
STATUTORY INSTRUMENTS

2022 No. 1225

**The Rural Development (Amendment)
(No. 2) (England) Regulations 2022**

Commission Regulation (EC) No 1975/2006

3.—(1) [Commission Regulation \(EC\) No 1975/2006](#) laying down detailed rules for the implementation of [Council Regulation \(EC\) No 1698/2005](#), as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures⁽¹⁾, is amended as follows.

(2) In Article 12 (on-the-spot checks)—

- (a) omit paragraph 1;
- (b) in paragraph 2, omit the words from “apply to on-the-spot” to “in this Article”;
- (c) omit paragraphs 3 and 4.

(3) In Article 16 (area-related measures)—

(a) for paragraph 2 substitute—

“If, in respect of a crop group as referred to in Article 16(1), the area declared for the purposes of any area-related aid schemes or support measures exceeds or is less than the area determined in accordance with Article 50(3) of [Regulation \(EC\) No 796/2004](#), the aid must be calculated on the basis of the area determined or the area declared, whichever is the lower.”;

(b) in paragraph 6, omit “in the third subparagraph of paragraph 2 and”.

(4) In Article 18 (reductions and exclusions in the case of non-respect of eligibility criteria)—

- (a) in paragraph 1, for “shall” substitute “may”;
- (b) for paragraph 2 substitute—

“When deciding on the rate of refusal or withdrawal of support following the non-compliance with the commitments or other obligations referred to in paragraph 1 the relevant authority may take account of—

- the circumstances that led to the non-compliance and whether it was caused by the intentional actions of the beneficiary or due to that person’s recklessness or negligence;
- any steps taken by the beneficiary to report a change of circumstance or notify the relevant authority of the non-compliance within a reasonable period;
- any failure on the part of the beneficiary to co-operate with an on-the-spot check;
- any past conduct of the beneficiary during the period of the commitment and whether a similar non-compliance has previously occurred;
- the nature of the non-compliance and whether it has caused widespread or irreparable damage;

(1) EUR 2006/1975, as saved in respect of payment claims submitted before 1 January 2011 by Article 34 of EUR 2011/65.

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- the extent to which it is desirable, practicable or economic to permit the beneficiary to rectify the non-compliance;
 - the consequences of the non-compliance and whether it renders the purpose of the commitment unachievable within the timescales or finances of the commitment or to the standards agreed when the commitment was undertaken.”;
- (c) in paragraph 3, for “shall” substitute “may”.
- (5) In Article 26 (administrative checks), paragraph 4, omit the second subparagraph.
- (6) In Article 27 (on-the-spot checks)—
- (a) in paragraph 1, in the first place it occurs, for “shall” substitute “may”;
 - (b) omit paragraph 2.
- (7) In Article 28 (content of on-the-spot checks), for paragraph 3 substitute—
- “The on-the-spot checks may include a visit to the operation or, if the operation is intangible, to the operation promoter”.