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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2021/2018

of 15 November 2021

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 29 September 2021 to the Council of the European Union on the external auditors of the Central Bank of Ireland (ECB/2021/44) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) In 2016, Banc Ceannais na hÉireann/the Central Bank of Ireland selected Mazars as its external auditors for the financial years 2016 to 2020.
- (3) The mandate of Banc Ceannais na hÉireann/the Central Bank of Ireland's current external auditors, Mazars, ended after the audit for the financial year 2020. It is therefore necessary to appoint external auditors for the financial years 2021 and 2022.
- (4) Banc Ceannais na hÉireann/the Central Bank of Ireland intends to extend the mandate of Mazars for the financial years 2021 and 2022.
- (5) The Governing Council of the ECB recommended that Mazars be appointed as the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland for the financial years 2021 to 2022.
- (6) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 5 is replaced by the following:

'5. Mazars are hereby approved as the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland for the financial years 2021 to 2022.'

Article 2

This Decision shall take effect on the date of its notification.

⁽¹⁾ OJ C 403, 6.10.2021, p. 1.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 15 November 2021.

For the Council
The President
J. PODGORŠEK

COMMISSION IMPLEMENTING DECISION (EU) 2021/2019**of 17 November 2021****excluding from European Union financing certain expenditure incurred by the United Kingdom under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)***(notified under document C(2021) 8164)***(Only the English text is 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 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 24 months before the Commission's written notification of the results of the verifications to the United Kingdom.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

- (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 May 2021,

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 and the EAFRD 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 November 2021.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

⁽²⁾ Ares(2021)6573344

Decision: 67 - UK only

Budget Item: 6200

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Clearance of Accounts - Financial Clearance	2019	Late recovery orders - EAGF	ONE OFF		EUR	- 342,95	0,00	- 342,95
	Clearance of Accounts - Financial Clearance	2019	Random error EAGF Non-IACS	ONE OFF		EUR	- 313 022,77	- 15 651,14	- 297 371,63
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2017 GP	FLAT RATE	10,00%	EUR	- 5 247 160,51	0,00	- 5 247 160,51
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2017 GP	FLAT RATE	10,00%	EUR	- 37 486,29	0,00	- 37 486,29
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2018 GP	FLAT RATE	10,00%	EUR	- 4 902 353,40	0,00	- 4 902 353,40
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Administrative checks in respect of the aid claimed ' (LLF) - CY 2019 GP	FLAT RATE	10,00%	EUR	- 3 833 815,60	0,00	- 3 833 815,60
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification)- CY 2019 BPS	ONE OFF		EUR	- 3 313,00	0,00	- 3 313,00
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification) - CY 2019 GP	ONE OFF		EUR	- 1 036,00	0,00	- 1 036,00
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 BPS	ONE OFF		EUR	- 4 519 391,39	0,00	- 4 519 391,39

	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 BPS	ONE OFF		EUR	- 28 342,61	0,00	- 28 342,61
	Decoupled Direct Aids	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 GP	ONE OFF		EUR	- 1 249 445,83	0,00	- 1 249 445,83
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2017 GP	ONE OFF		EUR	- 8 926,17	0,00	- 8 926,17
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2018 BPS	ONE OFF		EUR	- 1 202 579,00	0,00	- 1 202 579,00
	Decoupled Direct Aids	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (cross notification/recoveries) - CY 2018 GP	ONE OFF		EUR	- 339 001,00	0,00	- 339 001,00
	Decoupled Direct Aids	2020	Weaknesses in Key control 'Performance of cross-checks to establish eligibility of the parcel declared' CY2019 GP	ONE OFF		EUR	- 1 125 353,00	0,00	- 1 125 353,00
	Decoupled Direct Aids	2016	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 150 143,07	0,00	- 1 150 143,07
	Decoupled Direct Aids	2017	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 152 217,27	0,00	- 1 152 217,27

	Decoupled Direct Aids	2018	Weaknesses in LPIS, payment entitlements etc. - open recoveries - claim years 2015 - 2017	ONE OFF		EUR	- 1 154 637,16	0,00	- 1 154 637,16
	Decoupled Direct Aids	2018	Weaknesses in the check of the active farmer condition - claim year 2017 - EAGF	ONE OFF		EUR	- 2 372 363,90	0,00	- 2 372 363,90
	Decoupled Direct Aids	2020	Weaknesses in the checks of certain eligibility conditions - claim year 2019	ONE OFF		EUR	- 2 126,80	0,00	- 2 126,80
	Decoupled Direct Aids	2016	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 2 581,08	0,00	- 2 581,08
	Decoupled Direct Aids	2017	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 2 800,79	0,00	- 2 800,79
	Decoupled Direct Aids	2018	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 3 012,37	0,00	- 3 012,37
	Decoupled Direct Aids	2019	Weaknesses in the checks of certain eligibility conditions - claim years 2015 - 2018	ONE OFF		EUR	- 3 223,57	0,00	- 3 223,57
	Decoupled Direct Aids	2017	Weaknesses in the checks of the minimum size of the holding - claim years 2016 and 2017	ONE OFF		EUR	- 1 832,47	0,00	- 1 832,47
	Decoupled Direct Aids	2018	Weaknesses in the checks of the minimum size of the holding - claim years 2016 and 2017	ONE OFF		EUR	- 1 380,40	0,00	- 1 380,40
	Decoupled Direct Aids	2016	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 124 824,32	0,00	- 124 824,32
	Decoupled Direct Aids	2017	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 93 618,24	0,00	- 93 618,24
	Decoupled Direct Aids	2018	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 62 412,16	0,00	- 62 412,16
	Decoupled Direct Aids	2019	Weaknesses in the use of the reserve - claim years 2015 - 2018	ONE OFF		EUR	- 31 206,09	0,00	- 31 206,09

	Decoupled Direct Aids	2018	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2017 YFS	ONE OFF		EUR	- 20 580,17	0,00	- 20 580,17	
	Decoupled Direct Aids	2019	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2017 YFS	ONE OFF		EUR	- 169,83	0,00	- 169,83	
	Decoupled Direct Aids	2019	Weakness in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CY 2018 YFS	ONE OFF		EUR	- 9 081,00	0,00	- 9 081,00	
						Total GB:	EUR	- 28 999 780,21	- 15 651,14	- 28 984 129,07

Currency	Amount	Deductions	Financial Impact
EUR	- 28 999 780,21	- 15 651,14	- 28 984 129,07

Budget Item: 6201

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Clearance of Accounts - Financial Clearance	2019	Known error EAFRD IACS	ONE OFF		EUR	- 20 000,00	0,00	- 20 000,00
	Clearance of Accounts - Financial Clearance	2019	Late recovery orders EAFRD 2007-2013	ONE OFF		EUR	- 32 067,30	0,00	- 32 067,30
	Clearance of Accounts - Financial Clearance	2019	Late recovery orders EAFRD 2014-2020	ONE OFF		EUR	- 21 454,91	0,00	- 21 454,91
	Clearance of Accounts - Financial Clearance	2019	Random errors EAFRD Non-IACS	ONE OFF		EUR	- 42 967,38	0,00	- 42 967,38
	Rural Development EAFRD measures subject to IACS	2018	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CYs 2017-2018 EAFRD M10 CS	ONE OFF		EUR	- 31 583,90	0,00	- 31 583,90
	Rural Development EAFRD measures subject to IACS	2019	Weaknesses in Key control 'Correct calculation of the aid including administrative reductions and penalties' (recoveries) - CYs 2017-2018 EAFRD M10 CS	ONE OFF		EUR	- 36 775,10	0,00	- 36 775,10
	Rural Development EAFRD measures subject to IACS	2018	Weaknesses in the check of the active farmer condition - claim year 2017 - EAFRD	ONE OFF		EUR	- 313 994,82	0,00	- 313 994,82
					Total GB:	EUR	- 498 843,41	0,00	- 498 843,41

Currency	Amount	Deductions	Financial Impact
EUR	- 498 843,41	0,00	- 498 843,41

COMMISSION IMPLEMENTING DECISION (EU) 2021/2020**of 17 November 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) 8168)***(Only the Croatian, Czech, Dutch, Estonian, French, German, Greek, Hungarian, Italian, Lithuanian, Portuguese, Romanian, Slovene, 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 24 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.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

- (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 May 2021,

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 Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Lithuania, Hungary, the Republic of Austria, the Portuguese Republic, Romania and the Republic of Slovenia.

Done at Brussels, 17 November 2021.

For the Commission

Janusz WOJCIECHOWSKI

Member of the Commission

⁽²⁾ Ares(2021)6573344.

Decision: 67

Budget Item: 6200

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
AT	Voluntary Coupled Support	2018	Measure 01. One-off. CY 2017	ONE OFF		EUR	- 148 672,12	0,00	- 148 672,12
	Voluntary Coupled Support	2019	Measure 01. One-off. CY 2018	ONE OFF		EUR	- 140 535,46	0,00	- 140 535,46
	Voluntary Coupled Support	2018	Measure 02. One-off. CY 2017	ONE OFF		EUR	- 105 859,49	0,00	- 105 859,49
	Voluntary Coupled Support	2019	Measure 02. One-off. CY 2018	ONE OFF		EUR	- 96 428,32	0,00	- 96 428,32
	Voluntary Coupled Support	2018	Measure 03. One-off. CY2017	ONE OFF		EUR	- 6 546,18	0,00	- 6 546,18
	Voluntary Coupled Support	2018	Measure 04. One-off. CY2017	ONE OFF		EUR	- 547,84	0,00	- 547,84
	Voluntary Coupled Support	2020	Measures 01 and 02. One-off. CY 2019. Upload	ONE OFF		EUR	- 240 525,66	0,00	- 240 525,66
	Voluntary Coupled Support	2018	Measures 03 and 04. FR 5%. CY2017	FLAT RATE	5,00%	EUR	- 32 490,49	0,00	- 32 490,49
	Voluntary Coupled Support	2019	Measures 03 and 04. FR 5%. CY2018	FLAT RATE	5,00%	EUR	- 33 713,03	0,00	- 33 713,03
	Voluntary Coupled Support	2020	Measures 03 and 04. FR 5%. CY2019. Upload	FLAT RATE	5,00%	EUR	- 33 800,06	0,00	- 33 800,06
	Voluntary Coupled Support	2021	Measures 03 and 04. FR 5%. CY2020. Upload	FLAT RATE	5,00%	EUR	- 33 162,69	0,00	- 33 162,69
					Total AT:	EUR	- 872 281,34	0,00	- 872 281,34
BE	Promotion Measures	2020	FY2020 for VLAM 2016/15, VLAM 2016/16 and VLAM 2016/18. Selection of implementing bodies (eligibility).	ONE OFF		EUR	- 27 549,36	0,00	- 27 549,36

	Voluntary Coupled Support	2018	M01. KC1.1 and 1.3 - Oneoff - CY2017	ONE OFF		EUR	- 800 789,64	0,00	- 800 789,64
	Voluntary Coupled Support	2019	M01. KC1.1 - Oneoff - CY2018	ONE OFF		EUR	- 921 976,67	0,00	- 921 976,67
	Voluntary Coupled Support	2018	M01-M02-M03. KC 1.1.1 and 1.2.2 - Flat rate 5%on5% - CY2017-CY2018	FLAT RATE	5,00%	EUR	- 140 923,03	0,00	- 140 923,03
	Voluntary Coupled Support	2019	M01-M02-M03. KC 1.1.1 and 1.2.2 - Flat rate 5%on5% - CY2017-CY2018	FLAT RATE	5,00%	EUR	- 139 353,41	0,00	- 139 353,41
	Voluntary Coupled Support	2020	M01-M02-M03. KC1.2.2 - Flat rate 5% on5% - CY2019	FLAT RATE	5,00%	EUR	- 138 701,45	0,00	- 138 701,45
	Voluntary Coupled Support	2018	M02. KC1.1 - Oneoff - CY2017	ONE OFF		EUR	- 36 040,37	0,00	- 36 040,37
	Voluntary Coupled Support	2019	M02. KC1.1 - Oneoff - CY2018	ONE OFF		EUR	- 43 234,37	0,00	- 43 234,37
	Voluntary Coupled Support	2018	M03. KC1.1 and 1.3 - Oneoff - CY2017	ONE OFF		EUR	- 44 201,42	0,00	- 44 201,42
	Voluntary Coupled Support	2019	M03. KC1.1-Oneoff-CY2018	ONE OFF		EUR	- 47 210,27	0,00	- 47 210,27
	Voluntary Coupled Support	2018	M04. All KCs - Flat rate 10% - CY2017-CY2018	FLAT RATE	10,00%	EUR	- 57 569,28	0,00	- 57 569,28
	Voluntary Coupled Support	2019	M04. All KCs - Flat rate 10% - CY2017-CY2018	FLAT RATE	10,00%	EUR	- 58 496,64	0,00	- 58 496,64
	Voluntary Coupled Support	2020	M04. All KCs - Flat rate 10% - CY2019	FLAT RATE	10,00%	EUR	- 57 896,04	0,00	- 57 896,04
	Clearance of Accounts - Financial Clearance	2019	Non respect des procédures de marché public pour les programmes sociaux (lait et F&V)	ONE OFF		EUR	- 279 096,07	0,00	- 279 096,07
	Promotion Measures	2018	Processed Potatoes and European Poultry VLAM 2016/15 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 17 142,57	0,00	- 17 142,57

Promotion Measures	2019	Processed Potatoes and European Poultry VLAM 2016/15 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 15 640,59	0,00	- 15 640,59
Clearance of Accounts - Financial Clearance	2019	Programme pour les écoles, non respect des délais de paiement	ONE OFF		EUR	- 150 308,82	0,00	- 150 308,82
Promotion Measures	2017	Taste Of Europe_Brazil VLAM 2016/16 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 3 461,05	0,00	- 3 461,05
Promotion Measures	2018	Taste Of Europe_Brazil VLAM 2016/16 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 5 456,97	0,00	- 5 456,97
Promotion Measures	2019	Taste Of Europe_Brazil VLAM 2016/16 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 9 480,10	0,00	- 9 480,10
Promotion Measures	2017	Taste of Europe_Canada VLAM 2016/18 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 4 597,61	0,00	- 4 597,61
Promotion Measures	2018	Taste of Europe_Canada VLAM 2016/18 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 9 597,73	0,00	- 9 597,73
Promotion Measures	2019	Taste of Europe_Canada VLAM 2016/18 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 10 116,22	0,00	- 10 116,22

	Promotion Measures	2017	Taste Of Europe_India VLAM 2016/17 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 3 923,58	0,00	- 3 923,58
	Promotion Measures	2018	Taste Of Europe_India VLAM 2016/17 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 4 048,52	0,00	- 4 048,52
	Promotion Measures	2019	Taste Of Europe_India VLAM 2016/17 Selection of implementing bodies (eligibility)	ONE OFF		EUR	- 1 005,18	0,00	- 1 005,18
					Total BE:	EUR	- 3 027 816,96	0,00	- 3 027 816,96
CZ	Decoupled Direct Aids	2016	Active farmer 2015-2017 SAPS	FLAT RATE	5,00%	EUR	- 2 251 440,51	- 5 645,44	- 2 245 795,07
	Decoupled Direct Aids	2017	Active farmer 2015-2017 SAPS	FLAT RATE	5,00%	EUR	- 2 251 007,60	- 6 312,60	- 2 244 695,00
	Decoupled Direct Aids	2018	Active farmer 2015-2017 SAPS	FLAT RATE	5,00%	EUR	- 2 246 387,17	0,00	- 2 246 387,17
	Voluntary Coupled Support	2016	Active farmer 2015-2017 VCS	FLAT RATE	5,00%	EUR	- 615 232,86	- 445,61	- 614 787,25
	Voluntary Coupled Support	2017	Active farmer 2015-2017 VCS	FLAT RATE	5,00%	EUR	- 1 811,76	0,00	- 1 811,76
	Reimbursement of direct aids in relation to financial discipline	2017	All weaknesses 2015-2017	FLAT RATE	2,00%	EUR	- 220 820,29	0,00	- 220 820,29
	Reimbursement of direct aids in relation to financial discipline	2018	All weaknesses 2015-2017	FLAT RATE	2,00%	EUR	- 215 209,82	0,00	- 215 209,82
	Reimbursement of direct aids in relation to financial discipline	2019	All weaknesses 2015-2017	FLAT RATE	2,00%	EUR	- 218 667,84	0,00	- 218 667,84

	Decoupled Direct Aids	2016	Artificial conditions SAPS 2015	FLAT RATE	5,00%	EUR	- 164 449,24	- 513,12	- 163 936,12
	Decoupled Direct Aids	2017	Artificial conditions SAPS 2016	FLAT RATE	5,00%	EUR	- 166 906,58	- 582,23	- 166 324,35
	Decoupled Direct Aids	2018	Artificial conditions SAPS 2017	FLAT RATE	5,00%	EUR	- 186 108,22	- 28 689,78	- 157 418,44
	Decoupled Direct Aids	2016	Greening - PG determination 2015-2017 & all other findings affecting greening population	FLAT RATE	2,00%	EUR	- 4 939 856,04	0,00	- 4 939 856,04
	Decoupled Direct Aids	2017	Greening - PG determination 2015-2017 & all other findings affecting greening population	FLAT RATE	2,00%	EUR	- 4 998 868,96	0,00	- 4 998 868,96
	Decoupled Direct Aids	2018	Greening - PG determination 2015-2017 & all other findings affecting greening population	FLAT RATE	2,00%	EUR	- 4 960 352,47	0,00	- 4 960 352,47
	Decoupled Direct Aids	2019	Greening - PG determination 2015-2017 & all other findings affecting greening population	FLAT RATE	2,00%	EUR	- 24 707,00	0,00	- 24 707,00
	Decoupled Direct Aids	2016	Late lodging SAPS 2015-2017	ONE OFF		EUR	- 310 744,86	- 779,19	- 309 965,67
	Decoupled Direct Aids	2017	Late lodging SAPS 2015-2017	ONE OFF		EUR	- 310 685,11	- 869,69	- 309 815,42
	Decoupled Direct Aids	2018	Late lodging SAPS 2015-2017	ONE OFF		EUR	- 291 151,42	0,00	- 291 151,42
	Decoupled Direct Aids	2019	Late lodging SAPS 2015-2017	ONE OFF		EUR	0,00	0,00	0,00
	Decoupled Direct Aids	2018	OTSC insufficient number SAPS 2017 (Yellow card)	ONE OFF		EUR	- 18 808,71	0,00	- 18 808,71
	Decoupled Direct Aids	2019	OTSC insufficient number SAPS 2017 (Yellow card)	ONE OFF		EUR	- 24,53	0,00	- 24,53
	Decoupled Direct Aids	2016	Recoveries SAPS 2015-2017	ESTIMATED BY AMOUNT		EUR	- 5 970 817,09	- 14 971,71	- 5 955 845,38
	Decoupled Direct Aids	2017	Recoveries SAPS 2015-2017	ESTIMATED BY AMOUNT		EUR	- 5 969 669,02	- 16 710,64	- 5 952 958,38

	Decoupled Direct Aids	2018	Recoveries SAPS 2015-2017	ESTIMATED BY AMOUNT		EUR	- 5 938 606,93	0,00	- 5 938 606,93
	Decoupled Direct Aids	2019	Recoveries SAPS 2015-2017	ESTIMATED BY AMOUNT		EUR	- 8 473,72	0,00	- 8 473,72
	Decoupled Direct Aids	2016	YFS Artificial condition 2015-2017 & all other weaknesses	FLAT RATE	2,00%	EUR	- 43 876,31	0,00	- 43 876,31
	Decoupled Direct Aids	2017	YFS Artificial condition 2015-2017 & all other weaknesses	FLAT RATE	2,00%	EUR	- 47 606,01	0,00	- 47 606,01
	Decoupled Direct Aids	2018	YFS Artificial condition 2015-2017 & all other weaknesses	FLAT RATE	2,00%	EUR	- 48 425,99	0,00	- 48 425,99
	Decoupled Direct Aids	2019	YFS Artificial condition 2015-2017 & all other weaknesses	FLAT RATE	2,00%	EUR	- 147,18	0,00	- 147,18
					Total CZ:	EUR	- 42 420 863,24	- 75 520,01	- 42 345 343,23
DE	Clearance of Accounts - Financial Clearance	2019	EAFRD IACS and EAFRD Non-IACS - financial errors EAGF Non-IACS - known error EAGF - unexplained differences in reconciliation EAGF - unjustified payment entitlements	ONE OFF		EUR	- 26 952,10	0,00	- 26 952,10
	Clearance of Accounts - Financial Clearance	2019	EAGF Non-IACS - projected incompliance rate	ESTIMATED BY AMOUNT		EUR	- 528 153,92	0,00	- 528 153,92
					Total DE:	EUR	- 555 106,02	0,00	- 555 106,02
EE	Voluntary Coupled Support	2019	Animal replacement and late notification – CY 2018	ONE OFF		EUR	- 231 180,98	0,00	- 231 180,98
	Voluntary Coupled Support	2019	Animal replacement and late notification – CY 2019	ONE OFF		EUR	- 197 711,03	0,00	- 197 711,03
	Voluntary Coupled Support	2018	Animal replacement – CY 2017	ONE OFF		EUR	- 207 088,41	0,00	- 207 088,41
					Total EE:	EUR	- 635 980,42	0,00	- 635 980,42

ES	Clearance of Accounts - Financial Clearance	2019	Financial clearance FY2019 - Errors in EAGF and EAFRD	ONE OFF		EUR	- 9 374,90	0,00	- 9 374,90
	Clearance of Accounts - Financial Clearance	2019	Financial errors in EAGF and EAFRD	ONE OFF		EUR	- 12 378,41	0,00	- 12 378,41
	Wine - Promotion in third countries	2017	Promotion in third countries - deficiencies in the administrative checks in FY2017-FY2020 in CCAA Valencia	FLAT RATE	5,00%	EUR	- 123 779,85	0,00	- 123 779,85
	Wine - Promotion in third countries	2018	Promotion in third countries - deficiencies in the administrative checks in FY2017-FY2020 in CCAA Valencia	FLAT RATE	5,00%	EUR	- 116 347,25	0,00	- 116 347,25
	Wine - Promotion in third countries	2019	Promotion in third countries - deficiencies in the administrative checks in FY2017-FY2020 in CCAA Valencia	FLAT RATE	5,00%	EUR	- 129 768,51	0,00	- 129 768,51
	Wine - Promotion in third countries	2020	Promotion in third countries - deficiencies in the administrative checks in FY2017-FY2020 in Valencia	FLAT RATE	5,00%	EUR	- 30 237,64	0,00	- 30 237,64
	Wine - Promotion in third countries	2018	Promotion in third countries - overpayment of expenditure - ineligible expenditure related to the audit certificates in FY 2018 for 5 CCAA	ONE OFF		EUR	- 29 374,50	0,00	- 29 374,50
	Wine - Restructuring and conversion of vineyards	2020	Restructuring - deficiencies in methodology used for establishing the national maximum levels of support affecting whole Spain - FY2017-FY2020	FLAT RATE	3,00%	EUR	- 4 304,88	0,00	- 4 304,88
	Wine - Restructuring and conversion of vineyards	2017	Restructuring- deficiencies in methodology used for establishing the national maximum levels of support affecting whole Spain - FY2017-FY2020	FLAT RATE	3,00%	EUR	- 93 006,88	0,00	- 93 006,88

	Wine - Restructuring and conversion of vineyards	2018	Restructuring- deficiencies in methodology used for establishing the national maximum levels of support affecting whole Spain - FY2017-FY2020	FLAT RATE	3,00%	EUR	- 73 157,76	0,00	- 73 157,76
	Wine - Restructuring and conversion of vineyards	2019	Restructuring- deficiencies in methodology used for establishing the national maximum levels of support affecting whole Spain - FY2017-FY2020	FLAT RATE	3,00%	EUR	- 36 705,28	0,00	- 36 705,28
	Wine - Restructuring and conversion of vineyards	2020	Restructuring- deficiencies in methodology used for establishing the national maximum levels of support affecting whole Spain - FY2017-FY2020	FLAT RATE	3,00%	EUR	- 21 946,09	0,00	- 21 946,09
	Wine - Restructuring and conversion of vineyards	2017	Restructuring - deficiencies in the methodology for the calculation of the unit cost for in-kind contribution and its implementation in CCAA Valencia in FY2017-FY2018	ONE OFF		EUR	- 268 155,85	0,00	- 268 155,85
	Wine - Restructuring and conversion of vineyards	2018	Restructuring - deficiencies in the methodology for the calculation of the unit cost for in-kind contribution and its implementation in CCAA Valencia in FY2017-FY2018	ONE OFF		EUR	- 354 284,88	0,00	- 354 284,88
					Total ES:	EUR	- 1 302 822,68	0,00	- 1 302 822,68
FR	Clearance of Accounts - Financial Clearance	2018	Créances	ONE OFF		EUR	- 4 981,39	0,00	- 4 981,39
	Clearance of Accounts - Financial Clearance	2018	FEAGA erreur connue	ONE OFF		EUR	- 262,04	0,00	- 262,04
					Total FR:	EUR	- 5 243,43	0,00	- 5 243,43
GR	Voluntary Coupled Support	2017	Administrative checks, including cross-checks, to establish the eligibility of the aid– bovine sector	ONE OFF		EUR	- 588 722,93	0,00	- 588 722,93

	Voluntary Coupled Support	2018	Administrative checks, including cross-checks, to establish the eligibility of the aid– bovine sector	ONE OFF		EUR	- 2 122,56	0,00	- 2 122,56
	Voluntary Coupled Support	2017	Checks on the correctness of the calculation of the aid including application of administrative penalties - identification/ sanctioning of late notifications in the bovine database	ONE OFF		EUR	- 163 006,50	0,00	- 163 006,50
	Voluntary Coupled Support	2018	Checks on the correctness of the calculation of the aid including application of administrative penalties - identification/ sanctioning of late notifications in the bovine database	ONE OFF		EUR	- 217 026,50	0,00	- 217 026,50
	Other Direct Aid - POSEI (2014+)	2018	Penalties following administrative and on-the-spot checks - FY 2018	ONE OFF		EUR	- 13 461,22	0,00	- 13 461,22
	Other Direct Aid - POSEI (2014+)	2019	Penalties following administrative and on-the-spot checks - FY 2019	ONE OFF		EUR	- 30 338,96	0,00	- 30 338,96
	Other Direct Aid - POSEI (2014+)	2020	Penalties following administrative and on-the-spot checks - FY 2020	ONE OFF		EUR	- 24 873,20	0,00	- 24 873,20
	Voluntary Coupled Support	2017	Performance of on-the-spot checks in the number required- minimum control rate not achieved	ONE OFF		EUR	- 1 116,66	0,00	- 1 116,66
	Olive Oil - Work programmes of operators' organisations	2018	Severe deficiencies in the operation of the key control "Appropriate performance of the administrative checks to establish the eligibility of work programmes and the aid applications".	FLAT RATE	10,00%	EUR	- 589 465,15	0,00	- 589 465,15
					Total GR:	EUR	- 1 630 133,68	0,00	- 1 630 133,68
HR	Decoupled Direct Aids	2019	BPS - Calculated error following the deficiencies identified by the Certification Body	ONE OFF		EUR	- 37 355,27	0,00	- 37 355,27

	EU School Scheme	2018	Fruit and Vegetable School schemes - flat rate correction on part of the FY2018 population	FLAT RATE	10,00%	EUR	- 56 033,61	0,00	- 56 033,61
	EU School Scheme	2019	Fruit and Vegetable School schemes - key control severe deficiency	FLAT RATE	10,00%	EUR	- 172 061,23	0,00	- 172 061,23
	EU School Scheme	2020	Fruit and Vegetable School schemes - key control severe deficiency	FLAT RATE	10,00%	EUR	- 151 344,08	0,00	- 151 344,08
	Fruit and Vegetables - Exceptional support measures	2017	Fruit & Vegetable Exceptional support measures – Checks to establish the access to the aid claimed	ONE OFF		EUR	- 27 785,92	0,00	- 27 785,92
	Fruit and Vegetables - Exceptional support measures	2018	Fruit & Vegetable Exceptional support measures – Checks to establish the access to the aid claimed	ONE OFF		EUR	- 199 630,41	0,00	- 199 630,41
	Decoupled Direct Aids	2019	Greening - error calculated following the deficiencies identified by the CB	ONE OFF		EUR	- 11 009,88	0,00	- 11 009,88
	EU School Scheme	2019	Milk School Schemes - calculated error	ONE OFF		EUR	- 4 574,64	0,00	- 4 574,64
	EU School Scheme	2020	Milk School Schemes - calculated error	ONE OFF		EUR	- 672,64	0,00	- 672,64
	Voluntary coupled support	2019	Voluntary Coupled Support - error calculated following the deficiencies identified by the CB	ONE OFF		EUR	- 2 770,25	0,00	- 2 770,25
	Wine - Investment	2017	Wine Investment – eligibility of the preparatory costs	ONE OFF		EUR	- 16 141,87	0,00	- 16 141,87
	Wine - Investment	2018	Wine Investment – eligibility of the preparatory costs	ONE OFF		EUR	- 13 830,09	0,00	- 13 830,09
	Decoupled Direct Aids	2019	Young Farmer Schemes -error calculated following the deficiencies identified by the CB	ONE OFF		EUR	- 109,49	0,00	- 109,49
					Total HR:	EUR	- 693 319,38	0,00	- 693 319,38

HU	Fruit and Vegetables - Operational programmes incl withdrawals	2016	Deficiencies in the functioning of the key controls "Checks to establish the access to the aid claimed" and "Correct calculation of the aid including administrative reductions and penalties" affecting FY 2016 to FY2018	FLAT RATE	5,00%	EUR	- 100 894,28	0,00	- 100 894,28
	Fruit and Vegetables - Operational programmes incl withdrawals	2017	Deficiencies in the functioning of the key controls "Checks to establish the access to the aid claimed" and "Correct calculation of the aid including administrative reductions and penalties" affecting FY 2016 to FY2018	FLAT RATE	5,00%	EUR	- 198 303,49	- 5,59	- 198 297,90
	Fruit and Vegetables - Operational programmes incl withdrawals	2018	Deficiencies in the functioning of the key controls "Checks to establish the access to the aid claimed" and "Correct calculation of the aid including administrative reductions and penalties" affecting FY 2016 to FY2018	FLAT RATE	5,00%	EUR	- 211 811,13	0,00	- 211 811,13
	Fruit and Vegetables - Operational programmes incl withdrawals	2019	Deficiencies in the functioning of the key controls "Checks to establish the access to the aid claimed" and "Correct calculation of the aid including administrative reductions and penalties" affecting FY 2019	FLAT RATE	5,00%	EUR	- 267 765,50	0,00	- 267 765,50
					Total HU:	EUR	- 778 774,40	- 5,59	- 778 768,81
IT	Clearance of Accounts - Financial Clearance	2018	Financial errors in substantive testing - EAGF Non IACS	ONE OFF		EUR	- 36 841,08	0,00	- 36 841,08
	Clearance of Accounts - Financial Clearance	2018	Irregularities cancelled and charged to the EAGF	ONE OFF		EUR	- 305 111,11	0,00	- 305 111,11
					Total IT:	EUR	- 341 952,19	0,00	- 341 952,19

PT	Other Direct Aid - POSEI (2014+)	2017	Weakness in the exhaustive administrative checks to establish the access to the aid claimed : LPIS is not reliable FY2017	FLAT RATE	10,00%	EUR	- 38 688,60	- 773,76	- 37 914,84
	Other Direct Aid - POSEI (2014+)	2018	Weakness in the exhaustive administrative checks to establish the access to the aid claimed : LPIS is not reliable FY2018	FLAT RATE	10,00%	EUR	- 488 404,07	0,00	- 488 404,07
	Other Direct Aid - POSEI (2014+)	2019	Weakness in the exhaustive administrative checks to establish the access to the aid claimed : LPIS is not reliable FY2019	FLAT RATE	10,00%	EUR	- 415 352,42	0,00	- 415 352,42
	Other Direct Aid - POSEI (2014+)	2020	Weakness in the exhaustive administrative checks to establish the access to the aid claimed : LPIS is not reliable FY2020	FLAT RATE	10,00%	EUR	- 401 640,11	0,00	- 401 640,11
					Total PT:	EUR	- 1 344 085,20	- 773,76	- 1 343 311,44
RO	Decoupled Direct Aids	2018	All weaknesses combined	FLAT RATE	5,00%	EUR	- 76 550 223,95	- 25 760,36	- 76 524 463,59
	Decoupled Direct Aids	2019	All weaknesses combined	FLAT RATE	5,00%	EUR	- 80 582 556,68	0,00	- 80 582 556,68
	Voluntary Coupled Support	2018	All weaknesses combined VCS 2017-2018	FLAT RATE	5,00%	EUR	- 3 757 811,89	- 73 980,35	- 3 683 831,54
	Voluntary Coupled Support	2019	All weaknesses combined VCS 2017-2018	FLAT RATE	5,00%	EUR	- 3 702 774,72	0,00	- 3 702 774,72
	Clearance of Accounts - Financial Clearance	2019	PIR EAGF NON IACS	ESTIMATED BY AMOUNT		EUR	- 636 890,69	0,00	- 636 890,69
					Total RO:	EUR	- 165 230 257,93	- 99 740,71	- 165 130 517,22
SI	Decoupled Direct Aids	2017	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2015 & 2016	ONE OFF		EUR	- 1 492 952,60	- 11,64	- 1 492 940,96
	Decoupled Direct Aids	2018	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2015 & 2016	ONE OFF		EUR	- 719,67	0,00	- 719,67

Decoupled Direct Aids	2019	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2015 & 2016	ONE OFF		EUR	- 291,33	0,00	- 291,33
Decoupled Direct Aids	2018	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2017	ONE OFF		EUR	- 871 960,53	- 3,18	- 871 957,35
Decoupled Direct Aids	2019	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2017	ONE OFF		EUR	- 36,44	0,00	- 36,44
Decoupled Direct Aids	2019	BPS/Administrative checks on PEs when setting up the BPS, Recovery of PE - CY 2018	ONE OFF		EUR	- 771 009,02	0,00	- 771 009,02
Decoupled Direct Aids	2017	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2015 & 2016	ONE OFF		EUR	- 843 450,46	- 6,72	- 843 443,74
Decoupled Direct Aids	2018	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2015 & 2016	ONE OFF		EUR	- 389,30	0,00	- 389,30
Decoupled Direct Aids	2019	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2015 & 2016	ONE OFF		EUR	- 152,97	0,00	- 152,97
Decoupled Direct Aids	2018	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2017	ONE OFF		EUR	- 493 784,89	- 1,59	- 493 783,30
Decoupled Direct Aids	2019	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2017	ONE OFF		EUR	- 20,60	0,00	- 20,60

	Decoupled Direct Aids	2019	Greening payment /Administrative checks on PEs when setting up the BPS Recovery of PEs Claim year 2018	ONE OFF		EUR	- 427 634,98	0,00	- 427 634,98
	Decoupled Direct Aids	2017	YFS /Administrative checks on PEs when setting up the BPS Recovery of PEs - NR Claim year 2016	ONE OFF		EUR	- 31 761,42	0,00	- 31 761,42
	Decoupled Direct Aids	2018	YFS /Administrative checks on PEs when setting up the BPS Recovery of PEs - NR Claim year 2017	ONE OFF		EUR	- 30 395,57	0,00	- 30 395,57
	Decoupled Direct Aids	2019	YFS /Administrative checks on PEs when setting up the BPS Recovery of PEs - NR Claim year 2018	ONE OFF		EUR	- 9 776,00	0,00	- 9 776,00
					Total SI:	EUR	- 4 974 335,78	- 23,13	- 4 974 312,65

Currency	Amount	Deductions	Financial Impact
EUR	- 223 812 972,65	- 176 063,20	- 223 636 909,45

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Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Clearance of Accounts - Financial Clearance	2019	EAFRD IACS : known error for the measure "mating disruption in fruit crops"	ONE OFF		EUR	- 27 251,70	0,00	- 27 251,70
	Clearance of Accounts - Financial Clearance	2019	EAFRD NON-IACS : projected non-compliance rate	ONE OFF		EUR	- 158 317,69	0,00	- 158 317,69

	Clearance of Accounts - Financial Clearance	2019	Feader Hors SIGC : correction forfaitaire de 5% sur les mesures investissement - évaluation du coût raisonnable	FLAT RATE	5,00%	EUR	- 603 594,87	0,00	- 603 594,87
	Clearance of Accounts - Financial Clearance	2019	Feader SIGC : erreur connue - mesure 10	ONE OFF		EUR	- 824,00	0,00	- 824,00
	Clearance of Accounts - Financial Clearance	2019	Mesure 6.4 - controle de la raisonabilité des coûts insuffisant	FLAT RATE	5,00%	EUR	- 2 084,92	0,00	- 2 084,92
	Clearance of Accounts - Financial Clearance	2019	Taux de non-conformité	ESTIMATED BY AMOUNT		EUR	- 134 698,47	0,00	- 134 698,47
					Total BE:	EUR	- 926 771,65	0,00	- 926 771,65
CZ	Rural Development EAFRD measures subject to IACS	2016	Active farmer EAFRD	FLAT RATE	5,00%	EUR	- 533 764,12	0,00	- 533 764,12
	Rural Development EAFRD measures subject to IACS	2017	Active farmer EAFRD	FLAT RATE	5,00%	EUR	- 596 040,96	43,59	- 596 084,55
	Rural Development EAFRD measures subject to IACS	2018	Active farmer EAFRD	FLAT RATE	5,00%	EUR	- 623 339,60	39,20	- 623 378,80
					Total CZ:	EUR	- 1 753 144,68	82,79	- 1 753 227,47
DE	Clearance of Accounts - Financial Clearance	2019	EAFRD 2007-2013 - unexplained difference in reconciliation	ONE OFF		EUR	- 15,15	0,00	- 15,15
	Clearance of Accounts - Financial Clearance	2019	EAFRD 2013-2020 - unexplained difference in reconciliation	ONE OFF		EUR	- 2 052,96	0,00	- 2 052,96
	Clearance of Accounts - Financial Clearance	2019	EAFRD IACS and EAFRD Non-IACS - financial errors EAGF Non-IACS - known error EAGF - unexplained differences in reconciliation EAGF - unjustified payment entitlements	ONE OFF		EUR	- 42 977,42	0,00	- 42 977,42

					Total DE:	EUR	- 45 045,53	0,00	- 45 045,53
ES	Clearance of Accounts - Financial Clearance	2018	EAFRD – Deficiencies in key controls in Non-IACS in CB report for year 2019.	FLAT RATE	5,00%	EUR	- 81 588,53	0,00	- 81 588,53
	Clearance of Accounts - Financial Clearance	2019	EAFRD – Deficiencies in key controls in Non-IACS in CB report for year 2019.	FLAT RATE	5,00%	EUR	- 346 800,11	0,00	- 346 800,11
	Clearance of Accounts - Financial Clearance	2019	Enquiry CEB/2020/026/ES - CB findings	ESTIMATED BY AMOUNT		EUR	- 101 680,00	0,00	- 101 680,00
	Clearance of Accounts - Financial Clearance	2018	Financial clearance FY2019 - Errors in EAGF and EAFRD	ONE OFF		EUR	- 1 105,85	0,00	- 1 105,85
	Clearance of Accounts - Financial Clearance	2019	Financial errors in EAGF and EAFRD	ONE OFF		EUR	- 62 092,21	0,00	- 62 092,21
					Total ES:	EUR	- 593 266,70	0,00	- 593 266,70
FR	Clearance of Accounts - Financial Clearance	2018	EPP dans FEADER HSIGC	ESTIMATED BY AMOUNT		EUR	- 13 880 021,16	0,00	- 13 880 021,16
	Rural Development EAFRD measures subject to IACS	2018	EPP dans Feader SIGC	ESTIMATED BY AMOUNT		EUR	- 193 978,19	0,00	- 193 978,19
	Rural Development EAFRD forestry measures	2018	Feader erreurs connues	ONE OFF		EUR	- 83 312,03	0,00	- 83 312,03
	Rural Development EAFRD investment - private beneficiaries	2018	Feader erreurs connues	ONE OFF		EUR	- 5 471,21	0,00	- 5 471,21
	Rural Development EAFRD investment - public beneficiaries	2018	Feader erreurs connues	ONE OFF		EUR	- 2 567,71	0,00	- 2 567,71

	Rural Development EAFRD Knowledge and innovation	2018	Feader erreurs connues	ONE OFF		EUR	- 52 232,10	0,00	- 52 232,10
	Rural Development EAFRD Leader	2019	RD1-2019-805-FR - Reference cost (cost reasonableness) FY2019 - M19.2	ONE OFF		EUR	- 4 425,25	0,00	- 4 425,25
	Rural Development EAFRD investment - private beneficiaries	2019	RD1-2019-805-FR - Reference cost (reasonableness of the cost) FY2019 - M4.2	ONE OFF		EUR	- 165 241,49	0,00	- 165 241,49
	Rural Development EAFRD investment - private beneficiaries	2018	RD1-2019-805-FR - Reference cost (reasonableness of the costs) FY2018 M4.2	ONE OFF		EUR	- 11 126,83	0,00	- 11 126,83
					Total FR:	EUR	- 14 398 375,97	0,00	- 14 398 375,97
HR	Rural Development EAFRD investment - private beneficiaries	2017	Deficiencies in the checks on the reasonableness of costs	FLAT RATE	5,00%	EUR	- 1 377 659,97	0,00	- 1 377 659,97
	Rural Development EAFRD investment - private beneficiaries	2018	Deficiencies in the checks on the reasonableness of costs	FLAT RATE	5,00%	EUR	- 3 096 765,72	0,00	- 3 096 765,72
	Rural Development EAFRD investment - private beneficiaries	2019	Deficiencies in the checks on the reasonableness of costs	FLAT RATE	5,00%	EUR	- 796 642,20	0,00	- 796 642,20
	Rural Development EAFRD investment - private beneficiaries	2020	Deficiencies in the checks on the reasonableness of costs	FLAT RATE	5,00%	EUR	- 50 094,28	0,00	- 50 094,28
	Clearance of Accounts - Financial Clearance	2019	Incompliance rate for the EAFRD IACS	ESTIMATED BY AMOUNT		EUR	- 1 484 730,84	0,00	- 1 484 730,84
					Total HR:	EUR	- 6 805 893,01	0,00	- 6 805 893,01
IT	Clearance of Accounts - Financial Clearance	2016	LAR/2018/012/IT known errors on EAFRD population	ONE OFF		EUR	- 1 469 700,84	0,00	- 1 469 700,84

	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - AGEA IT01	ONE OFF		EUR	- 48 472,57	- 11 459,18	- 37 013,39
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - AGREA IT08	ONE OFF		EUR	- 20 282,08	0,00	- 20 282,08
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - APPAG IT25	ONE OFF		EUR	- 11 103,94	0,00	- 11 103,94
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - ARCEA IT26	ONE OFF		EUR	- 5 024,30	0,00	- 5 024,30
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - ARPEA IT10	ONE OFF		EUR	- 43 006,87	0,00	- 43 006,87
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - AVEPA IT05	ONE OFF		EUR	- 21 661,98	- 67,56	- 21 594,42
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M10 - CY2017 - OPRLO IT23	ONE OFF		EUR	- 17 522,23	- 20,55	- 17 501,68
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - AGEA IT01	ONE OFF		EUR	- 69 117,37	- 22 919,09	- 46 198,28
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - AGREA IT08	ONE OFF		EUR	- 17 872,04	0,00	- 17 872,04
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - APPAG IT25	ONE OFF		EUR	- 13 944,62	- 16,19	- 13 928,43
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - ARCEA IT26	ONE OFF		EUR	- 4 807,36	0,00	- 4 807,36
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - ARPEA IT10	ONE OFF		EUR	- 5 869,23	0,00	- 5 869,23
	Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - ARTEA IT07	ONE OFF		EUR	- 2,35	0,00	- 2,35

Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - AVEPA IT05	ONE OFF		EUR	- 656,11	- 0,21	- 655,90
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M11 - CY2017 - OPRLO IT23	ONE OFF		EUR	- 5 581,78	- 38,81	- 5 542,97
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M12 - CY2017 - AGEA IT01	ONE OFF		EUR	- 8 781,07	- 60,68	- 8 720,39
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M12 - CY2017 - ARPEA IT10	ONE OFF		EUR	- 2,70	0,00	- 2,70
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - AGEA IT01	ONE OFF		EUR	- 50 655,21	- 17 186,69	- 33 468,52
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - AGREA IT08	ONE OFF		EUR	- 8 173,09	- 2,19	- 8 170,90
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - APPAG IT25	ONE OFF		EUR	- 27 384,68	- 4,06	- 27 380,62
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - ARCEA IT26	ONE OFF		EUR	- 3 666,41	0,00	- 3 666,41
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - ARPEA IT10	ONE OFF		EUR	- 11 845,39	0,00	- 11 845,39
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - AVEPA IT05	ONE OFF		EUR	- 7 347,20	- 0,66	- 7 346,54
Rural Development EAFRD measures subject to IACS	2018	MEA - the existence of a shift in LPIS - M13 - CY2017 - OPRLO IT23	ONE OFF		EUR	- 10 040,80	- 45,74	- 9 995,06
Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M15 - CY2017 - AGEA IT01	ONE OFF		EUR	- 1 536,66	0,00	- 1 536,66
Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - AGEA IT01	ONE OFF		EUR	- 3 282,02	- 89,95	- 3 192,07

	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - AGREA IT08	ONE OFF		EUR	- 1 228,07	0,00	- 1 228,07
	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - ARCEA IT26	ONE OFF		EUR	- 106,57	0,00	- 106,57
	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - ARPEA IT10	ONE OFF		EUR	- 5,20	0,00	- 5,20
	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - ARTEA IT07	ONE OFF		EUR	- 2 004,05	0,00	- 2 004,05
	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - AVEPA IT05	ONE OFF		EUR	- 1 064,99	0,00	- 1 064,99
	Rural Development EAFRD forestry measures	2018	MEA - the existence of a shift in LPIS - M8 - CY2017 - OPRLO IT23	ONE OFF		EUR	- 5 997,96	- 0,11	- 5 997,85
					Total IT:	EUR	- 1 897 747,74	- 51 911,67	- 1 845 836,07
LT	Rural Development EAFRD Measures with flat-rate support	2018	Key control - Eligibility criteria	FLAT RATE	5,00%	EUR	- 51 849,38	0,00	- 51 849,38
	Rural Development EAFRD Measures with flat-rate support	2019	Key control - Eligibility criteria	FLAT RATE	5,00%	EUR	- 335 396,39	0,00	- 335 396,39
	Rural Development EAFRD investment - private beneficiaries	2017	Key control - Reasonableness of costs	ONE OFF		EUR	- 170 905,02	0,00	- 170 905,02
	Rural Development EAFRD investment - private beneficiaries	2018	Key control - Reasonableness of costs	ONE OFF		EUR	- 26 362,98	0,00	- 26 362,98
					Total LT:	EUR	- 584 513,77	0,00	- 584 513,77

PT	Rural Development EAFRD Measures with flat-rate support	2021	Ineligible beneficiaries	ONE OFF		EUR	- 16 031,25	0,00	- 16 031,25
	Rural Development EAFRD Measures with flat-rate support	2016	Ineligible beneficiaries	ONE OFF		EUR	- 17 718,75	0,00	- 17 718,75
	Rural Development EAFRD Measures with flat-rate support	2017	Ineligible beneficiaries	ONE OFF		EUR	- 50 625,00	0,00	- 50 625,00
	Rural Development EAFRD Measures with flat-rate support	2018	Ineligible beneficiaries	ONE OFF		EUR	- 28 687,50	0,00	- 28 687,50
	Rural Development EAFRD Measures with flat-rate support	2019	Ineligible beneficiaries	ONE OFF		EUR	- 23 625,00	0,00	- 23 625,00
	Rural Development EAFRD Leader	2020	ineligible expenditure	ONE OFF		EUR	- 3 740,00	0,00	- 3 740,00
	Rural Development EAFRD Leader	2018	ineligible expenditure	ONE OFF		EUR	- 5 884,80	0,00	- 5 884,80
	Rural Development EAFRD Leader	2019	ineligible expenditure	ONE OFF		EUR	- 10 361,93	0,00	- 10 361,93
	Rural Development EAFRD Risk management	2018	Ineligible expenditure	ONE OFF		EUR	- 1 799,98	0,00	- 1 799,98
	Rural Development EAFRD Risk management	2019	Ineligible expenditure	ONE OFF		EUR	- 3 198,72	0,00	- 3 198,72
	Rural Development EAFRD investment - private beneficiaries	2020	Ineligible expenditure and increase of aid support rate	ONE OFF		EUR	- 18 159,77	0,00	- 18 159,77

	Rural Development EAFRD investment - private beneficiaries	2017	Ineligible expenditure and increase of aid support rate	ONE OFF		EUR	- 24 447,02	0,00	- 24 447,02
	Rural Development EAFRD investment - private beneficiaries	2018	Ineligible expenditure and increase of aid support rate	ONE OFF		EUR	- 90 201,04	0,00	- 90 201,04
	Rural Development EAFRD investment - private beneficiaries	2019	Ineligible expenditure and increase of aid support rate	ONE OFF		EUR	- 76 139,49	0,00	- 76 139,49
					Total PT:	EUR	- 370 620,25	0,00	- 370 620,25
RO	Rural Development EAFRD measures subject to IACS	2018	Weaknesses in LPIS	FLAT RATE	2,00%	EUR	- 6 784 086,25	- 2 542,90	- 6 781 543,35
	Rural Development EAFRD measures subject to IACS	2019	Weaknesses in LPIS	FLAT RATE	2,00%	EUR	- 7 044 940,97	0,00	- 7 044 940,97
					Total RO:	EUR	- 13 829 027,22	- 2 542,90	- 13 826 484,32

Currency	Amount	Deductions	Financial Impact
EUR	- 41 204 406,52	- 54 371,78	- 41 150 034,74

COMMISSION IMPLEMENTING DECISION (EU) 2021/2021**of 18 November 2021****concerning certain emergency measures relating to African swine fever in Germany***(notified under document C(2021) 8468)***(Only the German text is authentic)****(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 259(1) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) In the event of an outbreak of African swine fever in kept porcine animals, there is a serious risk of the spread of that disease to other establishments of kept porcine animals.
- (3) Commission Delegated Regulation 2020/687 ⁽²⁾ supplements the rules for the control of the listed diseases referred to in Article 9(1)(a), (b) and (c) of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Commission Implementing Regulation (EU) 2018/1882 ⁽³⁾. In particular, Articles 21 and 22 of Delegated Regulation (EU) 2020/687 provide for the establishment of a restricted zone in the event of an outbreak of a category A disease, including African swine fever, and for certain measures to be applied therein. In addition, Article 21(1) of that Delegated Regulation provides that the restricted zone is to comprise a protection zone, a surveillance zone, and if necessary further restricted zones around or adjacent to the protection and surveillance zones.
- (4) Commission Implementing Regulation (EU) 2021/605 ⁽⁴⁾ lays down special disease control measures regarding African swine fever. In particular, Article 3, point (a), of that Implementing Regulation provides for the establishment of a restricted zone in the case of an outbreak of African swine fever in kept porcine animals, in accordance with Article 21(1) of Delegated Regulation (EU) 2020/687.
- (5) Germany has informed the Commission of the current African swine fever situation on its territory, following an outbreak of that disease in the state of Mecklenburg - Western Pomerania confirmed on 15 November, and, in accordance with Delegated Regulation (EU) 2020/687 and Implementing Regulation (EU) 2021/605, it has established a restricted zone, which comprises protection and surveillance zones, where the general disease control measures laid down in Delegated Regulation (EU) 2020/687 are applied, in order to prevent the further spread of that disease.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

⁽³⁾ 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).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/605 of 7 April 2021 laying down special control measures for African swine fever (OJ L 129, 15.4.2021, p. 1).

- (6) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to rapidly identify at Union level the restricted zone for African swine fever, which comprises protection and surveillance zones, in Germany in collaboration with that Member State.
- (7) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the measures laid down in this Implementing Decision apply as soon as possible.
- (8) 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

Germany shall ensure that the restricted zone established by that Member State, where the measures provided for protection and surveillance zones in Delegated Regulation (EU) 2020/687 apply, comprises at least the areas listed in the Annex to this Implementing Decision.

Article 2

This Decision shall apply until 15 February 2022.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 November 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

Areas established as the restricted zone in Germany as referred to in Article 1	Date until applicable
Protection zone Landkreis Rostock: — Gemeinde Lalendorf mit den Ortsteilen Vogelsang, Raden, Lalendorf, Mamerow und Bergfeld.	15 February 2022
Surveillance zone Landkreis Rostock — Gemeinde Dahmen mit den Ortsteilen Barz, Bockholt und Neu Ziddorf, — Gemeinde Dalkendorf mit den Ortsteilen Amalienhof, Appelhagen, Bartelshagen, Dalkendorf, — Gemeinde Dobbin-Linstow mit dem Hallaliter Forst, — Gemeinde Groß Roge mit den Ortsteilen Groß Roge, Klein Roge, Mieckow, Neu Rachow, Rachow, Wotrum und Zierstorf, — Gemeinde Groß Wokern mit den Ortsteilen Groß Wokern, Klein Wokern, Neu Wokern, Nienhagen, Uhlenhof und Waldschmidt, — Gemeinde Hohen Demzin mit den Ortsteilen Burg Schlitz, Görzhausen, Grambow, Groß Köthel, Hohen Demzin, Karstorf und Klein Köthel, — Gemeinde Hoppenrade mit den Ortsteilen Koppelow, Schwiggerow und Striggow, — Gemeinde Kuchelmiß mit den Ortsteilen Ahrenshagen nördlich der L11, Hinzenhagen, Kuchelmiß und Wilsen, — Stadt Laage mit dem Ortsteil Pölitz, — Gemeinde Lalendorf mit den Ortsteilen Bansow, Carlsdorf, Dersentin, Friedrichshagen, Gremmelin, Klaber, Krassow, Krevtsee, Langhagen, Lübsee, Neu Krassow, Neu Zierhagen, Niegleve, Nienhagen, Reinshagen, Roggow, Rothspalk, Schlieffenberg, Tolzin, Vietgest und Wattmannshagen, — Stadt Teterow – Stadtgebiet bis Bergringstadion/Malchiner Straße, — Gemeinde Warnkenhagen mit den Ortsteilen Hessenstein und Warnkenhagen, Landkreis Mecklenburgische Seenplatte — Gemeinde Vollrathsrue, Ortsteil Klein Luckow.	

RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2021/2022

of 18 November 2021

amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) and (e) and Article 292, first and second sentence thereof,

Whereas:

- (1) On 30 June 2020, the Council adopted a Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹⁾ ('Council Recommendation').
- (2) Since then, the Council adopted Recommendations (EU) 2020/1052 ⁽²⁾, (EU) 2020/1144 ⁽³⁾, (EU) 2020/1186 ⁽⁴⁾, (EU) 2020/1551 ⁽⁵⁾, (EU) 2020/2169 ⁽⁶⁾, (EU) 2021/89 ⁽⁷⁾, (EU) 2021/132 ⁽⁸⁾, (EU) 2021/767 ⁽⁹⁾, (EU) 2021/892 ⁽¹⁰⁾, (EU) 2021/992 ⁽¹¹⁾, (EU) 2021/1085 ⁽¹²⁾, (EU) 2021/1170 ⁽¹³⁾, (EU) 2021/1346 ⁽¹⁴⁾, (EU) 2021/1459 ⁽¹⁵⁾, (EU) 2021/1712 ⁽¹⁶⁾, (EU) 2021/1782 ⁽¹⁷⁾, (EU) 2021/1896 ⁽¹⁸⁾ and (EU) 2021/1945 ⁽¹⁹⁾ amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.
- (3) On 20 May 2021, the Council adopted Recommendation 2021/816 amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽²⁰⁾ in order to update the criteria used to assess whether non-essential travel from third countries is safe and should be allowed.
- (4) The Council Recommendation provides that Member States should gradually lift the temporary restriction on non-essential travel to the EU as from 1 July 2020 in a coordinated manner with regard to the residents of the third countries listed in Annex I to the Council Recommendation. Every two weeks, the list of third countries referred to in Annex I should be reviewed, and as the case may be updated, by the Council, after close consultation with the Commission and the relevant EU agencies and services following an overall assessment based on the methodology, criteria and information referred to in the Council Recommendation.

⁽¹⁾ OJ L 208 I, 1.7.2020, p. 1.

⁽²⁾ OJ L 230, 17.7.2020, p. 26.

⁽³⁾ OJ L 248, 31.7.2020, p. 26.

⁽⁴⁾ OJ L 261, 11.8.2020, p. 83.

⁽⁵⁾ OJ L 354, 26.10.2020, p. 19.

⁽⁶⁾ OJ L 431, 21.12.2020, p. 75.

⁽⁷⁾ OJ L 33, 29.1.2021, p. 1.

⁽⁸⁾ OJ L 41, 4.2.2021, p. 1.

⁽⁹⁾ OJ L 165 I, 11.5.2021, p. 66.

⁽¹⁰⁾ OJ L 198, 4.6.2021, p. 1.

⁽¹¹⁾ OJ L 221, 21.6.2021, p. 12.

⁽¹²⁾ OJ L 235, 2.7.2021, p. 27.

⁽¹³⁾ OJ L 255, 16.7.2021, p. 3.

⁽¹⁴⁾ OJ L 306, 31.8.2021, p. 4.

⁽¹⁵⁾ OJ L 320, 10.9.2021, p. 1.

⁽¹⁶⁾ OJ L 341, 24.9.2021, p. 1.

⁽¹⁷⁾ OJ L 360, 11.10.2021, p. 128.

⁽¹⁸⁾ OJ L 388, 3.11.2021, p. 1.

⁽¹⁹⁾ OJ L 397, 10.11.2021, p. 28.

⁽²⁰⁾ OJ L 182, 21.5.2021, p. 1.

- (5) Discussions have since then taken place within the Council, in close consultation with the Commission and the relevant EU agencies and services, on the review of the list of third countries set out in Annex I to the Council Recommendation and in application of the criteria and methodology laid down in the Council Recommendation, as amended by Recommendation 2021/816. As a result of these discussions, the list of third countries set out in Annex I should be amended. In particular, Indonesia should be added to the list.
- (6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Member States should therefore ensure that measures taken at the external borders are coordinated in order to ensure a well functioning Schengen area. To that end, as of 18 November 2021, Member States should continue lifting the temporary restriction on non-essential travel into the EU in a coordinated manner with regard to the residents of the third countries, Special Administrative Regions *and other entities and territorial authorities* listed in Annex I of the Council Recommendation as amended by this Recommendation.
- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application. Given that this Recommendation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of the said Protocol, decide within a period of six months after the Council has decided on this Recommendation whether it will implement it.
- (8) This Recommendation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²¹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽²²⁾.
- (10) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC ⁽²³⁾ read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽²⁴⁾.
- (11) As regards Liechtenstein, this Recommendation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1 point A, of Decision 1999/437/EC ⁽²⁵⁾ read in conjunction with Article 3 of Decision 2011/350/EU ⁽²⁶⁾,

⁽²¹⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽²²⁾ OJ L 176, 10.7.1999, p. 31.

⁽²³⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁴⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽²⁵⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁶⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS RECOMMENDATION:

Council Recommendation (EU) 2020/912, as amended by Recommendations (EU) 2020/1052, (EU) 2020/1144, (EU) 2020/1186, (EU) 2020/1551, (EU) 2020/2169, (EU) 2021/89, (EU) 2021/132, (EU) 2021/767, (EU) 2021/816, (EU) 2021/892, (EU) 2021/992, (EU) 2021/1085, (EU) 2021/1170, (EU) 2021/1346, (EU) 2021/1459, (EU) 2021/1712, (EU) 2021/1782, (EU) 2021/1896 and (EU) 2021/1945, on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction is amended as follows:

(1) the first paragraph of point 1 of the Council Recommendation is replaced by the following:

‘1. As from 18 November 2021, Member States should gradually lift the temporary restriction on non-essential travel to the EU in a coordinated manner with regard to the residents of the third countries listed in Annex I.’;

(2) Annex I to the Recommendation is replaced by the following:

‘ANNEX I

Third countries, Special Administrative Regions and other entities and territorial authorities whose residents should not be affected by temporary external borders restriction on non-essential travel into the EU:

I. STATES

1. ARGENTINA
2. AUSTRALIA
3. BAHRAIN
4. CANADA
5. CHILE
6. COLOMBIA
7. INDONESIA
8. JORDAN
9. KUWAIT
10. NAMIBIA
11. NEW ZEALAND
12. PERU
13. QATAR
14. RWANDA
15. SAUDI ARABIA
16. SOUTH KOREA
17. UNITED ARAB EMIRATES
18. URUGUAY
19. CHINA (*)

II. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA

Hong Kong SAR

Macao SAR

III. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE

Taiwan.

(*) subject to confirmation of reciprocity'

Done at Brussels, 18 November 2021.

For the Council
The President
Z. ČERNÁČ

RULES OF PROCEDURE

MANAGEMENT BOARD DECISION

on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights, repealing Executive Board Decision 2019/05 of 27 September 2019

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

Having regard:

To the Treaty on the Functioning of the European Union,

To Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽¹⁾ ('Regulation (EU) 2018/1725'), and in particular Article 25 thereof,

To Council Regulation (EC) No 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights ⁽²⁾ and in particular Article 13 thereof,

Having regard to the opinion of the EDPS of 19 May 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules,

Whereas:

- (1) The European Union Agency for Fundamental Rights (hereinafter referred to as the 'FRA' or 'the Agency') carries out its activities in accordance with Regulation (EC) No 168/2007.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Articles 14 to 22, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 should be based on internal rules to be adopted by the FRA, where these are not based on legal acts adopted on the basis of the Treaties.
- (3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction of data subject rights.
- (4) Where the FRA performs its duties with respect to data subjects' rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
- (5) Within the framework of its administrative functioning, the FRA may conduct administrative inquiries, disciplinary proceedings, carry out activities related to cases of potential irregularities reported to OLAF, process whistleblowing cases, process (formal and informal) procedures of harassment, process internal and external complaints, conduct internal/external audits, carry out investigations by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and internal (IT) security investigations.
- (6) The FRA might be involved in cases before the Court of Justice of the European Union when it either refers a matter to the Court, defends a decision it has taken and which has been challenged before the Court, or intervenes in cases relevant to its tasks. In this context, the FRA might need to preserve the confidentiality of personal data contained in documents obtained by the parties or the interveners.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 53, 22.2.2007, p. 1.

- (7) The FRA processes several categories of personal data, including hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).
- (8) The FRA, represented by its Director, acts as the data controller irrespective of further delegations of the controller role within the FRA to reflect operational responsibilities for specific personal data processing operations.
- (9) The personal data are stored securely in an electronic environment or on paper preventing unlawful access or transfer of data to persons who do not have a need to know. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection notices, privacy statements or records of the FRA.
- (10) The internal rules should apply to all processing operations carried out by the FRA in the performance of administrative inquiries, disciplinary proceedings, activities related to cases of potential irregularities reported to OLAF, whistleblowing procedures, (formal and informal) procedures for cases of harassment, processing internal and external complaints, internal/external audits, the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).
- (11) They should apply to processing operations carried out prior to the opening of the procedures referred to above, during these procedures and during the monitoring of the follow-up to the outcome of these procedures. It should also include assistance and cooperation provided by the FRA to national authorities and international organisations outside of its administrative investigations.
- (12) In the cases where these internal rules apply the FRA has to give justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.
- (13) Within this framework the FRA is bound to respect, to the maximum extent possible, the fundamental rights of the data subjects during the above procedures, in particular, those relating to the right of provision of information, access and rectification, right to erasure, restriction of processing, right of communication of a personal data breach to the data subject or confidentiality of communication as enshrined in Regulation (EU) 2018/1725.
- (14) However, the FRA may be obliged to restrict the information to data subject and other data subjects' rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.
- (15) The FRA may thus restrict the information for the purpose of protecting the investigation and the fundamental rights and freedoms of other data subjects.
- (16) The FRA should periodically monitor that the conditions that justify the restriction apply and lift the restriction as far as they do no longer apply.
- (17) To guarantee utmost protection of the rights and freedoms of data subjects and in accordance with Article 44(1) of the Regulation, the Data Protection Officer (the DPO) should be consulted in due time of any restrictions that may be applied and verify their compliance with this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Subject-matter and scope

1. This Decision lays down rules relating to the conditions under which the FRA in the framework of its procedures set out paragraph 2 may restrict the application of the rights enshrined in Articles 14 to 21, 35 and 36, as well as Article 4 thereof, following Article 25 of the Regulation (EU) 2018/1725.
2. Within the framework of the administrative functioning of the FRA, this Decision applies to the processing operations on personal data by the Agency for the purposes of: conducting administrative inquiries, pre-disciplinary proceedings, disciplinary proceedings, suspensions under Annex IX of the Staff Regulations activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, (formal and informal) procedures of harassment, processing internal and external complaints, conducting internal/external audits, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).
3. This Decision also applies to the processing operations on personal data when FRA is involved in cases before the Court of Justice of the European Union when it either refers a matter to the Court, defends a decision it has taken and which has been challenged before the Court, or intervenes in cases relevant to its tasks. In this context, the FRA might need to preserve the confidentiality of personal data contained in documents obtained by the parties or the interveners.
4. The categories of data concerned are hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).
5. Where the FRA performs its duties with respect to data subjects' rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
6. Subject to the conditions set out in this Decision, the restrictions may apply to the following rights: provision of information to data subjects, right of access, rectification, erasure, restriction of processing, communication of a personal data breach to the data subject or confidentiality of communication.

Article 2

Specification of the controller and safeguards

1. The safeguards in place to avoid data breaches, leakages or unauthorised disclosure are the following:
 - (a) Paper documents shall be kept in secured cupboards and only accessible to authorized staff;
 - (b) All electronic data shall be stored in a secure IT application according to the FRA's security standards, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
 - (c) The database shall be password-protected under a single sign-on system and connected automatically to the user's ID and password. Replacing users is strictly prohibited. E-records shall be held securely to safeguard the confidentiality and privacy of the data therein;
 - (d) All persons having access to the data are bound by the obligation of confidentiality.

2. The controller of the processing operations is the FRA, represented by its Director, who may delegate the function of the controller. Data subjects shall be informed of the delegated controller by way of the data protection notices or records published on the website and/or the intranet of the FRA.

3. The retention period of the personal data referred to in Article 1(3) shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, privacy statements or records referred to in Article 5(1).

4. Where the Agency considers to apply a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of cancelling the effect of the FRA's investigations or procedures for example by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

Article 3

Restrictions

1. Any restriction shall only be applied by the FRA:

- (a) pursuant to Article 25(1)(b), (c), (f), (g) and (h) of the Regulation, when conducting administrative inquiries, pre-disciplinary proceedings, disciplinary proceedings, suspensions under Annex IX of the Staff Regulations and activities related to cases of potential irregularities reported to OLAF;
- (b) pursuant to Article 25(1)(h) of the Regulation, when processing whistleblowing cases and (formal and informal) procedures of harassment, in accordance with its respective internal rules;
- (c) pursuant to Article 25(1)(c), (d) and (h), when processing internal and external complaints and conducting internal/external audits in relation to activities or departments of FRA, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (d) pursuant to Article 25(1)(e) of the Regulation, when processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

2. As a specific application of the purposes described in paragraph 1 above, the FRA may apply restrictions in relation to personal data exchanged with Commission services or other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries or international organisations, in the following circumstances:

- (a) where the exercise of those rights and obligations could be restricted by Commission services or other Union institutions, bodies, agencies and offices on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with the founding acts of other Union institutions, bodies, agencies and offices;
- (b) where the exercise of those rights and obligations could be restricted by competent authorities of Member States on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹⁾, or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council ⁽²⁾;

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with OJ L 119, 4.5.2016, p. 1).

⁽²⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (c) where the exercise of those rights and obligations could jeopardise the FRA's cooperation with third countries or international organisations in the conduct of its tasks.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the FRA shall consult the relevant Commission services, Union institutions, bodies, agencies, offices or the competent authorities of Member States unless it is clear to the FRA that the application of a restriction is provided for by one of the acts referred to in those points.

3. Any restriction shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.
4. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.
5. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

Article 4

Involvement of the Data Protection Officer

1. The FRA shall, without undue delay, involve the DPO throughout all the relevant procedures established by this Decision and shall ensure that the DPO's involvement is documented. This shall include documenting in writing any relevant assessments and opinions rendered by the DPO regarding the applicability of a restriction to a given case.
2. In particular, the Agency shall, without undue delay, inform the DPO whenever the controller restricts the application of data subjects' rights, or extends the restriction, in accordance with this Decision. The controller shall provide the DPO access to the record containing the assessment of the necessity and proportionality of the restriction and document the date of informing the DPO in the record.
3. The DPO may request the controller in writing to review the application of the restrictions. The controller shall inform the DPO in writing about the outcome of the requested review.
4. The controller shall inform the DPO when the restriction has been lifted.

Article 5

Provision of information to data subject

1. In duly justified cases and under the conditions stipulated in this decision, the right to information may be restricted by the controller in the context of the following processing operations:
 - (a) the performance of administrative inquiries and disciplinary proceedings;
 - (b) activities related to cases of potential irregularities reported to OLAF;
 - (c) whistleblowing procedures;
 - (d) (formal and informal) procedures for cases of harassment;
 - (e) processing internal and external complaints;
 - (f) internal and external audits;
 - (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;

- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

The FRA shall include in the data protection notices, privacy statements or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and/or on the intranet informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall cover which rights may be restricted, the reasons and the potential duration.

2. Without prejudice to the provisions of paragraph 3, the FRA, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

3. Where the FRA restricts, wholly or partly, the provision of information to the data subjects referred to in paragraph 2, it shall record the reasons for the restriction, the legal ground in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

4. The restriction referred to in paragraph 3 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, the FRA shall provide information to the data subject on the principal reasons on which the application of a restriction is based. At the same time, the FRA shall inform the data subject of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.

The FRA shall review the application of the restriction every 6 months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction on an annual basis.

Article 6

Right of access by data subject

1. In duly justified cases and under the conditions stipulated in this decision, the right to access may be restricted by the controller in the context of the following processing operations, where necessary and proportionate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

Where data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, the FRA shall limit its assessment of the request to such personal data only.

2. Where the FRA restricts, wholly or partly, the right of access, referred to in Article 17 of Regulation (EU) 2018/1725, it shall take the following steps:

- (a) it shall inform the data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union;
- (b) it shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity, proportionality of the restriction and its duration.

The provision of information referred to in point (a) may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

The FRA shall review the application of the restriction every 6 months from its adoption and at the closure of the relevant investigation. Thereafter, the controller shall monitor the need to maintain any restriction on an annual basis.

3. The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

Article 7

Right of rectification, erasure and restriction of processing

1. In duly justified cases and under the conditions stipulated in this decision, the right to rectification, erasure and restriction may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

2. Where the FRA restricts, wholly or partly, the application of the right to rectification, erasure and restriction of processing referred to in Articles 18, 19(1) and 20(1) of Regulation (EU) 2018/1725, it shall take the steps set out in Article 6(2) of this Decision and register the record in accordance with Article 6(3) thereof.

*Article 8***Communication of a personal data breach to the data subject and confidentiality of electronic communications**

1. In duly justified cases and under the conditions stipulated in this decision, the right to the communication of a personal data breach may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

2. In duly justified cases and under the conditions stipulated in this decision, the right to confidentiality of electronic communications may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) formal procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (g) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

3. Where the FRA restricts the communication of a personal data breach to the data subject or the confidentiality of electronic communications referred to in Articles 35 and 36 of Regulation (EU) 2018/1725, it shall record and register the reasons for the restriction in accordance with Article 5(3) of this decision. Article 5(4) of this Decision shall apply.

*Article 9***Final provision**

FRA's Executive Board Decision 2019/05 of 27 September 2019 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights (2019/C 371/06) is hereby repealed.

*Article 10***Entry into force**

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

Done at Vienna, on 24 September 2021.

*For the European Union Agency
for Fundamental Rights
Elise BARBÉ
Chairperson of the Management Board*

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