

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 III U.K.

CHECKS

CHAPTER II U.K.

Administrative checks within the integrated system

Article 28 U.K.

Administrative checks

1. The administrative checks referred to in Article 74 of Regulation (EU) No 1306/2013, including cross-checks, shall permit the detection of non-compliances, in particular the automated detection using computerised means. The checks shall cover all elements that are possible and appropriate to control by means of administrative checks. They shall ensure that:

- (a) the eligibility criteria, commitments and other obligations for the aid scheme or support measure are fulfilled;
- (b) there is no double financing through other Union schemes;
- (c) the aid application or payment claim is complete and submitted within the relevant time-limit and, where applicable, that supporting documents have been submitted and that they prove eligibility;
- (d) there is compliance with long-term commitments, where appropriate.

2. In respect of animal aid schemes and animal-related support measures, Member States may, where appropriate, make use of evidence received from other services, bodies or organisations to verify the compliance with the eligibility criteria, commitments and other obligations, provided that the service, body or organisation in question is operating to a standard sufficient to control such compliance.

Article 29 U.K.

Cross-checks

1. Where appropriate, the administrative checks shall include cross-checks:
 - (a) on declared payment entitlements and on declared agricultural parcels, respectively, in order to avoid multiple granting of the same aid or support in respect of the same calendar or claim year and to prevent any undue accumulation of aid granted under area-related aid schemes listed in Annex I to Regulation (EU) No 1307/2013 and Annex VI to Council Regulation (EC) No 73/2009⁽¹⁾, and area-related support

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 809/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

measures as defined in point (21) of the second subparagraph of Article 2 of Delegated Regulation (EU) No 640/2014;

- (b) on the payment entitlements to verify their existence and the eligibility for aid;
- (c) between the agricultural parcels as declared in the single application and/or payment claim and the information as contained in the identification system for agricultural parcels per reference parcel in accordance with Article 5(2) of Delegated Regulation (EU) No 640/2014 to verify the eligibility for direct payment scheme and/or rural development measure of the areas as such;
- (d) between the payment entitlements and the area determined in order to verify that the entitlements are accompanied by at least an equal number of eligible hectares as defined in Article 32(2) to (6) of Regulation (EU) No 1307/2013;
- (e) by means of the system for the identification and registration of animals, to verify eligibility for the aid and/or support and to avoid undue multiple granting of the same aid and/or support in respect of the same calendar or claim year;
- (f) between the declarations of the beneficiary in the single application to be a member of an approved inter-branch organisation, the information under Article 17(8) of this Regulation and the information transmitted by the approved inter-branch organisations concerned, to verify eligibility for the increase of the aid provided for in Article 60(2) of Regulation (EU) No 1307/2013;
- (g) to verify the compliance with the criteria for the approval of inter-branch organisations and the list of their members at least once every 5 years.

For the purposes of point (c) of the first subparagraph, where the integrated system provides for geo-spatial aid application forms, the cross-checks shall be carried out as spatial intersection of the digitised area declared with the identification system of agricultural parcels. In addition, cross-checks shall be carried out to prevent double claiming of the same area.

2. Indications of non-compliance resulting from cross-checks shall be followed-up by any other appropriate administrative procedure, and where necessary, by an on-the-spot check.

3. Where a reference parcel is subject to an aid application and/or payment claim by two or more beneficiaries under the same aid scheme or under the same support measure and where the agricultural parcels declared are spatially overlapping or where the overall area declared exceeds the maximum eligible area determined in accordance with points (a) and (b) of Article 5(2) of Delegated Regulation (EU) No 640/2014, and the difference falls within the measurement tolerance defined in accordance with Article 38 of this Regulation in respect of that reference parcel, Member State may provide for a proportional reduction of the areas concerned, unless a beneficiary demonstrates that any of the other beneficiaries concerned over-declared his areas to the detriment of the former.

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- (1) Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ([OJ L 30, 31.1.2009, p. 16](#)).

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