

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

TITLE V

CONTROL SYSTEMS AND PENALTIES

CHAPTER III

Scrutiny of transactions

Article 79

Scope and definitions

1 This Chapter lays down specific rules on the scrutiny of the commercial documents of those entities receiving or making payments relating directly or indirectly to the system of financing [^{F1}of CMO support], or their representatives ('undertakings') in order to ascertain whether transactions forming part of the system of financing [^{F1}of CMO support] have actually been carried out and have been executed correctly.

2 This Chapter shall not apply to measures covered by the integrated system referred to in Chapter II of this Title. In order to respond to changes in sectoral agricultural legislation and to ensure the efficiency of the system of ex-post controls established by this Chapter, the [^{F2}appropriate authority may make regulations] establishing a list of measures which, due to their design and control requirements, are unsuited for additional ex-post controls by way of scrutiny of commercial documents and, therefore, are not to be subject to such scrutiny under this Chapter.

3 For the purposes of this Chapter the following definitions shall apply:

- a "commercial document" means all books, registers, vouchers and supporting documents, accounts, production and quality records, and correspondence relating to the undertaking's business activity, as well as commercial data, in whatever form they may take, including electronically stored data, in so far as these documents or data relate directly or indirectly to the transactions referred to in paragraph 1;
- b "third party" means any natural or legal person directly or indirectly connected with transactions carried out within the [^{F3}system of financing of CMO support].

Textual Amendments

F1 Words in Art. 79(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in Art. 79(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **20**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council, CHAPTER III is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F3 Words in Art. 79(3)(b) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, 7(18)(b); 2020 c. 1, Sch. 5 para. 1(1)

Article 80 W+S+N.I.

Scrutiny by Member States

1 [F4The relevant authority] shall carry out systematic scrutiny of the commercial documents of undertakings taking account of the nature of the transactions to be scrutinised. [F4The relevant authority] shall ensure that the selection of undertakings for scrutiny gives the best possible assurance of the effectiveness of the measures for preventing and detecting irregularities. The selection shall take account, inter alia, of the financial importance of the undertakings in that system and of other risk factors.

2 In appropriate cases, the scrutiny provided for in paragraph 1 shall be extended to natural and legal persons with whom undertakings are associated and to such other natural or legal persons as may be relevant for the pursuit of the objectives set out in Article 81.

F53

Extent Information

E1 This version of this provision applies to Wales, Scotland and Northern Ireland only; a separate version has been created for England only

Textual Amendments

F4 Words in Art. 80(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, 7(19)(a); 2020 c. 1, Sch. 5 para. 1(1)

F5 Art. 80(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, 7(19)(b); 2020 c. 1, Sch. 5 para. 1(1)

Article 80 E

Scrutiny by Member States

1 [F40The relevant authority][F41may] carry out systematic scrutiny of the commercial documents of undertakings taking account of the nature of the transactions to be scrutinised. F42...

2 In appropriate cases, the scrutiny provided for in paragraph 1 [F43may] be extended to natural and legal persons with whom undertakings are associated and to such other natural or legal persons as may be relevant for the pursuit of the objectives set out in Article 81.

F443

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council, CHAPTER III is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Extent Information

- E5** This version of this provision applies to England only; a separate version has been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F40** Words in Art. 80(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Word in Art. 80(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(2)(a)(i)**
- F42** Words in Art. 80(1) omitted (E.) (1.1.2024) by virtue of [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(2)(a)(ii)**
- F43** Word in Art. 80(2) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(2)(b)**
- F44** Art. 80(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 81 **W+S+N.I.**

Objectives of the scrutiny

1 The accuracy of primary data under scrutiny shall be verified by a number of cross-checks, including, where necessary, the commercial documents of third parties, appropriate to the degree of risk presented, including:

- a comparisons with the commercial documents of suppliers, customers, carriers and other third parties;
- b physical checks, where appropriate, upon the quantity and nature of stocks;
- c comparison with the records of financial flows leading to or consequent upon the transactions carried out within the ^{F6}system of financing of CMO support]; and
- d checks, in relation to bookkeeping, or records of financial movements showing, at the time of the scrutiny, that the documents held by the paying agency by way of justification for the payment of aid to the beneficiary are accurate.

2 In particular, where undertakings are required to keep particular book records of stock in accordance with ^{F7}the law applying in the constituent nation], scrutiny of those records shall, in appropriate cases, include a comparison with the commercial documents and, where appropriate, with the actual quantities in stock.

3 In the selection of transactions to be checked, full account shall be taken of the degree of risk presented.

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Extent Information

- E2** This version of this provision extends to Wales, Scotland and Northern Ireland only; a separate version has been created for England only

Textual Amendments

- F6** Words in Art. 81(1)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 81(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 81 **E**

Objectives of the scrutiny

1 The accuracy of [^{F45}any] primary data under scrutiny [^{F46}may] be verified by a number of cross-checks, including, where necessary, the commercial documents of third parties, appropriate to the degree of risk presented, including:

- a comparisons with the commercial documents of suppliers, customers, carriers and other third parties;
- b physical checks, where appropriate, upon the quantity and nature of stocks;
- c comparison with the records of financial flows leading to or consequent upon the transactions carried out within the [^{F47}system of financing of CMO support]; and
- d checks, in relation to bookkeeping, or records of financial movements showing, at the time of the scrutiny, that the documents held by the paying agency by way of justification for the payment of aid to the beneficiary are accurate.

2 In particular, where undertakings are required to keep particular book records of stock in accordance with [^{F48}the law applying in the constituent nation], [^{F49}any] scrutiny of those records [^{F50}may], in appropriate cases, include a comparison with the commercial documents and, where appropriate, with the actual quantities in stock.

^{F51}3

Extent Information

- E6** This version of this provision extends to England only; a separate version has been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F45** Word in Art. 81(1) inserted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(3)(a)(i)**
- F46** Word in Art. 81(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(3)(a)(ii)**

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council, CHAPTER III is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F47** Words in Art. 81(1)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 81(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Word in Art. 81(2) inserted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(3)(b)(i)**
- F50** Word in Art. 81(2) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(3)(b)(ii)**
- F51** Art. 81(3) omitted (E.) (1.1.2024) by virtue of [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(3)(c)**

Article 82 **W+S+N.I.**

Access to commercial documents

1 The persons responsible for the undertaking, or a third party, shall ensure that all commercial documents and additional information are supplied to the officials responsible for the scrutiny or to the persons authorised to carry it out on their behalf. Electronically stored data shall be provided on an appropriate data support medium.

2 The officials responsible for the scrutiny or the persons authorised to carry it out on their behalf may require that extracts or copies of the documents referred to in paragraph 1 be supplied to them.

3 Where, during scrutiny carried out pursuant to this Chapter, the commercial documents maintained by the undertaking are considered inadequate for scrutiny purposes, the undertaking shall be directed to maintain in future such records as are required by the [^{F8}relevant authority] responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

[^{F9}The relevant authority] shall determine the date from which such records are to be established.

Where some or all of the commercial documents required to be scrutinised pursuant to this Chapter are located with an undertaking in the same commercial group, partnership or association of undertakings managed on a unified basis as the undertaking scrutinised, whether located inside or outside the [^{F10}United Kingdom], the undertaking shall make those commercial documents available to officials responsible for the scrutiny, at a place and time to be determined by the [^{F11}relevant authority] responsible for carrying out the scrutiny.

4 [^{F12}The relevant authority] shall ensure that officials responsible for scrutiny are entitled to seize commercial documents, or have them seized. This right shall be exercised with due regard to the [^{F13}law applying in the constituent nation] and shall be without prejudice to the application of rules governing proceedings in criminal matters concerning the seizure of documents.

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Extent Information

- E3** This version of this provision applies to Wales, Scotland and Northern Ireland only; a separate version has been created for England only

Textual Amendments

- F8** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(a\)\(iii\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(a\)\(iii\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(21\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 82 E

Access to commercial documents

1 The persons responsible for the undertaking, or a third party, shall ensure that all commercial documents and additional information are supplied to the officials responsible for the scrutiny or to the persons authorised to carry it out on their behalf. Electronically stored data ^[F52]may be provided on an appropriate data support medium.

2 The officials responsible for the scrutiny or the persons authorised to carry it out on their behalf may require that extracts or copies of the documents referred to in paragraph 1 be supplied to them.

3 Where, during scrutiny carried out pursuant to this Chapter, the commercial documents maintained by the undertaking are considered inadequate for scrutiny purposes, the undertaking ^[F53]may be directed to maintain in future ^[F54]such records as may be required by the ^[F55]relevant authority responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

^[F56]The relevant authority shall determine the date from which such records are to be established.

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Where some or all of the commercial documents required to be scrutinised pursuant to this Chapter are located with an undertaking in the same commercial group, partnership or association of undertakings managed on a unified basis as the undertaking scrutinised, whether located inside or outside the [^{F57}United Kingdom], the undertaking shall make those commercial documents available to officials responsible for the scrutiny, at a place and time to be determined by the [^{F58}relevant authority] responsible for carrying out the scrutiny.

4 [^{F59}The relevant authority] shall ensure that officials responsible for scrutiny are entitled to seize commercial documents, or have them seized. This right shall be exercised with due regard to the [^{F60}law applying in the constituent nation] and shall be without prejudice to the application of rules governing proceedings in criminal matters concerning the seizure of documents.

Extent Information

- E7** This version of this provision applies to England only; a separate version has been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F52** Word in Art. 82(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(4)(a)**
- F53** Word in Art. 82(3) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(4)(b)(i)**
- F54** Words in Art. 82(3) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(4)(b)(ii)**
- F55** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing,](#)

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Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(21)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F14}Article 83

Mutual assistance

Textual Amendments

- F14** Art. 83 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(22)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 84 **W+S+N.I.**

Programming

- 1 ^{F15}The relevant authority] shall draw up programmes for scrutiny to be carried out pursuant to Article 80 during the subsequent scrutiny period.
- 2 Each year, before 15 April, ^{F16}the relevant authority] shall send the ^{F17}relevant accounting officer] their programme as referred to in paragraph 1 and shall specify:
 - a the number of undertakings to be scrutinised and their breakdown by sector on the basis of the amounts relating to them;
 - b the criteria adopted for drawing up the programme.
- 3 The programmes established by the ^{F18}relevant authority] and forwarded to the ^{F19}relevant accounting officer] shall be implemented by the ^{F18}relevant authority], if, within eight weeks, the ^{F19}relevant accounting officer] has not made known its comments.
- 4 Paragraph 3 shall apply mutatis mutandis to the amendments to the programme made by the ^{F20}relevant authority].
- 5 At any stage, the ^{F21}relevant accounting officer] may request the inclusion of a particular category of undertaking in the programme of ^{F22}the relevant authority].
- 6 Undertakings for which the sum of the receipts or payments amounted to less than ^{F23}EUR 40 000][^{F23}£40 000] shall be scrutinised in accordance with this Chapter only for specific reasons to be indicated by the ^{F24}relevant authority in its] annual programme referred to in paragraph 1 or by the ^{F25}relevant accounting officer] in any proposed amendment to that programme. ^{F26}In order to take account of economic developments, the appropriate authority may make regulations modifying the threshold. Such regulations may specify the threshold in Sterling.]

Extent Information

- E4** This version of this provision applies to Wales, Scotland and Northern Ireland only; a separate version has been created for England only

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Textual Amendments

- F15** Words in Art. 84(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 84(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(e\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(e\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Sum in Art. 84(6) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), [2\(14\)](#)
- F24** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, [21\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, [21\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, [21\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 84 **E**

Programming

1 ^[F61]The relevant authority^[F62] may draw up programmes for scrutiny to be carried out pursuant to Article 80 during the subsequent scrutiny period.

2 Each year, before 15 April, ^[F63]the relevant authority^[F64] may send the ^[F65]relevant accounting officer their programme as referred to in paragraph 1 and ^[F64]may specify:

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- a the number of undertakings to be scrutinised and their breakdown by sector on the basis of the amounts relating to them;
- b the criteria adopted for drawing up the programme.

3 The programmes established by the [F66 relevant authority] and forwarded to the [F67 relevant accounting officer] [F68 may] be implemented by the [F66 relevant authority], if, within eight weeks, the [F67 relevant accounting officer] has not made known its comments.

4 Paragraph 3 shall apply mutatis mutandis to the amendments to the programme made by the [F69 relevant authority].

5 At any stage, the [F70 relevant accounting officer] may request the inclusion of a particular category of undertaking in the programme of [F71 the relevant authority].

6 Undertakings for which the sum of the receipts or payments amounted to less than [F72 EUR 40 000] [F72 £40 000] shall be scrutinised in accordance with this Chapter only for specific reasons to be indicated by the [F73 relevant authority in its] annual programme referred to in paragraph 1 or by the [F74 relevant accounting officer] in any proposed amendment to that programme. [F75 In order to take account of economic developments, the appropriate authority may make regulations modifying the threshold. Such regulations may specify the threshold in Sterling.]

Extent Information

- E8** This version of this provision applies to England only; a separate version has been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F61** Words in Art. 84(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Word in Art. 84(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), [6\(5\)\(a\)](#)
- F63** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F64** Word in Art. 84(2) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), [6\(5\)\(b\)](#)
- F65** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F66** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(23\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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- F68** Word in Art. 84(3) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), **6(5)(c)**
- F69** Words in Art. 84(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Sum in Art. 84(6) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(14)**
- F73** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **21(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **21(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 84(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **21(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 85

Special departments

1 ^[F27]A special department ^[F28]shall^[F28] ^[F28]may be responsible for monitoring the application of this Chapter ^[F29]in each constituent nation. Where the relevant authority so decides, instead of establishing a special department, it may allow the functions of the special department to be carried out by a special department established in a different constituent nation]. ^[F30]The special department shall, in particular, be responsible for:

- a the performance of the scrutiny provided for in this Chapter by officials employed directly by that special department; or
- b the coordination and general surveillance of the scrutiny carried out by officials belonging to other departments.

^[F31]Scrutiny to be carried out pursuant to this Chapter may be allocated between the special department and other departments, provided that the special department is responsible for its coordination.]

2 The department or departments responsible for the application of this Chapter shall be organised in such a way as to be independent of the departments or branches of departments responsible for the payments and the scrutiny checks carried out prior to payment.

3 In order to ensure that this Chapter is properly applied, the special department referred to in paragraph 1 shall take all the measures necessary, and it shall be entrusted ^[F32]... with all the powers necessary, to perform the tasks referred to in this Chapter.

^{F33}4

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Textual Amendments

- F27** Word in Art. 85(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Word in Art. 85(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), [6\(6\)](#)
- F29** Words in Art. 85(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 85(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(cc\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 85(1) substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 85(3) omitted (31.12.2020 in so far as it to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Art. 85(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 86

Reports

1 Before 1 January, following the scrutiny period, [^{F34}the relevant authority][^{F35}shall][^{F35}may] send the [^{F36}relevant accounting officer] a detailed report on the application of this Chapter.

^{F37}2

Textual Amendments

- F34** Words in Art. 86(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(25\)\(i\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Word in Art. 86(1) substituted (E.) (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), regs. 1(1), [6\(7\)](#)
- F36** Words in Art. 86(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing,](#)

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Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(25)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

F37 Art. 86(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(25)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F38} *Article 87*

Access to information and scrutiny by the Commission

Textual Amendments

F38 Art. 87 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(26)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F39} *Article 88*

Power to make regulations

The appropriate authority may make regulations laying down rules for the uniform application of this Chapter and in particular relating to:

- a the performance of the scrutiny referred to in Article 80 as regards the selection of undertakings, rate and the calendar for the scrutiny;
- b the conservation of commercial documents and the types of documents to maintain or data to record;
- c the responsibilities of the special department referred to in Article 85;
- d the content of reports referred to in Article 86.]

Textual Amendments

F39 Art. 88 substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **22**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

Regulation (EU) No 1306/2013 of the European Parliament and of the Council, CHAPTER III is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 2](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 3](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 4](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(1)(p) inserted by [S.I. 2019/748 reg. 3](#)
- Art. 2(1)(p) inserted by [S.I. 2019/831 reg. 62](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 62 omitted immediately before IP completion day by virtue of S.I. 2020/1445, reg. 16(9))
- Art. 28A inserted by S.I. 2019/748, reg. 8A (as inserted) by [S.I. 2019/1344 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 78(b) words substituted by [S.I. 2019/748 reg. 19\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 19(b) substituted immediately before IP completion day by S.I. 2020/1445, reg. 10(9))