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⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2016/2015**of 17 November 2016****implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council
concerning Community statistics on the information society****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EC) No 808/2004 establishes a common framework for the systematic production of European statistics on the information society.
- (2) Implementing measures are needed to determine the data to be supplied in order to prepare the statistics in Module 1: 'Enterprises and the information society' and Module 2: 'Individuals, households and the information society', and to set the deadlines for their transmission.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The data to be transmitted in order to produce European statistics on the information society, as referred to in Articles 3(2) and 4 of Regulation (EC) No 808/2004, shall be as specified in Module 1, 'Enterprises and the information society', of Annex I and Module 2, 'Individuals, households and the information society', of Annex II to this Regulation.

Article 2

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

⁽¹⁾ OJ L 143, 30.4.2004, p. 49.

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

Done at Brussels, 17 November 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

MODULE 1: Enterprises and the information society

A. SUBJECTS AND THEIR CHARACTERISTICS

(1) The subjects to be covered for the reference year 2017, drawn from the list in Annex I to Regulation (EC) No 808/2004, shall be as follows:

- (a) ICT systems and their usage in enterprises;
- (b) use of the internet and other electronic networks by enterprises;
- (c) e-commerce;
- (d) e-business processes and organisational aspects;
- (e) ICT competence in the enterprise unit and the need for ICT skills;
- (f) barriers to the use of ICT, the internet and other electronic networks, e-commerce and e-business processes;
- (g) access to and use of technologies providing the ability to connect to the internet or other networks from anywhere at any time (ubiquitous connectivity).

(2) The following enterprise characteristics shall be collected:

(a) **ICT systems and their usage in enterprises**

- (i) for all enterprises:
 - computer usage;
- (ii) for enterprises using computers:
 - (optional) persons employed or percentage of the total number of persons employed who use computers for business purposes.

(b) **Use of the internet and other electronic networks by enterprises**

- (i) for enterprises using computers:
 - internet access;
- (ii) for enterprises with internet access:
 - persons employed or percentage of the total number of persons employed who use computers with access to the internet for business purposes;
 - internet connection: DSL or any other type of fixed broadband connection;
 - internet connection: mobile broadband connection via a portable device using mobile telephone networks (at least '3G');
 - persons employed or percentage of the total number of persons employed using a portable device provided by the enterprise which allows internet connection via mobile telephone networks, for business purposes;
 - having a website;

- use of social networks, not solely used for posting paid adverts;
 - use of the enterprise's blogs or microblogs, not solely used for posting paid adverts;
 - use of multimedia content-sharing websites, not solely used for posting paid adverts;
 - use of wiki-based knowledge-sharing tools, not solely used for posting paid adverts;
- (iii) for enterprises having DSL or any other type of fixed broadband connection to the internet:
- maximum contracted download speed of the fastest fixed internet connection in Mbit/s in the ranges: [0,< 2], [2,< 10], [10,< 30], [30,< 100], [\geq 100];
 - sufficiency of the speed of the fixed internet connection in view of the enterprise's actual needs;
- (iv) for enterprises having a website, information about the provision of the following facilities:
- description of goods or services, price lists;
 - online ordering, reservation or booking;
 - possibility for visitors to customise or design online goods or services;
 - tracking or status of placed orders;
 - personalised content on the website, for regular/recurrent visitors;
 - links or references to the enterprise's social media profiles;
- (v) for enterprises using social media, referring specifically to social networks, the enterprise's blogs or microblogs, multimedia content-sharing websites or wiki-based knowledge-sharing tools, for purposes other than posting paid adverts:
- use of social media to develop the enterprise's image or market products;
 - use of social media to obtain or respond to customer opinions, reviews or questions;
 - use of social media to involve customers in development or innovation of goods or services;
 - use of social media to collaborate with business partners or other organisations;
 - use of social media to recruit employees;
 - use of social media to exchange views, opinions or knowledge within the enterprise.

(c) E-commerce

- (i) for enterprises using computers:
- receipt of orders for goods or services placed via a website or apps (web sales), in the previous calendar year;
 - receipt of orders for goods or services via EDI-type messages (EDI-type sales), in the previous calendar year;
 - (optional) placement of orders for goods or services via a website, apps or EDI-type message, in the previous calendar year;

- (ii) for enterprises having received orders for goods or services placed via a website or apps in the previous calendar year:
 - value of the turnover, expressed in absolute figures or as a percentage of total turnover, of e-commerce sales resulting from orders placed via a website or apps, in the previous calendar year;
 - percentage of turnover from orders received via a website or apps, broken down by sales to private consumers (Business to Consumers: B2C), and sales to other enterprises (Business to Business: B2B) and public authorities (Business to Government: B2G), in the previous calendar year;
 - receipt of orders via the enterprise's own website or apps (including those of parent or affiliate enterprises, extranets), in the previous calendar year;
 - receipt of orders via an e-commerce marketplace website or apps used by several enterprises for trading products, in the previous calendar year;
 - percentage of turnover from orders received via a website or apps broken down by orders received via the enterprise's own website or apps (including those of parent or affiliate enterprises, extranets) and by orders received via an e-commerce marketplace website or apps used by several enterprises for trading products, in the previous calendar year;
 - receipt of orders that were placed by customers via a website or apps by origin: own country, in the previous calendar year;
 - receipt of orders that were placed by customers via a website or apps by origin: other EU countries, in the previous calendar year;
 - receipt of orders that were placed by customers via a website or apps by origin: rest of the world, in the previous calendar year;
 - (optional) the percentage of turnover from orders received via a website or apps broken down by origin: own country, other EU countries and rest of the world;
- (iii) for enterprises having received orders for goods or services via EDI-type messages:
 - value of the turnover or percentage of the total turnover of e-commerce sales resulting from orders received via EDI-type messages, in the previous calendar year;
 - orders received that were placed by customers via EDI-type messages, by origin: own country, in the previous calendar year;
 - orders received that were placed by customers via EDI-type messages, by origin: other EU countries, in the previous calendar year;
 - orders received that were placed by customers via EDI-type messages, by origin: rest of the world, in the previous calendar year;
- (iv) for enterprises having placed orders via a website, apps or EDI-type message:
 - (optional) placing orders for goods or services via a website or apps, in the previous calendar year;
 - (optional) placing orders for goods or services via EDI-type messages, in the previous calendar year;
 - (optional) placing orders via a website, apps or EDI-type message for goods or services to the value of at least 1 % of the total value of purchases, in the previous calendar year;
- (v) for enterprises having placed orders via a website, apps or EDI-type message to the value of at least 1 % of the total value of purchases, in the previous calendar year:
 - (optional) placing orders via a website, apps or EDI-type message to suppliers located in the enterprise's own country, in the previous calendar year;

- (optional) placing orders via a website, apps or EDI-type message to suppliers located in other EU countries, in the previous calendar year;
- (optional) placing orders via a website, apps or EDI-type message to suppliers located in the rest of the world, in the previous calendar year.

(d) E-business processes and organisational aspects

(i) for enterprises using computers:

- use of an ERP (Enterprise Resource Planning) software package to share information among different business functions;
- use of any software application for managing information on customers (Customer Relationship Management — CRM software) that makes it possible to collect, store and make available to other business functions information about the enterprise's customers;
- use of any software application for managing information about customers (Customer Relationship Management — CRM software) that enables information about customers to be analysed for marketing purposes;
- sharing Supply Chain Management information electronically with other enterprises, either suppliers or customers;
- (optional) issuing/sending any type of invoice, whether in electronic or in paper form, to other enterprises, during the previous calendar year;
- (optional) issuing/sending any type of invoice, whether in electronic or in paper form, to public authorities, during the previous calendar year;
- (optional) issuing/sending any type of invoice, whether in electronic or in paper form to private consumers, during the previous calendar year;
- (optional) the percentage of all invoices received as electronic invoices, in a standard structure suitable for automated processing (eInvoices), during the previous calendar year;
- (optional) the percentage of all invoices received as invoices in paper form or in electronic form not suitable for automated processing, during the previous calendar year;
- use of Radio Frequency Identification instruments for person identification or access control;
- use of Radio Frequency Identification instruments as part of the production and service delivery process;
- use of Radio Frequency Identification instruments for product identification after the production process;

(ii) for enterprises sharing Supply Chain Management information electronically with other enterprises, either suppliers or customers:

- sharing Supply Chain Management information electronically with other enterprises via websites (enterprise's website, website of business partners or web portals);
- sharing Supply Chain Management information electronically with other enterprises via electronic exchange of information suitable for automated processing;

(iii) for enterprises that issued/sent invoices to other enterprises or public authorities, during the previous calendar year:

- (optional) the percentage of all invoices issued/sent as electronic invoices in a standard structure suitable for automated processing (eInvoices), to other enterprises or public authorities, during the previous calendar year;
- (optional) the percentage of all invoices issued/sent as invoices, in an electronic form not suitable for automated processing, to other enterprises or public authorities, during the previous calendar year;
- (optional) the percentage of all invoices issued/sent only as invoices in paper form, to other enterprises or public authorities, during the previous calendar year.

(e) ICT competence in the enterprise unit and the need for ICT skills

(i) For enterprises using computers:

- employment of ICT specialists;
- provision of any type of training to develop ICT-related skills for ICT specialists, during the previous calendar year;
- provision of any type of training to develop ICT-related skills for other persons employed, during the previous calendar year;
- recruitment of or the attempt to recruit ICT specialists during the previous calendar year;
- (optional) performance of the following ICT functions during the previous calendar year, broken down into 'Mainly by own employees, including those employed in parent or affiliate enterprises', 'Mainly by external supplier', or 'Not applicable':
 - maintenance of ICT infrastructure (servers, computers, printers, networks);
 - support for office software;
 - development of business management software/systems;
 - support for business management software/systems;
 - development of web solutions;
 - support for web solutions;
 - security and data protection;

(ii) for enterprises using computers and which have recruited or tried to recruit ICT specialists during the previous calendar year:

- vacancies for ICT specialists that were difficult to fill.

(f) Barriers to the use of ICT, the internet and other electronic networks, e-commerce and e-business processes

For enterprises that received orders placed by customers in other EU countries, via a website or app, during the previous calendar year. Information about the following difficulties when selling to other EU countries:

- high costs of delivering or returning products;
- difficulties related to resolving complaints and disputes;
- adapting product labelling for sales to other EU countries;
- lack of knowledge of foreign languages to communicate with customers in other EU countries;
- restrictions imposed by the enterprise's business partners on sales to certain EU countries.

(g) **Access to and use of technologies providing the ability to connect to the internet or other networks from anywhere at any time (ubiquitous connectivity)**

(i) for enterprises with internet access:

— (optional) use of cloud computing services, excluding free-of-charge-services;

(ii) for enterprises with internet access that purchase cloud computing services:

— (optional) use of email as a cloud computing service;

— (optional) use of office software as a cloud computing service;

— (optional) hosting the enterprise's database(s) as a cloud computing service;

— (optional) storing files as a cloud computing service;

— (optional) use of finance or accounting software applications as a cloud computing service;

— (optional) use of Customer Relationship Management (CRM, software application for managing information about customers) as a cloud computing service;

— (optional) use of computing power to run the enterprise's own software as a cloud computing service;

— (optional) use of cloud computing services delivered from shared servers of service providers;

— (optional) use of cloud computing services delivered from servers of service providers exclusively reserved for the enterprise.

(3) The following background information shall be collected from all enterprises, or obtained from alternative sources:

— the enterprise's main economic activity in the previous calendar year;

— the average number of persons employed in the previous calendar year;

— the total value of turnover, excluding VAT, in the previous calendar year.

B. COVERAGE

The characteristics specified in headings A(2) and (3) shall be collected for the following categories of enterprises:

(1) Economic activity: enterprises classified by the following NACE Rev. 2 categories:

NACE Rev. 2 category	Description
Section C	'Manufacturing'
Section D, E	'Electricity, gas and steam and air conditioning supply, water supply, sewerage, waste management and remediation activities'
Section F	'Construction'
Section G	'Wholesale and retail trade; repair of motor vehicles and motorcycles'
Section H	'Transportation and storage'
Section I	'Accommodation and food service activities'
Section J	'Information and communication'

NACE Rev. 2 category	Description
Section L	'Real estate activities'
Divisions 69-74	'Professional, scientific and technical activities'
Section N	'Administrative and support service activities'
Group 95.1	'Repair of computers and communication equipment';

(2) Enterprise size: enterprises with 10 or more persons employed. Enterprises with less than 10 persons employed may be covered optionally;

(3) Geographical scope: enterprises located in any part of the territory of the Member State.

C. REFERENCE PERIODS

The reference period is 2016 for the characteristics referring to the previous calendar year. The reference period is 2017 for the other characteristics.

D. BREAKDOWN OF DATA

The following background characteristics shall be provided in respect of the subjects and their characteristics listed in heading (2) of Part A:

(1) Economic activity breakdown: according to the following NACE Rev. 2 aggregates:

NACE Rev. 2 aggregation for possible calculation of national aggregates
10 + 11 + 12 + 13 + 14 + 15 + 16 + 17 + 18
19 + 20 + 21 + 22 + 23
24 + 25
26 + 27 + 28 + 29 + 30 + 31 + 32 + 33
35 + 36 + 37 + 38 + 39
41 + 42 + 43
45 + 46 + 47
47
49 + 50 + 51 + 52 + 53
55
58 + 59 + 60 + 61 + 62 + 63
68
69 + 70 + 71 + 72 + 73 + 74
77 + 78 + 79 + 80 + 81 + 82
26.1 + 26.2 + 26.3 + 26.4 + 26.8 + 46.5 + 58.2 + 61 + 62 + 63.1 + 95.1

NACE Rev. 2 aggregation
for possible calculation of European aggregates

10 + 11 + 12

13 + 14 + 15

16 + 17 + 18

26

27 + 28

29 + 30

31 + 32 + 33

45

46

55 + 56

58 + 59 + 60

61

62 + 63

77 + 78 + 80 + 81 + 82

79

95.1

- (2) size class breakdown: data shall be broken down according to the following size classes by number of persons employed:

Size class

10 or more persons employed

10 to 49 persons employed

50 to 249 persons employed

250 or more persons employed

Where covered, a breakdown of the data shall be provided in accordance with the following table:

Size class

0 to 9 persons employed (optional)

2 to 9 persons employed (optional)

0 to 1 persons employed (optional)

E. PERIODICITY

The data stipulated in this Annex shall be provided once for 2017.

F. DEADLINES FOR TRANSMISSION OF RESULTS

- (1) The aggregate data referred to in Article 6 and Annex I (6) of Regulation (EC) No 808/2004, where necessary flagged for confidentiality or unreliability, shall be transmitted to Eurostat by 5 October 2017. By that date, the dataset shall be finalised, validated and accepted.
 - (2) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 shall be sent to Eurostat by 31 May 2017.
 - (3) The quality report referred to in Article 7(3) of Regulation (EC) No 808/2004 shall be sent to Eurostat by 5 November 2017.
 - (4) The data and metadata shall be supplied to Eurostat, using the Single Entry Point services, in accordance with the exchange standard specified by Eurostat. The metadata and the quality report shall be provided in the standard metadata structure defined by Eurostat.
-

ANNEX II

MODULE 2: Individuals, households and the information society

A. SUBJECTS AND THEIR CHARACTERISTICS

(1) The subjects to be covered for the reference year 2017, drawn from the list in Annex II to Regulation (EC) No 808/2004, shall be as follows:

- (a) access to and use of ICTs by individuals and/or in households;
- (b) use of the internet and other electronic networks for different purposes by individuals and/or in households;
- (c) ICT security and trust;
- (d) ICT competence and skills;
- (e) barriers to the use of ICT and the internet;
- (f) use of ICT by individuals to exchange information and services with governments and public administrations (e-government);
- (g) access to and use of technologies enabling connection to the internet or other networks from anywhere at any time (ubiquitous connectivity).

(2) The following characteristics shall be collected:

(a) **Access to and use of ICT by individuals and/or in households**

- (i) for all households:
 - access to a computer (any type: desktop, laptop, netbook or tablet computer, excluding smartphone) at home;
 - access to the internet at home (by any enabling device: computers as well as smart phones, games consoles or e-book readers);
- (ii) for households with internet access:
 - internet connection: fixed broadband connection;
 - internet connection: mobile broadband connection (via mobile phone network of at least 3G);
 - (optional) internet connection: dial-up access over normal telephone line or ISDN;
 - (optional) internet connection: mobile narrowband connection (via mobile phone network below 3G);
- (iii) for all individuals:
 - most recent own use of a computer at any location (home, work or any other place): within the last three months, between three and 12 months ago, more than one year ago, never used a computer;
- (iv) for individuals who have used a computer at any location in the last three months:
 - average frequency of computer use: every day or almost every day, at least once a week (but not every day), less than once a week.

(b) **Use of the internet for different purposes by individuals and/or in households**

- (i) for all individuals:
 - most recent internet use, at any location, with any enabling device: within the last three months, between three and 12 months ago, more than one year ago, never used the internet;
- (ii) for individuals who have used the internet:
 - frequency of buying or ordering goods or services over the internet (using websites or apps; excluding orders via manually typed e-mails, short message service or multimedia messaging services) for private use via any device: within the last three months, between three and 12 months ago, more than one year ago, never bought or ordered anything over the internet;

(iii) for individuals who have used the internet in the last three months:

- average frequency of internet use in the last three months: every day or almost every day, at least once a week (but not every day), less than once a week;
- internet use in the last three months for private purposes for sending, receiving e-mails;
- internet use in the last three months for private purposes for telephoning over the internet, video calls (via webcam) over the internet (using applications);
- internet use in the last three months for private purposes for participating in social networks (creating a user profile, posting messages or other contributions);
- internet use in the last three months for private purposes for uploading self-created content (such as text, photos, music, videos, software) to share it on a website;
- internet use in the last three months for private purposes for reading online news sites, newspapers or news magazines;
- internet use in the last three months for private purposes for seeking health-related information (about matters such as injuries, diseases, nutrition, improving health, etc.);
- internet use in the last three months for private purposes for finding information on goods or services;
- internet use in the last three months for private purposes for posting opinions on civic or political issues via websites (using blogs, social networks, etc.);
- internet use in the last three months for private purposes, to take part in online consultations or vote on civic or political issues (about matters such as urban planning, signing a petition);
- internet use in the last three months for private purposes for looking for a job or sending a job application;
- internet use in the last three months for private purposes for participating in professional networks (creating a user profile, posting messages or other contributions);
- internet use in the last three months for private purposes for using services related to travel or travel-related accommodation;
- internet use in the last three months for private purposes for selling goods or services (for example via auctions);
- internet use in the last three months for private purposes, for internet banking;
- use of internet storage space in the last three months for private purposes for saving documents, pictures, music, video or other files;
- internet use in the last three months for conducting learning activities for educational, professional or private purposes, by doing an online course;
- internet use in the last three months for conducting learning activities for educational, professional or private purposes, by using online learning material other than a complete online course;
- internet use in the last three months for conducting learning activities for educational, professional or private purposes, by communicating with instructors or students using educational websites or portals;
- (optional) internet use in the last three months for conducting other learning activities for educational, professional or private purposes;

(iv) for individuals who have used the internet in the last 12 months:

- use of any website or app in the last 12 months to arrange an accommodation (such as a room, apartment, house, holiday cottage, etc.) from another individual for private purposes: from dedicated websites or apps, from other websites or apps (including social networks), not used;

- use of any website or app in the last 12 months to arrange a transport services (such as cars) from another individual for private purposes: from dedicated websites or apps, from other websites or apps (including social networks), not used;
 - internet use (excluding e-mails) in the last 12 months for buying or selling shares, bonds, funds or other investment services;
 - internet use (excluding e-mails) in the last 12 months for buying or renewing existing insurance policies, including those offered as a package together with another service;
 - internet use (excluding e-mails) in the last 12 months for taking a loan or mortgage or arranging credit from banks or other financial providers;
- (v) for individuals who have used the internet for internet commerce (buying or ordering goods or services) in the last three months:
- the number of times goods or services were bought or ordered over the internet in the last three months for private use: number of times or in classes: 1-2 times, between 3 and 5 times, between 6 and 10 times, > 10 times;
 - the total value of goods or services (excluding shares or other financial services) bought or ordered over the internet in the last three months for private use: amount in euros or in classes: less than EUR 50, EUR 50 to less than EUR 100, EUR 100 to less than EUR 500, EUR 500 to less than EUR 1000, EUR 1000 or more, unknown;
- (vi) for individuals who have used the internet for internet commerce (buying or ordering goods or services) in the last 12 months:
- internet use for buying or ordering food or groceries for private use in the last 12 months;
 - internet use for buying or ordering household goods (such as furniture, toys, etc., but excluding consumer electronics) for private use in the last 12 months;
 - internet use for buying or ordering medicine for private use in the last 12 months;
 - internet use for buying or ordering clothes or sports goods for private use in the last 12 months;
 - internet use for buying or ordering computer hardware for private use in the last 12 months;
 - internet use for buying or ordering electronic equipment (including cameras) for private use in the last 12 months;
 - internet use for buying or ordering telecommunication services (such as TV, broadband subscriptions, fixed line or mobile phone subscriptions, uploading money on prepaid phone cards) for private use in the last 12 months;
 - internet use for buying or ordering holiday accommodation (such as hotels) for private use in the last 12 months;
 - internet use for buying or ordering other travel arrangements (such as transport tickets, car hire) for private use in the last 12 months;
 - internet use for buying or ordering tickets for events for private use in the last 12 months;
 - internet use for buying or ordering films or music for private use in the last 12 months;
 - internet use for buying or ordering books, magazines or newspapers for private use in the last 12 months;
 - internet use for buying or ordering e-learning material for private use in the last 12 months;
 - internet use for buying or ordering video games software, other computer software and software upgrades for private use in the last 12 months;
 - internet use to buy or order other goods or services for private use in the last 12 months;

- internet use for buying or ordering goods or services for private use in the last 12 months, by origin: national sellers;
 - internet use for buying or ordering goods or services in the last 12 months for private use, by origin: sellers from other EU countries;
 - internet use for buying or ordering goods or services for private use in the last 12 months, by origin: sellers from the rest of the world;
 - internet use for buying or ordering goods or services for private use in the last 12 months, by origin: country of origin of the sellers is unknown;
- (vii) for individuals who have used the internet for internet commerce (buying or ordering goods or services) in the last 12 months, for buying or ordering films, music, books, magazines, newspapers video games software, other computer software and software updates:
- films or music downloaded or accessed from websites or apps in the last 12 months, for private use;
 - e-books downloaded or accessed from websites or apps in the last 12 months, for private use;
 - e-magazines or e-newspapers downloaded or accessed from websites or apps in the last 12 months, for private use;
 - computer software (including computer and video games and software upgrades) downloaded or accessed from websites or apps in the last 12 months, for private use;
- (viii) for individuals who have used the internet for internet commerce (buying or ordering goods or services) and who have bought or ordered from sellers from other EU countries or the rest of the world:
- physical goods (such as electronics, clothes, toys, food, groceries, books, CDs/DVDs) bought or ordered for private use in the last 12 months;
 - products downloaded or accessed from websites or apps (such as films, music, e-books, e-newspapers, games, paid applications) for private use in the last 12 months;
 - travel, accommodation or holiday arrangements (such as tickets and documents by mail or printed by oneself) bought or ordered for private use in the last 12 months;
 - other services (such as tickets for events received via mail, telecom subscriptions) bought or ordered for private use in the last 12 months.

(c) ICT security and trust

- (i) for households without internet access at home, specifying the reason for not having such access:
- privacy or security concerns;
- (ii) for individuals who have not submitted completed forms to public authorities' websites for private purposes in the last 12 months although submission of official forms was necessary, reasons for not submitting:
- concerns about protection and security of personal data.

(d) ICT competence and skills

- (i) for individuals who have used the internet within the last 12 months, skills in:
- transferring files between computers and other devices;
 - installing software or applications ('apps');
 - changing the settings of any software, including the operating system or security programs;
 - copying or moving files or folders;
 - using wordprocessing software;
 - creating presentations or documents integrating text, pictures, tables or charts;

- using spreadsheet software;
- software to edit photos, video or audio files;
- writing code in a programming language;
- (ii) for individuals who have used the internet and spreadsheet software in the last 12 months, skills in:
 - using advanced functions of spreadsheet software designed to organise and analyse data, such as sorting, filtering, using formulas, creating charts;
- (iii) for individuals who have used the internet for internet commerce activities (buying or ordering goods or services) within the last 12 months, problems encountered with internet commerce:
 - in the form of problems with fraud encountered (for example no goods or services received at all, misuse of credit card details);
- (iv) for individuals who have used the internet, but not for internet commerce activities (buying or ordering goods or services), within the last 12 months, barriers to internet commerce:
 - payment security or privacy concerns (for example, giving credit card details or personal details over the internet).

(e) **Barriers to the use of ICT and the internet**

- (i) for households without access to the internet at home, reason for not having access to the internet at home:
 - they have access to internet elsewhere;
 - they do not need internet, for example because it is not useful or not interesting;
 - the cost of the equipment is too high;
 - the cost of access is too high (for example, a telephone or DSL subscription);
 - lack of skills;
 - broadband internet is not available in the area;
 - other reason or reasons;
- (ii) for individuals who have used the internet for internet commerce (buying or ordering goods or services) within the last 12 months, problems encountered with internet commerce:
 - technical failure of website during ordering or payment;
 - difficulties in finding information on guarantees and other legal rights;
 - a slower speed of delivery than that indicated;
 - final costs higher than indicated (for example, higher delivery costs, unexpected transaction fees);
 - wrong or damaged goods delivered;
 - complaints and redress difficult, or no satisfactory response after complaint;
 - a foreign retailer who does not sell to the respondent's own country;
 - other problems encountered;
 - no problems encountered;
- (iii) for individuals who have used the internet, but not for internet commerce activities (buying or ordering goods or services), within the last 12 months, barriers to internet commerce:
 - a preference for shopping in person and/or for seeing a physical product, loyalty to shops, force of habit;
 - lack of skills or knowledge (no knowledge on how to use a website, use was too complicated, etc.);
 - problems with the delivery of goods ordered over the internet (it takes too long, it is logistically difficult, etc.);

- concerns about receiving or returning goods, concerns about complaints or redress;
 - lack of a payment card that can be used to pay over the internet;
 - (optional) a foreign retailer who does not sell to the respondent's country;
 - other barriers to internet commerce.
- (f) **Use of ICT by individuals to exchange information and services with governments and public administrations (e-government)**
- (i) for individuals who have used the internet within the last 12 months:
 - internet use within the last 12 months for private purposes, for obtaining information from the websites or apps of public authorities or public services (manually typed e-mails should be excluded);
 - internet use within the last 12 months for private purposes, for downloading/printing official forms from the websites of public authorities or public services (manually typed e-mails should be excluded);
 - internet use within the last 12 months for private purposes, for submitting completed forms online to public authorities or public services (manually typed e-mails should be excluded);
 - (ii) for individuals who have not submitted completed forms to public authorities' websites for private purposes within the last 12 months:
 - they did not submit completed forms because there was no need to submit any official forms;
 - (iii) for individuals who have not submitted completed forms to public authorities' websites for private purposes within the last 12 months although there was a need to submit official forms, reasons for not submitting:
 - no such website service was available;
 - lack of skills or knowledge (for example, they did not know how to use the website, or it was too complicated to use);
 - (optional) lack of an electronic signature or electronic ID/certificate required for authentication or for using the service or problems with such a signature or ID/certificate;
 - another person submitted forms on the respondent's behalf (for example a consultant, a tax adviser, a relative or family member);
 - other reason or reasons for not submitting completed forms to public authorities online;
 - (iv) specific characteristics on e-government services' transactions in the previous calendar year:
 - (optional) total number of individuals' tax declarations submitted, total number of individuals' tax declarations submitted electronically, total number of individuals' tax declarations submitted electronically via intermediaries;
 - (optional) total number of declarations of live births of children at a civil registration office, total number of electronic declarations of live births of children at a civil registration office, total number of live births of children submitted electronically via intermediaries at a civil registration office;
 - (optional) total number of declarations of deaths submitted at a civil registration office, total number of electronic declarations of deaths submitted at a civil registration office, total number of declarations of deaths submitted electronically via intermediaries at a civil registration office;
 - (optional) total number of birth certificates requested, total number of birth certificates requested electronically;
 - (optional) total number of death certificates requested, total number of death certificates requested electronically.

(g) Access to and use of technologies enabling connection to the internet or other networks from anywhere at any time (ubiquitous connectivity)

- (i) for individuals who have used the internet within the last three months:
 - use of a mobile phone or smartphone to access the internet away from home or work within the last three months;
 - use of a portable computer (such as a laptop or tablet) to access the internet away from home or work within the last three months;
 - use of other mobile devices to access the internet away from home or work within the last three months;
 - no use of mobile devices to access the internet away from home or work within the last three months;
- (ii) for individuals who have used a mobile phone or smartphone to access the internet away from home or work within the last three months:
 - use of a mobile phone or smartphone via a mobile phone network to access the internet away from home or work within the last three months;
 - use of a mobile phone or smartphone via a wireless network to access the internet away from home or work within the last three months;
- (iii) for individuals who have used a portable computer to access the internet away from home or work within the last three months:
 - use of a portable computer via a mobile phone network, using a USB key or a (SIM) card or mobile phone or smartphone as modem to access the internet away from home or work within the last three months;
 - use of a portable computer via a wireless network to access the internet away from home or work within the last three months.

B. COVERAGE

- (1) The statistical units for the characteristics listed in heading A(2) of this Annex that concern households are households with at least one member in the 16 to 74 age group.
- (2) The statistical units for the characteristics listed in heading A(2) of this Annex that concern individuals are individuals aged 16 to 74.
- (3) The geographical scope comprises households or individuals, or both, living in any part of the territory of the Member State concerned.

C. REFERENCE PERIOD

The main reference period for collecting statistics is the first quarter of 2017.

D. SOCIOECONOMIC BACKGROUND CHARACTERISTICS

- (1) For the subjects and their characteristics, listed in heading A(2) of this Annex, which concern households, the following background characteristics are to be collected:
 - (a) region of residence, specified according to the NUTS1 classification of regions;
 - (b) (optional) region of residence specified according to the NUTS2 classification;
 - (c) geographical location, i.e. whether living in a less developed region, a transition region or a more developed region;
 - (d) degree of urbanisation, i.e. whether living in a densely populated area, in an intermediate density area or in a thinly populated area;

- (e) type of household, specifying the number of members in the household: (optional) the number of persons aged from 16 to 24, (optional) the number of students aged from 16 to 24 years, (optional) the number of persons aged 25 to 64 years, (optional) the number of persons aged 65 years or over and, to be collected separately, the number of children under 16, (optional) the number of children aged between 14 and 15, (optional) the number of children aged from 5 to 13 years, (optional) number of children aged 4 years or less);
 - (f) (optional) household's net monthly income, which is to be collected as a value or in size bands compatible with income quartiles;
 - (g) (optional) equivalised household total net monthly income transmitted in quintiles.
- (2) For the subjects and their characteristics, listed in heading A(2) of this Annex, which relate to individuals, the following background characteristics are to be collected:
- (a) the gender;
 - (b) the country of birth, specifying whether the person is native-born or foreign-born; if the latter, also specifying that whether person was born in another EU Member State or in a country outside the EU;
 - (c) country of citizenship and whether the person is a national or a non-national, specifying whether they are a national of another EU Member State or of a non-EU country;
 - (d) age in completed years; (optional) under 16 or over 74, or both;
 - (e) (optional) de facto marital status, whether living in a consensual union or not;
 - (f) educational attainment level, specifying the highest level of education successfully completed according to the International Standard Classification of Education (ISCED 2011) whether it is at most lower secondary education (ISCED 0, 1 or 2) or upper secondary and post-secondary non-tertiary education (ISCED 3 or 4), or tertiary education (ISCED 5, 6, 7 or 8), or less than primary education (ISCED 0) or primary education (ISCED 1) or lower secondary education (ISCED 2) or upper secondary education (ISCED 3) or post-secondary non-tertiary education (ISCED 4) or short-cycle tertiary education (ISCED 5) or bachelor or equivalent (ISCED 6) or master or equivalent (ISCED 7) or doctoral or equivalent (ISCED 8);
 - (g) employment situation specifying whether person is an employee or self-employed, including family workers (optional: full-time employee or self-employed, part-time employee or self-employed, employee, employee with a permanent job or job of unlimited duration, employee with a temporary job or contract of limited duration, self-employed including family workers);
 - (h) (optional) specify economic sector of employment:

NACE Rev. 2 sections	Description
A	Agriculture, forestry and fishing
B, C, D and E	Manufacturing, mining and quarrying and other industry
F	Construction
G, H and I	Wholesale and retail trades, transport, accommodation and food service activities
J	Information and communication
K	Financial and insurance activities
L	Real estate activities
M and N	Business services
O, P, and Q	Public administration, defence, education, human health and social work activities
R, S, T and U	Other service activities

- (i) employment situation, specifying whether person is unemployed or is a student not in the labour force or in any other way not in the labour force specifying optionally whether person is in retirement or early retirement or given up business, permanently disabled, in compulsory military or community service, fulfilling domestic tasks or is inactive for any other reason;
- (j) occupation according to the International Standard Classification of Occupations (ISCO-08) specifying whether person is classified as a manual worker, non-manual worker, ICT worker, non-ICT worker and, optionally, all occupations according to ISCO-08 coded at 2-digit level.

E. PERIODICITY

The data stipulated in this Annex shall be provided once for 2017.

F. DEADLINES FOR TRANSMISSION OF RESULTS

- (1) The individual data records, not allowing direct identification of statistical units concerned referred to in Article 6 and Annex II (6) of Regulation (EC) No 808/2004 shall be transmitted to Eurostat by 5 October 2017. By that date, the dataset shall be finalised, validated and accepted.
 - (2) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 shall be sent to Eurostat by 31 May 2017.
 - (3) The quality report referred to in Article 7(3) of Regulation (EC) No 808/2004 shall be sent to Eurostat by 5 November 2017.
 - (4) The data and metadata shall be supplied to Eurostat, using the Single Entry Point services, in accordance with the exchange standard specified by Eurostat. The metadata and the quality report shall be provided in the standard metadata structure defined by Eurostat.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2016

of 17 November 2016

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances acetamiprid, benzoic acid, flazasulfuron, mecoprop-P, mepanipyrim, mesosulfuron, propineb, propoxycarbazon, propyzamide, propiconazole, *Pseudomonas chlororaphis* Strain: MA 342, pyraclostrobin, quinoxifen, thiacloprid, thiram, ziram, zoxamide

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the first paragraph of Article 17 thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) The approval periods of the active substances benzoic acid, flazasulfuron, mecoprop-P, mesosulfuron, propineb, propoxycarbazon, propyzamide, propiconazole, pyraclostrobin, and zoxamide were derogated from by Commission Regulation (EU) No 823/2012 ⁽³⁾. The approval of those substances will expire on 31 January 2017.
- (3) The approval periods of the active substances acetamiprid, mepanipyrim, *Pseudomonas chlororaphis* Strain: MA 342, quinoxifen, thiacloprid, thiram and ziram were extended by Commission Implementing Regulation (EU) No 1197/2012 ⁽⁴⁾. The approval of those substances will expire on 30 April 2017.
- (4) Applications for the renewal of the approval of those substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾.
- (5) Due to the fact that the assessment of the substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.
- (6) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 Implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽³⁾ Commission Regulation (EU) No 823/2012 of 14 September 2012 derogating from Implementing Regulation (EU) No 540/2011 as regards the expiry dates of the approval of the active substances 2,4-DB, benzoic acid, beta-cyfluthrin, carfentrazone ethyl, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), cyazofamid, cyfluthrin, deltamethrin, dimethenamid-P, ethofumesate, ethoxysulfuron, fenamidone, flazasulfuron, flufenacet, flurtamone, foramsulfuron, fosthiazate, imazamox, iodosulfuron, iprodione, isoxaflutole, linuron, maleic hydrazide, mecoprop, mecoprop-P, mesosulfuron, mesotrione, oxadiargyl, oxasulfuron, pendimethalin, picoxystrobin, propiconazole, propineb, propoxycarbazon, propyzamide, pyraclostrobin, silthiofam, trifloxystrobin, warfarin and zoxamide (OJ L 250, 15.9.2012, p. 13).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1197/2012 of 13 December 2012 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances acetamiprid, alpha-cypermethrin, *Ampelomyces quisqualis* Strain: AQ 10, benalaxyl, bifentazate, bromoxynil, chlorpropham, desmedipham, etoxazole, *Gliocladium catenulatum* Strain: J1446, imazosulfuron, laminarin, mepanipyrim, methoxyfenozide, milbemectin, phenmedipham, *Pseudomonas chlororaphis* Strain: MA 342, quinoxifen, S-metolachlor, tepraloxydim, thiacloprid, thiram and ziram (OJ L 342, 14.12.2012, p. 27).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

- (7) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 November 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in the sixth column, expiration of approval, of row 54, Propineb, the date is replaced by '31 January 2018';
 - (2) in the sixth column, expiration of approval, of row 55, Propyzamide, the date is replaced by '31 January 2018';
 - (3) in the sixth column, expiration of approval, of row 57, Mecoprop-P, the date is replaced by '31 January 2018';
 - (4) in the sixth column, expiration of approval, of row 58, Propiconazole, the date is replaced by '31 January 2018';
 - (5) in the sixth column, expiration of approval, of row 73, Thiram, the date is replaced by '30 April 2018';
 - (6) in the sixth column, expiration of approval, of row 74, Ziram, the date is replaced by '30 April 2018';
 - (7) in the sixth column, expiration of approval, of row 75, Mesosulfuron, the date is replaced by '31 January 2018';
 - (8) in the sixth column, expiration of approval, of row 76, Propoxycarbazone, the date is replaced by '31 January 2018';
 - (9) in the sixth column, expiration of approval, of row 77, Zoxamide, the date is replaced by '31 January 2018';
 - (10) in the sixth column, expiration of approval, of row 79, Benzoic acid, the date is replaced by '31 January 2018';
 - (11) in the sixth column, expiration of approval, of row 80, Flazasulfuron, the date is replaced by '31 January 2018';
 - (12) in the sixth column, expiration of approval, of row 81, Pyraclostrobin, the date is replaced by '31 January 2018';
 - (13) in the sixth column, expiration of approval, of row 82, Quinoxifen, the date is replaced by '30 April 2018';
 - (14) in the sixth column, expiration of approval, of row 89, *Pseudomonas chlororaphis* Strain: MA 342, the date is replaced by '30 April 2018';
 - (15) in the sixth column, expiration of approval, of row 90, Mepanipyrim, the date is replaced by '30 April 2018';
 - (16) in the sixth column, expiration of approval, of row 91, Acetamiprid, the date is replaced by '30 April 2018';
 - (17) in the sixth column, expiration of approval, of row 92, Thiacloprid, the date is replaced by '30 April 2018'.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2017**of 17 November 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 November 2016.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	78,2
	TR	76,6
	ZZ	77,4
0707 00 05	TR	142,8
	ZZ	142,8
0709 93 10	MA	97,3
	TR	138,0
	ZZ	117,7
0805 20 10	MA	74,6
	ZZ	74,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	JM	98,8
	PE	116,9
	TR	67,6
	ZZ	94,4
0805 50 10	TR	90,4
	ZZ	90,4
0806 10 10	BR	283,0
	IN	166,9
	LB	214,0
	PE	270,2
	TR	147,4
	US	365,4
	ZZ	241,2
0808 10 80	CL	162,6
	NZ	153,2
	ZA	127,6
	ZZ	147,8
0808 30 90	CN	92,4
	TR	168,6
	ZZ	130,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/2018

of 15 November 2016

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(2016) 7232)

(Only the Bulgarian, Danish, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Maltese, Latvian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish texts are authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 52 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 31 of Council Regulation (EC) No 1290/2005 ⁽²⁾ and as from 1 January 2015 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) 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 ⁽³⁾.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ L 209, 11.8.2005, p. 1).

⁽³⁾ Ares(2016)6109155, 25.10.2016.

- (7) 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 1 September 2016,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, Hungary, the Republic of Malta, the Kingdom of Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 15 November 2016.

For the Commission
Phil HOGAN
Member of the Commission

Decision: 52

Budget Item: 05040501

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
LV	Cross Compliance	2009	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	212 566,45	0,00	212 566,45
	Cross Compliance	2010	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	92 731,87	0,00	92 731,87
	Cross Compliance	2010	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	– 1 146,35	0,00	– 1 146,35
	Cross Compliance	2011	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	– 249,48	0,00	– 249,48
	Cross Compliance	2011	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	– 425,78	0,00	– 425,78
	Cross Compliance	2012	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	– 106,22	0,00	– 106,22
	Cross Compliance	2012	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	– 183,03	0,00	– 183,03
					Total LV:	EUR	303 187,46	0,00	303 187,46

Currency	Amount	Deductions	Financial Impact
EUR	303 187,46	0,00	303 187,46

Budget Item: 05070107

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GR	Entitlements	2008	Reimbursement following judgment in case T-107/14	FLAT RATE	10,00 %	EUR	9 935 755,68	4 967 877,84	4 967 877,84
	Entitlements	2009	Reimbursement following judgment in case T-107/14	FLAT RATE	10,00 %	EUR	9 739 243,02	0,00	9 739 243,02
	Entitlements	2010	Reimbursement following judgment in case T-107/14	FLAT RATE	10,00 %	EUR	9 691 976,36	0,00	9 691 976,36
					Total GR:	EUR	29 366 975,06	4 967 877,84	24 399 097,22
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
LV	Cross Compliance	2009	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	254 163,51	0,00	254 163,51
	Cross Compliance	2010	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	181 777,79	0,00	181 777,79
	Cross Compliance	2010	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	179,81	0,00	179,81
	Cross Compliance	2011	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	100,05	0,00	100,05
	Cross Compliance	2011	Reimbursement following judgment in case T-661/14	FLAT RATE	5,00 %	EUR	– 14,86	0,00	– 14,86
	Cross Compliance	2012	Reimbursement following judgment in case T-661/14	FLAT RATE	2,00 %	EUR	0,19	0,00	0,19
					Total LV:	EUR	436 206,49	0,00	436 206,49

Currency	Amount	Deductions	Financial Impact
EUR	29 803 181,55	4 967 877,84	24 835 303,71

Budget Item: 6701

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
AT	Fruit and Vegetables — Operational Programmes	2012	Assets located outside the POs premises or holdings	ONE OFF		EUR	– 1 909 582,50	0,00	– 1 909 582,50
	Fruit and Vegetables — Operational Programmes	2013	Assets located outside the POs premises or holdings	ONE OFF		EUR	– 1 864 938,19	0,00	– 1 864 938,19
	Fruit and Vegetables — Operational Programmes	2012	Ineligible staff costs	ONE OFF		EUR	– 39 738,41	0,00	– 39 738,41
	Fruit and Vegetables — Operational Programmes	2013	Ineligible staff costs	ONE OFF		EUR	– 41 174,87	0,00	– 41 174,87
	Irregularities	2012	Non-accrued/reported interest and delays in the recovery procedure	ONE OFF		EUR	– 24 231,03	0,00	– 24 231,03
	Fruit and Vegetables — Operational Programmes	2012	Unduly recognised POs	ONE OFF		EUR	– 498 721,65	0,00	– 498 721,65
	Fruit and Vegetables — Operational Programmes	2013	Unduly recognised POs	ONE OFF		EUR	– 899 392,44	0,00	– 899 392,44

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational programmes incl withdrawals	2014	Unduly recognised POs	ONE OFF		EUR	– 915 136,70	0,00	– 915 136,70
	Fruit and Vegetables — Operational Programmes	2012	Weaknesses in key control FY2012-3	FLAT RATE	10,00 %	EUR	– 559 871,49	– 244 804,26	– 315 067,23
	Fruit and Vegetables — Operational Programmes	2013	Weaknesses in key control FY2012-3	FLAT RATE	10,00 %	EUR	– 776 598,77	– 280 550,55	– 496 048,22
	Fruit and Vegetables — Operational programmes incl withdrawals	2014	Weakness in key controls FY 2014 only	FLAT RATE	10,00 %	EUR	– 882 206,97	0,00	– 882 206,97
					Total AT:	EUR	– 8 411 593,02	– 525 354,81	– 7 886 238,21
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Cross Compliance	2013	Application of tolerances and leniency of the sanctioning system — CY 2012	ONE OFF		EUR	– 43 418,70	– 86,84	– 43 331,86
	Cross Compliance	2014	Application of tolerances and leniency of the sanctioning system — CY 2013	ONE OFF		EUR	– 87 826,17	– 175,65	– 87 650,52

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2015	Application of tolerances and leniency of the sanctioning system — CY 2014	ONE OFF		EUR	– 37 343,34	– 74,68	– 37 268,66
	Cross Compliance	2013	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2012	FLAT RATE	2,00 %	EUR	– 598 444,65	– 256,81	– 598 187,84
	Cross Compliance	2014	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2012	FLAT RATE	2,00 %	EUR	– 193,80	0,00	– 193,80
	Cross Compliance	2014	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2013	FLAT RATE	2,00 %	EUR	– 582 487,99	0,00	– 582 487,99
	Cross Compliance	2015	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2014	FLAT RATE	10,00 %	EUR	– 569 653,02	0,00	– 569 653,02
					Total BE:	EUR	– 1 919 367,67	– 593,98	– 1 918 773,69

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Certification	2014	Financial errors identified by the Certification Body	ONE OFF		EUR	– 6 121,69	0,00	– 6 121,69
	Certification	2014	Financial errors identified by the Certification Body	ONE OFF		EUR	– 2 397,36	0,00	– 2 397,36
	Decoupled Direct Aids	2015	Weakness in the LPIS-GIS — Performance of crosschecks to establish eligibility of the parcel declared (key control)	ONE OFF		EUR	– 65 880,00	0,00	– 65 880,00
	Decoupled Direct Aids	2016	Weakness in the LPIS-GIS — Performance of crosschecks to establish eligibility of the parcel declared (key control)	ONE OFF		EUR	– 72 630,00	0,00	– 72 630,00
					Total DE:	EUR	– 147 029,05	0,00	– 147 029,05
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DK	Certification	2015	Errors detected in the re-performance of OTSC in the EAGF IACS population	ONE OFF		EUR	– 3 163,98	0,00	– 3 163,98
	Certification	2012	Lack of appropriate reaction by DAFA in relation to the company evading the controls	ONE OFF		EUR	– 182 151,60	0,00	– 182 151,60
					Total DK:	EUR	– 185 315,58	0,00	– 185 315,58

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Recoveries	2008	Amounts not traced back in the authorities' declaration of payments	ONE OFF		EUR	– 57 499,79	0,00	– 57 499,79
	Recoveries	2009	Amounts not traced back in the authorities' declaration of payments	ONE OFF		EUR	– 57 499,79	0,00	– 57 499,79
	Recoveries	2010	Amounts not traced back in the authorities' declaration of payments	ONE OFF		EUR	– 452 132,84	0,00	– 452 132,84
	Recoveries	2011	Amounts not traced back in the authorities' declaration of payments	ONE OFF		EUR	8 118,38	0,00	8 118,38
	Recoveries	2012	Amounts not traced back in the authorities' declaration of payments	ONE OFF		EUR	0,01	0,00	0,01
	Cross Compliance	2012	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2011	FLAT RATE	5,00 %	EUR	– 4 552 942,45	– 821,75	– 4 552 120,70
	Cross Compliance	2013	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2011	FLAT RATE	5,00 %	EUR	– 1 537,30	0,00	– 1 537,30

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2011	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2012	FLAT RATE	5,00 %	EUR	– 3 172,88	– 0,06	– 3 172,82
	Cross Compliance	2013	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2012	FLAT RATE	5,00 %	EUR	– 4 507 539,72	– 84 158,35	– 4 423 381,37
	Fruit and Vegetables — Operational Programmes	2008	Environmental Management of Packaging (EMP)	FLAT RATE	5,00 %	EUR	– 10 582,61	– 10 396,61	– 186,00
	Fruit and Vegetables — Operational Programmes	2009	Environmental Management of Packaging (EMP)	FLAT RATE	5,00 %	EUR	– 850 590,17	– 813 343,56	– 37 246,61
	Fruit and Vegetables — Operational Programmes	2010	Environmental Management of Packaging (EMP)	FLAT RATE	5,00 %	EUR	– 9 872,42	– 8 618,07	– 1 254,35
	Fruit and Vegetables — Operational Programmes	2011	Environmental Management of Packaging (EMP)	FLAT RATE	5,00 %	EUR	– 2 382,39	– 2 266,08	– 116,31
	Fruit and Vegetables — Operational Programmes	2012	Environmental Management of Packaging (EMP)	FLAT RATE	5,00 %	EUR	– 343,30	0,00	– 343,30

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2014	Extrapolated error for EAGF non-IACS population	ONE OFF		EUR	– 830,81	0,00	– 830,81
	Cross Compliance	2014	Incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2013	ONE OFF		EUR	– 688 407,59	– 30 146,05	– 658 261,54
	Certification	2014	Known error identified in the EAGF IACS population. SPS	ONE OFF		EUR	– 353 214,35	– 1 807,35	– 351 407,00
	Certification	2012	Non-eligible sugar restructuring aid	ONE OFF		EUR	– 1 361 413,12	– 5 268,22	– 1 356 144,90
	Fruit and Vegetables — Operational programmes incl withdrawals	2009	Undue aid payments for leasing arrangements	ONE OFF	0,00 %	EUR	– 13 336,00	– 3 289,74	– 10 046,26
	Fruit and Vegetables — Operational Programmes	2009	Weaknesses in eligibility of expenditure	ONE OFF		EUR	– 29 641,68	– 1 870,43	– 27 771,25
	Fruit and Vegetables — Operational Programmes	2011	Weaknesses in eligibility of expenditure	ONE OFF		EUR	– 92 471,27	– 558,53	– 91 912,74
	_Recoveries	2008	Weaknesses in managing irregularities	ONE OFF	0,00 %	EUR	– 90 579,48	0,00	– 90 579,48

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	_Recoveries	2009	Weaknesses in managing irregularities	ONE OFF	0,00 %	EUR	– 91 063,44	0,00	– 91 063,44
	_Recoveries	2010	Weaknesses in managing irregularities	ONE OFF	0,00 %	EUR	– 412 867,62	0,00	– 412 867,62
	_Recoveries	2011	Weaknesses in managing irregularities	ONE OFF	0,00 %	EUR	– 59 631,00	0,00	– 59 631,00
	_Recoveries	2012	Weaknesses in managing irregularities	ONE OFF	0,00 %	EUR	– 16 835,39	0,00	– 16 835,39
	Fruit and Vegetables — Operational programmes incl withdrawals	2009	Weaknesses in the control system for the recognition of producer organisations	ONE OFF	0,00 %	EUR	– 280 031,76	– 1 691,39	– 278 340,37
	Fruit and Vegetables — Operational programmes incl withdrawals	2009	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2008 & 2009	FLAT RATE	5,00 %	EUR	– 57 063,20	– 29 708,57	– 27 354,63
	Fruit and Vegetables — Operational programmes incl withdrawals	2010	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2008 & 2009	FLAT RATE	5,00 %	EUR	– 300 020,04	– 273 601,71	– 26 418,33

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2011	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2010, 2011 & 2012	FLAT RATE	5,00 %	EUR	– 205 226,38	– 205 226,38	0,00
	Fruit and Vegetables — Operational Programmes	2012	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2010, 2011 & 2012	FLAT RATE	5,00 %	EUR	– 193 521,83	0,00	– 193 521,83
	Fruit and Vegetables — Operational Programmes	2013	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2010, 2011 & 2012	FLAT RATE	5,00 %	EUR	– 245 200,53	0,00	– 245 200,53
	Fruit and Vegetables — Operational programmes incl withdrawals	2014	Weaknesses in programme approval/authorisation of expenditure and Weaknesses in establishing standard flat rates for environmental actions. OP 2013	FLAT RATE	5,00 %	EUR	– 323 602,75	0,00	– 323 602,75
	Fruit and Vegetables — Operational programmes incl withdrawals	2009	Weaknesses in programme approval/authorisation of expenditure and weaknesses in establishing standard flat rates for environmental actions	FLAT RATE	5,00 %	EUR	– 652 299,20	– 180 687,65	– 471 611,55

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational programmes incl withdrawals	2010	Weaknesses in programme approval/authorisation of expenditure and weaknesses in establishing standard flat rates for environmental actions	FLAT RATE	5,00 %	EUR	– 718 821,45	– 88 990,15	– 629 831,30
	Fruit and Vegetables — Operational programmes incl withdrawals	2011	Weaknesses in programme approval/authorisation of expenditure and weaknesses in establishing standard flat rates for environmental actions	FLAT RATE	5,00 %	EUR	– 771 482,90	– 93 881,68	– 677 601,22
	Fruit and Vegetables — Operational programmes incl withdrawals	2012	Weaknesses in programme approval/authorisation of expenditure and weaknesses in establishing standard flat rates for environmental actions	FLAT RATE	5,00 %	EUR	– 14 516,85	0,00	– 14 516,85
	Fruit and Vegetables — Operational programmes incl withdrawals	2008	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 668 667,53	– 588 156,44	– 80 511,09
	Fruit and Vegetables — Operational programmes incl withdrawals	2009	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 680 158,12	– 237 238,19	– 442 919,93
	Fruit and Vegetables — Operational programmes incl withdrawals	2010	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 736 610,85	– 91 366,47	– 645 244,38

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational programmes incl withdrawals	2011	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 718 697,92	– 127 039,32	– 591 658,60
	Fruit and Vegetables — Operational programmes incl withdrawals	2012	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 706 338,24	– 26 251,74	– 680 086,50
	Fruit and Vegetables — Operational programmes incl withdrawals	2013	Weaknesses in the management of the risk of double funding	FLAT RATE	2,00 %	EUR	– 599 782,11	– 23 254,76	– 576 527,35
					Total ES:	EUR	– 21 580 310,68	– 2 929 639,25	– 18 650 671,43
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Irregularities	2010	Case n°DAJ2/DPO8492	ONE OFF		EUR	– 26 750 942,00	0,00	– 26 750 942,00
	Irregularities	2010	Case n°GXHP200700062	ONE OFF		EUR	– 2 920,03	0,00	– 2 920,03
	Irregularities	2010	Case n° LAIT 02836/TR410759	ONE OFF		EUR	– 144 027,14	0,00	– 144 027,14
	Irregularities	2010	Case n°OINP201180010	ONE OFF		EUR	– 38 302,46	0,00	– 38 302,46

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Irregularities	2010	Case n°TR2001008	ONE OFF		EUR	– 50 253,13	0,00	– 50 253,13
	Irregularities	2010	Case n°TR451024	ONE OFF		EUR	– 2 960 918,36	0,00	– 2 960 918,36
	Irregularities	2010	Cases escaping the application of the 50/50 rule due to their late evaluation	ONE OFF		EUR	– 9 569,59	0,00	– 9 569,59
	Irregularities	2010	Cases not reported in the Annex III table or reported with an improper PACA escaping the application of the 50/50 rule	ONE OFF		EUR	– 7 884,99	0,00	– 7 884,99
	Irregularities	2010	interests not reported in the Annex III table, escaping the application of the 50/50 rule	ONE OFF		EUR	– 4 171 977,50	0,00	– 4 171 977,50
	Irregularities	2015	Non respect of diligence pursuing to article 32(5) R. 1290/2005	ONE OFF		EUR	– 1 402 884,37	0,00	– 1 402 884,37
	Irregularities	2010	pre-debts not converted into debts within 1 year after the PACA	ONE OFF		EUR	– 10 853 421,42	0,00	– 10 853 421,42
	Irregularities	2010	Unvalued debts, escaping the application of the 50/50 rule	ONE OFF		EUR	– 6 653,47	0,00	– 6 653,47
	Promotion Measures	2010	weakness in the control of the selection of the implementing body (competitive procedure not adequate)	FLAT RATE	25,00 %	EUR	– 205 820,79	0,00	– 205 820,79

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Promotion Measures	2011	weakness in the control of the selection of the implementing body (competitive procedure not adequate)	FLAT RATE	25,00 %	EUR	– 239 784,46	0,00	– 239 784,46
	Promotion Measures	2012	weakness in the control of the selection of the implementing body (competitive procedure not adequate)	FLAT RATE	25,00 %	EUR	– 219 122,42	0,00	– 219 122,42
	Promotion Measures	2013	weakness in the control of the selection of the implementing body (competitive procedure not adequate)	FLAT RATE	25,00 %	EUR	– 40 407,41	0,00	– 40 407,41
					Total FR:	EUR	– 47 104 889,54	0,00	– 47 104 889,54
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Certification	2012	Adjustments regarding the reimbursements to the Paying Agency	ONE OFF		EUR	– 10 766,00	– 236,42	– 10 529,58
	Decoupled Direct Aids	2014	Lack of retroactive recoveries claim years 2013 and 2014, Art.80 of R.1122/2009	ONE OFF		EUR	– 819 832,00	0,00	– 819 832,00
					Total GB:	EUR	– 830 598,00	– 236,42	– 830 361,58

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
HU	Cross Compliance	2013	Application of tolerance for animal identification, no evaluation of minor non-compliances, leniency in the sanctioning system, grace period for replacing ear tags, CY2012	ONE OFF		EUR	– 345 104,16	0,00	– 345 104,16
	Wine — Investment	2013	Deficiency of control on the eligibility criteria of the investment	FLAT RATE	5,00 %	EUR	– 141 511,53	0,00	– 141 511,53
	Wine — Investment	2014	Deficiency of control on the eligibility criteria of the investment	FLAT RATE	5,00 %	EUR	– 132 732,62	0,00	– 132 732,62
	Wine — Investment	2015	Deficiency of control on the eligibility criteria of the investment	FLAT RATE	5,00 %	EUR	– 65 771,82	0,00	– 65 771,82
	Decoupled Direct Aids	2012	lack of retroactive procedure 2008 — 2013	ONE OFF		EUR	– 27 454 967,41	0,00	– 27 454 967,41
	Decoupled Direct Aids	2013	lack of retroactive procedure 2008 — 2013	ONE OFF		EUR	– 1 205 419,21	0,00	– 1 205 419,21
	Cross Compliance	2014	No evaluation of minor non-compliances, leniency in the sanctioning system, grace period for replacing ear tags, CY2013	ONE OFF		EUR	– 85 272,17	0,00	– 85 272,17
	Cross Compliance	2015	No evaluation of minor non-compliances, leniency in the sanctioning system, grace period for replacing ear tags, CY2014	ONE OFF		EUR	– 47 840,41	0,00	– 47 840,41

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Decoupled Direct Aids	2012	Parcel identification for claim years 2011 and 2012	ONE OFF		EUR	– 7 473,33	0,00	– 7 473,33
	Decoupled Direct Aids	2013	Parcel identification for claim years 2011 and 2012	ONE OFF		EUR	– 7 473,32	0,00	– 7 473,32
	Decoupled Direct Aids	2012	Deficiencies in risk analysis, claim years 2011, 2012 and 2013	ONE OFF		EUR	– 7 038 944,95	0,00	– 7 038 944,95
	Decoupled Direct Aids	2013	Deficiencies in risk analysis, claim years 2011, 2012 and 2013	ONE OFF		EUR	– 3 371 318,84	0,00	– 3 371 318,84
	Decoupled Direct Aids	2014	Deficiencies in risk analysis, claim years 2011, 2012 and 2013	ONE OFF		EUR	– 1 348 980,52	0,00	– 1 348 980,52
	Decoupled Direct Aids	2013	Deficiencies in risk analysis, claim years 2012 and 2013	ONE OFF		EUR	– 7 038 944,95	0,00	– 7 038 944,95
	Decoupled Direct Aids	2014	Deficiencies in risk analysis, claim years 2012 and 2013	ONE OFF		EUR	– 10 410 263,79	0,00	– 10 410 263,79
					Total HU:	EUR	– 58 702 019,03	0,00	– 58 702 019,03
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IT	Certification	2013	20 % recovery costs discounted too late	ONE OFF		EUR	– 65 518,44	0,00	– 65 518,44

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	School Fruit Scheme	2012	Absence of checks in communication costs	FLAT RATE	10,00 %	EUR	– 54 596,43	0,00	– 54 596,43
	School Fruit Scheme	2013	Absence of checks in communication costs	FLAT RATE	10,00 %	EUR	– 43 039,98	0,00	– 43 039,98
	School Fruit Scheme	2014	Absence of checks in communication costs	FLAT RATE	10,00 %	EUR	– 56 718,12	0,00	– 56 718,12
	Wine — Restructuring	2012	Failure to apply properly the control established by Article 79 of Regulation (EC) No 555/2008	FLAT RATE	2,00 %	EUR	– 851,44	0,00	– 851,44
	Wine — Restructuring	2013	Failure to apply properly the control established by Article 79 of Regulation (EC) No 555/2008	FLAT RATE	2,00 %	EUR	– 354 700,47	0,00	– 354 700,47
	Wine — Restructuring	2014	Failure to apply properly the control established by Article 79 of Regulation (EC) No 555/2008	FLAT RATE	2,00 %	EUR	– 360 360,05	0,00	– 360 360,05
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Incorrect application of reductions	ONE OFF		EUR	– 6 558,38	0,00	– 6 558,38
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Incorrect calculation of reductions	ONE OFF		EUR	– 334,77	0,00	– 334,77

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	School Fruit Scheme	2012	Non compliance with public procurement provisions	FLAT RATE	25,00 %	EUR	– 4 170 834,38	0,00	– 4 170 834,38
	School Fruit Scheme	2013	Non compliance with public procurement provisions	FLAT RATE	25,00 %	EUR	– 4 779 213,02	0,00	– 4 779 213,02
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Payment of ineligible animals	ONE OFF		EUR	– 935,59	0,00	– 935,59
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Payment of ineligible animals	ONE OFF		EUR	– 1 139,51	0,00	– 1 139,51
	Certification	2013	problem to respect aids payment within five working days	ONE OFF		EUR	– 37 986,20	0,00	– 37 986,20
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Rate of on-the-spot checks and size of the sample for on-the-spot checks not respected	FLAT RATE	5,00 %	EUR	– 2 035 878,67	– 6 474,85	– 2 029 403,82
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Rate of on-the-spot checks and size of the sample for on-the-spot checks not respected	FLAT RATE	2,00 %	EUR	– 366 823,40	– 29,48	– 366 793,92
	Other Direct Aid — Article 68-72 of Reg.73/2009	2014	Rate of on-the-spot checks and size of the sample for on-the-spot checks not respected	FLAT RATE	2,00 %	EUR	– 360 765,32	0,00	– 360 765,32
					Total IT:	EUR	– 12 696 254,17	– 6 504,33	– 12 689 749,84

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
NL	Irregularities	2010	No recovery action taken by Dutch authorities as regarding irregularity detected in an OLAF investigation in 2000.	ONE OFF		EUR	– 424 837,90	0,00	– 424 837,90
					Total NL:	EUR	– 424 837,90	0,00	– 424 837,90
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PL	Certification	2013	Cases for which the PA decided not to pursue a recovery	ONE OFF		EUR	– 11 155,11	0,00	– 11 155,11
	Fruit and Vegetables — Pre-recognised Producer Groups	2012	Weaknesses in key controls, especially as regards checks on recognition plans and on recognition criteria	FLAT RATE	25,00 %	EUR	– 64 974 750,82	– 25 989 900,32	– 38 984 850,50
	Fruit and Vegetables — Pre-recognised Producer Groups	2013	Weaknesses in key controls, especially as regards checks on recognition plans and on recognition criteria	FLAT RATE	25,00 %	EUR	– 76 816 098,12	0,00	– 76 816 098,12
					Total PL:	EUR	– 141 802 004,05	– 25 989 900,32	– 115 812 103,73
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PT	Other Direct Aid — POSEI	2012	Normal inspection activity was funded from the technical assistance heading of the POSEI sub-programme for the Azores	ONE OFF		EUR	– 460 202,73	0,00	– 460 202,73

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Other Direct Aid — POSEI	2013	Normal inspection activity was funded from the technical assistance heading of the POSEI sub-programme for the Azores	ONE OFF		EUR	– 200 000,00	0,00	– 200 000,00
	Food Aid within the Community	2010	weakness of a key control for 'follow up of controls' (stock accounting) from 1.9.2010 to the end of 'most deprived' programme 2010	FLAT RATE	2,00 %	EUR	– 390 318,22	0,00	– 390 318,22
	Food Aid within the Community	2011	weakness of a key control for 'follow up of controls' (stock accounting) from 1.9.2010 to the end of 'most deprived' programme 2010	FLAT RATE	2,00 %	EUR	– 374 320,14	0,00	– 374 320,14
	Food Aid within the Community	2012	weakness of a key control for 'follow up of controls' (stock accounting) from 1.9.2010 to the end of 'most deprived' programme 2010	FLAT RATE	2,00 %	EUR	– 381 406,97	0,00	– 381 406,97
					Total PT:	EUR	– 1 806 248,06	0,00	– 1 806 248,06
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
RO	Cross Compliance	2011	Absence of risk analysis for animal identification SMRs, SMR1 and 5 not checked for all farmers, no specific criteria for the selection of the parcel during OTSC, CY2012	FLAT RATE	2,00 %	EUR	– 21 404,36	– 25,22	– 21 379,14

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2012	Absence of risk analysis for animal identification SMRs, SMR1 and 5 not checked for all farmers, no specific criteria for the selection of the parcel during OTSC, CY2012	FLAT RATE	2,00 %	EUR	– 14 469,30	– 19,41	– 14 449,89
	Cross Compliance	2013	Absence of risk analysis for animal identification SMRs, SMR1 and 5 not checked for all farmers, no specific criteria for the selection of the parcel during OTSC, CY2012	FLAT RATE	2,00 %	EUR	– 651 591,27	– 874,73	– 650 716,54
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Animals not in the herd register	ONE OFF		EUR	– 1 121,04	0,00	– 1 121,04
	Other Direct Aid — Article 68-72 of Reg.73/2009	2014	Animals not in the herd register	ONE OFF		EUR	– 285,82	0,00	– 285,82
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Deficient on-the-spot checks	FLAT RATE	5,00 %	EUR	– 43 624,29	0,00	– 43 624,29
	Other Direct Aid — Article 68-72 of Reg.73/2009	2014	Deficient on-the-spot checks	FLAT RATE	5,00 %	EUR	– 135 630,95	0,00	– 135 630,95
	Other Direct Aid — Article 68-72 of Reg.73/2009	2015	Deficient on-the-spot checks	FLAT RATE	5,00 %	EUR	– 237 720,00	0,00	– 237 720,00

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2010	error in the debt management system FY2010 EAGF	ONE OFF		EUR	– 2 776,25	0,00	– 2 776,25
	Certification	2011	error in the debt management system FY2011 EAGF	ONE OFF		EUR	– 1 261,10	0,00	– 1 261,10
	Scrutiny of transactions	2010	Weaknesses in administrative framework and insufficient quality of scrutiny FY 2010	FLAT RATE	0,50 %	EUR	– 49 843,71	0,00	– 49 843,71
	Scrutiny of transactions	2011	Weaknesses in administrative framework and insufficient quality of scrutiny FY 2011	FLAT RATE	0,50 %	EUR	– 239 834,11	0,00	– 239 834,11
	Scrutiny of transactions	2012	Weaknesses in administrative framework and insufficient quality of scrutiny FY 2012	FLAT RATE	0,50 %	EUR	– 55 896,10	0,00	– 55 896,10
					Total RO:	EUR	– 1 455 458,30	– 919,36	– 1 454 538,94
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SE	Fruit and Vegetables — Operational Programmes	2010	unduly recognition	ONE OFF	0,00 %	EUR	– 451 853,95	0,00	– 451 853,95
	Fruit and Vegetables — Operational Programmes	2011	unduly recognition	ONE OFF	0,00 %	EUR	– 349 305,95	0,00	– 349 305,95

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2010	weaknesses in key controls	FLAT RATE	5,00 %	EUR	– 27 794,70	– 7 638,10	– 20 156,60
	Fruit and Vegetables — Operational Programmes	2010	weaknesses in key controls	FLAT RATE	10,00 %	EUR	– 383 072,07	– 29 585,26	– 353 486,81
	Fruit and Vegetables — Operational Programmes	2011	weaknesses in key controls	FLAT RATE	5,00 %	EUR	– 117 435,73	– 17 465,30	– 99 970,43
					Total SE:	EUR	– 1 329 462,40	– 54 688,66	– 1 274 773,74
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SI	Cross Compliance	2013	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2012	FLAT RATE	2,00 %	EUR	– 1 590,84	0,00	– 1 590,84
	Cross Compliance	2014	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2012	FLAT RATE	2,00 %	EUR	– 19,96	0,00	– 19,96
	Cross Compliance	2014	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2013	FLAT RATE	2,00 %	EUR	– 280 043,67	0,00	– 280 043,67

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2013	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2014	FLAT RATE	2,00 %	EUR	– 8 439,51	0,00	– 8 439,51
	Cross Compliance	2015	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2014	FLAT RATE	2,00 %	EUR	– 271 939,48	– 68,42	– 271 871,06
					Total SI:	EUR	– 562 033,46	– 68,42	– 561 965,04
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SK	Cross Compliance	2012	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	– 1 591 159,40	– 8 695,79	– 1 582 463,61
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	– 2 181,65	– 11,91	– 2 169,74
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	– 734,05	0,00	– 734,05

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2011	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 2 995,21	0,00	– 2 995,21
	Cross Compliance	2012	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 534,75	0,00	– 534,75
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 1 764 473,62	0,00	– 1 764 473,62
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 798,08	0,00	– 798,08
	Cross Compliance	2012	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2013	FLAT RATE	5,00 %	EUR	– 965,25	0,00	– 965,25
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2013	FLAT RATE	5,00 %	EUR	– 985,39	0,00	– 985,39

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2013	FLAT RATE	2,00 %	EUR	– 740 795,43	0,00	– 740 795,43
					Total SK:	EUR	– 4 105 622,83	– 8 707,70	– 4 096 915,13

Currency	Amount	Deductions	Financial Impact
EUR	– 303 063 043,74	– 29 516 613,25	– 273 546 430,49

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Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BE	Certification	2014	Known error for EAFRD IACS population	ONE OFF		EUR	– 24 230,01	– 48,86	– 24 181,15
	Certification	2014	MLE for the EAFRD non-IACS population	ONE OFF		EUR	– 123 429,41	0,00	– 123 429,41
	Certification	2014	MLE for the EAFRD IACS population	ONE OFF		EUR	– 110 788,10	– 223,42	– 110 564,68
	Cross Compliance	2013	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2012	FLAT RATE	2,00 %	EUR	– 19 570,41	0,00	– 19 570,41

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2014	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2012	FLAT RATE	2,00 %	EUR	280,00	0,00	280,00
	Cross Compliance	2013	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2013	FLAT RATE	2,00 %	EUR	1,07	0,00	1,07
	Cross Compliance	2014	Limited scope of checks of SMRs 1, 2, 4 and 5 — No follow-up of minor non-compliances — Deficient risk analysis for checks by veterinary services — CY 2013	FLAT RATE	2,00 %	EUR	– 16 006,55	0,00	– 16 006,55
					Total BE:	EUR	– 293 743,41	– 272,28	– 293 471,13
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BG	Rural Development EAFRD Axis 1 — Measures with flat rate support	2015	Lack of checks on requirement for semi-subsistence holdings to market part of their output	FLAT RATE	10,00 %	EUR	– 187 091,42	0,00	– 187 091,42
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2013	Lack of checks on requirement for semi-subsistence holdings to market part of their output	FLAT RATE	10,00 %	EUR	– 365 906,63	0,00	– 365 906,63

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1 — Measures with flat rate support	2014	Lack of checks on requirement for semi-subsistence holdings to market part of their output	FLAT RATE	10,00 %	EUR	– 812 405,82	0,00	– 812 405,82
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Preferential sales price of electricity not included in the check against double financing	ONE OFF		EUR	– 436 311,22	0,00	– 436 311,22
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Preferential sales price of electricity not included in the check against double financing	ONE OFF		EUR	– 3 218 840,38	0,00	– 3 218 840,38
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Preferential sales price of electricity not included in the check against double financing	ONE OFF		EUR	– 1 121 595,00	0,00	– 1 121 595,00
					Total BG:	EUR	– 6 142 150,47	0,00	– 6 142 150,47
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Certification	2013	Financial errors identified by the Certification Body	ONE OFF		EUR	– 977,11	0,00	– 977,11
	Certification	2014	Financial errors identified by the Certification Body	ONE OFF		EUR	– 708,76	0,00	– 708,76

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2012	Financial errors identified by the CB	ONE OFF		EUR	– 496,49	0,00	– 496,49
					Total DE:	EUR	– 2 182,36	0,00	– 2 182,36
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DK	Certification	2012	EAFRD MLE	ONE OFF		EUR	– 1 001 809,47	– 307 761,24	– 694 048,23
	Certification	2014	Error detected in the re-performance of OTSC in the EAFRD non-IACS population	ONE OFF		EUR	– 2,01	0,00	– 2,01
	Certification	2014	Errors detected in the re-performance of OTSC in the EAFRD IACS population	ONE OFF		EUR	– 93,35	0,00	– 93,35
	Certification	2013	Financial errors identified in the compliance testing for the EAFRD non-IACS population	ONE OFF		EUR	– 126,37	– 3,35	– 123,02
	Certification	2013	MLE for the EAFRD non-IACS population	ONE OFF		EUR	– 837 801,30	– 15 027,43	– 822 773,87
	Certification	2014	MLE in the EAFRD non-IACS population	ONE OFF		EUR	– 193 310,80	– 4 445,75	– 188 865,05

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2012	Not recovered financial errors from FY2012	ONE OFF		EUR	– 105,59	– 0,63	– 104,96
					Total DK:	EUR	– 2 033 248,89	– 327 238,40	– 1 706 010,49
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Cross Compliance	2012	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2011	FLAT RATE	5,00 %	EUR	– 218 631,80	0,00	– 218 631,80
	Cross Compliance	2013	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2011	FLAT RATE	5,00 %	EUR	– 43 203,42	0,00	– 43 203,42
	Cross Compliance	2012	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2012	FLAT RATE	5,00 %	EUR	– 5,43	0,00	– 5,43
	Cross Compliance	2013	Deficiencies in the effectiveness of OTSC, partial coverage of 7 SMRs, incorrect treatment of late notification and of missing ear tags (SMR7 and 8), CY 2012	FLAT RATE	5,00 %	EUR	– 171 297,45	0,00	– 171 297,45

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2013	EAFRD non-IACS population outstanding corrections from previous years.	ONE OFF		EUR	– 13 337,67	– 13 324,84	– 12,83
	Certification	2013	Errors identified in the substantive testing of EAFRD non-IACS population. MLE.	ONE OFF		EUR	– 110 102,63	– 4 469,05	– 105 633,58
	Certification	2012	Extrapolated error for EAFRD non-IACS population	ONE OFF		EUR	– 2 532 066,96	– 494 665,62	– 2 037 401,34
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2009	M125: the controls on the eligibility of the projects under M125 not satisfactory	FLAT RATE	10,00 %	EUR	– 5 995,99	0,00	– 5 995,99
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	M125: the controls on the eligibility of the projects under M125 not satisfactory	FLAT RATE	10,00 %	EUR	– 227 944,41	0,00	– 227 944,41
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	10,00 %	EUR	– 2 758,71	– 1 090,07	– 1 668,64
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	5,00 %	EUR	– 5 565,88	0,00	– 5 565,88

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	10,00 %	EUR	– 397 882,31	0,00	– 397 882,31
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	5,00 %	EUR	– 11 170,64	0,00	– 11 170,64
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	10,00 %	EUR	– 1 528 198,12	0,00	– 1 528 198,12
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	5,00 %	EUR	– 91 853,90	0,00	– 91 853,90
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	10,00 %	EUR	– 1 574 201,32	0,00	– 1 574 201,32
	Rural Development EAFRD Investment — private beneficiaries	2014	Weaknesses in M 123: selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	5,00 %	EUR	– 51 302,36	0,00	– 51 302,36

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — private beneficiaries	2014	Weaknesses in M 123; selection criteria; costs reasonableness assessment; verification of the SME criteria	FLAT RATE	10,00 %	EUR	– 1 022 883,10	0,00	– 1 022 883,10
					Total ES:	EUR	– 8 008 402,10	– 513 549,58	– 7 494 852,52
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FI	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2012	Weakness in verification of the reasonableness of costs in Measure 413	FLAT RATE	5,00 %	EUR	– 166 858,19	0,00	– 166 858,19
					Total FI:	EUR	– 166 858,19	0,00	– 166 858,19
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2013	Lack of appropriate checks on double financing (key control)	ONE OFF		EUR	– 3 008,34	0,00	– 3 008,34
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2013	Lack of appropriate checks on the eligibility of the costs of the operation (key control)	ONE OFF		EUR	– 204 505,57	0,00	– 204 505,57
					Total GB:	EUR	– 207 513,91	0,00	– 207 513,91

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IE	Certification	2014	Known errors identified in the EAFRD IACS population	ONE OFF		EUR	– 4 006,11	0,00	– 4 006,11
	Certification	2014	Known errors identified in the EAFRD Non IACS population	ONE OFF		EUR	– 7 553,44	– 62,31	– 7 491,13
					Total IE:	EUR	– 11 559,55	– 62,31	– 11 497,24
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IT	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Number of errors in the files resulting from a weak control system.	FLAT RATE	5,00 %	EUR	– 322 955,33	– 119 880,04	– 203 075,29
	Rural Development EAFRD Axis 1+3 — others (2007-2013)	2012	Number of errors in the files resulting from a weak control system.	ONE OFF		EUR	– 17 259,86	0,00	– 17 259,86
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Number of errors in the files resulting from a weak control system.	FLAT RATE	5,00 %	EUR	– 1 048 678,11	– 105 713,76	– 942 964,35
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Number of errors in the files resulting from a weak control system.	FLAT RATE	5,00 %	EUR	– 1 610 347,46	– 8 580,00	– 1 601 767,46

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1 (2007-2013)	2007	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 9 065,98	– 1 091,16	– 7 974,82
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2008	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 407,39	0,00	– 407,39
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2009	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 4 029,20	– 588,01	– 3 441,19
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 45 823,63	– 2 648,46	– 43 175,17
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 93 330,46	– 3 893,24	– 89 437,22
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 320 482,97	– 25 971,96	– 294 511,01
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 424 992,50	– 47 702,52	– 377 289,98

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — private beneficiaries	2014	On-the-spot checks risk analysis not properly updated	FLAT RATE	2,00 %	EUR	– 178 543,97	– 21 276,84	– 157 267,13
	Rural Development EAFRD Axis 1 (2007-2013)	2007	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 2 727,89	0,00	– 2 727,89
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2009	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 1 470,04	0,00	– 1 470,04
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 6 621,14	0,00	– 6 621,14
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 9 733,10	0,00	– 9 733,10
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 64 929,91	0,00	– 64 929,91
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 119 256,29	0,00	– 119 256,29

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — private beneficiaries	2014	Reasonableness of the costs not properly assessed	FLAT RATE	5,00 %	EUR	– 53 192,08	0,00	– 53 192,08
					Total IT:	EUR	– 4 333 847,31	– 337 345,99	– 3 996 501,32
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
MT	Certification	2014	Financial errors detected in the' compliance testing of the EAFRD Non-IACS population and known errors in the Advances & Securities of the EAFRD expenditure.	ONE OFF		EUR	– 73 406,00	0,00	– 73 406,00
					Total MT:	EUR	– 73 406,00	0,00	– 73 406,00
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
NL	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Exclude expenditure due to lack of procurement procedure	ONE OFF		EUR	– 85 000,00	0,00	– 85 000,00
	Rural Development EAFRD Investment — public beneficiaries	2014	Weaknesses in the checks of the procurement correction based on the recalculation of the error rate	EXTRAPO-LATED	0,81 %	EUR	– 105 036,34	0,00	– 105 036,34
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Weaknesses in the checks of the public procurement, based on the recalculation of the error rate	EXTRAPO-LATED	0,81 %	EUR	– 116 704,26	– 328,69	– 116 375,57

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — public beneficiaries	2014	Weaknesses in the checks of the reasonableness of the cost correction applied on 52,26 % of the expenditure	FLAT RATE	5,00 %	EUR	– 709 760,04	0,00	– 709 760,04
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Weaknesses in the checks of the reasonableness of the costs, correction applied on 52,26 % of the expenditure	FLAT RATE	5,00 %	EUR	– 788 603,51	– 2 221,05	– 786 382,46
					Total NL:	EUR	– 1 805 104,15	– 2 549,74	– 1 802 554,41
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PT	Rural Development EAFRD Investment — private beneficiaries	2010	Insufficient assessment of the reasonableness of the investment costs	FLAT RATE	5,00 %	EUR	– 278 756,48	0,00	– 278 756,48
	Rural Development EAFRD Investment — private beneficiaries	2011	Insufficient assessment of the reasonableness of the investment costs	FLAT RATE	5,00 %	EUR	– 757 851,45	– 271 077,60	– 486 773,85
	Rural Development EAFRD Investment — private beneficiaries	2012	Insufficient assessment of the reasonableness of the investment costs	FLAT RATE	5,00 %	EUR	– 419 869,93	– 55 060,96	– 364 808,97
	Rural Development EAFRD Investment — private beneficiaries	2013	Insufficient assessment of the reasonableness of the investment costs	FLAT RATE	5,00 %	EUR	– 324 408,44	0,00	– 324 408,44

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — private beneficiaries	2014	Insufficient assessment of the reasonableness of the investment costs	FLAT RATE	5,00 %	EUR	– 209 924,00	0,00	– 209 924,00
					Total PT:	EUR	– 1 990 810,30	– 326 138,56	– 1 664 671,74
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
RO	Cross Compliance	2013	Absence of risk analysis for animal identification SMRs, SMR1 and 5 not checked for all farmers, no specific criteria for the selection of the parcel during OTSC, CY2012	FLAT RATE	2,00 %	EUR	– 97 630,09	0,00	– 97 630,09
	Certification	2010	MLE EAFRD Non-IACS population FY2010	ONE OFF		EUR	– 4 653 241,82	– 275 778,82	– 4 377 463,00
	Certification	2011	MLE EAFRD Non-IACS population FY2011	ONE OFF		EUR	– 3 210 679,11	– 267 668,25	– 2 943 010,86
	Cross Compliance	2012	No control of the minimum requirement for the use of plant protection products and inefficient control of the minimum requirement for the use of fertilisers, CY2011	FLAT RATE	5,00 %	EUR	– 887 541,50	0,00	– 887 541,50

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2013	No control of the minimum requirement for the use of plant protection products and inefficient control of the minimum requirement for the use of fertilisers, CY2011	FLAT RATE	5,00 %	EUR	– 24 239,06	0,00	– 24 239,06
	Cross Compliance	2013	No control of the minimum requirement for the use of plant protection products and inefficient control of the minimum requirement for the use of fertilisers, CY2012	FLAT RATE	5,00 %	EUR	– 950 060,57	0,00	– 950 060,57
	Cross Compliance	2014	No control of the minimum requirement for the use of plant protection products and inefficient control of the minimum requirement for the use of fertilisers, CY2013	FLAT RATE	5,00 %	EUR	– 390 637,48	0,00	– 390 637,48
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Non respect of 5 year commitment for AEM	ONE OFF		EUR	– 975 531,89	– 33 285,00	– 942 246,89
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	Non respect of 5 year commitment for AEM	ONE OFF		EUR	– 1 798 686,77	– 89 934,34	– 1 708 752,43
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	Non respect of 5 year commitment for AEM	ONE OFF		EUR	– 2 866 913,52	– 15 400,00	– 2 851 513,52

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1+3 — others (2007-2013)	2012	Weaknesses in: artificial conditions	FLAT RATE	5,00 %	EUR	– 148 810,96	0,00	– 148 810,96
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2009	Weaknesses in: artificial conditions and reasonableness of costs verification and selection criteria	FLAT RATE	25,00 %	EUR	– 11 702,85	0,00	– 11 702,85
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	Weaknesses in: artificial conditions and reasonableness of costs verification and selection criteria	FLAT RATE	25,00 %	EUR	– 321 762,57	0,00	– 321 762,57
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Weaknesses in: artificial conditions and reasonableness of costs verification and selection criteria	FLAT RATE	25,00 %	EUR	– 14 714 299,52	0,00	– 14 714 299,52
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Weaknesses in: artificial conditions and reasonableness of costs verification and selection criteria	FLAT RATE	25,00 %	EUR	– 7 046 834,54	0,00	– 7 046 834,54
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	Weaknesses in: artificial conditions and reasonableness of costs verification and selection criteria	FLAT RATE	25,00 %	EUR	– 5 791 393,96	0,00	– 5 791 393,96
					Total RO:	EUR	– 43 889 966,21	– 682 066,41	– 43 207 899,80

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SI	Cross Compliance	2013	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2012	FLAT RATE	2,00 %	EUR	– 63 628,41	0,00	– 63 628,41
	Cross Compliance	2014	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2012	FLAT RATE	2,00 %	EUR	151,64	0,00	151,64
	Cross Compliance	2014	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2013	FLAT RATE	2,00 %	EUR	– 135 503,29	0,00	– 135 503,29
	Cross Compliance	2015	Weaknesses in the OTSC's of SMR 1, SMR 16, SMR 17, SMR 18 and the evaluation grid. CY 2014	FLAT RATE	2,00 %	EUR	– 72 243,26	0,00	– 72 243,26
					Total SI:	EUR	– 271 223,32	0,00	– 271 223,32
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SK	Certification	2014	Financial clearance, EAFRD Non-IACS population Most Likely Error	ONE OFF		EUR	– 697 749,56	0,00	– 697 749,56
	Cross Compliance	2012	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	– 540 903,88	0,00	– 540 903,88

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	– 4 718,01	0,00	– 4 718,01
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2011	FLAT RATE	5,00 %	EUR	41,95	0,00	41,95
	Cross Compliance	2012	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 24,22	0,00	– 24,22
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 538 813,81	0,00	– 538 813,81
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2012	FLAT RATE	5,00 %	EUR	– 1 195,01	0,00	– 1 195,01
	Cross Compliance	2013	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2013	FLAT RATE	2,00 %	EUR	– 17,66	0,00	– 17,66

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2014	One GAEC not defined, inadequate control of several SMRs, leniency of the sanctioning system for animal identification, CY2013	FLAT RATE	2,00 %	EUR	- 179 779,34	0,00	- 179 779,34
					Total SK:	EUR	- 1 963 159,54	0,00	- 1 963 159,54

Currency	Amount	Deductions	Financial Impact
EUR	- 71 193 175,71	- 2 189 223,27	- 69 003 952,44

COMMISSION IMPLEMENTING DECISION (EU) 2016/2019**of 16 November 2016****on the approval pursuant to Article 19 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of modified traffic distribution rules for the airports Milan Malpensa, Milan Linate and Orio al Serio (Bergamo)***(notified under document C(2016) 7244)***(Only the Italian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽¹⁾, and in particular Article 19(3) thereof,

After consulting the Advisory Committee,

Whereas:

1. PROCEDURE

- (1) By letter of 13 May 2016, received by the Commission on 20 May 2016, the Italian authorities informed the Commission, pursuant to Article 19(3) of Regulation (EC) No 1008/2008, of a new draft Decree on modified traffic distribution rules for the airports Milan Malpensa, Milan Linate and Orio al Serio (Bergamo).

2. BACKGROUND AND DESCRIPTION OF THE MEASURE**2.1. The Bersani and Bersani 2 Decree**

- (2) By Commission Decision of 21 December 2000, the Commission declared compatible with Council Regulation (EEC) No 2408/92 ⁽²⁾, which has since been repealed and replaced by Regulation (EC) No 1008/2008, the traffic distribution rules for the Milan airport system set out in the Decree of the Minister for Infrastructure and Transport of 3 March 2000 ⁽³⁾ (hereinafter the 'Bersani Decree'). The Commission's decision was subject to these rules being amended as indicated by the Italian authorities in a letter of 4 December 2000. This amendment took place through the Decree of the Minister for Infrastructure and Transport of 5 January 2001 ⁽⁴⁾ (hereinafter the 'Bersani 2 Decree').
- (3) The Milan airport system comprised the airports of Malpensa, Linate and Orio al Serio (Bergamo).
- (4) The objective of the Bersani Decree and Bersani 2 Decree was to ensure the realisation of the full development potential of Milan Malpensa airport as an international hub, whilst at the same time describing Milan Linate airport as a facility for point to point services. To this end, the Bersani Decree and Bersani 2 Decree contained several provisions; in particular they imposed, at Milan Linate airport, limitations on the number of daily return services to EU airports identified on the basis of passenger traffic volume, as follows:
- one daily return service per carrier for routes with traffic between 350 000 and 700 000 passengers,
 - two daily return services per carrier for routes with traffic between 700 000 and 1 400 000 passengers,
 - three daily return services per carrier for routes with traffic between 1 400 000 and 2 800 000 passengers,
 - no limit for routes with traffic above 2 800 000 passengers.

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.

⁽²⁾ Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes (OJ L 240, 24.8.1992, p. 8). As regards this repeal, see Article 27 of Regulation (EC) No 1008/2008.

⁽³⁾ Italian Official Gazette No 60 of 13 March 2000.

⁽⁴⁾ Italian Official Gazette No 14 of 18 January 2001.

- (5) From Linate, Community carriers may, with the arrangements set out immediately above, operate a daily return service using two time slots to airport systems or individual airports located in 'Objective 1' regions which in the course of the 1999 calendar year registered passenger traffic of fewer than 350 000 units in the Milan airport system.
- (6) The Bersani 2 Decree specifies that all European capitals will have at least one return trip connection per day with Linate and that Community airports with annual traffic of more than 40 million passengers in 1999 will be connected to Linate by at least two return trips per day.
- (7) The Bersani Decree and Bersani 2 Decree also restricted Milan Linate airport to single aisle aircraft for point-to-point scheduled connections within the EU only.

2.2. The Lupi Decree and the Commission decision

- (8) By letter of 21 April 2015, received by the Commission on 21 April 2015, the Italian authorities informed the Commission, pursuant to Article 19(3) of Regulation (EC) No 1008/2008, of the Ministerial Decree No 395 of 1 October 2014 amending Decree No 15 of 3 March 2000 on the distribution of air traffic within the Milan airport system, as amended ⁽¹⁾ (hereinafter the 'Lupi Decree').
- (9) On 17 December 2015 the Commission adopted pursuant to Regulation (EC) No 1008/2008 a negative decision on Ministerial Decree No 395 of 1 October 2014 ⁽²⁾. The Commission found that, contrary to the provisions of this Regulation, Italy had failed to consult interested parties before modifying the traffic distribution rules.

2.3. The new draft Decree

- (10) Italy therefore prepared a new draft Decree and informed the Commission thereof. The draft Decree, when adopted and entered into force, will modify the traffic distribution rules for the airports of Malpensa, Linate and Orio al Serio (Bergamo) in the same way as the Lupi Decree did. It will thus remove the limitations at Linate airport as set out in recitals 4 to 6 above, i.e. based on the number of daily return services to EU airports identified on the basis of passenger traffic volume. The limitation regarding Linate airport to point-to-point scheduled connections within the EU only, operated with narrow-body (single-aisle) aircraft (recital 7 above), will remain in place.
- (11) The notified draft Decree will repeal the Lupi Decree.
- (12) The Italian authorities summarised the objectives of the new draft Decree as follows:
 - to optimise the use of Milan Linate Airport, thereby facilitating the free movement of persons within the EU, while fully exploiting the development potential of the Malpensa hub in its specific role as an intercontinental gate,
 - to improve Milan's connectivity with all other European cities, thereby making access easier for EU passengers, including through better use of the capacities of Linate airport.
- (13) Thus, Milan Malpensa will be available for intercontinental and non-EU traffic operated by European and non-European airlines without any restrictions on the type of aircraft or destinations, within the limits of the airport's capacity, while Milan Linate will be available solely for intra-EU traffic operated by European airlines using a specific type of aircraft (narrow-bodied) and on the basis of point-to-point connections.
- (14) The Italian authorities argue that, in view of the forecasted growth and congestion of the main EU airports due to the rapid expansion of low-cost carriers and non-EU carriers, it is necessary to adapt the offer of air traffic services and lift restrictions. Further, initially the limitations on Linate were imposed to support Milan Malpensa in its start-up phase. The authorities argue that traffic data shows that this is no longer necessary.
- (15) The new draft Decree also allows airlines to determine their own connections with European cities on the basis of their own commercial requirements and meet passenger demands more effectively. This is expected to boost competition and benefit passengers.

⁽¹⁾ Italian Official Gazette No 237 of 11 October 2014.

⁽²⁾ OJ L 333, 19.12.2015, p. 124.

2.4. Consultation conducted by the Italian authorities

- (16) The Italian authorities conducted a consultation prior to the notification of the intended amendments to the Commission.
- (17) Three meetings were organised with interested parties, namely airlines which hold slots at Linate, associations representing the airlines (IBAR and Assaereo) and the airport coordination committee (AOC). These meetings took place on 23 November 2015, 17 December 2015, and 27 January 2016. The Commission has received the minutes of those meetings.
- (18) According to the Italian authorities, only a minority of European airlines expressed negative opinions about the measures and no proposals for amendments were made.

3. CONSULTATION CONDUCTED BY THE COMMISSION

- (19) The Commission published a summary of the modified traffic distribution rules notified by the Italian authorities in the *Official Journal of the European Union* ⁽¹⁾ and invited interested parties to submit comments.
- (20) The Commission received comments from six interested parties, most of which wished to remain anonymous.

3.1. Comments from interested parties

- (21) Some interested parties argued that the Italian authorities failed to properly consult with the airline users, as airlines were invited to a number of meetings at very short notice and without agendas published prior to the meeting. In addition, no feedback on the comments of the parties was provided.
- (22) Other interested parties expressed their support to the new draft Decree pointing out that the Decree has the effect of rationalising air traffic at Linate, and allows airlines to use their slots at Linate more efficiently. These interested parties further stated that the consultation, which has been carried out by the Italian authorities, has shown that no airline has been negatively affected by the Lupi Decree; on the contrary, subsequently to the adoption of the Linate Decree there has been the opening of new routes to/from Linate on European and national destinations, not allowed under the previous regulation.

4. THE TERMS OF ARTICLE 19 OF REGULATION (EC) No 1008/2008

- (23) Article 19(2) of the Regulation (EC) No 1008/2008 provides that a Member State, after consultation with interested parties, may regulate, without discrimination among destinations inside the Community and on grounds of nationality or identity of air carriers, the distribution of air traffic between airports satisfying the following conditions:
 - (a) the airports serve the same city or conurbation;
 - (b) the airports are served by adequate transport infrastructure providing, to the extent possible, a direct connection making it possible to arrive at the airport within 90 minutes including, where necessary on a cross-border basis;
 - (c) the airports are linked to one another and to the city or conurbation they serve by frequent, reliable and efficient public transport services; and
 - (d) the airports offer necessary services to air carriers, and do not unduly prejudice their commercial opportunities.
- (24) Further, the distribution of air traffic between the airports concerned shall respect the principles of proportionality and transparency, and shall be based on objective criteria.

⁽¹⁾ OJ C 204, 8.6.2016, p. 7.

- (25) Article 19(3) of the Regulation (EC) No 1008/2008 provides that a Member State concerned shall inform the Commission of its intention to regulate the distribution of air traffic or to change an existing traffic distribution rule. It also provides that the Commission shall examine the application of Article 19(2) and, within 6 months of receipt of the information from the Member State, and after having asked the Committee set up in Article 25 of Regulation (EC) No 1008/2008 for opinion shall decide whether the Member State may apply the measures. It adds that the Commission shall publish its decision in the *Official Journal of the European Union* and that the measures shall not be applied before the publication of the Commission's approval.

5. ASSESSMENT

- (26) At the outset, the Commission observes that the three airports in question, Milan Linate, Milan Malpensa and Orio al Serio (Bergamo), satisfy the requirements set out in the first subparagraph of Article 19(2). The airports serve the conurbation of Milan (point (a) of the provision referred to). The infrastructure and public transport links between the airports and between them and the city of Milan are such as to comply with points (b) and (c) thereof. In addition, the airports provide the necessary services to air carriers in a manner that satisfies the requirements of point (d) thereof.
- (27) On the substance, the new draft Decree removes certain limitations imposed on services at Linate airport. This constitutes a change in the measures of the Bersani Decree and Bersani 2 Decree on traffic distribution between the airports serving the city of Milan within the meaning of Article 19(3) of Regulation (EC) No 1008/2008.
- (28) The measure concerns the removal of existing limitations that were based on passenger traffic volume and, as such, liberalise air traffic, without having restrictive effects in other ways. It should enable air carriers to operate more efficiently, which is in line with the general objective of Article 15 of Regulation (EC) No 1008/2008.
- (29) Insofar as the measures constitute the removal of limitations concerning the access to and from Linate, in order to allow airlines greater efficiency and choice in setting their schedules according to passenger demand, the question of proportionality does not arise.
- (30) The most recurrent comment put forward by interested parties relates to the consultation carried out by the Italian authorities.
- (31) In this respect, it is observed that Article 19(2) does not specify in detail in which way such consultation should take place, but implies that the consultation be meaningful.
- (32) As regards the present case, the Commission notes that the Italian authorities organised three meetings at which interested parties had the opportunity to express their views on the measures. While, as stated by some of the interested parties, the first two meetings were arranged at short notice, the third meeting was postponed at the request of the interested parties, so that the appropriate representatives of the respective parties could attend. Further, the Italian authorities provided the minutes of the three meetings to the Commission, which show that the parties did make their positions known to the Italian authorities.
- (33) Thus, since the interested parties were notified of the new measures and had the opportunity to meaningfully comment on the measures, the Commission considers that Italy complied with the consultation requirement laid down in Article 19(2).

6. CONCLUSION

- (34) In conclusion, the Commission considers that the intended amendment to the traffic distribution rules is compatible with Article 19 of Regulation (EC) No 1008/2008.
- (35) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee referred to in Article 25 of the Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The measures provided for in the new draft Decree, submitted to the Commission on 13 May 2016, are hereby approved.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 16 November 2016.

For the Commission
Violeta BULC
Member of the Commission

