

Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014
laying down rules for the application of Regulation (EU) No 1306/2013 of
the European Parliament and of the Council with regard to the integrated
administration and control system, rural development measures and cross compliance

TITLE II

INTEGRATED ADMINISTRATION AND CONTROL SYSTEM

CHAPTER I

General rules

Article 10

Advances for direct payments

Member States may pay advances for direct payments without applying the adjustment rate for financial discipline referred to in Article 8 of Regulation (EU) No 1307/2013 to beneficiaries in respect of the aid applications for a given year. The balance payment to be granted to beneficiaries as from 1 December shall take into account the adjustment rate for financial discipline applicable at that time for the total amount of direct payments in the corresponding calendar year.

CHAPTER II

Aid applications and payment claims

Section 1

Common provisions

Article 11

Simplification of procedures

1. Save as otherwise provided in Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013, Delegated Regulation (EU) No 640/2014 or this Regulation, Member States may permit or require that any kind of communications under this Regulation both from the beneficiary to the authorities and *vice versa* be made by electronic means, provided that this does not cause any discrimination between beneficiaries and that appropriate measures are taken to ensure in particular that:

- (a) the beneficiary is unambiguously identified;
- (b) the beneficiary complies with all requirements under the direct payment scheme or rural development measure concerned;

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- (c) the transmitted data is reliable in view of the proper management of the direct payment scheme or rural development measure concerned; where use is made of the data contained in the computerised database for animals as defined in point (9) of the second subparagraph of Article 2(1) of Delegated Regulation (EU) No 640/2014, that database shall offer the level of assurance and implementation necessary for the proper management of the direct payment scheme or rural development measure involved;
- (d) where accompanying documents cannot be transmitted electronically, such documents are received by the competent authorities within the same time limits as for transmission by non-electronic means.
2. With regard to the submission of aid applications or payment claims, Member States may, under the conditions laid down in paragraph 1, provide for simplified procedures where data is already available to the authorities, in particular where the situation has not changed since the latest submission of an aid application or payment claim under the direct payment scheme or rural development measure concerned in accordance with Article 72(3) of Regulation (EU) No 1306/2013. Member States may decide to use data derived from data sources at the disposal of national authorities for the purposes of the aid applications and payment claims. In that case Member State shall ensure that those data sources offer the level of assurance necessary for the proper management of the data in order to guarantee the reliability, integrity and security of that data.
3. Where possible, the competent authority may request the information required in any supporting documents to be submitted together with the aid application or payment claim directly from the source of the information.

Article 12

General provisions pertaining to the single application and to the submission of applications for support under rural development measures

1. If Member States decide pursuant to Article 72(4) of Regulation (EU) No 1306/2013 that the aid applications for direct payments and payment claims for rural development measures are to be covered by the single application, Articles 20, 21 and 22 of this Regulation shall apply *mutatis mutandis* in respect of the particular requirements established in view of the aid application and/or payment claim under those schemes or measures.
2. A beneficiary applying for aid and/or support under any of the area-related direct payments or rural development measures may submit only one single application per year.
3. Member States shall provide for appropriate procedures for the submission of applications for support under rural development measures.

Article 13

Final date of submission of the single application, aid applications or payment claims

1. Member States shall fix the final dates by which the single application, aid applications or payment claims shall be submitted. The final dates shall not be later than 15 May each year. However, Estonia, Latvia, Lithuania, Finland and Sweden may fix a later date which shall not be later than 15 June.

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In setting the final dates, Member States shall take into account the period required for all relevant data to be available for the proper administrative and financial management of the aid and/or support and shall ensure that effective checks may be scheduled.

2. In accordance with the procedure referred to in the second paragraph of Article 78 of Regulation (EU) No 1306/2013, the final dates referred to in paragraph 1 of this Article may be set at a later date in certain zones subject to exceptional climatic conditions.

Article 14

Contents of the single application or payment claim

1. The single application or payment claim shall contain all information necessary to establish eligibility for the aid and/or support, in particular:

- (a) the identity of the beneficiary;
- (b) details of the direct payment schemes and/or rural development measures concerned;
- (c) the identification of the payment entitlements in accordance with the identification and registration system provided for in Article 7 of Delegated Regulation (EU) No 640/2014 for the purposes of the basic payment scheme;
- (d) particulars permitting the unambiguous identification of all agricultural parcels on the holding, their area expressed in hectares to two decimal places, their location and, and where required, further specifications on the use of the agricultural parcels;
- (e) where applicable, particulars permitting the unambiguous identification of non-agricultural land for which support under rural development measures is being claimed;
- (f) where appropriate, any supporting documents needed to establish the eligibility for the scheme and/or measure concerned;
- (g) a statement by the beneficiary that he is aware of the conditions pertaining to the direct payment schemes and/or rural development measures in question;
- (h) where applicable, an indication by the beneficiary that he is covered by the list of non-agricultural businesses or activities referred to in the first and second subparagraphs of Article 9(2) of Regulation (EU) No 1307/2013.

2. For the purpose of the identification of the payment entitlements referred to in paragraph 1(c), the pre-established forms provided to the beneficiary in accordance with Article 72(3) of Regulation (EU) No 1306/2013 shall mention the identification of the payment entitlements in accordance with the identification and registration system provided for in Article 7 of Delegated Regulation (EU) No 640/2014.

3. For the first year of application of the basic payment scheme the Member States may derogate from this Article and Article 17 of this Regulation as regards payment entitlements.

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Article 15

Amendments to the single application or payment claim

1. After the final date of submission of the single application or payment claim, individual agricultural parcels or individual payment entitlements may be added or adjusted in the single application or payment claim provided that the requirements under the direct payment schemes or rural development measures concerned are respected.

Changes regarding the use or direct payment scheme or rural development measure in respect of individual agricultural parcels or in respect of payment entitlements already declared in the single application may be made under the same conditions.

Where the amendments referred to in the first and second subparagraphs have a bearing on any supporting documents or contracts to be submitted, such documents or contracts may be amended accordingly.

2. Amendments made in accordance with paragraph 1 shall be notified to the competent authority in writing by 31 May of the year concerned, except in the case of Estonia, Latvia, Lithuania, Finland and Sweden where they shall be notified by 15 June of the year concerned.

By way of derogation from the first subparagraph, Member States may set an earlier final date for the notification of amendments. That date shall however not be earlier than 15 calendar days after the final date for submitting the single application or payment claim fixed in accordance with Article 13(1).

3. Where the competent authority has already informed the beneficiary of any case of non-compliance in the single application or payment claim or where it has given notice to the beneficiary of its intention to carry out an on-the-spot check or where an on-the-spot check reveals any non-compliance, amendments in accordance with paragraph 1 shall not be authorised in respect of the agricultural parcels affected by the non-compliance.

Article 16

Correction of the pre-established forms

When submitting the single application, aid application and/or payment claim form, the beneficiary shall correct the pre-established form referred to in Article 72(3) of Regulation (EU) No 1306/2013 if any amendments, in particular transfers of payment entitlements in accordance with Article 34 of Regulation (EU) No 1307/2013, have occurred or if any information contained in the pre-established forms is incorrect.

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Section 2

aid applications for area-related aid schemes and payment claims for area-related support measures

Article 17

Specific requirements pertaining to aid applications for area-related aid schemes and payment claims for area-related support measures

1. For the purpose of the identification of all agricultural parcels on the holding and/or non-agricultural land as referred to in Article 14(1)(d) and (e), the competent authority shall provide the beneficiary with the pre-established form and the corresponding graphic material referred to in Article 72(3) of Regulation (EU) No 1306/2013 through a GIS-based interface, enabling the processing of the spatial and alphanumeric data of the areas declared (hereinafter referred to as ‘geo-spatial aid application form’).
2. Paragraph 1 shall apply as follows:
 - (a) As from claim year 2016, to a number of beneficiaries corresponding to that required to cover at least 25 % of the total area determined for the basic payment scheme or the single area payment scheme in the previous year;
 - (b) As from claim year 2017, to a number of beneficiaries corresponding to that required to cover at least 75 % of the total area determined for the basic payment scheme or the single area payment scheme in the previous year;
 - (c) As from claim year 2018, to all beneficiaries.
3. Where the beneficiary is not in the position to submit the aid application and/or payment claim using the geo-spatial aid application form, the competent authority shall provide the beneficiary with either:
 - (a) the required technical assistance; or
 - (b) the pre-established forms and the corresponding graphic material in paper. In this case, the competent authority shall transcribe the information received from the beneficiary into the geo-spatial aid application form.
4. The pre-established forms provided to the beneficiary shall specify the maximum eligible area per reference parcel in accordance with points (a) and (b) of Article 5(2) of Delegated Regulation (EU) No 640/2014 and the area determined in the previous year per agricultural parcel for the purposes of the basic payment scheme, the single area payment scheme and/or area-related rural development measure.

The graphic material supplied to the beneficiary in accordance with Article 72(3) of Regulation (EU) No 1306/2013 shall indicate the boundaries and the unique identification of the reference parcels as referred to in Article 5(1) of Delegated Regulation (EU) No 640/2014 and the boundaries of the agricultural parcels determined in the previous year as to enable the beneficiary to indicate correctly the size and location of each agricultural parcel. As from claim year 2016, it shall also indicate the type, size and location of the ecological focus areas determined in the previous year.
5. The beneficiary shall unambiguously identify and declare the area of each agricultural parcel and, where applicable, the type, size and location of the ecological focus areas. With

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regard to the greening payment, the beneficiary shall also specify the use of the agricultural parcels declared.

For this purpose, the beneficiary may confirm the information already provided in the pre-established form. However, where the information on the area, location or boundary of the agricultural parcel or, where applicable, the size and location of the ecological focus areas is not correct or is incomplete, the beneficiary shall correct or make changes to the pre-established form.

The competent authority shall assess on the basis of the corrections or complements provided by the beneficiaries in the pre-established form whether an update of the corresponding reference parcel is required, having regard to Article 5(3) of Delegated Regulation (EU) No 640/2014.

6. Where the beneficiary is carrying out equivalent practices in accordance with Article 43(3)(a) of Regulation (EU) No 1307/2013 through commitments undertaken in accordance with Article 39(2) of Council Regulation (EC) No 1698/2005⁽¹⁾ or Article 28(2) of Regulation (EU) No 1305/2013, the commitment shall be indicated in the aid application with reference to the corresponding payment claim.

Where the beneficiary is carrying out equivalent practices through national or regional environmental certification schemes in accordance with Article 43(3)(b) of Regulation (EU) No 1307/2013, paragraphs 4 and 5 of this Article shall apply *mutatis mutandis* as regards the pre-established form and the declaration by the beneficiary.

For the purpose of regional or collective implementations in accordance with Article 46(5) and 46(6) of Regulation (EU) No 1307/2013 and for the part of the ecological focus area obligations that the beneficiaries have to fulfil individually, beneficiaries participating in such regional or collective implementations shall unambiguously identify and declare, in respect of each agricultural parcel, the type, size and location of the ecological focus area in accordance with paragraph 5 of this Article. In their aid application or payment claim beneficiaries shall make reference to the declaration of a regional or collective implementation as referred to in Article 18 of this Regulation.

7. For areas used for the production of hemp in accordance with Article 32(6) of Regulation (EU) No 1307/2013, the single application shall contain:

- (a) all information required for the identification of the parcels sown with hemp, indicating the varieties of seed used;
- (b) an indication as to the quantities of the seeds used (kg per hectare);
- (c) the official labels used on the packaging of the seeds in accordance with Council Directive 2002/57/EC⁽²⁾, and in particular Article 12 thereof, or any other document recognised as equivalent by the Member State.

By way of derogation from point (c) of the first subparagraph, where sowing takes place after the final date for submitting the single application, the labels shall be submitted by 30 June at the latest. Where the labels also have to be submitted to other national authorities, the Member States may provide for those labels to be returned to the beneficiary once they have been submitted in accordance with that point. The labels returned shall be marked as used for an application.

8. For the crop specific payment for cotton provided for in Chapter 2 of Title IV of Regulation (EU) No 1307/2013, the single application shall contain:

- (a) the name of the variety of cotton seed used;

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(b) where appropriate, the name and address of the approved inter-branch organisation of which the beneficiary is a member.

9. Areas that are not used for the purposes of the aid schemes provided for in Titles III, IV and V of Regulation (EU) No 1307/2013 or for the support schemes in the wine sector as referred to in Regulation (EC) No 1308/2013 shall be declared under one or more 'other uses' headings.

Article 18

Declaration of a regional or collective implementation

For each regional or collective implementation in accordance with Article 46(5) or (6) of Regulation (EU) No 1307/2013, a declaration of a regional or collective implementation shall be submitted supplementing the aid application or payment claim of each participating beneficiary.

The declaration shall contain all necessary complementary information to verify compliance with obligations in respect of the regional or collective implementations in accordance with Article 46(5) or (6) of that Regulation, in particular:

- (a) the unique identification of each participating beneficiary;
- (b) the minimum percentage that each participating beneficiary needs to fulfil individually as referred to in the second subparagraph of Article 46(6) of that Regulation;
- (c) the total area of the contiguous structures of adjacent ecological focus areas as referred to in Article 46(5) of that Regulation or of the common ecological focus area as referred to in Article 46(6) of that Regulation, in respect of which obligations are fulfilled collectively;
- (d) pre-established graphic material indicating the boundaries and the unique identification of the reference parcels to be used to unambiguously identify the contiguous structures of adjacent ecological focus areas or the common ecological focus area and to indicate their boundaries.

In case of regional implementation, if the detailed plan provided for in Article 46(6) of Delegated Regulation (EU) No 639/2014 contains all the information listed in the second subparagraph of this Article, the declaration referred to in the first subparagraph may be substituted by a reference to the plan.

In case of a collective implementation, the declaration referred to in the first subparagraph shall be supplemented by the written agreement provided for in Article 47(4) of Delegated Regulation (EU) No 639/2014.

Article 19

Applications relating to participation in and withdrawal from the small farmers scheme

1. Applications submitted in 2015 for participation in the small farmers scheme referred to in Article 62(1) of Regulation (EU) No 1307/2013 shall contain a reference to the single application submitted for claim year 2015 by the same beneficiary and, where applicable, a statement by the beneficiary that he is aware of the special conditions pertaining to the small farmers scheme provided for in Article 64 of that Regulation.

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Member States may decide that the application referred to in the first subparagraph is to be submitted together or as part of the single application.

2. As from claim year 2016, Member States shall provide for the simplified application procedure referred to in Article 72(3) of Regulation (EU) No 1306/2013.

3. The pre-established forms to be used in the application procedure referred to in paragraph 2 shall be drawn up on the basis of the information provided with the single application submitted for claim year 2015 and shall contain, in particular:

- (a) all additional information necessary to establish compliance with Article 64 of Regulation (EU) No 1307/2013 and, where relevant, all additional information necessary to confirm that the beneficiary still complies with Article 9 of that Regulation;
- (b) a statement by the beneficiary that he is aware of the special conditions pertaining to the small farmers scheme provided for in Article 64 of Regulation (EU) No 1307/2013.

Where Member States opt for the payment method laid down in point (a) of the first subparagraph of Article 63(2) of Regulation (EU) No 1307/2013 without applying the third subparagraph thereof, the pre-established forms shall, by way of derogation from the first subparagraph of this paragraph be provided in accordance with Section 1 of this Chapter.

4. Beneficiaries deciding to withdraw from the small farmers scheme in respect of a year subsequent to 2015 in accordance with the second subparagraph of Article 62(1) of Regulation (EU) No 1307/2013 or Article 62(2) of that Regulation shall inform the competent authority of their withdrawal in accordance with the modalities put in place by the Member States.

Section 3

Other applications

Article 20

Specific provisions pertaining to aid applications

A beneficiary who does not apply for aid under any of the area-related aid schemes but applies for aid under another scheme listed in Annex I to Regulation (EU) No 1307/2013 or for support schemes in the wine sector pursuant to Articles 46 and 47 of Regulation (EU) No 1308/2013 shall, if he has agricultural area at his disposal, declare those areas in his aid application form in accordance with Article 17 of this Regulation.

A beneficiary who is only subject to cross-compliance obligations in accordance with Articles 46 and 47 of Regulation (EU) No 1308/2013 shall declare in his aid application form the areas at his disposal in respect of each calendar year in which those obligations apply.

However, Member States may exempt beneficiaries from the obligations provided for in the first and second subparagraphs where the information concerned is made available to the competent authorities in the framework of other administration and control systems that guarantee compatibility with the integrated system in accordance with Article 61 of Regulation (EU) No 1306/2013.

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Article 21

Requirements pertaining to livestock aid application and to payment claims under animal-related support measures

1. A livestock aid application as defined in point (15) of the second subparagraph of Article 2(1) of Delegated Regulation (EU) No 640/2014 or payment claim under animal-related support measures as defined in point (14) of the second subparagraph of Article 2(1) of that Regulation shall contain all information necessary to establish eligibility for the aid and/or support, and in particular:

- (a) the identity of the beneficiary;
- (b) a reference to the single application if it has already been submitted;
- (c) the number of animals of each type in respect of which a livestock aid application or a payment claim is being submitted and, for bovines, the identification code of the animals;
- (d) where applicable, an undertaking by the beneficiary to keep the animals referred to in point (c) on his holding during a period, determined by the Member State, and information on the location or locations where the animals will be held including the period concerned;
- (e) where appropriate, any supporting documents needed to establish the eligibility for the scheme or measure concerned;
- (f) a statement by the beneficiary that he is aware of the conditions pertaining to the aid and/or support in question.

2. Every animal keeper shall have the right to obtain from the competent authority without constraint, at reasonable intervals and without excessive delay, information on the data relating to him and his animals kept in the computerised database for animals. When submitting his livestock aid application or payment claim, the beneficiary shall declare that that data is correct and complete or he shall rectify incorrect or complete missing data.

3. Member States may decide that some of the information referred to in paragraph 1 need not to be included in the livestock aid application or payment claim, where it has already been communicated to the competent authority.

4. Member States may introduce procedures by which data contained in the computerised database for animals may be used for the purposes of the livestock aid application or payment claim, provided that the computerised database for animals offers the level of assurance and implementation necessary for the proper management of the aid schemes or support measures involved at the level of individual animals.

The procedures referred to in the first subparagraph may consist of a system according to which a beneficiary may apply for aid and/or support in respect of all animals which, at a date or during a period determined by the Member State, qualify for aid and/or support on the basis of the data contained in the computerised database for animals.

In that case, Member States shall take the necessary measures to guarantee that:

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- (a) in accordance with the provisions applicable to the aid scheme and/or support measure in question, the date or the period referred to in the second subparagraph are clearly identified and known to the beneficiary;
 - (b) the beneficiary is aware that any potentially eligible animals found not to be correctly identified or registered in the system for the identification and registration for animals shall count as animals found with non-compliances as referred to in Article 31 of Delegated Regulation (EU) No 640/2014.
5. Member States may provide that some of the information referred to in paragraph 1 can or shall be forwarded via a body or bodies approved by them. However, the beneficiary shall remain responsible for the data transmitted.

Section 4

Specific provisions pertaining to payment entitlements

Article 22

Allocation or increase of the value of payment entitlements

1. Applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme in accordance with Article 20, Article 24, Article 30, except paragraph 7(e), and Article 39 of Regulation (EU) No 1307/2013 shall be submitted by a date to be fixed by the Member States. The date fixed shall not be later than 15 May of the relevant calendar year.

However, Estonia, Latvia, Lithuania, Finland and Sweden may fix a later date which shall not be later than 15 June of the relevant calendar year.

2. Member States may decide that the application for allocation of payment entitlements shall be submitted at the same time as the aid application under the basic payment scheme.

Article 23

Recovery of undue payment entitlements

1. Where, after payment entitlements have been allocated to beneficiaries in accordance with Regulation (EU) No 1307/2013, it is established that the number of payment entitlements allocated was too high, the number of allocated payment entitlements in excess shall revert to the national reserve or regional reserves referred to in Article 30 of Regulation (EU) No 1307/2013.

Where the error referred to in the first subparagraph was made by the competent authority or by another authority and if the error could not reasonably have been detected by the beneficiary, the value of the remaining payment entitlements allocated to that beneficiary shall be adjusted accordingly.

Where the beneficiary concerned by the allocation of a too high number of payment entitlements, meanwhile, has transferred payment entitlements to other beneficiaries, the transferees shall also be bound by the obligation provided for in the first subparagraph in proportion to the number of payment entitlements which have been transferred to them if the beneficiary to whom the payment entitlements had initially

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been allocated does not have a sufficient number of payment entitlements at his disposal to cover the number of undue payment entitlements.

2. Where, after payment entitlements have been allocated to beneficiaries in accordance with Regulation (EU) No 1307/2013, it is established that the payments received by a beneficiary for 2014 as referred to in the first subparagraph of Article 26(2) of that Regulation, or the value of the payment entitlements held by a beneficiary on the date of submission of his application for 2014 as referred to in the first subparagraph of Article 26(3) of that Regulation, or the unit value of the payment entitlements as referred to in Article 26(5) of that Regulation, or the increase of the unit value of payment entitlements as provided for in Article 30(10) of that Regulation, or the total value of aid received by a beneficiary for the calendar year preceding the implementation of the basic payment scheme as referred to in the first subparagraph of Article 40(3) of that Regulation, were too high, the value of those payment entitlements based on the incorrect reference for the beneficiary concerned shall be adjusted accordingly.

That adjustment shall also be carried out in respect of payment entitlements which have, meanwhile, been transferred to other beneficiaries.

The value of the reduction shall revert to the national reserve or regional reserves referred to in Article 30 of Regulation (EU) No 1307/2013.

3. Where, after payment entitlements have been allocated to beneficiaries in accordance with Regulation (EU) No 1307/2013, it is established that for the same beneficiary, both the situation referred to in paragraph 1 and that referred to in paragraph 2 occurred, the adjustment of the value of all payment entitlements as referred to in paragraph 2 shall be made before the undue payment entitlements revert to the national reserve or regional reserves in accordance with paragraph 1.

4. The adjustments of the number and/or value of payment entitlements provided for in this Article shall not lead to a systematic recalculation of the remaining payment entitlements.

5. Member States may decide not to recover undue payment entitlements where the total value of those payment entitlements as set out in the electronic register for identification and registration of payment entitlements at the time the verifications in view of making the adjustments provided for in this Article take place is EUR 50 or less for any of the years in which the basic payment scheme is implemented in accordance with Regulation (EU) No 1307/2013.

Undue amounts paid in respect of the claim years preceding the adjustments shall be recovered in accordance with Article 7 of this Regulation. When determining such undue amounts, account shall be taken of the impact of the adjustments provided for in this Article on the number and, where relevant, the value of the payment entitlements for all the years concerned.

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- (1) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 277, 21.10.2005, p. 1](#)).
- (2) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ([OJ L 193, 20.7.2002, p. 74](#)).

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