

Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005

TITLE III

**RURAL DEVELOPMENT SUPPORT**

*CHAPTER I*

*Measures*

*Article 13*

**Measures**

Each rural development measure shall be programmed to contribute specifically to the achievement of one or more <sup>F1</sup>... priorities for rural development. An indicative list of measures of particular relevance to the <sup>F1</sup>... priorities is set out in Annex VI.

**Textual Amendments**

**F1** Word in [Art. 13](#) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(I)**; 2020 c. 1, Sch. 5 para. 1(I)

*Article 14*

**Knowledge transfer and information actions**

1 Support under this measure shall cover vocational training and skills acquisition actions, demonstration activities and information actions. Vocational training and skills acquisition actions may include training courses, workshops and coaching.

Support may also cover short-term farm and forest management exchanges as well as farm and forest visits.

2 Support under this measure shall be for the benefit of persons engaged in the agricultural, food and forestry sector, land managers and other economic actors which are SMEs operating in rural areas.

The training or other knowledge transfer and information action provider shall be the beneficiary of the support.

3 Support under this measure shall not include courses of instruction or training, which form part of normal education programmes or systems at secondary or higher levels.

*Status: Point in time view as at 31/12/2020.*

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Bodies providing knowledge transfer and information services shall have the appropriate capacities in the form of staff qualifications and regular training to carry out this task.

[<sup>F24</sup> Eligible costs under this measure shall be the costs of organising and delivering the knowledge transfer or information action. Infrastructure installed as a result of demonstration may be used after the operation is completed. In the case of demonstration projects, support may also cover relevant investment costs. Costs for travel, accommodation and per diem expenses of participants as well as the cost of the replacement of farmers shall also be eligible for support. All costs identified under this paragraph shall be paid to the beneficiary.]

5 In order to ensure that farm and forest exchange schemes and visits are clearly demarcated in relation to similar actions under other <sup>F3</sup>... schemes, the [<sup>F4</sup>appropriate authority may make regulations] concerning the duration and content of farm and forest exchange schemes and farm and forest visits.

6 The [<sup>F5</sup>appropriate authority may make regulations] laying down the rules on payment modalities for participants' costs, including through the use of vouchers or other similar forms.

F6  
...

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F3** Word in Art. 14(5) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **54(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 14(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **54(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 14(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **54(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 14(6) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **54(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 15

#### Advisory services, farm management and farm relief services

- 1 Support under this measure shall be granted in order to:
- a help farmers, young farmers as defined in this Regulation, forest holders, other land managers and SMEs in rural areas benefit from the use of advisory services for the improvement of the economic and environmental performance as well as the climate friendliness and resilience of their holding, enterprise and/or investment;

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- b promote the setting up of farm management, farm relief and farm advisory services, as well as forestry advisory services, including the Farm Advisory System referred to in Articles 12 to 14 of Regulation (EU) No 1306/2013;
- c promote the training of advisors.

[<sup>F2</sup> The beneficiary of support provided in accordance with points (a) and (c) of paragraph 1 shall be either the provider of advice or training or the Managing Authority. Where the Managing Authority is the beneficiary, the provider of advice or training shall be selected by a body that is functionally independent from the Managing Authority. Support under point (b) of paragraph 1 shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service.]

[<sup>F3</sup> The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The providers under this measure shall be chosen through a selection procedure open to both public and private bodies. That selection procedure shall be objective and shall exclude candidates with conflicts of interest.]

When providing advice, advisory services shall respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013.

[<sup>F3a</sup> For the purpose of this Article, [<sup>F8</sup>the relevant authority] shall, in accordance with Article 65(1), carry out all checks at the level of the provider of advice or training.]

4 Advice to the individual farmers, young farmers as defined in this Regulation and other land managers shall be linked to at least one <sup>F9</sup>... priority for rural development and shall cover as a minimum one of the following elements:

- a obligations at farm level deriving from the statutory management requirements and/or standards for good agricultural and environmental conditions provided for in Chapter I of Title VI of Regulation (EU) No 1306/2013;
- b where applicable, the agricultural practices beneficial for the climate and the environment as laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of Regulation (EU) No 1307/2013;
- c measures at farm level provided for in rural development programmes aiming at farm modernisation, competitiveness building, sectoral integration, innovation and market orientation, as well as the promotion of entrepreneurship;

[<sup>F10</sup>d requirements arising from any programme of measures for river basin districts which has been implemented in consequence of Article 11(3) of Directive 2000/60/EC establishing a framework for Community action in the field of water policy ('the Water Framework Directive'), which is to be construed as if references to "Community legislation" were references to "the law as it applies in the constituent nation" and references to "Member States" were references to "The competent authority";

- e requirements which apply by virtue of Article 55 of Regulation (EC) No 1107/2009, in particular any requirement which applies as a consequence of the implementation of Articles 14(1), (2), (4) and (5) of Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides, which are to be construed as if references to "Member States" were references to "the competent authority"]; or
- f where relevant, occupational safety standards or safety standards linked to the farm;
- g specific advice for farmers setting up for the first time.

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[<sup>X1</sup>Advice may also cover other issues and in particular the information related to climate change mitigation and adaptation, biodiversity and the protection of water as laid down in Annex I to Regulation (EU) No 1306/2013 or issues linked to the economic and environmental performance of the agricultural holding, including competitiveness aspects.] This may include advice for the development of short supply chains, organic farming and health aspects of animal husbandry.

5 [<sup>F11</sup>Advice to forest holders shall cover, as a minimum, the relevant requirements which have been implemented as a consequence of Directives 92/43, 2009/147 and 2000/60.] It may also cover issues linked to the economic and environmental performance of the forest holding.

6 Advice to SMEs may cover issues linked to the economic and environmental performance of the enterprise.

7 Where duly justified and appropriate, advice may be provided partly in a group, while taking into account the situations of the individual user of advisory services.

8 Support under points (a) and (c) of paragraph 1 shall be limited to the maximum amounts laid down in Annex II. Support under point (b) of paragraph 1 shall be degressive over a maximum period of five years from setting up.

#### Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (Official Journal of the European Union L 347 of 20 December 2013).

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F8** Words in Art. 15(3a) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Word in Art. 15(4) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 15(4)(d)(e) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F11** Words in Art. 15(5) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(2)(c); 2020 c. 1, Sch. 5 para. 1(1)

## Article 16

### Quality schemes for agricultural products, and foodstuffs

[<sup>F21</sup> Support under this measure shall cover new participation, or participation in the five preceding years, by farmers and groups of farmers, in:]

- a quality schemes established under the following Regulations and provisions:
  - (i) Regulation (EU) 1151/2012 of the European Parliament and of the Council<sup>(1)</sup>;
  - (ii) Council Regulation (EC) No 834/2007<sup>(2)</sup>;
  - (iii) Regulation (EC) No 110/2008 of the European Parliament and of the Council<sup>(3)</sup>;
  - (iv) Council Regulation (EEC) No 1601/91<sup>(4)</sup>;
  - (v) Part II, Title II, Chapter I, Section 2 of Council Regulation (EU) No 1308/2013 as concerns wine.
- b quality schemes, including farm certification schemes, for agricultural products, cotton or foodstuffs, recognised by the [<sup>F12</sup>relevant authority] as complying with the following criteria:
  - (i) the specificity of the final product under such schemes is derived from clear obligations to guarantee any of the following:
    - specific product characteristics,
    - specific farming or production methods, or
    - a quality of the final product that goes significantly beyond the commercial commodity standards as regards public, animal or plant health, animal welfare or environmental protection;
  - (ii) the scheme is open to all producers;
  - (iii) the scheme involves binding product specifications and compliance with those specifications is verified by public authorities or by an independent inspection body;
  - (iv) the scheme is transparent and assures complete traceability of products; or
- c voluntary agricultural product certification schemes recognised by the [<sup>F13</sup>relevant authority] as meeting the <sup>F14</sup>... best practice guidelines for the operation of voluntary certification schemes relating to agricultural products and foodstuffs.

[<sup>F22</sup> Support under this measure may also cover costs arising from information and promotion activities implemented by groups of producers, concerning products covered by a quality scheme receiving support in accordance with paragraph 1 of this Article. <sup>F15</sup>...

3 Support under paragraph 1 shall be granted as an annual incentive payment, the level of which shall be determined in accordance with the level of the fixed costs arising from participation in supported schemes, for a maximum duration of five years.

In the case of initial participation prior to the application for support under paragraph 1, the maximum duration of five years shall be reduced by the number of years which

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have elapsed between the initial participation in a quality scheme and the time of the application for the support.

For the purposes of this paragraph, ‘fixed costs’ means the costs incurred for entering a supported quality scheme and the annual contribution for participating in that scheme, including, where necessary, expenditure on checks required to verify compliance with the specifications of the scheme.

For the purposes of this Article, ‘farmer’ means active farmer within the meaning of Article 9 of Regulation (EU) No 1307/2013 <sup>F16</sup>....]

4 Support shall be limited to the maximum support rate and amount laid down in Annex II.

5 In order to take into account new [<sup>F17</sup>statutory requirements] that may affect support under this measure and in order to ensure consistency with other [<sup>F18</sup>EU-derived domestic legislation or retained direct EU legislation] on promotion of agricultural measures and prevent distortion of competition, the [<sup>F19</sup>appropriate authority may make regulations] concerning, the specific <sup>F20</sup>... schemes to be covered by point (a) of paragraph 1 and the characteristics of groups of producers and the types of actions that may receive support under paragraph 2, the setting of conditions to prevent discrimination against certain products; and the setting of conditions on the basis of which commercial brands are to be excluded from support.

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F12** Words in Art. 16(1)(b) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 16(1)(c) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in Art. 16(1)(c) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 16(2) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 16(3) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 16(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **55(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 16(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **55(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 16(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **55(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 16(5) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **55(d)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 17

### Investments in physical assets

- 1 Support under this measure shall cover tangible and/or intangible investments which:
  - a improve the overall performance and sustainability of the agricultural holding;
  - <sup>F2b</sup> concern the processing, marketing and/or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products; the output of the production process may be a product not covered by that Annex; where support is provided in the form of financial instruments, the input may also be a product not covered by that Annex on condition that the investment contributes to one or more of the <sup>F21</sup>... priorities for rural development;]
  - c concern infrastructure related to the development, modernisation or adaptation of agriculture and forestry, including access to farm and forest land, land consolidation and improvement, and the supply and saving of energy and water; or
  - d are non -productive investments linked to the achievement of agri- environment - climate objectives as pursued under this regulation, including biodiversity conservation status of species and habitat as well as enhancing the public amenity value of a Natura 2000 area or other high nature value systems to be defined in the programme.

- 2 Support under point (a) of paragraph 1 shall be granted to farmers or groups of farmers.

In the case of investments to support farm restructuring, [<sup>F22</sup>the relevant authority] shall target the support to farms in accordance with the SWOT analysis carried out in relation to the <sup>F21</sup>... priority for rural development "enhancing farm viability and competitiveness of all types of agriculture in all regions and promoting innovative farm technologies and sustainable management of forests".

- 3 Support under points (a) and (b) of paragraph 1 shall be limited to the maximum support rates laid down in Annex II. Those maximum rates may be increased for young farmers, for collective investments, including those linked to a merger of Producer Organisations, and for integrated projects involving support under more than one measure, for investments in areas facing natural and other specific constraints as referred to in Article 32, for investments linked to operations under Articles 28 and 29 and for operations supported in the framework of the EIP for agricultural productivity and sustainability in accordance with the support rates laid down in Annex II. However, the maximum combined support rate may not exceed 90 %.

- 4 Support under points (c) and (d) of paragraph 1 shall be subject to the support rates laid down in Annex II.

[<sup>F25</sup> Support may be granted to young farmers setting up for the first time in an agricultural holding as head of the holding in respect of investments to comply with <sup>F21</sup>... standards applying to agricultural production, including occupational safety. Such support may be provided for a maximum of 24 months from the date of setting up as set out in the rural development programme, or until the actions defined in the business plan referred to in Article 19(4) are completed.]

- 6 Where [<sup>F23</sup>the law as it applies in the constituent nation] imposes new requirements on farmers support may be granted for investments to comply with those requirements for a maximum of 12 months from the date on which they become mandatory for the agricultural holding.

*Status: Point in time view as at 31/12/2020.*

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### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F21** Word in Art. 17 omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(4)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 17(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(4)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 17(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(4)(c); 2020 c. 1, Sch. 5 para. 1(1)

### Article 18

#### **Restoring agricultural production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions**

- 1 Support under this measure shall cover:
- a investments in preventive actions aimed at reducing the consequences of probable natural disasters, adverse climatic events and catastrophic events;
  - b investments for the restoration of agricultural land and production potential damaged by natural disasters, adverse climatic events and catastrophic events.
- 2 Support shall be granted to farmers or groups of farmers. Support may also be granted to public entities where a link between the investment undertaken by such entities and agricultural production potential is established.
- [<sup>X13</sup> Support under point (b) of paragraph 1 shall be subject to the formal recognition by the competent public authorities <sup>F24</sup>... that a natural disaster has occurred and that this disaster or [<sup>F25</sup>requirements which apply by virtue of Council Directive 2000/29/EC]<sup>(5)</sup> to eradicate or contain a plant disease or pest have caused the destruction of at least 30 % of the relevant agricultural potential.]
- 4 No support under this measure shall be granted for loss of income resulting from the natural disaster or catastrophic event.
- [<sup>F26</sup>The relevant authority] shall ensure that overcompensation as a result of the combination of this measure and [<sup>F27</sup>support under Regulation 508/2014 or direct payment support] or private insurance schemes is avoided.
- 5 Support under point (a) of paragraph 1 shall be limited to the maximum support rates laid down in Annex II.



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#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### Textual Amendments

- F24** Words in [Art. 18\(3\)](#) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(5\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in [Art. 18\(3\)](#) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(5\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in [Art. 18\(4\)](#) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(5\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in [Art. 18\(4\)](#) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(5\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Article 19

#### Farm and business development

- 1 Support under this measure shall cover:
  - a business start-up aid for:
    - (i) young farmers;
    - (ii) non-agricultural activities in rural areas;
    - (iii) the development of small farms;
  - b investments in creation and development of non-agricultural activities;
  - c annual payments or one-off payments for farmers eligible for the small farmers scheme established by Title V of Regulation (EU) No 1307/2013 ("the small farmers scheme") who permanently transfer their holding to another farmer;
- 2 Support under point (a)(i) of paragraph 1 shall be granted to young farmers.

Support under point (a)(ii) of paragraph 1 shall be granted to farmers or members of a farm household who diversify into non-agricultural activities and to micro- and small-enterprises and natural persons in rural areas.

Support under point (a)(iii) of paragraph 1 shall be granted to small farms as defined by [<sup>F28</sup>the relevant authority].

Support under point (b) of paragraph 1 shall be granted to micro- and small enterprises and natural persons in rural areas, as well as to farmers or members of a farm household.

Support under point (c) of paragraph 1 shall be granted to farmers eligible to participate in the small farmers scheme who, at the time of submitting their application for support, have been so eligible for at least one year and who undertake to permanently transfer their entire holding and the corresponding payment entitlements to another farmer. Support shall be paid from the date of the transfer until 31 December 2020 or calculated in respect of that period and paid in the form of a one-off payment.

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3 Any natural or legal person or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, may be considered to be a member of a farm household, with the exception of farm workers. Where a legal person or a group of legal persons is considered to be a member of the farm household, that member must exercise an agricultural activity on the farm at the time of the support application.

[<sup>F24</sup> The application for support under point (a)(i) of paragraph 1 shall be submitted at the latest 24 months after the date of setting up.

Support under point (a) of paragraph 1 shall be conditional on the submission of a business plan. Implementation of the business plan shall start at the latest within nine months from the date of the decision granting the aid. The business plan shall have a maximum duration of five years.

The business plan shall provide that the young farmer is to comply with Article 9 of Regulation (EU) No 1307/2013, as applicable in the [<sup>F29</sup>relevant authority] concerned, within 18 months from the date of the decision granting the aid.

[<sup>F30</sup>The relevant authority] shall define the action(s) referred to in point (s) of Article 2(1) in the rural development programmes.

[<sup>F30</sup>The relevant authority] shall define upper and lower thresholds per beneficiary or holding for allowing access to support under points (a)(i) and (a)(iii) of paragraph 1. The lower threshold for support under point (a)(i) of paragraph 1 shall be higher than the upper threshold for support under point (a)(iii) of paragraph 1. Support shall be limited to holdings falling within the definition of micro and small enterprises.]

[<sup>F74a</sup> By way of derogation from Article 37(1) of Regulation (EU) No 1303/2013, support under point (a)(i) of paragraph 1 of this Article may also be provided in the form of financial instruments, or as a combination of grants and financial instruments.]

[<sup>F25</sup> Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The payment of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan.]

6 The maximum amount of support under point (a) of paragraph 1 is laid down in Annex II. [<sup>F30</sup>The relevant authority] shall define the amount of support under points (a)(i) and (a)(ii) of paragraph 1 also taking into account the socio-economic situation of the programme area.

7 Support under point (c) of paragraph 1 shall be equal to 120 % of the annual payment that the beneficiary is eligible to receive under the small farmers scheme.

8 In order to ensure the efficient and effective use of [<sup>F31</sup>support for rural development], the [<sup>F32</sup>appropriate authority may make regulations] laying down the minimum content of business plans and the criteria to be used <sup>F33</sup>... for setting the thresholds referred to in paragraph 4 of this Article.

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management

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of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F28** Words in Art. 19 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(6)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 19(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 19 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(6)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 19(8) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **56(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 19(8) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **56(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 19(8) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **56(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 20

### Basic services and village renewal in rural areas

- 1 Support under this measure shall cover, in particular:
- the drawing up and updating of plans for the development of municipalities and villages in rural areas and their basic services and of protection and management plans relating to Natura 2000 sites and other areas of high nature value;
  - investments in the creation, improvement or expansion of all types of small scale infrastructure, including investments in renewable energy and energy saving;
  - broadband infrastructure, including its creation, improvement and expansion, passive broadband infrastructure and provision of access to broadband and public e-government solutions;
  - investments in the setting up, improvement or expansion of local basic services for the rural population, including leisure and culture, and the related infrastructure;
  - investments for public use in recreational infrastructure, tourist information and small scale tourism infrastructure;
  - studies and investments associated with the maintenance, restoration and upgrading of the cultural and natural heritage of villages, rural landscapes and high nature value sites, including related socio-economic aspects, as well as environmental awareness actions;
  - investments targeting the relocation of activities and conversion of buildings or other facilities located within or close to rural settlements, with a view to improving the quality of life or increasing the environmental performance of the settlement.
- 2 Support under this measure shall only concern small-scale infrastructure, as defined by each [<sup>F34</sup>relevant authority] in the programme. However, rural development programmes may provide for specific derogations from this rule for investments in broadband and renewable

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energy. In this case, clear criteria ensuring complementarity with support under other [F35 support under Regulation 508/2014 or direct payment support] shall be provided.

3 Investments under paragraph 1 shall be eligible for support where the relevant operations are implemented in accordance with plans for the development of municipalities and villages in rural areas and their basic services, where such plans exist and shall be consistent with any relevant local development strategy.

[F74 Paragraphs 2 and 3 shall not apply where support is provided in the form of financial instruments.]

#### Textual Amendments

- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F34** Words in Art. 20(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(7)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 20(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(7)(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 21

#### Investments in forest area development and improvement of the viability of forests

- 1 Support under this measure shall concern:
- a afforestation and creation of woodland;
  - b establishment of agroforestry systems;
  - c prevention and restoration of damage to forests from forest fires, natural disasters and catastrophic events, including pest and disease outbreaks, and climate related threats;
  - d investments improving the resilience and environmental value as well as the mitigation potential of forest ecosystems;
  - e investments in forestry technologies and in the processing, the mobilising and the marketing of forest products.

2 <sup>F36</sup>...

For holdings above a certain size, to be determined by the [F37 relevant authority] in the programme, support shall be conditional on the presentation of the relevant information from a forest management plan or equivalent instrument in line with sustainable forest management as defined by the Ministerial Conference on the Protection of Forests in Europe of 1993.

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#### Textual Amendments

- F36** Words in Art. 21(2) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 21(2) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 22

#### Afforestation and creation of woodland

1 Support under point (a) of Article 21(1) shall be granted to public and private land-holders and their associations and shall cover the costs of establishment and an annual premium per hectare to cover the costs of agricultural income foregone and maintenance, including early and late cleanings, for a maximum period of twelve years. In the case of state-owned land, support may only be granted if the body managing such land is a private body or a municipality.

Support for afforestation of land owned by public authorities or for fast growing trees shall cover only the costs of establishment.

2 Both agricultural and non-agricultural land shall be eligible. Species planted shall be adapted to the environmental and climatic conditions of the area and shall comply with minimum environmental requirements. No support shall be granted for the planting of trees for short rotation coppicing, Christmas trees or fast growing trees for energy production. In areas where afforestation is made difficult by severe pedo-climatic conditions support may be provided for planting other perennial woody species such as shrubs or bushes suitable to the local conditions.

3 In order to ensure that afforestation of agricultural land is in line with the aims of environmental policy, the <sup>[F38]</sup>appropriate authority may make regulations] concerning the definition of the minimum environmental requirements referred to in paragraph 2 of this Article.

#### Textual Amendments

- F38** Words in Art. 22(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **57**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>[F2]</sup>Article 23]

#### Establishment, regeneration or renovation of agroforestry systems

<sup>[F21]</sup> Support under point (b) of Article 21(1) shall be granted to private land-holders, municipalities and their associations and shall cover the costs of establishment, regeneration and/or renovation and an annual premium per hectare to cover the costs of maintenance for a maximum period of five years.]

2 For the purposes of this Article, agroforestry systems means land use systems in which trees are grown in combination with agriculture on the same land. The minimum and maximum number of trees per hectare shall be determined by the <sup>[F39]</sup>relevant authority] taking account of local pedo-climatic and environmental conditions, forestry species and the need to ensure sustainable agricultural use of the land.

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3 Support shall be limited to the maximum support rate laid down in Annex II.

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F39** Words in Art. 23(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(9); 2020 c. 1, Sch. 5 para. 1(1)

#### Article 24

### Prevention and restoration of damage to forests from forest fires and natural disasters and catastrophic events

1 Support under point (c) Article 21(1) shall be granted to private and public forest-holders and other private law and public bodies and their associations and shall cover the costs for:

- a the establishment of protective infrastructure. In the case of firebreaks, support may also cover aid contributing to maintenance costs. No support shall be granted to agricultural related activities in areas covered by agri-environment commitments;
- b local, small scale prevention activities against fire or other natural hazards; including the use of grazing animals;
- c establishing and improving forest fire, pest and diseases monitoring facilities and communication equipment; and
- d restoring forest potential damaged from fires and other natural disasters including pests, diseases as well as catastrophic events and climate change related events.

2 In the case of preventive actions concerning pests and diseases, the risk of a relevant disaster occurrence must be supported by scientific evidence and acknowledged by scientific public organisations. Where relevant, the list of species of organisms harmful to plants which may cause a disaster must be provided in the programme.

Eligible operations shall be consistent with the forest protection plan established by the [F40 relevant authority]. For holdings above a certain size, to be determined by the [F40 relevant authority] in the programme, support shall be conditional on the presentation of the relevant information from a forest management plan or equivalent instrument in line with sustainable forest management as defined by the Ministerial Conference on the Protection of Forests in Europe of 1993 detailing the preventive objectives.

Forest areas classified as medium to high forest fire risk according to the forest protection plan established by the [F40 relevant authority] shall be eligible for support relating to forest fire prevention.

3 Support under point (d) of paragraph 1 shall be subject to the formal recognition by the competent public authorities of [F41 the relevant authority] that a natural disaster has occurred

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and that that disaster, or [<sup>F42</sup>requirements which apply as a consequence of the implementation of Council Directive 2000/29/EC] to eradicate or contain a plant disease or pest has caused the destruction of at least 20 % of the relevant forest potential.

4 No support under this measure shall be granted for loss of income resulting from the natural disaster.

[<sup>F43</sup>The relevant authority] shall ensure that overcompensation as a result of the combination of this measure and other <sup>F44</sup>... support instruments or private insurance schemes is avoided.

#### Textual Amendments

- F40** Words in Art. 24(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 24(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(10)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 24(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(10)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Words in Art. 24(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(10)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 24(4) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(10)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 25

##### **Investments improving the resilience and environmental value of forest ecosystems**

1 Support under point (d) of Article 21(1) shall be granted to natural persons, private and public forest-holders, and other private law and public bodies and their associations.

2 Investments shall be aimed at the achievement of commitments for environmental aims, for the provision of ecosystem services and/or for the enhancement of the public amenity value of forest and wooded land in the area concerned or the improvement of the climate change mitigation potential of ecosystems, without excluding economic benefits in the long term.

#### Article 26

##### **Investments in forestry technologies and in processing, in mobilising and in the marketing of forest products**

[<sup>X11</sup> Support under point (e) of Article 21(1) shall be granted to private forest-holders, municipalities and their associations and to SMEs for investments enhancing forestry potential or relating to processing, mobilising and marketing adding value to forest products. <sup>F45</sup>...]

2 Investments related to the improvement of the economic value of forests shall be justified in relation to expected improvements to forests on one or more holdings and may include investments for soil-friendly and resource-friendly harvesting machinery and practices.

3 Investments related to the use of wood as a raw material or energy source shall be limited to all working operations prior to industrial processing.

4 Support shall be limited to the maximum support rates laid down in Annex II.

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#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### Textual Amendments

- F45** Words in [Art. 26\(1\)](#) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(11)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 27

#### Setting -up of producer groups and organisations

1 Support under this measure shall be granted in order to facilitate the setting up of producer groups and organisations in the agriculture and forestry sectors for the purpose of:

- a adapting the production and output of producers who are members of such groups or organisations to market requirements;
- b jointly placing goods on the market, including preparation for sale, centralisation of sales and supply to bulk buyers;
- c establishing common rules on production information, with particular regard to harvesting and availability; and
- d other activities that may be carried out by producer groups and organisations, such as the development of business and marketing skills and the organisation and facilitation of the innovation processes.

2 Support shall be granted to producer groups and organisations which are officially recognised by [<sup>F46</sup>the] competent authority on the basis of a business plan. It shall be limited to producer groups and organisations that are SMEs.

[<sup>F47</sup>The relevant authority] shall verify that the objectives of the business plan have been reached within five years after recognition of the producer group or organisation.

3 The support shall be paid on the basis of a business plan as a flat rate aid in annual instalments for no more than five years following the date on which the producer group or organisation was recognised, and shall be degressive. It shall be calculated on the basis of the annual marketed production of the group or organisation. [<sup>F48</sup>The relevant authority] shall pay the last instalment only after having verified the correct implementation of the business plan.

In the first year [<sup>F48</sup>the relevant authority] may pay support to the producer group or organisation calculated on the basis of the average annual value of the marketed production of its members over the three years before they entered the group or organisation. In the case of producer groups and organisations in the forestry sector, support shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value.

4 Support shall be limited to the maximum rates and amounts laid down in Annex II.



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5 [F49The relevant authority] may continue support for setting up of producer groups even after they have been recognised as producer organisations under the conditions of Regulation (EU) No 1308/2013<sup>(6)</sup>.

#### Textual Amendments

- F46 Word in Art. 27(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(12)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F47 Words in Art. 27(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(12)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F48 Words in Art. 27(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(12)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F49 Words in Art. 27(5) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(12)(d); 2020 c. 1, Sch. 5 para. 1(1)

### Article 28

#### Agri-environment-climate

1 [F50The relevant authority] shall make support under this measure available throughout their territories, in accordance with their national, regional or local specific needs and priorities. This measure shall aim to preserve and promote the necessary changes to agricultural practices that make a positive contribution to the environment and climate. Its inclusion in rural development programmes shall be compulsory at national and/or regional level.

2 Agri-environment-climate payments shall be granted to farmers, groups of farmers or groups of farmers and other land-managers who undertake, on a voluntary basis, to carry out operations consisting of one or more agri-environment-climate commitments on agricultural land to be defined by [F51the relevant authority], including but not limited to the agricultural area defined under Article 2 of this Regulation. Where duly justified to achieve environmental objectives, agri-environment-climate payments may be granted to other land-managers or groups of other land-managers.

3 Agri-environment-climate payments cover only those commitments going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013, the relevant criteria and minimum activities as established pursuant to points (c)(ii) and (c)(iii) of Article 4(1) of Regulation (EU) No 1307/2013, and relevant minimum requirements for fertiliser and plant protection products use as well as other relevant mandatory requirements established by national law. All such mandatory requirements shall be identified in the programme.

4 [F52The relevant authority] shall endeavour to ensure that persons undertaking to carry out operations under this measure are provided with the knowledge and information required to implement such operations. They may do so through, inter alia, commitment-related expert advice and/or by making support under this measure conditional on obtaining relevant training.

5 Commitments under this measure shall be undertaken for a period of five to seven years. However, where necessary in order to achieve or maintain the environmental benefits sought, [F51the relevant authority] may determine a longer period in their rural development programmes for particular types of commitments, including by means of providing for their annual extension after the termination of the initial period. For new commitments directly following the commitment performed in the initial period, [F51the relevant authority] may determine a shorter period in their rural development programmes.

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[<sup>F53</sup>For new commitments to be undertaken from 2021, [<sup>F51</sup>the relevant authority] shall determine a shorter period of one to three years in their rural development programmes. If [<sup>F51</sup>the relevant authority] provide for an annual extension of commitments after the termination of the initial period in accordance with the first subparagraph, from 2022 the extension shall not go beyond one year.

By way of derogation from the second subparagraph, for new commitments to be undertaken in 2021 and 2022, [<sup>F51</sup>the relevant authority] may determine a period of longer than three years in their rural development programmes based on the nature of the commitments and the environmental and climate-related objectives sought.]

6 Payments shall be granted annually and shall compensate beneficiaries for all or part of the additional costs and income foregone resulting from the commitments made. Where necessary, they may also cover transaction costs up to a value of 20 % of the premium paid for the agri-environment-climate commitments. Where commitments are undertaken by groups of farmers or groups of farmers and other land managers, the maximum level shall be 30 %.

[<sup>F2</sup>When calculating the payments referred to in the first subparagraph, [<sup>F51</sup>the relevant authority] shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. [<sup>F54</sup>The relevant authority] may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the type of operation concerned.]

In duly justified cases for operations concerning environmental conservation, support may be granted at a flat-rate or as a one-off payment per unit for commitments to renounce commercial use of areas, calculated on the basis of additional costs incurred and income foregone.

7 Where required in order to ensure the efficient application of the measure, [<sup>F51</sup>the relevant authority] may use the procedure referred to in Article 49(3) for the selection of beneficiaries.

8 Support shall be limited to the maximum amounts laid down in Annex II.

No support under this measure may be granted for commitments that are covered under the organic farming measure.

[<sup>F29</sup> Support may be provided for the conservation and for the sustainable use and development of genetic resources in agriculture, including non-indigenous resources, for operations not covered by the provisions under paragraphs 1 to 8. Such commitments may be carried out by beneficiaries other than those referred to in paragraph 2.]

10 In order to ensure that agri-environment-climate commitments are defined in accordance with the <sup>F55</sup>... priorities for rural development, the [<sup>F56</sup>appropriate authority may make regulations] concerning the following:

- a the conditions applicable to commitments to extensify livestock farming;
- b the conditions applicable to commitments to rear local breeds that are in danger of being lost to farming or to preserve plant genetic resources that are under threat of genetic erosion, and
- c the definition of eligible operations under paragraph 9.

[<sup>X11</sup> In order to ensure that double funding, as referred to in the second subparagraph of paragraph 6 is excluded, the [<sup>F57</sup>appropriate authority may make regulations] laying down the calculation method to be used, including in the case of equivalent measures under Article 43 of Regulation (EU) No 1307/2013.]

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### Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (Official Journal of the European Union L 347 of 20 December 2013).

### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F50** Words in Art. 28(1) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 28 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 28(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Inserted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022
- F54** Words in Art. 28(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Word in Art. 28(10) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **58(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 28(10) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **58(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 28(11) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **58(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 29

### Organic farming

[<sup>F21</sup> Support under this measure shall be granted, per hectare of agricultural area, to farmers or groups of farmers who undertake, on a voluntary basis, to convert to or maintain organic farming practices and methods as defined in Regulation (EC) No 834/2007 and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the [<sup>F58</sup> relevant authority] concerned.]

[<sup>X12</sup> Support shall only be granted for commitments going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013, the

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*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

relevant criteria and minimum activities as established pursuant to points (c)(ii) and (c)(iii) of Article 4(1) of Regulation (EU) No 1307/2013, relevant minimum requirements for fertiliser and plant protection products use as well as other relevant mandatory requirements established by national law. All such requirements shall be identified in the programme.]

3 Commitments under this measure shall be made for a period of five to seven years. Where support is granted for conversion to organic farming [<sup>F59</sup>the relevant authority] may determine a shorter initial period corresponding to the period of conversion. Where support is granted for the maintenance of organic farming, [<sup>F59</sup>the relevant authority] may provide in their rural development programmes for annual extension after the termination of the initial period. For new commitments concerning maintenance that directly follow the commitment performed in the initial period, [<sup>F59</sup>the relevant authority] may determine a shorter period in their rural development programmes.

[<sup>F60</sup>For new commitments to be undertaken from 2021, [<sup>F59</sup>the relevant authority] shall determine a shorter period of one to three years in their rural development programmes. If [<sup>F59</sup>the relevant authority] provide for an annual extension for the maintenance of organic farming after the termination of the initial period in accordance with the first subparagraph, from 2022 the extension shall not go beyond one year.

By way of derogation from the second subparagraph, for new commitments to be undertaken in 2021 and 2022, where support is granted for conversion to organic farming, [<sup>F59</sup>the relevant authority] may determine a period of longer than three years in their rural development programmes.]

4 Payments shall be granted annually and shall compensate beneficiaries for all or part of the additional costs and income foregone resulting from the commitments made. Where necessary they may also cover transaction costs to a value of up to 20 % of the premium paid for the commitments. Where commitments are undertaken by groups of farmers, the maximum level shall be 30 %.

[<sup>F2</sup>When calculating the payments referred to in the first subparagraph of this paragraph, [<sup>F59</sup>the relevant authority] shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. [<sup>F61</sup>The relevant authority] may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the sub-measures concerned.]

5 Support shall be limited to the maximum amounts laid down in Annex II.

6 In order to ensure that double funding, as referred to in the second subparagraph of paragraph 4 is excluded, the [<sup>F62</sup>appropriate authority may make regulations] laying down the calculation method to be used.

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\).](#)

#### Textual Amendments

- F2** Substituted by [Regulation \(EU\) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations \(EU\) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), \(EU\) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, \(EU\) No 1307/2013](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

- F58** Words in Art. 29(1) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(14)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 29 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(14)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F60** Inserted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022
- F61** Words in Art. 29(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(14)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in Art. 29(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, 59; 2020 c. 1, Sch. 5 para. 1(1)

### Article 30

#### Natura 2000 and Water Framework Directive payments

1 Support under this measure shall be granted annually per hectare of agricultural area or per hectare of forest in order to compensate beneficiaries for additional costs and income foregone resulting from disadvantages in the areas concerned, related to <sup>F63</sup>requirements on beneficiaries which apply as a consequence of the implementation of Directives 92/43/EEC and 2009/147/EC and the Water Framework Directive].

<sup>F2</sup>When calculating the payments related to the support referred to in the first subparagraph, <sup>F64</sup>the relevant authority] shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. <sup>F65</sup>The relevant authority] may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the sub-measures concerned.]

2 Support shall be granted to farmers and to private forest holders and associations of private forest holders. In duly justified cases it may also be granted to other land managers.

<sup>X13</sup> Support to farmers, linked to Directives 92/43/EEC and 2009/147/EC shall only be granted in relation to disadvantages resulting from requirements that go beyond the good agricultural and environmental condition provided for in Article 94 and Annex II of Council Regulation (EU) No 1306/2013 and the relevant criteria and minimum activities established pursuant to points (c)(ii) and (c)(iii) of Article 4(1) of Regulation (EU) No 1307/2013.]

4 Support to farmers, linked to the Water Framework Directive shall only be granted in relation to specific requirements that:

- a were introduced by the Water Framework Directive, are in accordance with the programmes of measures of the river basin management plans for the purpose of achieving the environmental objectives of that Directive and go beyond the measures required to implement other <sup>F66</sup>law as it applies in the constituent nation] for the protection of water;

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- b go beyond the statutory management requirements and the good agricultural and environmental condition provided for in Chapter I of Title VI of Regulation (EU) No 1306/2013 and the relevant criteria and minimum activities as established pursuant to points (c)(ii) and (c)(iii) of Article 4(1) of Regulation (EU) No 1307/2013;
  - c go beyond the level of protection of the [F67law as it applied in the constituent nation] existing at the time the Water Framework Directive was adopted F68 ... ; and
  - d impose major changes in type of land use, and/or major restrictions in farming practice resulting in a significant loss of income.
- 5 The requirements referred to in paragraphs 3 and 4 shall be identified in the programme.
- 6 The following areas shall be eligible for payments:
- a Natura 2000 agricultural and forest areas designated pursuant to Directives 92/43/EEC and 2009/147/EC;
  - b other delimited nature protection areas with environmental restrictions applicable to farming or forests which contribute to the implementation of Article 10 of Directive 92/43/EEC, provided that, per rural development programme, those areas do not exceed 5 % of the designated Natura 2000 areas covered by its territorial scope;
  - c agricultural areas included in river basin management plans according to the Water Framework Directive.
- 7 Support shall be limited to the maximum amounts laid down in Annex II.
- 8 In order to ensure that double funding, as referred to in the second subparagraph of paragraph 1 is excluded, the [F69appropriate authority may make regulations] laying down the calculation method to be used.

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### Textual Amendments

- F2** Substituted by [Regulation \(EU\) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations \(EU\) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), \(EU\) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, \(EU\) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, \(EU\) No 1308/2013 establishing a common organisation of the markets in agricultural products and \(EU\) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material](#).
- F63** Words in Art. 30(1) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(15)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in Art. 30(1) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(15)(a)(ii)(aa)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F65** Words in Art. 30(1) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(15)(a)(ii)(bb)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Words in Art. 30(4)(a) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

- F67** Words in Art. 30(4)(c) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** Words in Art. 30(4)(c) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F69** Words in Art. 30(8) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **60**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 31

#### Payments to areas facing natural or other specific constraints

1 Payments to farmers in mountain areas and other areas facing natural or other specific constraints shall be granted annually per hectare of agricultural area in order to compensate farmers for all or part of the additional costs and income foregone related to the constraints for agricultural production in the area concerned.

[<sup>X1</sup>Additional costs and income foregone shall be calculated in comparison to areas which are not affected by natural or other specific constraints, taking into account payments pursuant to Chapter 4 of Title III of Regulation (EU) No 1307/2013.]

When calculating additional costs and income foregone, [<sup>F70</sup>the relevant authority] may, where duly justified, differentiate the level of payment taking into account:

- the severity of the identified permanent constraint affecting farming activities;
- the farming system.

[<sup>F22</sup> Payments shall be granted to farmers who undertake to pursue their farming activity in the areas designated pursuant to Article 32 and are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013 <sup>F71</sup>... .]

3 Payments shall be fixed between the minimum and maximum amount laid down in Annex II. These payments may be increased in duly substantiated cases taking into account specific circumstances to be justified in the rural development programmes.

4 [<sup>F72</sup>The relevant authority] shall provide for degressivity of payments above a threshold level of area per holding, to be defined in the programme, except if the grant covers only the minimum payment per hectare per year as laid down in Annex II.

In the case of a legal person, or a group of natural or legal persons, [<sup>F73</sup>the relevant authority] may apply the degressivity of payments at the level of the members of these legal persons or groups on condition that:

- a [<sup>F74</sup>the law as it applies in the constituent nation] provides for the individual members to assume rights and obligations comparable to those of individual farmers who have the status of head of holding, in particular as regards their economic, social and tax status; and
- b those individual members have contributed to strengthening the agricultural structures of the legal persons or groups concerned.

[<sup>F25</sup> In addition to the payments provided for in paragraph 2, [<sup>F75</sup>the relevant authority] may grant payments under this measure between 2014 and 2020 to beneficiaries in areas which were eligible under Article 36(a)(ii) of Regulation (EC) No 1698/2005 during the 2007-2013 programming period. For beneficiaries in areas that are no longer eligible following the new delimitation referred to in Article 32(3), those payments shall be degressive over a maximum period of four years. That period shall start on the date that the delimitation in accordance with

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Article 32(3) is completed and at the latest in 2019. Those payments shall start at no more than 80 % of the average payment fixed in the programme for the programming period 2007-2013 in accordance with Article 36(a)(ii) of Regulation (EC) No 1698/2005, and shall end in 2020 at the latest at no more than 20 %. When the application of degressivity results in the level of the payment reaching EUR 25, the [F76relevant authority] can continue payments at this level until the phasing out period is completed.]

[F77In the years 2021 and 2022, for programmes extended in accordance with Article 1 of Regulation (EU) 2020/2220 of the European Parliament and of the Council, where degressive payments were not granted by the Member States for the maximum duration of four years up to 2020, those Member States may decide to continue those payments until the end of 2022 but for no longer than four years in total. In that case, the payments in the years 2021 and 2022 shall not exceed EUR 25 per hectare.]

Following completion of the delimitation, beneficiaries in the areas that remain eligible shall receive full payment under this measure.

F78<sub>6</sub> .....

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### Textual Amendments

- F2** Substituted by [Regulation \(EU\) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations \(EU\) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), \(EU\) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, \(EU\) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, \(EU\) No 1308/2013 establishing a common organisation of the markets in agricultural products and \(EU\) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material](#).
- F70** Words in Art. 31(1) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 31(2) omitted (31.12.2020) by virtue of [The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy \(Miscellaneous Amendments etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1422\)](#), regs. 1, **15**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Words in Art. 31(4) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(b)(i)(aa)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F73** Words in Art. 31(4) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(b)(i)(bb)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F74** Words in Art. 31(4)(a) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 31(5) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in Art. 31(5) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **5(16)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Substituted by [Regulation \(EU\) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural](#)



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022

**F78** Art. 31(6) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(16)(d); 2020 c. 1, Sch. 5 para. 1(1)

## Article 32

### Designation of areas facing natural and other specific constraints

1 <sup>[F79]</sup>The relevant authority] shall, on the basis of paragraphs 2, 3 and 4, designate areas eligible for payments provided for in Article 31 under the following categories:

- a mountain areas;
- b areas, other than mountain areas, facing significant natural constraints; and
- c other areas affected by specific constraints.

2 In order to be eligible for payments under Article 31, mountain areas shall be characterized by a considerable limitation of the possibilities for using the land and by an appreciable increase in production costs due to:

- a the existence, because of altitude, of very difficult climatic conditions, the effect of which is to substantially shorten the growing season;
- b at a lower altitude, the presence over the greater part of the area in question of slopes too steep for the use of machinery or requiring the use of very expensive special equipment, or a combination of these two factors, where the constraints resulting from each taken separately are less acute but the combination of the two gives rise to an equivalent constraints.

**F80**  
...

3 In order to be eligible for payments under Article 31, areas, other than mountain areas, shall be considered to be facing significant natural constraints if, at least 60 % of the agricultural area meets at least one of the criteria listed in Annex III at the threshold value indicated.

Compliance with those conditions shall be ensured at the level of local administrative units ("LAU 2" level) or at the level of a clearly delineated local unit which covers a single clear contiguous geographical area with a definable economic and administrative identity.

When delimiting the areas concerned by this paragraph, <sup>[F81]</sup>the relevant authority] shall carry out a fine-tuning exercise, based on objective criteria, with the purpose of excluding areas in which significant natural constraints, referred to in the first subparagraph have been documented but have been overcome by investments or by economic activity, or by evidence of normal land productivity, or in which production methods or farming systems have offset the income loss or added costs referred to in Article 31(1).

4 Areas other than those referred to in paragraphs 2 and 3 shall be eligible for payments under Article 31 if they are affected by specific constraints and if it is necessary for land management to be continued in order to conserve or improve the environment, to maintain the countryside, to preserve the tourist potential of the area or to protect the coastline.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

Areas affected by specific constraints shall comprise farming areas within which the natural production conditions are similar and the total extent of which does not exceed 10 % of the area of the [<sup>F82</sup>constituent nation] concerned.

In addition, areas may also be eligible for payments under this paragraph, where:

- at least 60 % of the agricultural area meets at least two of the criteria listed in Annex III each within a margin of not more than 20 % of the threshold value indicated, or
- at least 60 % of the agricultural area is composed of areas meeting at least one of the criteria listed in Annex III at the threshold value indicated, and areas meeting at least two of the criteria listed in Annex III each within a margin of not more than 20 % of the threshold value indicated.

Compliance with those conditions shall be ensured at LAU2 level or at the level of a clearly delineated local unit which covers a single clear contiguous geographical area with a definable economic and administrative identity. When delimiting areas concerned by this subparagraph, [<sup>F83</sup>the relevant authority] shall undertake a fine-tuning exercise as described in Article 32(3). Areas considered eligible pursuant to this subparagraph, shall be taken into account for calculating the 10 % limit referred to in the second subparagraph.

[<sup>X1</sup>By way of derogation, the second subparagraph shall not apply to [<sup>F83</sup>constituent nations] the entire territory of which was considered as an area facing specific handicaps under Regulations (EC) No 1698/2005 and (EC) No 1257/1999.]

- 5 [<sup>F84</sup>The relevant authorities] shall attach to their rural development programmes:
  - a the existing or amended delimitation pursuant to paragraphs 2 and 4;
  - b the new delimitation of the areas referred to in paragraph 3.

#### Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (Official Journal of the European Union L 347 of 20 December 2013).

#### Textual Amendments

- F79** Words in Art. 32(1) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in Art. 32(2) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 32(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in Art. 32(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Words in Art. 32(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** Words in Art. 32(5) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(17)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

## Article 33

### Animal welfare

[<sup>F21</sup> Animal welfare payments under this measure shall be granted to farmers who undertake, on a voluntary basis, to carry out operations consisting of one or more animal welfare commitments and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013 <sup>F85</sup>....]

2 Animal welfare payments cover only those commitments going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013 and other relevant mandatory requirements. These relevant requirements shall be identified in the programme.

Those commitments shall be undertaken for a renewable period of one to seven years.

[<sup>F86</sup>For new commitments to be undertaken as from 2021, Member States shall determine a shorter period of one to three years in their rural development programmes.

If Member States provide for an annual renewal of commitments after the termination of the initial period in accordance with the second subparagraph, as from 2022 the renewal shall not go beyond one year.

By way of derogation from the third subparagraph, for new commitments to be undertaken in 2021 and 2022, Member States may determine a period of longer than three years in their rural development programmes based on the nature of the commitments and the animal welfare benefits sought.]

3 The payments shall be granted annually and shall compensate farmers for all or part of the additional costs and income foregone resulting from the commitment made. Where necessary, they may also cover transaction costs to the value of up to 20 % of the premium paid for the animal welfare commitments.

Support shall be limited to the maximum amount laid down in Annex II.

4 In order to ensure that animal welfare commitments are in accordance with the overall <sup>F87</sup>... policy in this field, the [<sup>F88</sup>appropriate authority may make regulations] concerning the definition of the areas in which animal welfare commitments are to provide upgraded standards of production methods.

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F85** Words in Art. 33(1) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(18); 2020 c. 1, Sch. 5 para. 1(1)
- F86** Inserted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural

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Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.

**F87** Word in Art. 33(4) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **61(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F88** Words in Art. 33(4) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **61(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 34

#### Forest-environmental and climate services and forest conservation

1 Support under this measure shall be granted per hectare of forest to public and private forest-holders and other private law and public bodies and their associations who undertake, on a voluntary basis, to carry out operations consisting of one or more forest-environment and climate commitments. In the case of state owned forests, support may only be granted if the body managing such a forest is a private body or a municipality.

For forest holdings above a certain threshold to be determined by [<sup>F89</sup>the relevant authority] in their rural development programmes, support under paragraph 1 shall be conditional on the presentation of the relevant information from a forest management plan or equivalent instrument in line with sustainable forest management as defined by the Ministerial Conference on the Protection of Forests in Europe of 1993.

2 Payments shall cover only those commitments going beyond the relevant mandatory requirements established by <sup>F90</sup>... relevant national law. All such requirements shall be identified in the programme.

Commitments shall be undertaken for a period of between five and seven years. However, where necessary and duly justified, [<sup>F89</sup>the relevant authority] may determine a longer period in their rural development programmes for particular types of commitments.

3 Payments shall compensate beneficiaries for all or part of the additional costs and income foregone resulting from the commitments made. Where it is necessary they may also cover transaction costs to a value of up to 20 % of the premium paid for the forest-environment commitments. Support shall be limited to the maximum amount laid down in Annex II.

In duly justified cases for operations concerning environmental conservation, support may be granted as a flat-rate or one-off payment per unit for commitments to renounce commercial use of trees and forests, calculated on basis of additional costs incurred and income foregone.

4 Support may be provided to public and private entities for the conservation and promotion of forest genetic resources for operations not covered under paragraphs 1, 2 and 3.

5 In order to ensure the efficient use of [<sup>F91</sup>support for rural development], the [<sup>F92</sup>appropriate authority may make regulations] concerning the types of operations eligible for support under paragraph 4 of this Article.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

#### Textual Amendments

- F89** Words in Art. 34 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 34(2) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 34(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **62(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 34(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **62(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 35

#### Co-operation

- 1 Support under this measure shall be granted in order to promote forms of co-operation involving at least two entities and in particular:
  - a co-operation approaches among different actors in the <sup>F93</sup>... agriculture sector, forestry sector and food chain and other actors that contribute to achieving the objectives and priorities of rural development policy, including producer groups, cooperatives and inter-branch organisations;
  - b the creation of clusters and networks;
  - c the establishment and operation of operational groups of the EIP for agricultural productivity and sustainability as referred to in Article 56.
- 2 Co-operation under paragraph 1 shall relate, in particular, to the following:
  - a pilot projects;
  - b the development of new products, practices, processes and technologies in the agriculture, food and forestry sectors;
  - c co-operation among small operators in organising joint work processes and sharing facilities and resources and for the development and/or marketing of tourism services relating to rural tourism;
  - d horizontal and vertical co-operation among supply chain actors for the establishment and the development of short supply chains and local markets;
  - e promotion activities in a local context relating to the development of short supply chains and local markets;
  - f joint action undertaken with a view to mitigating or adapting to climate change;
  - g joint approaches to environmental projects and ongoing environmental practices, including efficient water management, the use of renewable energy and the preservation of agricultural landscapes;
  - h horizontal and vertical co-operation among supply chain actors in the sustainable provision of biomass for use in food and energy production and industrial processes;
  - i implementation, in particular by groups of public and private partners other than those defined in point (b) of Article 32(2) of Regulation (EU) No 1303/2013, of local development strategies other than those defined in Article 2(19) of Regulation (EU) 1303/2013 addressing one or more of the <sup>F94</sup>... priorities for rural development;
  - j drawing up of forest management plans or equivalent instruments;

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- k diversification of farming activities into activities concerning health care, social integration, community-supported agriculture and education about the environment and food.

3 Support under point (b) of paragraph 1 shall be granted only to newly formed clusters and networks and those commencing an activity that is new to them.

Support for operations under points (a) and (b) of paragraph 2 may be granted also to individual actors where this possibility is provided for in the rural development programme.

4 The results of pilot projects under point (a) of paragraph 2 and operations under point (b) of paragraph 2 carried out by individual actors as provided for in paragraph 3 shall be disseminated.

5 The following costs, linked to the forms of co-operation referred to in paragraph 1 shall be eligible for support under this measure:

- a the cost of studies of the area concerned, of feasibility studies, and of drawing up a business plan or a forest management plan or equivalent or a local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013;
- b the cost of animation of the area concerned in order to make feasible a collective territorial project or a project to be carried out by an operational group of the EIP for Agricultural Productivity and Sustainability as referred to in Article 56. In the case of clusters, animation may also concern the organisation of training, networking between members and the recruitment of new members;
- c the running costs of the co-operation;
- d the direct costs of specific projects linked to the implementation of a business plan an environmental plan, a forest management plan or equivalent, a local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013 or direct costs of other actions targeted towards innovation, including testing;
- e the cost of promotion activities.

6 Where a business plan or an environmental plan or a forest management plan or equivalent or a development strategy is implemented, [<sup>F95</sup>the relevant authority] may grant the aid either as a global amount covering the costs of co-operation and the costs of the projects implemented or cover only the costs of the co- operation and use funds from other measures or [<sup>F96</sup>support under Regulation 508/2014, CMO support or direct payment support] for project implementation.

Where support is paid as a global amount and the project implemented is of a type covered under another measure of this Regulation, the relevant maximum amount or rate of support shall apply.

7 Co-operation among actors located in different regions <sup>F97</sup>... shall also be eligible for support.

8 Support shall be limited to a maximum period of seven years except for collective environmental action in duly justified cases.

[<sup>F989</sup> Co-operation under this measure may be combined with projects supported by support under Regulation 508/2014 or CMO support or direct payment support. The relevant authority shall ensure that overcompensation as a result of the combination of this measure with other sources of support is avoided.]

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10 In order to ensure the efficient use of [<sup>F99</sup>support for rural development], the [<sup>F100</sup>appropriate authority may make regulations], concerning the further specification of the characteristics of pilot projects, clusters, networks, short supply chains and local markets that will be eligible for support, as well as concerning the conditions for granting aid to the types of operation listed in paragraph 2 of this Article.

#### Textual Amendments

- F93** Word in Art. 35(1) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Word in Art. 35(2)(i) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 35(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Art. 35(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in Art. 35(7) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(d); 2020 c. 1, Sch. 5 para. 1(1)
- F98** Art. 35(9) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(20)(e); 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 35(10) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, 63(a); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in Art. 35(10) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, 63(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 36

#### Risk management

- 1 Support under this measure shall cover:
- a financial contributions to premiums for crop, animal and plant insurance against economic losses to farmers caused by adverse climatic events, animal or plant diseases, pest infestation, or an environmental incident;
  - b financial contributions to mutual funds to pay financial compensations to farmers, for economic losses caused by adverse climatic events or by the outbreak of an animal or plant disease or pest infestation or an environmental incident;
  - [<sup>F2c</sup> an income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of all sectors for a severe drop in their income;]
  - [<sup>F7d</sup> a sector-specific income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of a specific sector for a severe drop in their income.]

[<sup>F22</sup> For the purposes of this Article, ‘farmer’ means active farmer within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the [<sup>F101</sup>relevant authority] concerned.]

[<sup>F23</sup> For the purpose of points (b), (c) and (d) of paragraph 1, ‘mutual fund’ means a scheme accredited by the [<sup>F102</sup>relevant authority] in accordance with its national law for affiliated farmers to insure themselves, whereby compensation payments are made to affiliated farmers for economic losses caused by the outbreak of adverse climatic events or an animal or plant disease or pest infestation or an environmental incident, or for a severe drop in their income.]

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4 <sup>F103</sup>The relevant authority] shall ensure that overcompensation as a result of the combination of this measure with other <sup>F104</sup>... support instruments or private insurance schemes is avoided.

5 In order to ensure the efficient use of <sup>F105</sup>support for rural development], the <sup>F106</sup>appropriate authority may make regulations] concerning the minimum and maximum duration of the commercial loans to mutual funds referred to in point (b) of Article 38(3) and Article 39(4).

**F107**  
...

### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F101** Words in Art. 36(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 36(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 36(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(21)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 36(4) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(21)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in Art. 36(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **64(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in Art. 36(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **64(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Deleted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.



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## Article 37

### Crop, animal, and plant insurance

[<sup>F21</sup> Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than 20 % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year.]

The measurement of the extent of the loss caused may be tailored to the specific characteristics of each type of product using:

- a biological indexes (quantity of biomass loss) or equivalent yield loss indexes established at farm, local, regional or national level, or
- b weather indexes (including quantity of rainfall and temperature) established at local, regional or national level.

2 The occurrence of an adverse climatic event or the outbreak of an animal or plant disease or pest infestation or an environmental incident has to be formally recognised as such by the competent authority of the [<sup>F108</sup>relevant authority] concerned.

[<sup>F109</sup>The relevant authority] may, where appropriate, establish in advance criteria on the basis of which such formal recognition shall be deemed to be granted.

3 As regards animal diseases, financial compensation under point (a) of Article 36(1) may only be granted in respect of diseases mentioned in the list of animal diseases established by the World Organisation for Animal Health or in [<sup>F110</sup>Annex II of Regulation (EU) No 652/2014].

4 Insurance payments shall compensate for not more than the total of the cost of replacing the losses referred to in point (a) of Article 36(1) and shall not require or specify the type or quantity of future production.

[<sup>F111</sup>The relevant authority] may limit the amount of the premium that is eligible for support by applying appropriate ceilings.

5 Support shall be limited to the maximum rate laid down in Annex II.

#### Textual Amendments

**F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

**F108** Words in Art. 37(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(22)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

- F109** Words in Art. 37(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(22)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in Art. 37(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(22)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 37(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(22)(c); 2020 c. 1, Sch. 5 para. 1(1)

### Article 38

#### **Mutual funds for adverse climatic events, animal and plant diseases, pest infestations and environmental incidents**

- 1 In order to be eligible for support the mutual fund concerned shall:
- a be accredited by the competent authority in accordance with national law;
  - b have a transparent policy towards payments into and withdrawals from the fund;
  - c have clear rules attributing responsibilities for any debts incurred.

2 <sup>[F112]</sup>The relevant authority] shall define <sup>[F113]</sup>in the programme] the rules for the constitution and management of the mutual funds, in particular for the granting of compensation payments and the eligibility of farmers in the event of crisis, as well as for the administration and monitoring of compliance with these rules. <sup>[F112]</sup>The relevant authority] shall ensure that the fund arrangements <sup>[F114]</sup>as set out in the programme] provide for penalties in case of negligence on the part of the farmer.

The occurrence of incidents mentioned in point (b) of Article 36(1) must be formally recognised as such by the competent authority of the <sup>[F115]</sup>relevant authority] concerned.

- <sup>[F23]</sup> The financial contributions referred to in point (b) of Article 36(1) may only relate to:
- a the administrative costs of setting up the mutual fund, spread over a maximum of three years in a degressive manner;
  - b the amounts paid by the mutual fund as financial compensation to farmers. In addition, the financial contribution may relate to interest on commercial loans taken out by the mutual fund for the purpose of paying the financial compensation to farmers in case of crisis;
  - c supplementing the annual payments into the fund;
  - d the initial capital stock of the mutual fund.]

<sup>[F116]</sup>Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, animal or plant disease, pest infestation, or measures adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or environmental incident, which destroy more than 30 % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year. Member States may decide to reduce that percentage of 30 %, however, to not less than 20 %.]

**F107** ...

- 4 As regards animal diseases, financial compensation under point (b) of Article 36(1) may be granted in respect of diseases mentioned in the list of animal diseases established by the World Organisation for Animal Health or in <sup>[F117]</sup>Annex II of Regulation (EU) No 652/2014].

*Status: Point in time view as at 31/12/2020.*

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[<sup>F25</sup> Support shall be limited to the maximum support rate laid down in Annex II. Support under point (b) of paragraph 3 shall take into account any support already provided under points (c) and (d) of paragraph 3.]

[<sup>F118</sup>The relevant authority] may limit the costs that are eligible for support by applying:  
a ceilings per fund;  
b appropriate per unit ceilings.

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F107** Deleted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F112** Words in Art. 38(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(a)(i)(aa)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F113** Words in Art. 38(2) inserted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(a)(i)(bb)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F114** Words in Art. 38(2) inserted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(a)(i)(cc)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F115** Words in Art. 38(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F116** Substituted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.
- F117** Words in Art. 38(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F118** Words in Art. 38(5) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(23)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

## [<sup>F2</sup>Article 39]

### Income stabilisation tool for farmers of all sectors

[<sup>F2</sup>[<sup>F119</sup>1 Support under point (c) of Article 36(1) shall only be granted where the drop in income exceeds 30 % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance. Indexes may be used to calculate the annual loss of income of the farmer. Member States may decide to reduce that percentage of 30 %, however, to not less than 20 %.]

- 2 In order to be eligible for support the mutual fund concerned shall:
- a be accredited by the competent authority in accordance with national law;
  - b have a transparent policy towards payments into and withdrawals from the fund;
  - c have clear rules attributing responsibilities for any debts incurred.

3 [<sup>F120</sup>The relevant authority] shall define [<sup>F121</sup>in the programme] the rules for the constitution and management of the mutual funds, in particular for the granting of compensation payments to farmers in the event of crisis and for the administration and monitoring of compliance with these rules. [<sup>F120</sup>The relevant authority] shall ensure that the fund arrangements [<sup>F122</sup>as set out in the programme] provide for penalties in case of negligence on the part of the farmer.

- [<sup>F24</sup> The financial contributions referred to in point (c) of Article 36(1) may only relate to:
- a the administrative costs of setting up the mutual fund, spread over a maximum of three years in a degressive manner;
  - b the amounts paid by the mutual fund as financial compensation to farmers. In addition, the financial contribution may relate to interest on commercial loans taken out by the mutual fund for the purpose of paying the financial compensation to farmers in case of crisis;
  - c supplementing the annual payments into the fund;
  - d the initial capital stock of the mutual fund.

5 Support shall be limited to the maximum rate laid down in Annex II. Support under point (b) of paragraph 4 shall take into account any support already provided under points (c) and (d) of paragraph 4.]]

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

*Status: Point in time view as at 31/12/2020.*

**Changes to legislation:** Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)

- F119** Substituted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.
- F120** Words in Art. 39(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(24)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F121** Words in Art. 39(3) inserted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(24)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F122** Words in Art. 39(3) inserted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(24)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F7</sup> Article 39a*

#### **Income stabilisation tool for farmers of a specific sector**

1 Support under point (d) of Article 36(1) shall only be granted in duly justified cases and where the drop in income exceeds a threshold of at least 20 % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Indexes may be used in order to calculate the annual loss of income of the farmer. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance.

2 Article 39(2) to (5) shall apply for the purpose of support under point (d) of Article 36(1).]

#### **Textual Amendments**

- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

### *[<sup>F123</sup> Article 39b*

#### **Exceptional temporary support to farmers and SMEs particularly affected by the COVID-19 crisis**

1 Support under this measure shall provide emergency assistance to farmers and SMEs particularly affected by the COVID-19 crisis, aiming at ensuring continuity of their business activity, subject to the conditions set out in this Article.

*Status: Point in time view as at 31/12/2020.*

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2 Support shall be granted to farmers, as well as to SMEs active in processing, marketing or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products. The output of the production process may be a product not covered by that Annex.

3 [<sup>F124</sup>The relevant authority] shall target the support to beneficiaries who are most affected by the COVID-19 crisis, by determining, on the basis of available evidence, eligibility conditions and, where considered appropriate by the [<sup>F125</sup>relevant authority] concerned, selection criteria, which shall be objective and non-discriminatory.

[<sup>F126</sup>4. The support shall take the form of a lump sum payment to be paid by 31 December 2021, based on applications for support approved by the competent authority by 30 June 2021. <sup>F127</sup>... The level of payment may be differentiated by categories of beneficiaries, in accordance with objective and non-discriminatory criteria.]

5 The maximum amount of support shall not exceed EUR 7 000 per farmer and EUR 50 000 per SME.

6 When granting support under this Article, [<sup>F128</sup>the relevant authority] shall take into account the support granted under [<sup>F129</sup>Regulation 508/2014 or direct payment support] or private schemes to respond to the impact of the COVID-19 crisis.]

#### Textual Amendments

- F123** Inserted by Regulation (EU) 2020/872 of the European Parliament and of the Council of 24 June 2020 amending Regulation (EU) No 1305/2013 as regards a specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the COVID-19 outbreak.
- F124** Words in Art. 39b(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(24A)(a)(i) (as inserted by S.I. 2020/1445, regs. 1(2)(a), 12(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F125** Words in Art. 39b(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(24A)(a)(ii) (as inserted by S.I. 2020/1445, regs. 1(2)(a), 12(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F126** Substituted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.
- F127** Words in Art. 39b(4) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(24A)(b) (as inserted by S.I. 2020/1445, regs. 1(2)(a), 12(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F128** Words in Art. 39b(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(24A)(c)(i) (as inserted by S.I. 2020/1445, regs. 1(2)(a), 12(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F129** Words in Art. 39b(6) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(24A)(c)(ii) (as inserted by S.I. 2020/1445, regs. 1(2)(a), 12(3)); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

### <sup>F130</sup>Article 40

## Financing of complementary national direct payments for Croatia

### Textual Amendments

**F130** Art. 40 omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(25)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 41

## Rules on the implementation of the measures

The [<sup>F131</sup>the appropriate authority may make regulations], laying down rules on the implementation of the measures in this section concerning:

- (a) procedures for selection of authorities or bodies offering farm and forestry advisory services, farm management or farm relief services and the degressivity of the aid under the advisory services measure referred to in Article 15;
- (b) the assessment by the [<sup>F132</sup>Managing Authority] of the progress of the business plan, payment options as well as modalities for access to other measures for young farmers under the farm and business development measure referred to in Article 19;
- (c) conversion to units other than those used in Annex II, and conversion rates of animals to livestock units (LU) under the measures referred to in Articles 28, 29, 33 and 34;
- (d) the possibility of using standard assumptions of additional costs and income foregone under the measures of Articles 28 to 31, 33 and 34 and criteria for its calculation;
- (e) calculation of the amount of support where an operation is eligible for support under more than one measures.

**F133**

### Textual Amendments

**F131** Words in Art. 41 substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **65(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F132** Words in Art. 41(b) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **65(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F133** Words in Art. 41 omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **65(b)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

## LEADER

### Article 42

#### LEADER local action groups

[<sup>F134</sup>1 In addition to the tasks referred to in Article 34 of Regulation (EU) No 1303/2013 and in Article 4 of Regulation (EU) 2020/2220, local action groups may also perform additional tasks delegated to them by the Managing Authority and/or the paying agency.]

2 Local action groups may request the payment of an advance from the competent paying agency if such possibility is provided for in the rural development programme. The amount of the advances shall not exceed 50 % of the public support related to the running and animation costs.

#### Textual Amendments

**F134** Substituted by Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.

### Article 43

#### LEADER start-up kit

Support for LEADER local development may also include a "LEADER start-up kit" for local communities who did not implement LEADER in the 2007-2013 programming period. The "LEADER start-up kit" shall consist of support for capacity building and small pilot projects. Support under the "LEADER start-up kit" shall not be conditional on the submission of a LEADER local development strategy.

### Article 44

#### LEADER co-operation activities

1 The support referred to in point (c) of Article 35(1) of Regulation (EU) No 1303/2013 shall be granted to

- [<sup>F135</sup>a co-operation projects within or between constituent nations (inter-territorial co-operation) or co-operation projects with territories in third countries (transnational co-operation);]
- b preparatory technical support for inter-territorial and transnational co-operation projects, on condition that local action groups are able to demonstrate that they are envisaging the implementation of a concrete project.

2 Apart from other local action groups, the partners of a local action group [<sup>F136</sup>funded by support for rural development] may be:



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- a a group of local public and private partners in a rural territory that is implementing a local development strategy <sup>F137</sup> ...;
- b a group of local public and private partners in a non- rural territory that is implementing a local development strategy.

3 In cases where co-operation projects are not selected by the local action groups, [<sup>F138</sup>the relevant authority] shall establish a system of ongoing application.

They shall make public the national or regional administrative procedures concerning the selection of transnational co-operation projects and a list of eligible costs at the latest two years after the date of approval of their rural development programmes.

Approval of co-operation projects by the competent authority shall take place no later than four months after the date of submission of the project application.

<sup>F139</sup>4 .....

#### Textual Amendments

- F135** Art. 44(1)(a) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(26)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F136** Words in Art. 44(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(26)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F137** Words in Art. 44(2) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(26)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F138** Words in Art. 44(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(26)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F139** Art. 44(4) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **5(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER II

### *Common provisions for several measures*

#### *Article 45*

#### **Investments**

1 In order to be eligible for [<sup>F140</sup>support for rural development], investment operations shall be preceded by an assessment of the expected environmental impact in accordance with law specific to that kind of investment where the investment is likely to have negative effects on the environment.

- 2 Expenditure that is eligible for [<sup>F140</sup>support for rural development] shall be limited to:
- a the construction, acquisition, including leasing, or improvement of immovable property;
  - b the purchase or lease purchase of new machinery and equipment up to the market value of the asset;
  - c general costs linked to expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies. Feasibility studies shall remain eligible

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- expenditure even where, based on their results, no expenditure under points (a) and (b) is made;
- d the following intangible investments: acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks;
- e the costs of establishing forest management plans and their equivalent.
- 3 In the case of agricultural investments, the purchase of agricultural production rights, payment entitlements, animals, annual plants and their planting shall not be eligible for investment support. However, in case of the restoration of agricultural production potential damaged by natural disasters or catastrophic events, in accordance with point (b) of Article 18(1), expenditure for the purchase of animals may be eligible expenditure.
- 4 Beneficiaries of investment related support may request the payment of an advance of up to 50 % of the public aid related to the investment from the competent paying agencies if that option is included in the rural development programme.
- [<sup>F25</sup> Where support is provided through a financial instrument established in accordance with Article 37 of Regulation (EU) No 1303/2013, working capital may be eligible expenditure. Such eligible expenditure shall not exceed EUR 200 000 or 30 % of the total amount of the eligible expenditure for the investment, whichever is the higher.]
- 6 In order to take account of the special characteristics of particular types of investments, the [<sup>F141</sup>appropriate authority may make regulations], laying down the conditions under which other costs connected with leasing contracts, second hand equipment may be considered to be eligible expenditure and specifying the types of renewable energy infrastructure that are to be eligible for support.
- [<sup>F77</sup> Paragraphs 1, 2 and 3 shall not apply where support is provided in the form of financial instruments.]

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F140** Words in Art. 45 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **6(1)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

**F141** Words in Art. 45(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **66**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 46

### Investments in irrigation

1 Without prejudice to Article 45 of this Regulation, in the case of irrigation in new and existing irrigated areas, only investments that fulfil the conditions in this Article shall be considered as eligible expenditure.

[<sup>F142</sup> A river basin management plan, as required under the terms of the Water Framework Directive and as defined by legislation implementing the Water Framework Directive in each of the constituent nations, shall have been notified to the appropriate authority, or, before IP completion day, to the Commission, for the entire area in which the investment is to take place, as well as in any other areas whose environment may be affected by the investment. The requirements which apply under the river basin management plan by virtue of Article 11 of the Water Framework Directive and of relevance to the agricultural sector shall have been specified.]

3 Water metering enabling measurement of water use at the level of the supported investment shall be in place or shall be put in place as part of the investment.

4 An investment in an improvement to an existing irrigation installation or element of irrigation infrastructure shall be eligible only if it is assessed ex ante as offering potential water savings of a minimum of between 5 % and 25 % according to the technical parameters of the existing installation or infrastructure.

If the investment affects bodies of ground- or surface water whose status has been identified as less than good in the relevant river basin management plan for reasons related to water quantity:

- a the investment shall ensure an effective reduction in water use, at the level of the investment, amounting to at least 50 % of the potential water saving made possible by the investment;
- b in the case of an investment on a single agricultural holding, it shall also result in a reduction to the holding's total water use amounting to at least 50 % of the potential water saving made possible at the level of the investment. The total water use of the holding shall include water sold by the holding.

None of the conditions in paragraph 4 shall apply to an investment in an existing installation which affects only energy efficiency or to an investment in the creation of a reservoir or to an investment in the use of recycled water which does not affect a body of ground or surface water.

5 An investment resulting in a net increase of the irrigated area affecting a given body of ground or surface water shall be eligible only if:

- a the status of the water body has not been identified as less than good in the relevant river basin management plan for reasons related to water quantity; and
- b an environmental analysis shows that there will be no significant negative environmental impact from the investment; such an environmental impact analysis shall be either carried out by or approved by the competent authority and may also refer to groups of holdings.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

Areas which are not irrigated but in which an irrigation installation was active in the recent past, to be established and justified in the programme, may be considered as irrigated areas for the purpose of determining the net increase of the irrigated area.

6 By way of derogation from point (a) of paragraph 5 investments resulting in a net increase of the irrigated area may still be eligible if:

- a the investment is combined with an investment in an existing irrigation installation or element of irrigation infrastructure assessed ex ante as offering potential water savings of a minimum of between 5 % and 25 % according to the technical parameters of the existing installation or infrastructure and
- b the investment ensures an effective reduction in water use, at the level of the investment as a whole, amounting to at least 50 % of the potential water saving made possible by the investment in the existing irrigation installation or element of infrastructure.

Furthermore, by way of derogation, the condition in point (a) of paragraph 5 shall not apply to investments in the establishment of a new irrigation installation supplied with water from an existing reservoir approved by the competent authorities before 31 October 2013 if the following conditions are met:

- the reservoir in question is identified in the relevant river basin management plan and is subject to the control requirements set out in article 11(3)(e) of the Water Framework Directive;
- on 31 October 2013, there was in force either a maximum limit on total abstractions from the reservoir or a minimum required level of flow in water bodies affected by the reservoir;
- that maximum limit or minimum required level of flow complies with the conditions set out in Article 4 of the Water Framework Directive; and
- the investment in question does not result in abstractions beyond the maximum limit in force on 31 October 2013 or result in a reduction of the level of flow in affected water bodies below the minimum required level in force on 31 October 2013.

#### Textual Amendments

**F142** Art. 46(2) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(2)** (as amended by [S.I. 2020/1445](#), regs. 1(2)(a), 12(2)); 2020 c. 1, Sch. 5 para. 1(1)

### Article 47

#### Rules for area related payments

1 The number of hectares to which a commitment pursuant to Articles 28, 29 and 34 applies may vary from year to year where:

- a this possibility is provided for in the rural development programme;
- b the commitment in question does not apply to fixed parcels; and
- c the achievement of the commitment's objective is not jeopardised.

2 Where all or part of the land under commitment or the entire holding is transferred to another person during the period of that commitment, the commitment, or part thereof corresponding to the land transferred, may be taken over for the remainder of the period by that other person or may expire and reimbursement shall not be required in respect of the period during which the commitment was effective.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, TITLE 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)*

3 Where a beneficiary is unable to continue to comply with commitments given because the holding or part of the holding is re-parcelled or is the subject of public land consolidation measures or land consolidation measures approved by the competent public authorities, [<sup>F143</sup>the relevant authority] shall take the measures necessary to allow the commitments to be adapted to the new situation of the holding. If such adaptation proves impossible, the commitment shall expire and reimbursement shall not be required in respect of the period during which the commitment was effective.

4 Reimbursement of the aid received shall not be required in cases of force majeure and exceptional circumstances as referred to in Article 2 of Regulation (EU) No 1306/2013.

5 Paragraph 2, as regards cases of transfer of the entire holding, and paragraph 4 shall also apply to commitments under Article 33.

6 In order to ensure the efficient implementation of area related measures and [<sup>F144</sup>proper management of public money], the [<sup>F145</sup>appropriate authority may make regulations] laying down conditions applicable to conversion or adjustment of commitments under the measures referred to in Articles 28, 29, 33 and 34 and, specifying other situations in which reimbursement of the aid shall not be required.

#### Textual Amendments

**F143** Words in Art. 47(3) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

**F144** Words in Art. 47(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **67(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F145** Words in Art. 47(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **67(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 48

#### Revision clause

A revision clause shall be provided for operations undertaken pursuant to Articles 28, 29, 33 and 34 in order to ensure their adjustment in the case of amendments to the relevant mandatory standards, requirements or obligations referred to in those Articles beyond which the commitments have to go. The revision clause shall also cover adjustments needed to avoid double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013 in the case of amendments to those practices.

Operations undertaken pursuant to Articles 28, 29, 33 and 34 which extend beyond the current programming period shall contain a revision clause in order to allow for their adjustment to the legal framework [<sup>F146</sup>in force after the current programming period].

If such adjustment is not accepted by the beneficiary, the commitment shall expire and reimbursement shall not be required in respect of the period during which the commitment was effective.

#### Textual Amendments

**F146** Words in Art. 48 substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 49

### Selection of operations

1 Without prejudice to point (d) of Article 34(3) of Regulation (EU) No 1303/2013, the Managing Authority of the rural development programme shall define selection criteria for operations following consultation with the Monitoring Committee. Selection criteria shall aim to ensure equal treatment of applicants, better use of financial resources and targeting of measures in accordance with the <sup>F147</sup>... priorities for rural development. In defining and applying selection criteria the principle of proportionality shall be taken into account in relation to the size of the operation.

[<sup>F7</sup>By way of derogation from the first subparagraph, in exceptional and duly justified cases where it is not possible to establish selection criteria due to the nature of the type of operations concerned, the Managing Authority may define another selection method to be described in the rural development programme following consultation with the Monitoring Committee.]

[<sup>F2</sup>[<sup>F148</sup>2 The [<sup>F149</sup>relevant authority] responsible for the selection of operations shall ensure that operations, with the exception of operations under point (b) of Article 18(1), point (d) of Article 24(1) and Articles 28 to 31, 33, 34 and 36 to 39b, are selected in accordance with the selection criteria referred to in paragraph 1 of this Article and according to a transparent and well-documented procedure.]

3 Beneficiaries may be selected on the basis of calls for proposals, applying economic, social and environmental efficiency criteria.]

[<sup>F7</sup>4 Paragraphs 1 and 2 shall not apply where support is provided in the form of financial instruments.]

#### Textual Amendments

- F2** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F7** Inserted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F147** Word in Art. 49(1) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 6(5)(a); 2020 c. 1, Sch. 5 para. 1(1)

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- F148** Substituted by Regulation (EU) 2020/872 of the European Parliament and of the Council of 24 June 2020 amending Regulation (EU) No 1305/2013 as regards a specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the COVID-19 outbreak.
- F149** Words in Art. 49(2) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **6(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 50

### Rural area definition

For the purposes of this Regulation the Managing Authority shall define "rural area" at programme level. [<sup>F150</sup>The relevant authority] may establish such a definition for a measure or type of operation if duly justified.

#### Textual Amendments

- F150** Words in Art. 50 substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, **6(6)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER III

### Technical assistance and networking

## Article 51

### Funding technical assistance

<sup>F151</sup><sub>1</sub> .....

2 At the initiative of the [<sup>F152</sup>relevant authority] up to 4 % of the total amount of each rural development programme may be devoted to the tasks referred to in Article 59 of Regulation (EC) No 1303/2013 and costs related to preparatory work for the delimitation of areas facing natural or other specific constraints referred to in Article 32.

Costs relating to the certification body referred to in Article 9 of Regulation (EU) No 1306/2013 shall not be eligible under this paragraph.

Within that 4 % limit an amount shall be reserved for establishing and operating the national rural network referred to in Article 54.

[<sup>F153</sup>By way of derogation from the first subparagraph, Member States for which the total amount of Union support for rural development for the years 2014-2020 as laid down in Annex I to this Regulation is less than EUR 1 800 million may, after the extension of their programmes in accordance with Article 1 of Regulation (EU) 2020/2220, decide to devote 5 % of the total amount of each rural development programme to tasks referred to in Article 59 of Regulation (EU) No 1303/2013.]

3 In case of rural development programmes covering both less-developed regions and other regions, the [<sup>F154</sup>core] contribution rate for technical assistance referred to in Article 59(3)

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may be determined by taking into account the predominant type of regions, by their number, in the programme.

#### Textual Amendments

- F151** Art. 51(1) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F152** Words in Art. 51(2) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F153** Inserted by [Regulation \(EU\) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development \(EAFRD\) and from the European Agricultural Guarantee Fund \(EAGF\) in the years 2021 and 2022 and amending Regulations \(EU\) No 1305/2013, \(EU\) No 1306/2013 and \(EU\) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation \(EU\) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.](#)
- F154** Word in Art. 51(3) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(7)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F155</sup> Article 52

### European network for rural development

#### Textual Amendments

- F155** Art. 52 omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(8)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F156</sup> Article 53

### European Innovation Partnership network

#### Textual Amendments

- F156** Art. 53 omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(8)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 54

### National rural network

1 [F157The relevant authority] shall establish a national rural network, which groups the organisations and administrations involved in rural development. The partnership referred to in Article 5 of Regulation (EU) No 1303/2013 shall also be part of the national rural network.



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F158 ...

- 2 Networking by the national rural network shall aim to:
- a increase the involvement of stakeholders in the implementation of rural development;
  - b improve the quality of implementation of rural development programmes;
  - c inform the broader public and potential beneficiaries on rural development policy and funding opportunities;
  - d foster innovation in agriculture, food production, forestry and rural areas.

[<sup>X13</sup> [<sup>F159</sup>Support for rural development] under Article 51(2) shall be used:]

- a for the structures needed to run the network;
- b for the preparation and implementation of an action plan covering at least the following:
  - (i) activities regarding the collection of examples of projects covering all priorities of the rural development programmes;
  - (ii) activities regarding the facilitation of thematic and analytical exchanges between rural development stakeholders, sharing and dissemination of findings;
  - (iii) activities regarding the provision of training and networking for local action groups and in particular technical assistance for inter-territorial and transnational co-operation, facilitation of co-operation among local action groups and the search of partners for the measure referred to in Article 35;
  - (iv) activities regarding the provision of networking for advisors and innovation support services;
  - (v) activities regarding the sharing and dissemination of monitoring and evaluation findings;
  - (vi) a communication plan including publicity and information concerning the rural development programme in agreement with the Managing Authorities and information and communication activities aimed at a broader public;
  - (vii) <sup>F160</sup> ...

F1614 .....

#### Editorial Information

**X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### Textual Amendments

**F157** Words in Art. 54(1) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(9)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F158** Words in Art. 54(1) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(9)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F159** Words in Art. 54(3) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(9)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F160** Art. 54(3)(b)(vii) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, **6(9)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F161** Art. 54(4) omitted (31.12.2020) by virtue of [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/764), regs. 1, [6\(9\)\(c\)](#) (as inserted by S.I. 2020/1445, regs. 1(2)(a), [12\(4\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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- (1) Regulation (EU) 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).
- (2) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).
- (3) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).
- (4) Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine- based drinks and aromatized wine-product cocktails (OJ L 149, 14.6.1991, p. 1).
- (5) [<sup>XI</sup>Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ( OJ L 169, 10.7.2000, p. 1 ).]
- (6) 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 (see page 671 of the Official Journal).

#### **Editorial Information**

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and repealing Council Regulation \(EC\) No 1698/2005 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

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