referred to in Article 2, or for the eradication programmes referred to in Article 3, as appropriate.
2. The report referred to in paragraph 1 shall include:
 - (a) information on the measures which have been taken in the previous calendar year to maintain the disease-free status, including at least the information set out in Annex III to Implementing Regulation (EU) 2020/2002; or
 - (b) information on the evolution of the eradication programme, including details of the testing which has been carried out in the previous calendar year and at least the information set out in Section 4 of Annex V to Implementing Regulation (EU) 2020/2002.

3. The report referred to in paragraph 1 shall outline the reasons why the disease-free status or the eradication programme as appropriate, should continue to apply for a further calendar year. Particular reference shall be made to the availability of treatments, vaccines, disease resistant stocks, or other relevant developments should one or more of these have become a viable option for the prevention and control of the disease in question since the submission of the previous report.

Article 6

Amendment of approved national measures

The national measures set out in Annexes I and II may be amended by the Commission should the information referred to in Article 5(3), or other such information relating to developments in animal health, indicate that the establishment of movement restrictions between Member States is no longer necessary or justified in order to prevent the introduction, or to control the spread, of a particular disease.

Article 7

Repeal

Commission Decision 2010/221/EU is repealed with effect from 21 April 2021.

Article 8

Application

This Decision shall apply from 21 April 2021.

Article 9

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 11 February 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX I

Member States ⁽¹⁾ or parts thereof regarded as being free from certain diseases affecting aquatic animals and for which the national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429

Disease	Member State	Code	Geographical demarcation of the area for which the national measures are approved
Koi herpes virus disease (KHV)	Ireland	IE	Whole territory
	United Kingdom (Northern Ireland)	UK(NI)	Northern Ireland
Spring viraemia of carp (SVC)	Denmark	DK	Whole territory
	Finland	FI	Whole territory
	Hungary	HU	Whole territory
	Ireland	IE	Whole territory
	Sweden	SE	Whole territory
	United Kingdom (Northern Ireland)	UK(NI)	Northern Ireland
Bacterial kidney disease (BKD)	Ireland	IE	Whole territory
	United Kingdom (Northern Ireland)	UK(NI)	Northern Ireland
Infectious pancreatic necrosis (IPN)	Finland	FI	Continental parts of the territory
	Sweden	SE	Continental parts of the territory
Infection with <i>Gyrodactylus salaris</i> (GS)	Finland	FI	Water catchment areas of the Tenojoki and Näätämöjoki; the water catchment areas of the Paatsjoki, Tuulomajoki, and Utuanjoki are considered as buffer zones
	Ireland	IE	Whole territory
	United Kingdom (Northern Ireland)	UK(NI)	Northern Ireland

⁽¹⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.

Ostreid herpesvirus – 1 μ var (OsHV-1 μ var)	Ireland	IE	Compartment 1: Sheephaven Bay Compartment 3: Killala, Broadhaven and Blacksod Bays Compartment 4: Streamstown Bay Compartment 5: Bertraghboy and Galway Bays Compartment A: Tralee Bay Hatchery
	United Kingdom (Northern Ireland)	UK(NI)	Territory of Northern Ireland except Dundrum Bay, Killough Bay, Lough Foyle, Carlingford Lough, Larne Lough and Strangford Lough
Infection with salmonid alphavirus (SAV)	Finland	FI	Continental parts of the territory

ANNEX II

Member States ⁽¹⁾ or parts thereof with eradication programmes for certain diseases affecting aquatic animals and for which the national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429

Disease	Member State	Code	Geographical demarcation of the area for which the national measures are approved
Bacterial kidney disease (BKD)	Sweden	SE	Continental parts of the territory
Infectious pancreatic necrosis (IPN)	Sweden	SE	Coastal parts of the territory

⁽¹⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.

ANNEX III

Species of aquatic animals which are susceptible to diseases for which certain Member States ⁽¹⁾ have adopted national measures in accordance with Article 226(3) of Regulation (EU) 2016/429

Disease	Susceptible species
Koi herpes virus disease (KHV)	As set out in column 3 of the table in the Annex to Implementing Regulation (EU) 2018/1882
Spring viraemia of carp (SVC)	Bighead carp (<i>Aristichthys nobilis</i>), goldfish (<i>Carassius auratus</i>), crucian carp (<i>Carassius carassius</i>), grass carp (<i>Ctenopharyngodon idellus</i>), common carp and koi carp (<i>Cyprinus carpio</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), sheatfish (<i>Silurus glanis</i>), tench (<i>Tinca tinca</i>), orfe (<i>Leuciscus idus</i>)
Bacterial kidney disease (BKD)	All species of <i>Salmonidae</i>
Infectious pancreatic necrosis (IPN)	Brook trout (<i>Salvelinus fontinalis</i>), brown trout (<i>Salmo trutta</i>), Atlantic salmon (<i>Salmo salar</i>), (<i>Oncorhynchus</i> spp.) whitefish (<i>Coregonus lavaretus</i>)
Infection with <i>Gyrodactylus salaris</i> (GS)	Atlantic salmon (<i>Salmo salar</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), Arctic char (<i>Salvelinus alpinus</i>), North American brook trout (<i>Salvelinus fontinalis</i>), grayling (<i>Thymallus thymallus</i>), North American lake trout (<i>Salvelinus namaycush</i>), brown trout (<i>Salmo trutta</i>) and any species which has been in contact with these species
Ostreid herpes virus 1 μ var (OsHV-1 μ var)	Pacific oyster (<i>Crassostrea gigas</i>)
Infection with salmonid alphavirus (SAV)	Atlantic salmon (<i>Salmo salar</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), brown trout (<i>Salmo trutta</i>)

⁽¹⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.

COMMISSION IMPLEMENTING DECISION (EU) 2021/261**of 17 February 2021****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(2021) 927)***(Only the Bulgarian, Danish, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Slovak and Spanish 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 31 January 2021,

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.⁽²⁾ Ares(2021)582569.

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.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, Hungary, the Republic of Poland, the Portuguese Republic and the Slovak Republic.

Done at Brussels, 17 February 2021.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

Decision: 65**Budget Item: 08 02 06 01**

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GR	Decoupled Direct Aids	2016	Reimbursement following judgment in case T-46/19	FLAT RATE	2,00	EUR	12 342 563,07	0,00	12 342 563,07
	Decoupled Direct Aids	2016	Reimbursement following judgment in case T-46/19	ONE OFF		EUR	541 695,17	541 695,17	0,00
	Decoupled Direct Aids	2017	Reimbursement following judgment in case T-46/19	FLAT RATE	2,00	EUR	12 060 282,13	0,00	12 060 282,13
	Decoupled Direct Aids	2017	Reimbursement following judgment in case T-46/19	ONE OFF		EUR	148 448,47	148 448,47	0,00
					Total GR:	EUR	25 092 988,84	690 143,64	24 402 845,20

Currency	Amount	Deductions	Financial Impact
EUR	25 092 988,84	690 143,64	24 402 845,20

Budget Item: 6 2 0 0

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Clearance of Accounts - Financial Clearance	2018	Individual errors EAGF IACS	ONE OFF		EUR	- 528,95	0,00	- 528,95
	Clearance of Accounts - Financial Clearance	2018	Known error EAGF NIACS	ONE OFF		EUR	- 98 894,05	0,00	- 98 894,05

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Clearance of Accounts - Financial Clearance	2018	Payment delays school schemes	ONE OFF		EUR	- 4 778,76	0,00	- 4 778,76
					Total BE:	EUR	- 104 201,76	0,00	- 104 201,76
BG	Promotion Measures	2010	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 430 586,90	0,00	- 430 586,90
	Promotion Measures	2011	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 299 201,85	0,00	- 299 201,85
	Promotion Measures	2012	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 636 371,10	0,00	- 636 371,10
	Promotion Measures	2013	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 1 157 373,48	,00	- 1 157 373,48
	Promotion Measures	2014	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 1 341 643,85	0,00	- 1 341 643,85
	Promotion Measures	2015	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 1 641 010,62	0,00	- 1 641 010,62
	Promotion Measures	2016	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 1 838 521,58	0,00	- 1 838 521,58
	Promotion Measures	2017	INT2016/101/BG Absence of recoveries	ONE OFF		EUR	- 312 139,59	0,00	- 312 139,59
					Total BG:	EUR	- 7 656 848,97	0,00	- 7 656 848,97

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Young farmers scheme	2020	DE03, DE04- Administrative checks on Payment Entitlements when setting up the Basic Payment Scheme-YFP-CY 2019	ONE OFF		EUR	- 4 097,43	0,00	- 4 097,43
	Young farmers scheme	2018	DE15-Administrative checks on PEs when setting up the BPS-YFS -CY2017	ONE OFF		EUR	- 9 191,93	0,00	- 9 191,93
	Young farmers scheme	2019	DE15-Administrative checks on PEs when setting up the BPS-YFS -CY2018	ONE OFF		EUR	- 7 409,73	0,00	- 7 409,73
	Basic Payment Scheme	2018	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants -BPS -CY2017	ONE OFF		EUR	- 26 423,71	0,00	- 26 423,71
	Basic Payment Scheme	2019	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants -BPS -CY2018	ONE OFF		EUR	- 25 872,54	0,00	- 25 872,54
	Greening Payment	2018	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants -GREENING -CY2017	ONE OFF		EUR	- 12 488,28	0,00	- 12 488,28
	Greening Payment	2019	DE15 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants -Greening-CY2018	ONE OFF		EUR	- 12 514,32	0,00	- 12 514,32

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Restitutive Payment	2018	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants –RDP -CY2017	ONE OFF		EUR	– 6 475,31	0,00	– 6 475,31
	Reimbursement of direct aids in relation to financial discipline	2018	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – REIMBURSEMENT OF FD -CY2017	ONE OFF		EUR	– 478,69	0,00	– 478,69
	Reimbursement of direct aids in relation to financial discipline	2019	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants –reimbursement of financial discipline- CY2018	ONE OFF		EUR	– 487,16	0,00	– 487,16
	Restitutive Payment	2019	DE15 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants –RP-CY2018	ONE OFF		EUR	– 6 532,40	0,00	– 6 532,40
	Young farmers scheme	2018	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants –YFS -CY2017	ONE OFF		EUR	– 4 898,54	0,00	– 4 898,54

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Young farmers scheme	2019	DE15-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants –YFS-CY2018	ONE OFF		EUR	- 5 032,54	0,00	- 5 032,54
	Young farmers scheme	2018	DE21-Administrative checks on PEs when setting up the BPS–YFS -CY2017	ONE OFF		EUR	- 2 033,63	0,00	- 2 033,63
	Young farmers scheme	2018	DE3-Administrative checks on PEs when setting up the BPS–YFS -CY2017	ONE OFF		EUR	- 3 406,45	0,00	- 3 406,45
	Young farmers scheme	2019	DE3-Administrative checks on PEs when setting up the BPS–YFS -CY2018	ONE OFF		EUR	- 2 171,77	0,00	- 2 171,77
	Basic Payment Scheme	2018	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – BPS -CY2017	ONE OFF		EUR	- 23 703,04	0,00	- 23 703,04
	Basic Payment Scheme	2019	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – BPS -CY2018	ONE OFF		EUR	- 25 206,49	0,00	- 25 206,49
	Greening Payment	2018	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – GREENING -CY2017	ONE OFF		EUR	- 12 369,06	0,00	- 12 369,06

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Greening Payment	2019	DE3 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – Greening-CY2018	ONE OFF		EUR	- 12 772,95	0,00	- 12 772,95
	Restitutive Payment	2018	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – RDP -CY2017	ONE OFF		EUR	- 6 497,31	0,00	- 6 497,31
	Reimbursement of direct aids in relation to financial discipline	2018	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – REIMBURSEMENT OF FD -CY2017	ONE OFF		EUR	- 555,79	0,00	- 555,79
	Reimbursement of direct aids in relation to financial discipline	2019	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – reimbursement of financial discipline-CY2018	ONE OFF		EUR	- 571,19	0,00	- 571,19
	Restitutive Payment	2019	DE3 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – RP-CY2018	ONE OFF		EUR	- 6 789,12	0,00	- 6 789,12
	Young farmers scheme	2017	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants -YFP-CY2016	ONE OFF		EUR	- 4 568,91	0,00	- 4 568,91

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Young farmers scheme	2018	DE3-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – YFS -CY2017	ONE OFF		EUR	- 6 343,62	0,00	- 6 343,62
	Young farmers scheme	2019	DE3 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – YFS-CY2018	ONE OFF		EUR	- 6 236,09	0,00	- 6 236,09
	Basic Payment Scheme	2020	DE3,DE4,DE7,DE15-Checks on the correct allocation from the NR-BPS-CY2019	ONE OFF		EUR	- 60 665,91	0,00	- 60 665,91
	Reimbursement of direct aids in relation to financial discipline	2020	DE3,DE4,DE7,DE15-Checks on the correct allocation from the NR-BPS-GREENING-YFP-RP-reimbursement of FD-CY2019	ONE OFF		EUR	- 1 295,71	0,00	- 1 295,71
	Greening Payment	2020	DE3,DE4,DE7,DE15-Checks on the correct allocation from the NR-GREENING-CY2019	ONE OFF		EUR	- 29 713,24	0,00	- 29 713,24
	Young farmers scheme	2020	DE3,DE4,DE7,DE15-Checks on the correct allocation from the NR-RP-CY2019	ONE OFF		EUR	- 13 243,11	0,00	- 13 243,11
	Restitutive Payment	2020	DE3,DE4,DE7,DE15-Checks on the correct allocation from the NR-YFP-CY2019	ONE OFF		EUR	- 14 146,22	0,00	- 14 146,22

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Young farmers scheme	2018	DE4-Administrative checks on PEs when setting up the BPS-YFS -CY2017	ONE OFF		EUR	- 7 857,98	0,00	- 7 857,98
	Basic Payment Scheme	2018	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – BPS -CY2017	ONE OFF		EUR	- 3 702,45	0,00	- 3 702,45
	Basic Payment Scheme	2019	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – BPS -CY2018	ONE OFF		EUR	- 3 614,36	0,00	- 3 614,36
	Greening Payment	2018	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – GREENING -CY2017	ONE OFF		EUR	- 1 733,16	0,00	- 1 733,16
	Greening Payment	2019	DE4 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – Greening-CY2018	ONE OFF		EUR	- 1 726,10	0,00	- 1 726,10
	Restitutive Payment	2018	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – RDP -CY2017	ONE OFF		EUR	- 1 008,52	0,00	- 1 008,52
	Reimbursement of direct aids in relation to financial discipline	2018	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – REIMBURSEMENT OF FD -CY2017	ONE OFF		EUR	- 73,22	0,00	- 73,22

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Reimbursement of direct aids in relation to financial discipline	2019	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – reimbursement of financial discipline-CY2018	ONE OFF		EUR	- 73,59	0,00	- 73,59
	Restitutive Payment	2019	DE4 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – RP-CY2018	ONE OFF		EUR	- 1 015,58	0,00	- 1 015,58
	Young farmers scheme	2018	DE4-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – YFS -CY2017	ONE OFF		EUR	- 884,46	0,00	- 884,46
	Young farmers scheme	2019	DE4 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – YFS-CY2018	ONE OFF		EUR	- 883,81	0,00	- 883,81
	Young farmers scheme	2019	DE7-Administrative checks on PEs when setting up the BPS-YFS -CY2018	ONE OFF		EUR	- 5 696,10	0,00	- 5 696,10
	Basic Payment Scheme	2019	DE7-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – BPS -CY2018	ONE OFF		EUR	- 13 461,60	0,00	- 13 461,60
	Greening Payment	2019	DE7 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – Greening-CY2018	ONE OFF		EUR	- 6 825,87	0,00	- 6 825,87

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact	
	Reimbursement of direct aids in relation to financial discipline	2019	DE7-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – reimbursement of financial discipline-CY2018	ONE OFF		EUR	- 333,83	0,00	- 333,83	
	Restitutive Payment	2019	DE7 -Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – RP-CY2018	ONE OFF		EUR	- 1 985,98	0,00	- 1 985,98	
	Young farmers scheme	2019	DE7-Checks on the correct allocation of PEs from the National Reserve to young farmers and new entrants – YFS-CY2018	ONE OFF		EUR	- 3 495,05	0,00	- 3 495,05	
	Clearance of Accounts - Financial Clearance	2019	Financial errors in EAGF and EAFRD	ONE OFF		EUR	- 2 044,56	0,00	- 2 044,56	
						Total DE:	EUR	- 410 608,41	0,00	- 410 608,41
DK	Cross-compliance	2016	CY 2015 SMR 2	FLAT RATE	2,00	EUR	- 1 396 727,20	- 83 492,88	- 1 313 234,32	
	Cross-compliance	2017	CY 2015 SMR 2	FLAT RATE	2,00	EUR	- 518,77	0,00	- 518,77	
	Cross-compliance	2018	CY 2015 SMR 2	FLAT RATE	2,00	EUR	- 51,92	0,00	- 51,92	
	Cross-compliance	2016	CY 2015 SMR 7	ONE OFF		EUR	- 7 327,71	- 240,00	- 7 087,71	
	Cross-compliance	2017	CY 2015 SMR 7	ONE OFF		EUR	- 0,16	0,00	- 0,16	

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross-compliance	2017	CY 2016 SMR 2	FLAT RATE	2,00	EUR	- 1 384 812,16	- 17,01	- 1 384 795,15
	Cross-compliance	2018	CY 2016 SMR 2	FLAT RATE	2,00	EUR	- 255,56	0,00	- 255,56
	Cross-compliance	2017	CY 2016 SMR 7	ONE OFF		EUR	- 9 124,19	0,00	- 9 124,19
	Cross-compliance	2018	CY 2017 SMR 2	FLAT RATE	2,00	EUR	- 1 371 553,15	- 4,36	- 1 371 548,79
	Cross-compliance	2018	CY 2017 SMR 7	ONE OFF		EUR	- 7 958,88	0,00	- 7 958,88
					Total DK:	EUR	- 4 178 329,70	- 83 754,25	- 4 094 575,45
ES	Cross-compliance	2017	CY 2016	FLAT RATE	5,00	EUR	- 365 264,87	- 5 497,72	- 359 767,15
	Cross-compliance	2018	CY 2016	FLAT RATE	5,00	EUR	- 4 620,63	0,00	- 4 620,63
	Cross-compliance	2019	CY 2016	FLAT RATE	5,00	EUR	- 1 178,37	0,00	- 1 178,37
	Cross-compliance	2018	CY 2017	FLAT RATE	5,00	EUR	- 731 771,69	0,00	- 731 771,69
	Cross-compliance	2019	CY 2017	FLAT RATE	5,00	EUR	- 922,57	0,00	- 922,57
	Cross-compliance	2017	CY 2018	FLAT RATE	5,00	EUR	- 3 453,11	- 55,20	- 3 397,91
	Cross-compliance	2019	CY 2018	FLAT RATE	5,00	EUR	- 499 784,68	0,00	- 499 784,68
	Clearance of Accounts - Financial Clearance	2018	Known error EAGF IACS	ONE OFF		EUR	- 18,54	0,00	- 18,54
	Clearance of Accounts - Financial Clearance	2018	Known error EAGF Non-IACS	ONE OFF		EUR	- 12 008,91	0,00	- 12 008,91
					Total ES:	EUR	- 1 619 023,37	- 5 552,92	- 1 613 470,45

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Promotion Measures	2017	Key control: administrative control on selection of implementing bodies	ONE OFF		EUR	- 148 550,04	0,00	- 148 550,04
					Total FR:	EUR	- 148 550,04	0,00	- 148 550,04
IT	Reimbursement of direct aids in relation to financial discipline	2018	All weaknesses	FLAT RATE	2,00	EUR	- 730 282,20	- 730 282,20	0,00
	Decoupled Direct Aids	2018	All weaknesses - Taking in account 'Reduction for Late Payments'	FLAT RATE	2,00	EUR	- 63 148 764,02	0,00	- 63 148 764,02
	Clearance of Accounts - Financial Clearance	2017	Negligence in the management and the recovering of debts	ONE OFF		EUR	- 710 274,04	0,00	- 710 274,04
	Clearance of Accounts - Financial Clearance	2017	Reduction due to payments deadlines	ONE OFF		EUR	- 74 978 660,98	- 74 978 660,98	0,00
	Voluntary Coupled Support	2018	Weaknesses affecting VCS	FLAT RATE	2,00	EUR	- 4 072 613,83	0,00	- 4 072 613,83
	Decoupled Direct Aids	2018	Weaknesses affecting VCS - SFS - Taking in account 'Reduction for Late Payments'	FLAT RATE	2,00	EUR	- 146 895,14	0,00	- 146 895,14
					Total IT:	EUR	- 143 787 490,21	- 75 708 943,18	- 68 078 547,03
PL	Greening Payment	2017	active farmer-CY 2016-Greening	FLAT RATE	2,00	EUR	- 288 138,30	- 288 138,30	0,00
	Restitutive Payment	2017	active farmer-CY 2016-Redistributive payment	FLAT RATE	2,00	EUR	- 31 387,38	0,00	- 31 387,38

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Reimbursement of direct aids in relation to financial discipline	2017	active farmer-CY 2016-reimbursement of financial discipline	FLAT RATE	2,00	EUR	- 10 487,54	- 10 487,54	0,00
	Single Area Payment Scheme	2017	active farmer-CY 2016-SAPS	FLAT RATE	2,00	EUR	- 397 464,17	- 0,01	- 397 464,16
	Voluntary coupled support	2017	active farmer-CY 2016-VCS animals M01 & M02	FLAT RATE	2,00	EUR	- 12 113,21	0,00	- 12 113,21
	Voluntary Coupled Support Area Based	2017	active farmer-CY 2016-VCS area	FLAT RATE	2,00	EUR	- 57 281,32	0,00	- 57 281,32
	Young farmers scheme	2017	active farmer-CY 2016-YFP	FLAT RATE	2,00	EUR	- 6 483,99	0,00	- 6 483,99
	Greening Payment	2018	active farmer-CY 2017-Greening	FLAT RATE	2,00	EUR	- 239 009,35	0,00	- 239 009,35
	Restitutive Payment	2018	active farmer-CY 2017-Redistributive payment	FLAT RATE	2,00	EUR	- 25 803,29	0,00	- 25 803,29
	Reimbursement of direct aids in relation to financial discipline	2018	active farmer-CY 2017-reimbursement of financial discipline	FLAT RATE	2,00	EUR	- 8 496,99	- 8 496,99	0,00
	Single Area Payment Scheme	2018	active farmer-CY 2017-SAPS	FLAT RATE	2,00	EUR	- 321 326,50	0,00	- 321 326,50
	Voluntary coupled support	2018	active farmer-CY 2017-VCS animals M01 & M02	FLAT RATE	2,00	EUR	- 8 741,83	0,00	- 8 741,83
	Voluntary coupled support	2018	active farmer-CY 2017-VCS area	FLAT RATE	2,00	EUR	- 50 719,95	0,00	- 50 719,95

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Young farmers scheme	2018	active farmer-CY 2017-YFP	FLAT RATE	2,00	EUR	- 4 675,11	0,00	- 4 675,11
	Voluntary coupled support	2017	Art. 42(2)(a) of Regulation (EU) No 809/2014-CY 2016-VCS animal measures M01 & M02	FLAT RATE	2,00	EUR	- 159 335,40	0,00	- 159 335,40
	Voluntary coupled support	2018	Art. 42(2)(a) of Regulation (EU) No 809/2014-CY 2017-VCS animal measures M01 & M02	FLAT RATE	2,00	EUR	- 104 853,32	0,00	- 104 853,32
	Voluntary coupled support	2019	Art. 42(2)(a) of Regulation (EU) No 809/2014-CY 2018-VCS animal measures M01 & M02	FLAT RATE	2,00	EUR	- 158 255,28	0,00	- 158 255,28
	Voluntary coupled support	2017	calculation of the aid and administrative penalties-CY 2016-VCS animals measures M01 and M02	ONE OFF		EUR	- 2 131 809,79	0,00	- 2 131 809,79
	Voluntary coupled support	2018	calculation of the aid and administrative penalties-CY 2017-VCS animals measures M01 and M02	ONE OFF		EUR	- 1 163 925,60	0,00	- 1 163 925,60
	Voluntary coupled support	2019	calculation of the aid and administrative penalties-CY 2018-VCS animals measures M01 and M02	ONE OFF		EUR	- 1 129 455,39	0,00	- 1 129 455,39

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Milk - Other	2017	Ineligible payments identified after the Polish Corrective Action Plan	ONE OFF		EUR	- 1 026 600,51	0,00	- 1 026 600,51
	Clearance of Accounts - Financial Clearance	2018	Reductions - payment deadlines	ONE OFF		EUR	- 506 241,22	- 506 241,22	0,00
	Milk - Other	2017	Risk on the remaining expenditure	FLAT RATE	5,00	EUR	- 527 300,43	0,00	- 527 300,43
					Total PL:	EUR	- 8 369 905,87	- 813 364,06	- 7 556 541,81
PT	Clearance of Accounts - Financial Clearance	2018	Delays in the timely issue of recovery requests - Article 54(1) of Regulation (EU) No 1306/2013 - EAGF	ONE OFF		EUR	- 217 692,59	0,00	- 217 692,59
	Clearance of Accounts - Financial Clearance	2018	Financial errors from substantive testing EAGF	ONE OFF		EUR	- 1 466,11	0,00	- 1 466,11
					Total PT:	EUR	- 219 158,70	0,00	- 219 158,70
SK	Clearance of Accounts - Financial Clearance	2018	MLE in EAGF IACS population	ESTIMATED BY AMOUNT		EUR	- 1 457 517,68	- 170 687,66	- 1 286 830,02
					Total SK:	EUR	- 1 457 517,68	- 170 687,66	- 1 286 830,02

Currency	Amount	Deductions	Financial Impact
EUR	- 167 951 634,71	- 76 782 302,07	- 91 169 332,64

Budget Item: 6 2 0 1

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Clearance of Accounts - Financial Clearance	2015	Known error for AECM	ONE OFF		EUR	- 1 606,10	0,00	- 1 606,10
	Clearance of Accounts - Financial Clearance	2016	Known error for AECM	ONE OFF		EUR	- 23 031,51	- 1 573,47	- 21 458,04
	Clearance of Accounts - Financial Clearance	2018	Known error M19	ONE OFF		EUR	- 28 625,55	0,00	- 28 625,55
	Clearance of Accounts - Financial Clearance	2018	Known errors M07	ONE OFF		EUR	- 197 948,15	- 123 289,59	- 74 658,56
	Clearance of Accounts - Financial Clearance	2018	MLE for EAFRD	ESTIMATED BY AMOUNT		EUR	- 136 281,26	- 28 425,39	- 107 855,87
	Clearance of Accounts - Financial Clearance	2018	MLE M01	ESTIMATED BY AMOUNT		EUR	- 11 382,84	0,00	- 11 382,84
	Clearance of Accounts - Financial Clearance	2018	MLE M07	ESTIMATED BY AMOUNT		EUR	- 246 576,79	- 21 030,20	- 225 546,59
	Clearance of Accounts - Financial Clearance	2018	MLE M16	ESTIMATED BY AMOUNT		EUR	- 68 944,11	- 3 099,61	- 65 844,50
	Clearance of Accounts - Financial Clearance	2018	MLE M19	ESTIMATED BY AMOUNT		EUR	- 5 574,25	- 208,00	- 5 366,25
	Clearance of Accounts - Financial Clearance	2018	MLE M20	ESTIMATED BY AMOUNT		EUR	- 74 172,61	0,00	- 74 172,61
					Total BE:	EUR	- 794 143,17	- 177 626,26	- 616 516,91

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Clearance of Accounts - Financial Clearance	2019	Financial errors in EAGF and EAFRD	ONE OFF		EUR	- 54 174,21	0,00	- 54 174,21
	Clearance of Accounts - Financial Clearance	2018	MLE for EAFRD Non-IACS population	ONE OFF		EUR	- 123 167,60	0,00	- 123 167,60
						Total DE:	EUR	0,00	- 177 341,81
DK	Cross-compliance	2016	CY 2015 SMR 2	FLAT RATE	2,00	EUR	- 40 498,41	- 4,69	- 40 493,72
	Cross-compliance	2017	CY 2015 SMR 2	FLAT RATE	2,00	EUR	- 138,59	- 87,26	- 51,33
	Cross-compliance	2016	CY 2016 SMR 2	FLAT RATE	2,00	EUR	- 0,80	- 0,02	- 0,78
	Cross-compliance	2017	CY 2016 SMR 2	FLAT RATE	2,00	EUR	- 56 448,20	- 191,70	- 56 256,50
	Cross-compliance	2018	CY 2016 SMR 2	FLAT RATE	2,00	EUR	- 1 096,36	0,00	- 1 096,36
	Cross-compliance	2017	CY 2016 SMR 7	ONE OFF		EUR	- 476,26	- 164,06	- 312,20
	Cross-compliance	2018	CY 2017 SMR 2	FLAT RATE	2,00	EUR	- 71 854,51	0,00	- 71 854,51

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross-compliance	2018	CY 2017 SMR 7	ONE OFF		EUR	- 297,99	0,00	- 297,99
					Total DK:	EUR	- 170 811,12	- 447,73	- 170 363,39
ES	Cross-compliance	2018	CY 2016	FLAT RATE	5,00	EUR	- 42 874,92	0,00	- 42 874,92
	Cross-compliance	2018	CY 2017	FLAT RATE	5,00	EUR	- 2 174,67	0,00	- 2 174,67
	Cross-compliance	2019	CY 2017	FLAT RATE	5,00	EUR	- 32 307,29	0,00	- 32 307,29
	Cross-compliance	2019	CY 2018	FLAT RATE	5,00	EUR	- 965,80	0,00	- 965,80
	Clearance of Accounts - Financial Clearance	2018	Known error EAFRD IACS	ONE OFF		EUR	- 109,02	0,00	- 109,02
	Clearance of Accounts - Financial Clearance	2018	Known error EAFRD Non-IACS	ONE OFF		EUR	- 117 808,18	0,00	- 117 808,18
	Clearance of Accounts - Financial Clearance	2018	Known errors EAFRD IACS	ONE OFF		EUR	- 4,80	0,00	- 4,80
	Clearance of Accounts - Financial Clearance	2018	MLE for EAFRD IACS population	ESTIMATED BY AMOUNT		EUR	- 631,58	0,00	- 631,58
	Clearance of Accounts - Financial Clearance	2018	MLE for EAFRD Non-IACS population	ESTIMATED BY AMOUNT		EUR	- 168 517,53	- 30,73	- 168 486,80
					Total ES:	EUR	- 365 393,79	- 30,73	- 365 363,06
HU	Rural Development EAFRD Risk management	2017	Deficiency in the key controls appropriate evaluation of the reasonableness of costs	FLAT RATE	5,00	EUR	0,00	0,00	0,00

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Risk management	2018	Deficiency in the key controls appropriate evaluation of the reasonableness of costs	FLAT RATE	5,00	EUR	- 168 225,11	0,00	- 168 225,11
	Rural Development EAFRD Risk management	2019	Deficiency in the key controls appropriate evaluation of the reasonableness of costs	FLAT RATE	5,00	EUR	- 187 983,85	0,00	- 187 983,85
	Rural Development EAFRD Risk management	2020	Deficiency in the key controls appropriate evaluation of the reasonableness of costs (2020)	FLAT RATE	5,00	EUR	- 169 081,16	0,00	- 169 081,16
					Total HU:	EUR	- 525 290,12	0,00	- 525 290,12
IT	Clearance of Accounts - Financial Clearance	2017	Negligence in the management and the recovering of debts	ONE OFF		EUR	- 7 562,26	0,00	- 7 562,26
					Total IT:	EUR	- 7 562,26	0,00	- 7 562,26
PL	Rural Development EAFRD measures subject to IACS	2017	active farmer-CY 2016-areas with natural constraints (Art. 31(2) of Regulation (EU) No 1305/2013 and organic farming (Art. 29(1) of Regulation (EU) No 1305/2013)	FLAT RATE	2,00	EUR	- 51 595,09	- 0,16	- 51 594,93

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD measures subject to IACS	2018	active farmer-CY 2017-areas with natural constraints (Art. 31(2) of Regulation (EU) No 1305/2013 and organic farming (Art. 29(1) of Regulation (EU) No 1305/2013)	FLAT RATE	2,00	EUR	- 82 074,87	0,00	- 82 074,87
	Certification	2013	Financial errors EAFRD in FYs 2012-2016	ONE OFF		EUR	- 667,92	0,00	- 667,92
	Certification	2014	Financial errors EAFRD in FYs 2012-2016	ONE OFF		EUR	- 19 725,24	0,00	- 19 725,24
	Certification	2015	Financial errors EAFRD in FYs 2012-2016	ONE OFF		EUR	- 3 632,38	0,00	- 3 632,38
	Clearance of Accounts - Financial Clearance	2018	Financial errors in EAFRD	ONE OFF		EUR	- 18 173,75	0,00	- 18 173,75
					Total PL:	EUR	- 175 869,25	- 0,16	- 175 869,09
PT	Clearance of Accounts - Financial Clearance	2018	Delays in the timely issue of recovery requests - Article 54(1) of Regulation (EU) No 1306/2013 - EAFRD	ONE OFF		EUR	- 634 966,33	0,00	- 634 966,33
	Clearance of Accounts - Financial Clearance	2018	Financial errors from substantive testing EAFRD	ONE OFF		EUR	- 2 807,70	- 0,19	- 2 807,51
					Total PT:	EUR	- 637 774,03	- 0,19	- 637 773,84

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SK	Clearance of Accounts - Financial Clearance	2018	Individual errors in EAFRD non IACS population	ONE OFF		EUR	- 36 239,94	- 1 710,57	- 34 529,37
					Total SK:	EUR	- 36 239,94	- 1 710,57	- 34 529,37

Currency	Amount	Deductions	Financial Impact
EUR	- 2 890 425,49	- 179 815,64	- 2 710 609,85

COMMISSION IMPLEMENTING DECISION (EU) 2021/262**of 17 February 2021****excluding from European Union financing certain expenditure incurred by the United Kingdom under the European Agricultural Guarantee Fund (EAGF)***(notified under document C(2021) 895)***(Only the English text 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, in conjunction with Articles 131 and 138 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

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 United Kingdom the results of those verifications, take note of the comments provided by the United Kingdom, initiate a bilateral discussion so that an agreement may be reached and formally communicate its conclusions to the United Kingdom.
- (2) The United Kingdom has had an opportunity to request the launch of a conciliation procedure, but did not request it.
- (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 and the outcome of the bilateral discussion, part of the expenditure declared by the United Kingdom does not fulfil this requirement and cannot therefore be financed under the EAGF.
- (5) The amounts that are not recognised as being chargeable to the EAGF 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 United Kingdom.
- (6) The amounts excluded from Union financing by this 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 United Kingdom 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 31 January 2021,

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Ares(2021)582569

HAS ADOPTED THIS DECISION:

Article 1

The amounts set out in the Annex and related to expenditure incurred by the United Kingdom's accredited paying agencies and declared under the EAGF shall be excluded from Union financing.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 February 2021.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX

Budget Item: 6200

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Fruit and Vegetables - Operational programmes incl withdrawals	2017	Deficiencies in the key controls: 1) "Appropriate performance of the administrative checks to establish the eligibility of OPs and aid applications", 2) "Performance of OTSCs of sufficient quality on aid applications".	FLAT RATE	5,00%	EUR	- 1 375 416,17	0,00	- 1 375 416,17
	Fruit and Vegetables - Operational programmes incl withdrawals	2018	Deficiencies in the key controls: 1) "Appropriate performance of the administrative checks to establish the eligibility of OPs and aid applications", 2) "Performance of OTSCs of sufficient quality on aid applications".	FLAT RATE	5,00%	EUR	- 1 927 603,62	0,00	- 1 927 603,62
	Fruit and Vegetables - Operational programmes incl withdrawals	2019	Deficiencies in the key controls: 1) "Appropriate performance of the administrative checks to establish the eligibility of OPs and aid applications", 2) "Performance of OTSCs of sufficient quality on aid applications".	FLAT RATE	5,00%	EUR	- 1 866 379,21	0,00	- 1 866 379,21
	Fruit and Vegetables - Operational programmes incl withdrawals	2020	Deficiencies in the key controls: 1) "Appropriate performance of the administrative checks to establish the eligibility of OPs and aid applications", 2) "Performance of OTSCs of sufficient quality on aid applications".	FLAT RATE	5,00%	EUR	- 663 480,23	0,00	- 663 480,23
					Total GB:	EUR	- 5 832 879,23	0,00	- 5 832 879,23
						Currency	Amount	Deductions	Financial Impact
						EUR	- 5 832 879,23	0,00	- 5 832 879,23

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2021 OF THE COMMITTEE ON SERVICES AND INVESTMENT

of 29 January 2021

adopting a code of conduct for Members of the Tribunal, Members of the Appellate Tribunal and mediators [2021/263]

THE COMMITTEE ON SERVICES AND INVESTMENT,

Having regard to Article 26.2.1(b) of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part ('the Agreement'),

Whereas Article 8.44.2 of the Agreement provides that the Committee on Services and Investment is to adopt a code of conduct to be applied in disputes arising out of Chapter Eight (Investment) of the Agreement, which may replace or supplement the rules in application,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the following definitions apply:

- (a) the definitions in Article 1.1 (Definitions of general application) of Chapter One (General definitions and initial provisions) of the Agreement;
- (b) the definitions in Article 8.1 (Definitions) of Chapter Eight (Investment) of the Agreement;
- (c) 'Appellate Tribunal' means the appellate tribunal established under Article 8.28 (Appellate Tribunal) of Chapter Eight (Investment) of the Agreement;
- (d) 'assistant' means a natural person, other than a person employed by the ICSID Secretariat, who, under the terms of appointment of a Member, conducts research for or provides assistance to the Member;
- (e) 'candidate' means a natural person who has submitted an application or is otherwise aware that he or she is under consideration for selection as a Member;
- (f) 'mediator' means a natural person who conducts mediation in accordance with Article 8.20 (Mediation) of the Agreement; and
- (g) 'Member' means a Member of the Tribunal or of the Appellate Tribunal established pursuant to Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement.

Article 2

Responsibilities to the process

Candidates, Members and former Members shall avoid impropriety and the appearance of impropriety, and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved.

*Article 3***Disclosure obligations**

1. Candidates shall disclose to the Parties any past and present interest, relationship or matter that is likely to affect, or that could reasonably be seen as likely to affect, their independence or impartiality, that creates or could reasonably be seen as creating a direct or indirect conflict of interest, or that creates or might reasonably be seen as creating an appearance of impropriety or bias. To this end, candidates shall make all reasonable efforts to become aware of any such interests, relationships or matters. The disclosure of past interests, relationships or matters shall cover at least the last five years prior to a candidate submitting an application or otherwise becoming aware that he or she is under consideration for selection as a Member.
2. Members shall communicate matters concerning actual or potential violations of this code of conduct, in writing, to the Parties and, when relevant to a dispute, to the disputing parties.
3. Members shall at all times continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 1 of this Article. Members shall at all times disclose such interests, relationships or matters throughout the performance of their duties by informing the Parties and, where relevant, the disputing parties.
4. In order to ensure that relevant information is provided by candidates and Members, disclosures shall be made through a standardised form with the possibility to add or enclose any document, and in accordance with any other procedures established by the Parties.

*Article 4***Independence, impartiality and other obligations of Members**

1. In addition to the obligations established in Article 2 of this Decision, Members shall be and shall appear to be independent and impartial, and shall avoid direct and indirect conflicts of interest.
2. Members shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party, disputing party or any other person involved or participating in the proceeding, fear of criticism or financial, business, professional, family or social relationships or responsibilities.
3. Members shall not, directly or indirectly, incur any obligation, accept any benefit, enter into any relationship, or acquire any financial interest that is likely to affect or appear to affect their independence or impartiality.
4. Members shall not engage in *ex parte* contacts concerning the proceeding.
5. Members shall perform their duties thoroughly and expeditiously throughout the course of the proceeding and shall do so with fairness and diligence.
6. Members shall consider only those issues raised in the proceeding and which are necessary for a decision or award and shall not delegate this duty to any other person.
7. Members shall take all appropriate steps to ensure that their assistants are aware of, and comply with, Articles 2 (Responsibilities to the Process), 3(2) and (3) (Disclosure Obligations), 4(1) to (5) (Independence and Impartiality and Other Obligations of Members), 5(1) and (3) (Obligations of Former Members) and 6 (Confidentiality) of this Decision *mutatis mutandis*.
8. Members shall take appropriate account of other dispute settlement activities under the Agreement and, in particular, of decisions or awards rendered by the Appellate Tribunal.

*Article 5***Obligations of former Members**

1. Former Members shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decisions or awards of the Tribunal or the Appellate Tribunal.
2. Members shall undertake that for a period of three years after the end of their term, they shall not act as representatives of any of the disputing parties in investment disputes before the Tribunal or the Appellate Tribunal.
3. Without prejudice to the possibility to continue to serve on a division until the closure of the proceedings of that division, Members shall undertake that after the end of their term, they shall not become involved:
 - (a) in any manner whatsoever in investment disputes which were pending before the Tribunal or the Appellate Tribunal before the end of their term;
 - (b) in any manner whatsoever in investment disputes directly and clearly connected with disputes, including concluded disputes, which they have dealt with as Members of the Tribunal or the Appellate Tribunal.
4. If the President of the Tribunal or of the Appellate Tribunal is informed or otherwise becomes aware that a former Member is alleged to have acted inconsistently with the obligations set out in paragraphs 1, 2 and 3, or any other part of this Decision while a Member, he or she shall examine the matter, provide an opportunity to the former Member to be heard, and, after verification, inform thereof:
 - (a) the professional body or other such institution with which that former Member is affiliated;
 - (b) the Parties;
 - (c) if it involves a specific dispute, the disputing parties; and
 - (d) the President of any other relevant international court or tribunal in view of the initiation of appropriate measures.

The President of the Tribunal or of the Appellate Tribunal shall make public his or her decision to take the actions referred to in subparagraphs (a) to (d) above, together with the reasons therefor.

*Article 6***Confidentiality**

1. Members and former Members shall not at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding, except for the purposes of the proceeding, and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
2. Members shall not disclose an order, decision, award or parts thereof prior to its publication in accordance with the transparency provisions of Article 8.36 (Transparency of proceedings) of the Agreement.
3. Members or former Members shall not disclose any deliberation of the Tribunal or Appellate Tribunal, or any Member's views, except in an order, decision or award.

*Article 7***Expenses**

Each Member shall keep a record and render a final account of their time devoted to the procedure and of their expenses incurred, as well as the time and expenses of their assistant.

*Article 8***Sanctions**

1. For greater certainty, the provisions of this code of conduct shall be applied together with the obligations set out in Article 8.30.1 of the Agreement and the procedures provided for in Articles 8.30.2, 8.30.3 and 8.30.4 of the Agreement shall apply to violations of this code of conduct.
2. For greater certainty, the CETA Joint Committee shall provide a Member the opportunity to be heard prior to the issuance of any decision pursuant to Article 8.30.4 of the Agreement.

*Article 9***Mediators**

1. The rules set out in this Decision as applying to candidates shall apply, *mutatis mutandis*, to natural persons who are aware that they are under consideration for appointment as mediators.
2. The rules set out in this Decision as applying to Members shall apply, *mutatis mutandis*, to mediators from the date on which he or she is appointed as mediator to the date on which:
 - (a) the disputing parties adopt a mutually agreed solution;
 - (b) the mediator provides a written declaration resigning from his or her duties as mediator; or
 - (c) a disputing party, or both disputing parties, provide written notice by way of a letter transmitted to the mediator and the other disputing party terminating the mediator's mandate or the mediation procedure, whichever is earlier.
3. The rules set out in this Decision as applying to former Members shall apply, *mutatis mutandis*, to former mediators.

*Article 10***Consultative Committees**

1. The President of the Tribunal and the President of the Appellate Tribunal shall each be assisted by a Consultative Committee for ensuring the proper application of this code of conduct, of Article 8.30 (Ethics) of the Agreement and for the execution of any other task, where so provided.
2. The Consultative Committees referred to in paragraph 1 of this Article shall be composed of the respective Vice-President and of the two most senior Members of the Tribunal or of the Appellate Tribunal.

*Article 11***Authentic texts**

This Decision is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic.

*Article 12***Entry into force**

This Decision shall be published and shall enter into force on the date of entry into force of Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement, subject to the Parties' exchange of written notifications, through diplomatic channels, certifying that they have completed the necessary internal requirements and procedures.

Done at Brussels, 29 January 2021.

For the Committee on Services and Investment

The Co-Chairs

Carlo PETTINATO

Donald McDOUGALL

DECISION No 1/2021 OF THE CETA JOINT COMMITTEE**of 29 January 2021****setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal [2021/264]**

THE CETA JOINT COMMITTEE,

Having regard to Article 26.1 of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (the 'Agreement'),

Whereas Article 8.28.7 of the Agreement provides that the CETA Joint Committee is to adopt a decision setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal,

HAS ADOPTED THIS DECISION:

*Article 1***Definitions**

For the purposes of this Decision, the following definitions apply:

- (a) the definitions in Article 1.1 (Definitions of general application) of Chapter One (General definitions and initial provisions) of the Agreement;
- (b) the definitions in Article 8.1 (Definitions) of Chapter Eight (Investment) of the Agreement;
- (c) 'Appellate Tribunal' means the appellate tribunal established under Article 8.28 (Appellate Tribunal) of Chapter Eight (Investment) of the Agreement; and
- (d) 'Member' means a Member of the Appellate Tribunal established under Article 8.28 (Appellate Tribunal) of Chapter Eight (Investment) of the Agreement.

*Article 2***Composition and administrative arrangements**

1. The Appellate Tribunal shall be composed of six Members appointed by the CETA Joint Committee with a view to the principles of diversity and gender equality. For the purposes of this appointment:

- (a) two Members shall be selected from nominations proposed by Canada;
- (b) two Members shall be selected from nominations proposed by the European Union; and
- (c) two Members shall be selected from nominations proposed by Canada or the European Union, and shall not be nationals of either Canada or any Member State of the European Union.

2. The CETA Joint Committee may decide to increase the number of Members by multiples of three. Additional appointments shall be made on the same basis as provided for in paragraph 1 of this Article.

3. Members shall be appointed for a nine-year non-renewable term. However, the terms of three of the first six Members appointed pursuant to Article 8.28.3 of the Agreement shall be limited to six years. Those three Members shall be determined by lot with one Member selected from each of the groups of Members appointed pursuant to subparagraphs 1(a), 1(b) and 1(c) of this Article. In principle, a Member serving on a division of the Appellate Tribunal when his or her term expires may continue to serve on the division until the closure of the proceedings of that division, unless the President of the Appellate Tribunal, after consulting with the other Members of the division, decides otherwise, and shall, for that purpose only, be deemed to continue to be a Member. Vacancies in the Appellate Tribunal shall be filled as they arise.

4. The Appellate Tribunal shall have a President and Vice-President responsible for organisational issues, who shall be selected by lot by the Chair of the CETA Joint Committee for a two-year term from among the Members who are nationals of third countries. They shall serve on the basis of a rotation. The Vice-President shall replace the President when the President is unavailable.
5. The division of the Appellate Tribunal constituted to hear each case under Article 8.28.5 of the Agreement shall consist of three Members, of whom one Member has been appointed pursuant to subparagraph 1(a) of this Article, one Member has been appointed pursuant to subparagraph 1(b) of this Article and one Member has been appointed pursuant to subparagraph 1(c) of this Article. The division shall be chaired by the Member who has been appointed pursuant to subparagraph 1(c) of this Article.
6. The composition of the division of the Appellate Tribunal hearing each appeal shall be established in each case by the President of the Appellate Tribunal on a rotation basis, ensuring that the composition of the divisions is random and unpredictable, while giving equal opportunity to all Members to serve.
7. The Appellate Tribunal may sit in a division of six Members where a case pending before a division raises a serious question affecting the interpretation or application of Chapter Eight (Investment) of the Agreement. The Appellate Tribunal shall sit in a division of six Members when both disputing parties so request or where a majority of Members decides that it is desirable. The President of the Appellate Tribunal shall preside over the division of six Members.
8. The Appellate Tribunal may draw up its own working procedures.
9. Members shall ensure that they are available and able to perform the functions set out under this Decision and under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement.
10. In order to ensure their availability, Members shall be paid a monthly retainer fee to be determined by the CETA Joint Committee.
11. The fees referred to in paragraph 10 of this Article shall be paid equally by both Parties into an account managed by the ICSID Secretariat. In the event that one Party fails to pay the retainer fee, the other Party may elect to pay. Any such arrears will remain payable, with appropriate interest.
12. The fees and expenses of Members on a division constituted to hear a claim, other than the fees referred to in paragraph 10 of this Article, shall be determined by the CETA Joint Committee and allocated among the disputing parties on the same basis as Article 8.39.5 of the Agreement.
13. Upon a decision by the CETA Joint Committee, the retainer fee and the fees for days worked may be transformed into a regular salary. In such an event, Members shall serve on a full-time basis and the CETA Joint Committee shall fix their remuneration and related organisational matters. In that event, the Members shall not be permitted to engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the President of the Appellate Tribunal.
14. The ICSID Secretariat shall act as Secretariat for the Appellate Tribunal and provide it with appropriate support. The expenses for such support shall be met by the Parties equally.

Article 3

Conduct of appeals

1. Either disputing party may appeal before the Appellate Tribunal an award rendered by the Tribunal pursuant to Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement within the time frame established by Article 8.28.9(a) of the Agreement and the grounds set out in Article 8.28.2 of the Agreement.

2. If the Appellate Tribunal upholds the appeal in whole or in part, it shall modify or reverse the legal findings and conclusions of the Tribunal in whole or in part. The Appellate Tribunal shall specify precisely how it has modified or reversed the relevant findings and conclusions of the Tribunal.
3. If the facts established by the Tribunal so permit, the Appellate Tribunal shall apply its own legal findings and conclusions to such facts and render a final award. If that is not possible, it shall issue a decision referring the matter back to the Tribunal to render an award in accordance with the findings and conclusions of the Appellate Tribunal. If possible, the Appellate Tribunal shall refer the matter back to the same division of the Tribunal that was previously constituted to decide the matter.
4. The Appellate Tribunal shall reject the appeal where it finds that the appeal is unfounded. It may also reject the appeal on an expedited basis where it is clear that the appeal is manifestly unfounded. If the Appellate Tribunal rejects the appeal, the award rendered by the Tribunal shall become the final award.
5. As a general rule, the appeal proceedings shall not exceed 180 days from the date a disputing party formally notifies its decision to appeal to the date the Appellate Tribunal issues its decision or award. If the Appellate Tribunal considers that it cannot issue its decision or award within 180 days, it shall inform the disputing parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its decision or award. Every effort should be made to ensure that the appeal proceedings should not exceed 270 days.
6. A disputing party lodging an appeal shall provide security for the costs of appeal as determined by the division of the Appellate Tribunal constituted to hear the case. The disputing party shall also provide any other security as may be ordered by the Appellate Tribunal.
7. The provisions of Articles 8.20 (Mediation), 8.24 (Proceedings under another international agreement), 8.26 (Third party funding), 8.31 (Applicable law and interpretation), 8.34 (Interim measures of protection), 8.35 (Discontinuance), 8.36 (Transparency of proceedings) ⁽¹⁾, 8.38 (Non-disputing Party), 8.39 (Final award) and 8.40 (Indemnification or other compensation) of the Agreement shall apply *mutatis mutandis* in respect of the appeal procedure.

Article 4

Authentic texts

This Decision is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic.

Article 5

Entry into force

This Decision shall be published and shall enter into force on the date of entry into force of Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement, subject to the Parties' exchange of written notifications, through diplomatic channels, certifying that they have completed the necessary internal requirements and procedures.

⁽¹⁾ For greater certainty, the notice of appeal, the notice of intent to challenge a Member and the decision on challenge to a Member shall be included in the list of documents to be made available to the public under Article 3(1) of the UNCITRAL Transparency Rules.

Done at Brussels, 29 January 2021.

For the CETA Joint Committee

The Co-Chairs

Valdis DOMBROVSKI

Mary NG

DECISION No 2/2021 OF THE CETA JOINT COMMITTEE**of 29 January 2021****adopting a procedure for the adoption of interpretations in accordance with Articles 8.31.3 and 8.44.3(a) of CETA as an Annex to its Rules of Procedure (2021/265)**

THE CETA JOINT COMMITTEE,

Having regard to Article 26.1 of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part ('the Agreement'), and in particular Articles 26.1.4 (d) and 26.2.4 thereof,

Whereas:

- (1) Article 26.1.4(d) of the Agreement provides that the CETA Joint Committee is to adopt its own rules of procedure.
- (2) Article 26.2.1(b) of the Agreement provides that the Committee on Services and Investment is one of the specialised committees established by the Agreement.
- (3) Article 26.2.4 of the Agreement provides that the specialised committees shall set and modify their own rules of procedures, if they deem it appropriate.
- (4) Rule 14.4 of the Rules of Procedure of the CETA Joint Committee, as set out in Decision 001/2018 of the CETA Joint Committee of 26 September 2018, provides that unless otherwise decided by each specialised committee pursuant to Article 26.2.4 of the Agreement, the Rules of Procedure apply *mutatis mutandis* to the specialised committees and other bodies established under the Agreement.
- (5) In accordance with Article 8.9.1 of the Agreement, the Parties reaffirm their right to regulate in the public interest to achieve legitimate public policy objectives, such as the protection of public health, safety, the environment, which includes climate change and biodiversity, public morals, social or consumer protection or the promotion and protection of cultural diversity.
- (6) In accordance with paragraph 6(e) of the Joint Interpretative Instrument on the Agreement, in order to ensure that the Tribunals established under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement in all circumstances respect the intent of the Parties as set out in the Agreement, the Agreement includes provisions that allow the Parties to issue binding notes of interpretation and the Parties reaffirm that Canada and the European Union and its Member States are committed to using these provisions to avoid and correct any misinterpretation of the Agreement by the Tribunals.
- (7) In accordance with Articles 8.31.3 and 8.44.3(a) of the Agreement, where serious concerns arise as regards matters of interpretation that may affect investment, the Committee on Services and Investment may, on agreement of the Parties, and after completion of their respective internal requirements and procedures, recommend to the CETA Joint Committee the adoption of interpretations of the Agreement; an interpretation adopted by the CETA Joint Committee shall be binding on the Tribunals established under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement; and the CETA Joint Committee may decide that an interpretation shall have binding effect from a specific date,

HAS ADOPTED THIS DECISION:

Article 1

1. The procedure for the adoption of interpretations pursuant to Articles 8.31.3 and 8.44.3(a) of the Agreement, as set out in the Annex to this Decision, is hereby adopted as an Annex to the Rules of Procedure of the CETA Joint Committee as set out in Decision 001/2018 of the CETA Joint Committee of 26 September 2018.

2. The Annex shall form an integral part of the Rules of Procedure of the CETA Joint Committee, as set out in Decision 001/2018 of the CETA Joint Committee of 26 September 2018.

Article 2

The Annex shall form an integral part of this Decision.

Article 3

This Decision is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic.

Article 4

This Decision shall be published and shall enter into force on the date of entry into force of Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement, subject to the Parties' exchange of written notifications, through diplomatic channels, certifying that they have completed the necessary internal requirements and procedures.

Done at Brussels, 29 January 2021

For the CETA Joint Committee
The Co-Chairs
Valdis DOMBROVSKIS
Mary NG

ANNEX

ANNEX TO THE RULES OF PROCEDURE OF THE CETA JOINT COMMITTEE

(DECISION 001/2018 OF THE CETA JOINT COMMITTEE OF 26 SEPTEMBER 2018)

1. In any situation where a Party has serious concerns as regards matters of interpretation of the Agreement that may affect investment, including if it has serious concerns related to a specific measure for which a request for consultations has been submitted pursuant to Article 8.19 (Consultations) of the Agreement by an investor of the other Party claiming that such measure breaches an obligation under Chapter Eight (Investment) of the Agreement:
 - (a) the Party may refer the matter in writing to the Committee on Services and Investment;
 - (b) in case of a referral under paragraph (a), the Parties shall immediately enter into consultations within the Committee on Services and Investment; and
 - (c) the Committee on Services and Investment shall decide on the matter as soon as possible.
 2. Each Party shall accord due consideration to the representations made by the other Party relating to Article 8.31.3 of the Agreement and shall make best endeavours to address the matter in a timely and mutually satisfactory manner.
 3. On agreement of the Parties, and after completion of their respective internal requirements and procedures, the Committee on Services and Investment may recommend to the CETA Joint Committee the adoption of interpretations to be given to relevant provisions of Chapter Eight (Investment) of the Agreement. Those interpretations may *inter alia* address the question of whether and under which conditions a certain type of measure is to be considered as compatible with Chapter Eight (Investment) of the Agreement.
 4. If the Committee on Services and Investment decides to recommend to the CETA Joint Committee the adoption of an interpretation, the CETA Joint Committee shall adopt a decision on the matter as soon as possible.
 5. An interpretation adopted by the CETA Joint Committee shall be binding on the Tribunal and Appellate Tribunal established under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement. The CETA Joint Committee may decide that an interpretation shall have binding effect from a specific date.
 6. Interpretations adopted by the CETA Joint Committee shall be immediately made public and sent to the Parties and to the Presidents of the Tribunal and of the Appellate Tribunal, who shall ensure their communication to the Tribunal and Appellate Tribunal divisions established under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement.
-

DECISION No 2/2021 OF THE COMMITTEE ON SERVICES AND INVESTMENT
of 29 January 2021
adopting rules for mediation for use by disputing parties in investment disputes [2021/266]

THE COMMITTEE ON SERVICES AND INVESTMENT,

Having regard to Article 26.2.1(b) of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (the 'Agreement'),

Whereas Article 8.44.3(c) of the Agreement provides that the Committee on Services and Investment may adopt rules for mediation for use by disputing parties as referred to in Article 8.20 (Mediation) of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the following definitions apply:

- (a) the definitions in Article 1.1 (Definitions of general application) of Chapter One (General definitions and initial provisions) of the Agreement;
- (b) the definitions in Article 8.1 (Definitions) of Chapter Eight (Investment) of the Agreement;
- (c) 'agreement to mediate' means an agreement made pursuant to Article 3(4) of this Decision; and
- (d) 'mediator' means a natural person who conducts mediation in accordance with Article 8.20 (Mediation) of the Agreement.

Article 2

Objective and scope

The objective of the mediation mechanism is to facilitate the finding of a mutually agreed solution through a comprehensive and expeditious procedure with the assistance of a mediator.

Article 3

Initiation of the procedure

1. Either disputing party may request, at any time, the commencement of a mediation procedure. Such request shall be addressed to the other disputing party in writing.
2. If the request concerns an alleged breach of the Agreement by the authorities of the European Union or by the authorities of the Member States of the European Union, and no respondent has been determined pursuant to Article 8.21 (Determination of the respondent for disputes with the European Union or its Member States) of the Agreement, it shall be addressed to the European Union. If the request is accepted, the response shall specify whether the European Union or the Member State concerned will be a disputing party to the mediation ⁽¹⁾.
3. The disputing party to which the request is addressed shall give sympathetic consideration to the request and accept or reject it in writing within 10 days of its receipt.

⁽¹⁾ For greater certainty, if the request concerns treatment by the European Union, the disputing party to the mediation shall be the European Union and any Member State concerned shall be fully associated in the mediation. If the request concerns exclusively treatment by a Member State, the disputing party to the mediation shall be the Member State concerned, unless it requests the European Union to be a disputing party.

4. If the disputing parties agree to a mediation procedure, they shall sign an agreement to mediate, in writing, setting out rules agreed to by the disputing parties, which shall include the rules in this Decision. The agreement to mediate may include an agreement not to commence or not to continue any other dispute settlement proceedings relating to the problems or disputes that are subject to the mediation procedure:

- (a) while the mediation procedure is pending; or
- (b) if the disputing parties have reached a mutually agreed solution.

An agreement pursuant to subparagraph 4(b) of this Article shall cease to apply if a disputing party, or both disputing parties, provide written notice, transmitted by way of a letter to the mediator and the other disputing party, terminating the mediation procedure.

Article 4

Appointment of the mediator

1. If both disputing parties agree to a mediation procedure, a mediator shall be appointed in accordance with the procedure set out in Article 8.20.3 of the Agreement. The disputing parties shall endeavour to agree on a mediator within 15 days from the receipt of the reply to the request. Such agreement may include appointing a mediator from the Members of the Tribunal established according to Article 8.27.2 of the Agreement or Members of the Appellate Tribunal established according to Article 8.28.3 of the Agreement.
2. The disputing parties may, by written consent, agree to replace the mediator. If a mediator resigns, is incapacitated or otherwise becomes unable to perform his or her duties, a new mediator shall be appointed pursuant to Article 8.20.3 of the Agreement and in accordance with paragraph 1 of this Article.
3. A mediator shall not be a national of either Party, unless the disputing parties agree otherwise.
4. The mediator shall assist, in conformity with the Decision of the Committee on Services and Investment on the Code of Conduct for Members of the Tribunal, Members of the Appellate Tribunal and Mediators, the disputing parties in reaching a mutually agreed solution.

Article 5

Rules of the mediation procedure

1. Within 10 days from the appointment of the mediator, the disputing party having invoked the mediation procedure shall present, in writing, a detailed description of the problem to the mediator and to the other disputing party. Within 20 days from the receipt of this submission, the other disputing party may provide, in writing, its comments to the description of the problem. Either disputing party may include in its description or comments any information that it deems relevant.
2. The mediator may decide on the most appropriate way of bringing clarity to the problem concerned. In particular, the mediator may organise meetings between the disputing parties, consult the disputing parties jointly or individually, seek the assistance of or consult with relevant experts and stakeholders and provide any additional support requested by the disputing parties. However, before seeking the assistance of or consulting with relevant experts and stakeholders, the mediator shall consult with the disputing parties.
3. The mediator may offer advice and propose a solution for the consideration of the disputing parties who may accept or reject the proposed solution or may agree on a different solution. However, the mediator shall not make a determination on the consistency of any measure at issue with the Agreement.
4. The procedure shall take place in the territory of the Party that is a disputing Party, or by mutual agreement in any other location or by any other means.
5. The disputing parties shall endeavour to reach a mutually agreed solution within 60 days from the appointment of the mediator. Pending a final agreement, the disputing parties may consider possible interim solutions.

6. On request of the disputing parties, the mediator shall issue to the disputing parties, in writing, a draft factual report, providing a brief summary of: (a) any measure at issue in these procedures; (b) the procedures followed; and (c) any mutually agreed solution reached as the final outcome of these procedures, including possible interim solutions. The mediator shall provide the disputing parties 15 days from the issuance of the draft factual report to comment on the draft report. After considering the comments of the disputing parties submitted within this period, the mediator shall submit, in writing, a final factual report to the disputing parties within 15 days from the receipt of comments of the disputing parties. The factual report shall not include any interpretation of the Agreement.

7. In accordance with Article 8.20.5 of the Agreement, the mediation procedure shall be terminated by written notice of a disputing party, or of both disputing parties, transmitted by way of a letter to the mediator and the other disputing party, on the date that the notice is given.

Article 6

Implementation of a mutually agreed solution

1. If a mutually agreed solution is adopted by the disputing parties, each disputing party shall take the measures necessary to implement the mutually agreed solution within the agreed timeframe.
2. The implementing disputing party shall inform the other disputing party in writing of any steps or measures taken to implement the mutually agreed solution.

Article 7

Relationship to dispute settlement

1. The procedure under this mediation mechanism is not intended to serve as a basis for dispute settlement under other dispute settlement procedures set out in the Agreement or in another agreement. A disputing party shall not rely on or introduce as evidence in other dispute settlement procedures, nor shall any adjudicative body take into consideration:
 - (a) positions taken, admissions made or views expressed by a disputing party in the course of the mediation procedure;
 - (b) the fact that a disputing party has indicated its willingness to accept a solution to the problems or disputes that are subject to the mediation procedure;
 - (c) advice given, proposals made or views expressed by the mediator; or
 - (d) the content of a draft or final factual report by a mediator.
2. Subject to Article 3(4) of this Decision, the mediation mechanism is without prejudice to the rights and obligations of the Parties and the disputing parties under Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) and Chapter Twenty-nine (Dispute Settlement) of the Agreement.
3. The disputing parties' agreement to mediate and any mutually agreed solutions shall be made publicly available. The versions disclosed to the public shall not contain any information that a disputing party has designated as confidential. Unless the disputing parties agree otherwise, all other steps of the mediation procedure, including any advice or proposed solution, shall be confidential. However, any disputing party may disclose to the public that mediation is taking place.

Article 8

Time limits

Any time limit referred to in this Decision may be modified by mutual agreement between the disputing parties.

*Article 9***Costs**

1. Each disputing party shall bear its own expenses derived from the participation in the mediation procedure.
2. The disputing parties shall share jointly and equally the expenses derived from organisational matters, including the remuneration and expenses of the mediator. Remuneration of the mediator shall be in accordance with that foreseen for Members of the Tribunal under Article 8.27.14 of the Agreement.

*Article 10***Authentic texts**

This Decision is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic.

*Article 11***Entry into force**

This Decision shall be published and shall enter into force on the date of entry into force of Section F (Resolution of investment disputes between investors and states) of Chapter Eight (Investment) of the Agreement, subject to the Parties' exchange of written notifications, through diplomatic channels, certifying that they have completed the necessary internal requirements and procedures.

Done at Brussels, 29 January 2021.

For the Committee on Services and Investment

The Co-Chairs

Carlo PETTINATO

Donald McDOUGALL

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN