

Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008

REGULATION (EU) No 1306/2013 OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 December 2013

on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Court of Auditors,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future" examined potential challenges, objectives and orientations for the Common Agricultural Policy (CAP) after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including Council Regulation (EC) No 1290/2005⁽²⁾. Experience derived from implementing that Regulation shows that certain elements of the financing and monitoring mechanism need to be adjusted. In view of the scope of the reform, it is appropriate to repeal Regulation (EC) No 1290/2005 and to replace it with a new text. The reform should also, as far as possible, harmonise, streamline and simplify its provisions.
- (2) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the accreditation of the paying agencies and coordinating bodies, the

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obligations of the paying agencies in relation to public intervention, as well as the rules on the content of the management and control responsibilities of those agencies, the measures to be financed by the general budget of the European Union (the Union's budget) under public intervention and the valuation of the operations in connection with public intervention. That empowerment should also cover derogations from the ineligibility of payments made by the paying agencies to the beneficiaries before the earliest or the latest possible date of payment and the compensation between expenditure and revenues under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). In addition, that empowerment should cover the methods applicable to the commitments and the payment of the amounts if the Union's budget has not been adopted by the beginning of the financial year or if the total amount of the commitments scheduled exceeds the threshold laid down in Article 170(3) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁽³⁾.

Furthermore, that empowerment should cover the deferral of monthly payments by the Commission to Member States with regard to expenditure under the EAGF and the conditions governing the reduction or suspension by the Commission of interim payments to Member States under the EAFRD. That empowerment should additionally cover the suspension of monthly payments or interim payments for which the relevant statistical information has not been sent in time, the specific obligations to be complied with by Member States with regard to checks, the criteria and methodology for applying corrections in the context of the conformity clearance procedure and the recovery of debts. Moreover, that empowerment should cover requirements with respect to customs procedures, the withdrawals of aid and penalties in the case of non-compliance with the eligibility conditions and commitments or other obligations resulting from the application of sectoral agricultural legislation. Likewise, that empowerment should cover market measures for which the Commission may suspend monthly payments, rules on securities, on the functioning of the integrated administration and control system as well as the measures excluded from the scrutiny of transactions. Similarly, that empowerment should cover the modification of the sum of the receipts or payments below which the commercial document of undertakings should normally not be scrutinised pursuant to this Regulation, the penalties applied under cross-compliance, the control requirements in the wine sector and the rules on maintenance of permanent pasture. Lastly, that empowerment should cover the rules on the operative event and the exchange rate to be used by the Member States not using the euro, measures to safeguard the application of Union law if exceptional monetary practices related to national currency are likely to jeopardise it, in respect of the content of the common monitoring and evaluation framework of the measures adopted under the CAP and in respect of transitional measures.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

- (3) The CAP consists of various measures, some of which relate to rural development. It is important to provide financing for those measures in order to contribute to the

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achievement of the objectives of the CAP. Since those measures have certain elements in common, but do also differ in a number of respects, the provisions on their financing should be dealt with in the same set of provisions. Where necessary those provisions should allow for different treatment. Regulation (EC) No 1290/2005 created two European agricultural funds, namely the EAGF, and the EAFRD (the "Funds"). Those Funds should be maintained.

- (4) Regulation (EU, Euratom) No 966/2012 and the provisions adopted pursuant to it should apply to the measures set out in this Regulation. In particular, this Regulation lays down provisions related to the shared management with Member States based on the principles of sound financial management, transparency and non-discrimination, as well as provisions on the function of accredited bodies, the budgetary principles, provisions which should be respected in the framework of this Regulation.
- (5) In order to ensure consistency between the practices of Member States and harmonised application of the force majeure clause by Member States, this Regulation should provide, where appropriate, for exemptions in cases of force majeure and exceptional circumstances, as well as for a non-exhaustive list of possible cases of force majeure and exceptional circumstances to be recognised by the national competent authorities. Those authorities should take decisions on force majeure or exceptional circumstances on a case by case basis, on the basis of relevant evidence and applying the concept of force majeure in the light of Union agricultural law including the case law of the Court of Justice.
- (6) The Union's budget should finance CAP expenditure, including expenditure on rural development, through the Funds either directly or in the context of shared management with the Member States. The types of measures that can be financed using the Funds should be specified.
- (7) Provision should be made for the accreditation of paying agencies by Member States and for the establishment of the procedures for obtaining management declarations, and for obtaining the certification of management and monitoring systems and the certification of annual accounts by independent bodies. Moreover, in order to ensure the transparency of national checks, in particular as regards procedures for authorisation, validation and payment and to reduce the administrative and audit burden for the Commission and for the Member States where accreditation of each individual paying agency is required, the number of authorities and bodies to which those responsibilities are delegated should be restricted while respecting the constitutional arrangements of each Member State. In order to avoid unnecessary reorganisation costs, Member States should be allowed to maintain the number of paying agencies which have been accredited before the entry into force of this Regulation.
- (8) Where a Member State accredits more than one paying agency, it is important that it designates a single public coordinating body in order to ensure consistency in the management of funds, to provide liaison between the Commission and the various accredited paying agencies and to ensure that the information requested by the Commission concerning the operations of several paying agencies is made rapidly available. The public coordinating body should also take and coordinate actions with a

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view to resolving any deficiencies of a common nature and should keep the Commission informed of any follow-up. In addition, that body should promote and, where possible, ensure homogeneous application of common rules and standards.

- (9) Only when using paying agencies that have been accredited by the Member States is there reasonable assurance that the necessary checks have been carried out before granting Union aid to beneficiaries. It should, therefore, be explicitly laid down in this Regulation that only expenditure effected by accredited paying agencies can be reimbursed from the Union's budget.
- (10) In order to help beneficiaries to become more aware of the relationship between agricultural practices and management of farms on the one hand, and standards relating to the environment, climate change, good agricultural condition of land, food safety, public health, animal health, plant health and animal welfare on the other, it is necessary for Member States to establish a comprehensive farm advisory system offering advice to beneficiaries. That farm advisory system should not, in any way, affect the obligation and responsibility of beneficiaries to respect those standards. Furthermore, a clear separation between advice and checks should be ensured by the Member States.
- (11) The farm advisory system should cover at least the obligations at farm level resulting from cross-compliance standards and requirements. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment and the maintenance of the agricultural area under Regulation (EU) No 1307/2013 of the European Parliament and of the Council⁽⁴⁾ and measures at farm level provided for in rural development programmes aiming at farm modernisation, competitiveness building, sectoral integration, innovation, market orientation and promotion of entrepreneurship. That system should also cover the requirements imposed on beneficiaries by Member States in order to implement specific provisions of Directive 2000/60/EC of the European Parliament and the Council⁽⁵⁾ and for implementing Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁽⁶⁾, in particular requirements concerning the compliance with the general principles of integrated pest management as referred to in Article 14 of Directive 2009/128/EC of the European Parliament and the Council⁽⁷⁾.
- (12) Entry into the farm advisory system should be on a voluntary basis for beneficiaries. All beneficiaries, even farmers not receiving support under the CAP, should be allowed to participate in the system. It should, however, be possible for Member States to set priority criteria. Due to the nature of the system, it is appropriate for the information obtained during the advisory activity to be treated as confidential, except in the case of serious infringements of Union or national law. In order to ensure the efficiency of the system, advisors should be suitably qualified and regularly trained.
- (13) In respect of the EAGF, the financial resources required to cover the expenditure effected by the accredited paying agencies, should be made available to the Member States by the Commission in the form of reimbursements against the booking of the expenditure effected by those agencies. Until such reimbursements have been paid, in the form of monthly payments, financial resources are to be mobilised by

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the Member States depending on the needs of their accredited paying agencies. The administrative and personnel costs of the Member States and the beneficiaries involved in the implementation of the CAP should be borne by themselves.

- (14) The use of the agro-meteorological system and the acquisition and improvement of satellite images should provide the Commission with, in particular, the means to manage agricultural markets, to facilitate the monitoring of agricultural expenditure and to monitor agricultural resources in the medium and long term. Also, in the light of the experience gained with the application of Council Regulation (EC) No 165/94⁽⁸⁾, some of its provisions should be incorporated in this Regulation and, consequently, Regulation (EC) No 165/94 should be repealed.
- (15) In the context of respecting budget discipline, it is necessary to define the annual ceiling for the expenditure financed by the EAGF by taking into account the maximum amounts laid down for that Fund under the multiannual financial framework provided for in Council Regulation (EU, Euratom) No 1311/2013⁽⁹⁾.
- (16) Budget discipline also requires the annual ceiling for expenditure financed by the EAGF to be respected in all circumstances and at every stage of the budget procedure and of the execution of the budget. Consequently, it is necessary for the national ceiling for the direct payments per Member State set out in Regulation (EU) No 1307/2013 to be regarded as a financial ceiling for such direct payments for the Member State concerned and for the reimbursement of those payments remain within this financial ceiling. Furthermore, budget discipline requires that all Union legal acts in the CAP field that are proposed by the Commission or adopted by the Union or by the Commission and that are financed by the EAGF comply with the annual ceiling for the expenditure financed by that Fund.
- (17) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings, the financial mechanism referred to in Council Regulation (EC) No 73/2009⁽¹⁰⁾ by which the level of direct support is adjusted, should be maintained. Where the European Parliament and the Council do not fix them before 30 June of the calendar year in respect of which they apply, the Commission should be authorised to set those adjustments.
- (18) In order to support the agricultural sector in case of major crises affecting the agricultural production or distribution, a reserve for crises should be established by applying, at the beginning of each year, a reduction to direct payments through the financial discipline mechanism.
- (19) Article 169(3) of Regulation (EU, Euratom) No 966/2012 provides that non-committed appropriations relating to the actions referred to in Article 4(1) of this Regulation may be carried over only to the following financial year and that such carryover may lead to an additional payment only to the final recipients who were subject, in the preceding financial year, to the adjustment of direct payments as referred to in Article 25 of this Regulation. Consequently, where appropriations are thus carried over to the following financial year, the national administrations would have to make payments to two populations of beneficiaries of direct payments in one financial year: on the one hand, reimbursing, from the unused amount of financial discipline carried-over, to farmers

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- subject to financial discipline during the preceding financial year on the other hand, making the direct payments in financial year N to those farmers having claimed them. In order to avoid an excessive administrative burden for national administrations, a derogation from the fourth subparagraph of Article 169(3) of Regulation (EU, Euratom) No 966/2012 should be provided for, allowing the national administrations to reimburse the amount carried over to financial year N to farmers subject to financial discipline in year N instead of to farmers who are subject to it in year N-1.
- (20) The measures taken to determine the financial contribution from the Funds in respect of the calculation of financial ceilings do not affect the powers of the budgetary authority designated by the TFEU. Those measures should therefore be based on the reference amounts fixed in accordance with the Interinstitutional Agreement of 19 November 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management and Regulation (EU, Euratom) No 1311/2013.
- (21) Budget discipline also requires a continuous examination of the medium-term budget situation. The Commission, when submitting the draft budget for a given year, should therefore present its forecasts and analyses to the European Parliament and to the Council and should propose, if necessary, appropriate measures to the legislator. Furthermore, the Commission should make full use of its management powers at all times to ensure compliance with the annual ceiling and, if necessary, should propose appropriate measures to the European Parliament and to the Council or to the Council to redress the budget situation. If, at the end of a budget year, the annual ceiling cannot be complied with as a result of the reimbursements requested by the Member States, the Commission should be able to take measures allowing the provisional distribution of the available budget among the Member States in proportion to their as yet unpaid requests for reimbursement, as well as measures ensuring compliance with the ceiling fixed for the year concerned. Payments for that year should be charged to the following budget year and the total amount of Union financing per Member State should be definitively established, as should compensation between Member States in order to ensure that the established amount is complied with.
- (22) When implementing the budget, the Commission should operate a monthly early-warning and monitoring system for agricultural expenditure so that, if there is a risk of the annual ceiling being exceeded, the Commission may at the earliest opportunity take the appropriate measures under the management powers at its disposal and propose other measures if those measures appear to be insufficient. A periodic report by the Commission to the European Parliament and to the Council should compare the evolution of the expenditure effected to date in relation to the profiles and should give an assessment of the foreseeable implementation for the remainder of the budget year.
- (23) The exchange rate used by the Commission when drawing up the budget documents should reflect the most recent information available, making allowances for the time lag between drafting and submission.
- (24) Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹¹⁾ lays down rules which apply to the financial support from the funds covered by that

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Regulation, including the EAFRD. Those rules also cover eligibility of expenditure, on financial management and the management and control systems. As regards the financial management of the EAFRD, for the sake of legal clarity and coherence between the Funds covered by this Regulation, reference should be made to the relevant provisions on the budget commitments, payment deadlines and decommitment of Regulation (EU) No 1303/2013.

- (25) The rural development programmes are financed from the Union budget on the basis of commitments made in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. A suitably restricted prefinancing system is therefore needed, to ensure a steady flow of funds so that payments to beneficiaries under the programmes are made at the appropriate time.
- [^{XI}(26) Prefinancing apart, it is necessary to make a distinction between the payments by the Commission to the accredited paying agencies, interim payments and the payment of balances, and to lay down detailed rules on their payment. The automatic decommitment rule should help speed up execution of programmes and contribute to sound financial management. The rules on the national frameworks of Member States with regional programmes as set out in Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁽¹²⁾ also provide a tool for Member States to ensure execution and sound financial management.]
- (27) Union aid should be paid to beneficiaries in good time so that they may use it efficiently. A failure by the Member States to comply with the payment deadlines laid down in Union law might create serious difficulties for the beneficiaries and could jeopardise the Union's yearly budgeting. Therefore, expenditure made without respecting deadlines for payments should be excluded from Union financing. The principle of proportionality laid down in Regulation (EC) No 1290/2005 should be maintained and should apply to both the Funds. In order to respect the principle of proportionality, the Commission should be able to provide for exceptions to this general rule.
- (28) Regulation (EC) No 1290/2005 provides for reductions and suspensions of monthly or interim payments for the Funds. Despite the rather broad wording of those provisions, in practice they are used essentially to reduce payments for non-compliance with payment deadlines, ceilings and similar "accounting issues" which can readily be detected in the declarations of expenditure. Those provisions also allow reductions and suspensions in case of serious and persistent deficiencies in national control systems. The imposition of such reductions and suspensions are, however, made subject to rather restrictive substantive conditions for doing so and providing for a special, two-step procedure to be followed. The European Parliament and the Council have repeatedly asked the Commission to suspend payments to non-compliant Member States. For these reasons, it is necessary to clarify the system provided for in Regulation (EC) No 1290/2005 for reductions and suspensions and to merge the rules on reductions and suspensions for both the Funds into one single Article. The system of reductions for "accounting issues" should be maintained in line with the existing administrative practice. The possibility of reducing or suspending payments where there are significant and persistent deficiencies in national control systems should be reinforced in order to provide the Commission

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with the possibility of suspending payments rapidly when serious deficiencies are detected. That possibility should also be extended to include negligence in the system for recovery of irregular payments.

- (29) Sectoral agricultural legislation requires Member States to send information on the numbers of checks carried out and on their outcomes within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the Funds. The control statistics are an important source of information for the Commission to satisfy itself as to the correct management of the Funds and are an essential element of the annual declaration of assurance. Given the vital nature of the control statistics and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a deterrent for late provision of the data required which is proportionate to the extent of the data deficit. Therefore, provisions should be put in place to allow the Commission to suspend part of the monthly or interim payments in respect of which the relevant statistical information has not been sent in time.
- (30) In order to allow funds from the Funds to be reused, rules are needed on the assignment of specific sums. The list contained in Regulation (EC) No 1290/2005 should be completed by adding to it the sums relating to late payments and to the clearance of accounts as regards expenditure under the EAGF. Also, Council Regulation (EEC) No 352/78⁽¹³⁾ laid down rules on the destinations of the sums resulting from forfeited securities. Those provisions should be harmonised and merged with the existing provisions on assigned revenue. Regulation (EEC) No 352/78 should therefore be repealed.
- (31) Council Regulation (EC) No 814/2000⁽¹⁴⁾ and its implementing rules define the information measures relating to the CAP which may be financed under point (c) of Article 5 of Regulation (EC) No 1290/2005. Regulation (EC) No 814/2000 contains a list of those measures and their objectives and fixes the rules on their financing and on the implementation of the corresponding projects. Since the adoption of that Regulation, rules have been adopted by Regulation (EU, Euratom) No 966/2012 on grants and procurement. Those rules should apply also to the information measures under the CAP. For reasons of simplification and coherence, Regulation (EC) No 814/2000 should be repealed while maintaining the specific provisions relating to the objectives and types of measures to be financed. Those measures should also take into account the need to ensure more efficiency in communication to the public at large and stronger synergies between the communication activities undertaken on the initiative of the Commission as well as of the need to ensure that the Union's political priorities are communicated effectively. Therefore, they should also cover information measures relevant to the CAP in the framework of the corporate communication as referred to in the Communication from the Commission: A Budget for Europe 2020 ("the Commission Communication on a Budget for Europe 2020") - Part II: Policy fiches.
- (32) The financing of measures and operations under the CAP in part involves shared management. To ensure that Union funds are soundly managed, the Commission should perform checks on the management of the Funds by the Member State authorities

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responsible for making payments. It is appropriate to define the nature of the checks to be performed by the Commission, to specify the terms of its responsibilities for implementing the budget and to clarify the Member States' cooperation obligations.

- (33) In order to allow the Commission to fulfil its obligation to check the existence and proper functioning of management and inspection systems for Union expenditure in the Member States, provision should be made, irrespective of the inspections carried out by Member States themselves, for checks by persons authorised by the Commission to act on its behalf who should be able to request assistance from the Member States in their work.
- (34) Information technology needs to be used as extensively as possible in order to produce the information to be sent to the Commission. When carrying out checks, the Commission should have full and immediate access to expenditure information recorded in both paper and electronic form.
- (35) In order to establish the financial relationship between the accredited paying agencies and the Union budget, the Commission should clear the accounts of those paying agencies annually (financial clearance of accounts). The decision of the clearance of accounts should cover the completeness, accuracy and veracity of the accounts but not the conformity of the expenditure with Union law.
- (36) The Commission is responsible for the implementation of the budget of the European Union in cooperation with Member States in accordance with Article 317 TFEU. The Commission is empowered to decide, by means of implementing acts, whether the expenditure effected by the Member States complies with Union law. Member States should be given the right to justify their decisions to make payments and should have recourse to conciliation where there is no common agreement between them and the Commission. In order to give Member States legal and financial assurances as to expenditure effected in the past, a maximum period should be set for the Commission to decide which financial consequences should follow from non-compliance. As regards the EAFRD, the conformity clearance procedure should be in line with the provisions on the financial corrections by the Commission as laid down in Part 2 of Regulation (EU) No 1303/2013.
- (37) As regards the EAGF, sums recovered should be paid back to that Fund where the expenditure is not in conformity with Union law and no entitlement existed. In order to allow sufficient time for all the necessary administrative proceedings, including internal checks, Member States should request recovery from the beneficiary within 18 months after a control report or similar document, stating that an irregularity has taken place, has been approved and, where applicable, received by the paying agency or body responsible for the recovery. Provision should be made for a system of financial responsibility where irregularities have been committed and where the total amount has not been recovered. In this respect a procedure should be established enabling the Commission to safeguard the interests of the Union budget by deciding on partial charging to the Member State concerned of the sums lost as a result of irregularities and not recovered within a reasonable period. In certain cases of negligence by the Member State, it is also right to charge the full sum to the Member State concerned. However,

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subject to Member States complying with obligations under their internal procedures, the financial burden should be divided fairly between the Union and the Member State. The same rules should apply to the EAFRD, subject however, to the requirement that sums recovered or cancelled following irregularities should remain available to the approved rural development programmes of the Member State concerned as those sums have been allocated to that Member State. Provisions on the reporting obligation for Member States should also be established.

- (38) The recovery procedures used by the Member States may have the effect of delaying recovery for a number of years, with no guarantee that the outcome will actually be successful. The cost of implementing those procedures may also be disproportionate to the amounts which are or may be collected. Consequently, Member States should be permitted to halt recovery procedures in certain cases.
- (39) In order to protect the financial interests of the Union's budget, measures should be taken by Member States to satisfy themselves that transactions financed by the Funds are actually carried out and are executed correctly. Member States should also prevent, detect and deal effectively with any irregularities or non-compliance with obligations committed by beneficiaries. To this end, Council Regulation (EC, Euratom) No 2988/95⁽¹⁵⁾ should apply. In cases of infringement of the sectoral agricultural legislation, where detailed rules on administrative penalties have not been laid down by Union legal acts, Member States should impose national penalties which should be effective, dissuasive and proportionate.
- (40) The funding, under the CAP, of activities which generate additional costs in other policy areas covered by the general budget of the European Union, especially environment and public health, should be avoided. In addition, the introduction of new payment systems, and related monitoring and penalty systems, should not result in unnecessary additional administrative procedures and red tape.
- (41) Rules relating to the general principles applicable to checks, to withdrawals of undue payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be collected in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the purpose of which is to check compliance with the provisions of the CAP measures, and should cover the rules on the recovery of aid, and the reduction and exclusion of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.
- (42) Various provisions of the sectoral agricultural legislation require that a security be lodged to ensure the payment of a sum due if an obligation is not met. In order to strengthen the framework for securities, a single horizontal rule should apply to all those provisions.
- (43) Member State should set up and operate an integrated administration and control system (the "integrated system") for certain payments provided for in Regulation (EU) No 1307/2013 and in Regulation (EU) No 1305/2013. In order to improve the effectiveness and monitoring of Union support, Member States should be authorised to make use of the integrated system for other Union support schemes.

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- (44) The main elements of the integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained, whilst taking into account the evolution of the policy, in particular, by the introduction of payment for agricultural practices beneficial for the climate and the environment and the ecological benefits of landscape features. With a view to reducing the administrative burden and ensuring efficient and effective controls, Member States should make appropriate use of technology when setting up those systems.
- (45) For the purpose of creating a reference layer in the identification system for agricultural parcels that is adapted to the ecological focus areas, Member States should be able to take account of specific information which may be required from farmers in their applications for claim years 2015 to 2017, such as the identification of those landscape features or other areas which may qualify as ecological focus areas and, where necessary, the size of such features and other areas.
- (46) Competent national authorities should make the payments provided for in Union support schemes covered by the integrated system to beneficiaries in full, subject to any reductions provided for in this Regulation, and within the prescribed periods. In order to render the management of direct payments more flexible, Member States should be allowed to make payments covered by the integrated system in up to two instalments per year.
- (47) Scrutiny of the commercial documents of undertakings that are receiving or making payments can be a very effective means of surveillance of transactions forming part of the system of financing by the EAGF. The provisions on the scrutiny of the commercial documents are laid down in Council Regulation (EC) No 485/2008⁽¹⁶⁾. That scrutiny supplements other checks already carried out by the Member States. Furthermore, where national provisions relating to scrutiny are more extensive than those provided for in that Regulation, they are not affected by it.
- (48) Under Regulation (EC) No 485/2008, Member States should take the measures necessary to ensure effective protection of the financial interests of the Union budget, and in particular, in order to check the genuineness and compliance of operations financed by the EAGF. In the interests of clarity and rationalisation, the relevant provisions should be integrated into the same act. Regulation (EC) No 485/2008 should therefore be repealed.
- (49) The documents used as a basis for such scrutiny should be determined in such a way as to enable a full scrutiny to be carried out. The undertakings to be scrutinised should be selected on the basis of the nature of the transactions carried out under their responsibility and the breakdown per sector of the undertakings receiving or making payments should be selected according to their financial importance in the system of financing by the EAGF.
- (50) The powers of the officials responsible for scrutiny and the obligations on undertakings to make commercial documents available to such officials for a specified period, as well

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as to supply such information as may be requested by them, should be defined. It should be possible for commercial documents to be seized in certain cases.

- (51) Having regard to the international structure of agricultural trade and in the interest of the functioning of the internal market, it is necessary to organise cooperation among the Member States. It is also necessary to set up a centralised documentation system at Union level concerning undertakings receiving or making payments established in third countries.
- (52) While it is the responsibility of the Member States to adopt their scrutiny programmes, it is necessary for those programmes to be communicated to the Commission so that it can assume its supervisory and coordinating role, in order to ensure that the programmes are adopted on the basis of appropriate criteria and to guarantee that the scrutiny is concentrated on sectors or undertakings where the risk of fraud is high. It is essential that each Member State has a special department responsible for monitoring the scrutiny of commercial documents provided for in this Regulation or for coordinating that scrutiny. Those special departments should be organised independently of the departments carrying out scrutiny prior to payment. Information collected during that scrutiny should be protected by professional confidentiality.
- (53) Council Regulation (EC) No 1782/2003⁽¹⁷⁾, which was replaced by Regulation (EC) No 73/2009, established the principle that the full payment to beneficiaries of some supports under the CAP should be linked to compliance with rules relating to land management, agricultural production and agricultural activity. That principle was subsequently reflected in Council Regulation (EC) No 1698/2005⁽¹⁸⁾ and Council Regulation (EC) No 1234/2007⁽¹⁹⁾.
Under the resulting 'cross-compliance' system Member States are to impose penalties in the form of the reduction or exclusion of support received under the CAP in whole or in part.
- (54) That cross-compliance system incorporates in the CAP basic standards concerning the environment, climate change, good agricultural and environmental condition of land, public health, animal health, plant health and animal welfare. Cross-compliance aims to contribute to the development of sustainable agriculture through better awareness on the part of beneficiaries of the need to respect those basic standards. It aims also to contribute to make the CAP more compatible with the expectation of society through improving consistency of that policy with the environment, public health, animal health, plant health and animal welfare policies. The cross-compliance system forms an integral part of the CAP and should therefore be maintained. Its scope, however, which consists so far in separate lists of statutory management requirements and standards of good agricultural and environmental condition of land should be streamlined so that consistency of the cross-compliance system is ensured and made more visible. For this purpose, the requirements and standards should be organised in a single list and grouped by areas and issues. Experience has also shown that a number of the requirements within the scope of cross-compliance are not sufficiently relevant to farming activity or the area of the holding or concern national authorities rather than beneficiaries.

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- Consequently, that scope should be adjusted. Provision should furthermore be made for the maintenance of permanent pasture in 2015 and 2016.
- (55) Statutory management requirements need to be fully implemented by Member States in order to become operational at farm level and ensure the necessary equal treatment of farmers.
- (56) According to Article 22 of Directive 2000/60/EC, Council Directive 80/68/EEC⁽²⁰⁾ is to be repealed on 23 December 2013. In order to maintain the same cross-compliance rules relating to protection of groundwater as those laid down in Directive 80/68/EEC as at the last day of the validity of that Directive, it is appropriate to adjust the scope of cross-compliance and to define a standard of good agricultural and environmental condition that encompasses the requirements of Articles 4 and 5 of that Directive.
- (57) The cross-compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping has to be ensured, checks have to be carried out and where necessary penalties have to be applied. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No 1307/2013, the efforts to be made under the cross-compliance system might be considered to exceed the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross-compliance and in particular from its control system and from the risk of cross-compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral law or to the possibility to be checked and to be imposed penalties under that law.
- (58) Regulation (EC) No 1782/2003 established a framework of standards of good agricultural and environmental condition of the land within which Member States are to adopt national standards taking account of the specific characteristics of the areas concerned, including soil and climatic conditions and existing farming systems (land use, crop rotation, farming practices) and farm structures. Those standards of good agricultural and environmental condition of the land aim to contribute to preventing soil erosion, maintaining soil organic matter and soil structure, ensuring a minimum level of maintenance, avoiding the deterioration of habitats and protecting and managing water. The wider scope of the cross-compliance system as laid down in this Regulation should therefore include a framework within which Member States are to adopt national standards of good agricultural and environmental condition. The Union framework should also include rules to better address water, soil, carbon stock, biodiversity and landscape issues as well as minimum level of maintenance of the land.
- (59) Beneficiaries should understand their compliance obligations clearly in relation to the rules on cross-compliance. For that purpose, all requirements and standards forming part of those rules should be communicated by Member States in an exhaustive, understandable and explanatory way, including, where possible, by electronic means.

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- (60) An effective implementation of cross-compliance requires verification that obligations are respected at the level of beneficiaries. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following year, verify that the non-compliance concerned has been remedied.
- (61) To ensure harmonious cooperation between the Commission and the Member States regarding the financing of CAP expenditure and, more particularly, to allow the Commission to monitor the financial management by the Member States and to clear the accounts of the accredited paying agencies, it is necessary for certain information to be communicated by the Member States or to be kept available to the Commission.
- (62) For the purposes of compiling the data to be sent to the Commission, and to allow the Commission to have full immediate access to expenditure data in both paper and electronic form, suitable rules on the presentation and transmission of data, including rules on time limits, need to be laid down.
- (63) As personal data or business secrets might be involved in the application of the national control systems and the conformity clearance, the Member States and the Commission should guarantee the confidentiality of the information received in that context.
- (64) In the interests of sound financial management of the Union's budget and impartiality of treatment at both Member State and beneficiary level, rules on the use of the euro should be laid down.
- (65) The rate of exchange of the euro into national currencies may vary in the course of the period during which an operation is carried out. Therefore, the rate applicable to the amounts concerned should be determined taking into account the event through which the economic objective of the operation is achieved. The rate of exchange applied should be that applicable for the date on which that event occurs. It is necessary to specify this operative event or to waive its application, whilst complying with certain criteria and in particular those concerning the rapidity with which currency movements are passed on. Those criteria are laid down in Council Regulation (EC) No 2799/98⁽²¹⁾ and they complete similar provisions of Regulation (EC) No 1290/2005. In the interests of clarity and rationalisation, the relevant provisions should be integrated into the same act and Regulation (EC) No 2799/98 should therefore be repealed.
- (66) Special rules should be laid down for dealing with exceptional monetary situations arising either within the Union or on the world market and requiring immediate action to ensure that the arrangements established under the CAP operate effectively.
- (67) Member States that have not adopted the euro should have the option of making payments for expenditure resulting from the CAP legislation in euro rather than in national currency. Specific rules are needed to ensure that this option does not lead to any unjustified advantage for parties making or receiving payment.
- (68) Each measure under the CAP should be subject to monitoring and evaluation in order to improve its quality and to demonstrate its achievements. In this context a list of indicators should be determined and the performance of the CAP should be assessed

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by the Commission in relation to the policy objectives of viable food production, the sustainable management of natural resources and climate action and balanced territorial development. In assessing, in particular, the performance of the CAP in relation to the objective of viable food production, all relevant factors, including the evolution of input prices, should be taken into account. The Commission should set up a framework for a common monitoring and evaluation system ensuring inter alia that relevant data, including information from Member States is available on a timely manner. In so doing it should take account of the data needs and of the synergies between potential data sources. Moreover, the Commission Communication on A Budget for Europe 2020 - Part II stated that the climate related expenditure in the overall Union budget should increase to at least 20 %, with contributions from different policies. The Commission should therefore be able to assess the impact of the Union's support within the framework of the CAP, for climate objectives.

- (69) Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data is applicable, in particular Directive 95/46/EC of the European Parliament and of the Council⁽²²⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽²³⁾.
- (70) In its judgment of 9 November 2010 in Joined Cases C-92/09 and 93/09⁽²⁴⁾ *Volker und Markus Schecke GbR and Hartmut Eifert v Land Hessen* the Court of Justice of the European Union declared point (8b) of Article 42 and Article 44a of Regulation (EC) No 1290/2005 and Commission Regulation (EC) No 259/2008⁽²⁵⁾ to be invalid in so far as, with regard to natural persons benefiting from the European agricultural funds, those provisions imposed an obligation to publish personal data relating to each beneficiary without drawing a distinction based on relevant criteria such as the periods during which those persons have received such aid, the frequency of such aid or the nature and amount thereof.
- (71) Following that judgment and pending the adoption of new rules taking account of the objections expressed by the Court, Regulation (EC) No 259/2008 was amended by Commission Implementing Regulation (EU) No 410/2011⁽²⁶⁾ in order to expressly lay down that the obligation to publish the information is not to apply to natural persons.
- (72) In September 2011, the Commission organised a consultation of stakeholders that brought together representatives of professional agricultural and trade organisations, representatives of the food industry and workers, as well as representatives of civil society and Union institutions. In the course of that consultation different options were put forward concerning the publication of data of natural persons benefiting from Union agricultural funds and concerning respect for the principle of proportionality when making relevant information available to the public. That conference discussed the need to publish the names of natural persons in order to respond to the objective of better protection of the Union's financial interests, to enhance transparency and to highlight the achievements of beneficiaries in providing public goods while ensuring that that publication does not go beyond what is necessary for achieving these legitimate aims.
- (73) In its judgment in *Volker und Markus Schecke GbR and Hartmut Eifert v Land Hessen*, the Court did not contest the legitimacy of the objective of reinforcing public control

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of the use of the money from the Funds. However, the Court did emphasise the need to consider methods of publishing information relating to the beneficiaries concerned which are consistent with the objective of such publication while at the same time causing less interference with those beneficiaries' right to respect for their private life in general and to protection of their personal data in particular.

- (74) The objective of reinforcing public control in respect of individual beneficiaries should be analysed in the light of the new financial management and control framework to be applied from 1 January 2014 and in the light of experience gained in Member States. Within that new framework, it is not possible for the controls by the national administrations to be exhaustive, in particular, since for almost all schemes, only a limited part of the population can be checked on-the-spot. Moreover, that new framework provides that, subject to certain conditions, Member States may reduce the number of on-the-spot checks.

A sufficient increase of the minimum control rates would, in the present context, put such an additional financial and administrative burden on the national administrations that those administrations would be unable to cope.

- (75) Against that background, the publication of the name of the beneficiaries of the Funds provides a means of reinforcing the public control of the use of the Funds and, therefore, is a useful addition to the existing management and control framework and is necessary to ensure an adequate level of protection of the Union's financial interest. That is achieved partly by the preventive and deterrent effect of such publication, partly by discouraging individual beneficiaries from irregular behaviour and also partly by reinforcing the personal accountability of the farmers for use of public funds received.

- (76) In this context the role played by civil society, including by the media and non-governmental organisations and their contribution to reinforcing the administrations' control framework against fraud and any misuse of public funds, should be properly recognised.

- (77) The publication of the relevant information is also consistent with the approach as set out in Regulation (EU, Euratom) No 966/2012.

- (78) Alternatively, the objective of reinforcing public control in respect of individual beneficiaries could be served by providing for an obligation on Member States to ensure public access to the relevant information upon request, without publication. This would however be less effective and run the risk of creating unwanted divergencies in implementation. Consequently, national authorities should be enabled to rely on the public control in respect of individual beneficiaries through the publication of their names and other relevant data.

- (79) If the objective of the public control of the use of the money from the Funds is to be achieved, a certain level of information about beneficiaries needs to be brought to the attention of the public. That information should include data on the identity of the beneficiary, the amount awarded and the fund from which it comes and the purpose and the nature of the measure concerned. The publication of that information should be made in such a way as to cause less interference with the beneficiaries' right to respect for their private life, in general, and to their right to protection of their personal data,

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- in particular, both rights which are recognised in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.
- (80) In order to ensure that this Regulation complies with the principle of proportionality, the legislator has explored all the alternative means of attaining the objective of public control of the use of the money from the Funds, as analysed in a memorandum set out in the Annex to Council document 6370/13, and has chosen the one which would cause the least interference with the individual rights concerned.
- (81) Publishing details about the measure entitling the farmer to receive aid or support and about the nature and the purpose of the aid or support provides the public with concrete information on the subsidised activity and the purpose for which the aid or support was granted. This would also contribute to the preventive and deterrent effect of the public control in the protection of the financial interest.
- (82) In order to strike a balance between the objective of the public control of the use of the money from the Funds, on the one hand, and the beneficiaries' right to respect for their private life, in general, and to protection of their personal data, in particular, on the other hand, the importance of the aid should be taken into account. Following extensive analysis and consultation with the stakeholders it appears that, in order to reinforce the effectiveness of such publication and to limit the interference with the beneficiaries' rights, it is necessary to set a threshold expressed in terms of the amount of aid received, below which the name of the beneficiary should not be published.
- (83) That threshold should be de-minimis and should reflect and be based on the level of the support schemes set up within the framework of the CAP. As the structures of the Member States' agricultural economies vary considerably and may differ significantly from the average Union farm structure, the application of different minimum thresholds that reflect the particular situation of the Member States should be allowed. Regulation (EU) No 1307/2013 sets out a simple and specific scheme for small farms. Article 63 of that Regulation lays down criteria for calculating the amount of aid. For reasons of consistency, in the case of Member States applying the scheme, the threshold to be taken into account should be set at the same level as the amounts fixed by the Member State as referred to in the second subparagraph of Article 63(1) or the second subparagraph of Article 63(2) of that Regulation. In the case of Member States deciding not to apply that scheme, the threshold to be taken into account should be set at the same level as the maximum amount of aid possible under the scheme, as provided for in Article 63 of Regulation (EU) No 1307/2013. Below that specific threshold 1307 the publication should contain all the relevant information, except for the name, in order to allow the taxpayers to have an accurate image of the CAP.
- (84) Making that information accessible to the public, in combination with the general information to the public provided for in this Regulation, enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy, and is more effective and is more accountable to the citizen. It also brings

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- concrete examples of the provision of "public goods" by farming to the attention of citizens, thereby underpinning the legitimacy of state support for the agricultural sector.
- (85) Therefore it must be considered that providing for the general publication of the relevant information does not go beyond what is necessary in a democratic society in view of the need to protect the Union's financial interests as well as, the overriding weight of the objective of the public control of the use of the money from the Funds.
- (86) In order to comply with the data protection requirements, beneficiaries of the Funds should be informed of the publication of their data before that publication takes place. They should also be informed that that data may be processed by auditing and investigating bodies of the Union and Member States for the purpose of safeguarding the Union's financial interests. Furthermore, the beneficiaries should be informed about their rights under Directive 95/46/EC and the procedures applicable for exercising these rights.
- (87) Consequently, after having conducted an in-depth analysis and assessment of the most appropriate way to observe the right to protection of personal data of the beneficiaries, based, moreover, on the information provided by the Commission during the negotiations of this Regulation, new rules on the publication of information on all beneficiaries of the Funds should be laid down in this Regulation.
- (88) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission.
- (89) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission relating to: the procedures for the issuing, withdrawing and reviewing accreditation of paying agencies and coordinating bodies as well as for the supervision of the accreditation of paying agencies; the rules on the work and checks underlying the management declaration of the paying agencies, the functioning of the coordinating body and the notification of information to the Commission by that coordinating body; the rules concerning the tasks of the certification bodies, including the checks, and on the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁷⁾.
- (90) The implementing powers of the Commission should also cover: the audit principles on which the opinions of the certification bodies are based, including an assessment of the risks, internal controls and the level of audit evidence required, the audit methods to be used by the certification bodies, having regard to international standards on auditing to deliver their opinions, including, where appropriate, the use of a single integrated sample for each population and, where appropriate, the possibility of accompanying paying agencies when they carry out on-the-spot checks.
- (91) They should also cover: rules for the uniform implementation of the farm advisory system, the determination of the EAGF monthly payments to the Member States; the setting of the amounts for the financing of public intervention measures; rules relating to the financing of the acquisition by the Commission of the satellite images

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required for the checks and the measures taken by the Commission through remote-sensing applications used for the monitoring of agricultural resources; the procedure for the carrying out of the acquisition by the Commission of those satellite images and the monitoring of agricultural resources, the framework governing the acquisition, enhancing and utilisation of satellite images and meteorological data, and the applicable deadlines.

- (92) They should also cover: in the context of the financial discipline procedure, the adjustment rate for the direct payments as well as its adaptation as well as the terms and conditions applicable to appropriations carried over in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 in order to finance the direct payments; in the context of the budget discipline procedure, the provisional setting of the amount of the payments and the provisional distribution of the available budget among the Member States.
- (93) Furthermore, the implementing powers of the Commission should cover: the setting of the period within which the accredited paying agencies must establish and forward, to the Commission, intermediate declarations of expenditure relating to rural development programmes; the reduction or suspension of the monthly or interim payments to Member States; details on the keeping of separate accounts by the paying agencies; specific conditions applying to the information to be booked in the accounts kept by the paying agencies; rules on the financing and accounting of intervention measures in the form of public storage, and other expenditure financed by the Funds, the terms and conditions governing the implementation of the automatic decommitment procedure, the procedure and other practical arrangements for the proper functioning of the suspension of payments by the Commission to Member States in the case of late submission of information by Member States.
- (94) Moreover, the implementing powers of the Commission should cover: the procedures relating to the specific obligations which the Member States have to comply with in relation to checks; the procedures relating to the cooperation obligations to be complied with by the Member States as regards the on-the-spot checks carried out by the Commission and access to information; the procedures and other practical arrangements relating to the obligation to report irregularities and fraud, the conditions under which the supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by the Union law must be kept; the clearance of accounts and the conformity clearance, the exclusion from Union financing of sums charged to the Union's budget, the procedures for the recovery of undue payments and interest and the forms of notification and communication to be made by the Member States to the Commission in relation to irregularities.
- (95) The implementing powers of the Commission should also cover: rules aiming at reaching a uniform application of Member States' obligations regarding the protection of the financial interests of the Union, the necessary rules aiming at reaching a uniform application of checks in the Union, the application and calculation of the partial or total withdrawal of payments or payment entitlements; the recovery of undue payments and penalties as well as in respect of unduly allocated payment entitlements and the

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application of interest. They should also cover: the application and the calculation of the administrative penalties, the detailed rules for identifying a non-compliance as minor, the rules identifying the cases in which, due to the nature of the penalties, Member States may retain the penalties recovered; and the suspension of monthly payments in specific cases covered by Regulation (EU) No 1308/2013.

- (96) The implementing powers of the Commission should cover: the form of the securities to be lodged and the procedure for lodging the securities, for accepting them, and for replacing the original securities; the procedures for the release of securities and the notification to be made by Member States or by the Commission in the context of securities; They should also cover: rules which are both necessary and justifiable in an emergency in order to resolve specific problems in relation to payment periods and the payment of advances; rules on the aid applications and payments claims, the applications for payment entitlements, including the final date for submission of applications, the requirements as to the minimum amount of information to be included in the applications, provisions for amendments to or the withdrawal of aid applications, exemption from the requirement to submit aid applications and provisions which allow Member States to apply simplified procedures or to correct obvious errors.
- (97) Likewise, the implementing powers of the Commission should cover: rules on the carrying out of checks in order to verify compliance with obligations, and the correctness and completeness of the information provided in the aid application or payment claim, including rules on measurement tolerances for on-the-spot checks, technical specifications needed for the purpose of the uniform implementation of the integrated administration and control system; rules on situations of transfer of holdings accompanied by the transfer of any obligation concerning eligibility in respect of the aid in question which still needs to be fulfilled; and rules on the payment of advances. They should also cover: rules aiming at ensuring a uniform application of the rules on the scrutiny of commercial documents; the procedures relating to Member States' own databanks and to the analytical databank of isotopic data that will help detect fraud; the procedures relating to cooperation and assistance between control authorities and bodies, rules for performing the checks for compliance with marketing standards, rules on the authorities responsible for performing the checks, as well as on the content, the frequency and the marketing stage to which those checks are to apply.
- (98) The implementing powers of the Commission should also cover: in the context of the checks related to designation of origin and geographical indications and protected traditional terms, the communications to be made by the Member States to the Commission; the rules on the authority responsible for the verification of compliance with the product specification, including where the geographical area is a third country, the actions to be implemented by the Member States to prevent the unfaithful use of protected designations of origin, protected geographical indications and protected traditional terms, the checks and verifications to be carried out by Member States, including testing.
They should also cover: rules on the carrying out of checks in order to verify compliance with the cross-compliance obligations; detailed procedural and technical rules concerning the calculation and application of administrative penalties for non-

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compliance with cross-compliance requirements; rules pertaining to communication of information by Member States to the Commission as referred to in Article 104; and measures to safeguard the application of Union law if exceptional monetary practices related to national currency are likely to jeopardise it;

- (99) Furthermore, the implementing powers of the Commission should cover: the set of indicators specific to the monitoring and evaluation of the CAP; rules on the information to be sent by the Member States to the Commission for the purposes of the monitoring and evaluation of the CAP; rules on the form and the calendar of the publication of the beneficiaries of the Funds, the uniform application of the obligation to inform the beneficiaries that their data will be made public, and the cooperation between the Commission and Member States in the context of the publication of the beneficiaries of the Funds.
- (100) The advisory procedure should be used for the adoption of certain implementing acts. With regard to the implementing acts involving the calculation of amounts by the Commission the advisory procedure enables the Commission to fully assume its responsibility of managing the budget and aims to increase efficiency, predictability and rapidity, when complying with the time limits and the budgetary procedures. With regard to the implementing acts related to payments made to the Member States and the operation of the clearance of accounts procedure, the advisory procedure enables the Commission to fully assume its responsibility of managing the budget and verifying the annual accounts of the national paying agencies with a view to accepting such accounts or, in the case of expenditure not effected in compliance with Union rules, to excluding such expenditure from Union financing. In other cases, the examination procedure should be used for the adoption of implementing acts.
- (101) The Commission should be empowered to adopt implementing acts without the application of Regulation (EU) No 182/2011 concerning the setting of the net balance available for EAGF expenditure and making supplementary payments or deductions in the context of the procedure for monthly payments.
- (102) Since the transition from the system under the Regulations repealed by this Regulation to the system in this Regulation could give rise to practical and specific difficulties, provision should be made for the Commission to adopt the necessary and duly justified measures.
- (103) Due to the urgency of preparing the smooth implementation of the measures envisaged, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (104) As the programming period for the rural development programmes financed on the basis of this Regulation runs from 1 January 2014, this Regulation should be applicable as from that date. However, since the agricultural financial year covers expenditure paid and revenue received and entered in the accounts of the Funds budget by the paying agencies in respect of financial year "N" beginning on 16 October of year "N-1" and ending on 15 October of year "N", the provisions relating to the accreditation and withdrawal of accreditation of paying agencies and coordinating bodies and the Commission's relevant powers, to the financial management of the Funds such as the

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budget ceiling, the reserve for crises in the agricultural sector, the financial discipline, and to the assignment of revenue should apply as from an earlier date corresponding to the beginning of the financial year 2014 (i.e. 16 October 2013). For the same reason, the provisions relating to the procedure for monthly payments made by the Commission to Member States and the compliance by the paying agencies with the payment deadlines should apply to the expenditure effected as of the beginning of the financial year 2014 (i.e. 16 October 2013).

- (105) The European Data Protection Supervisor was consulted and adopted an opinion⁽²⁸⁾.
- (106) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States given the links between it and the other instruments of the CAP and the limits on the financial resources of the Member States in an enlarged Union, but can rather, by reason of the multiannual guarantee of Union finance and by concentrating on its priorities, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

Modifications etc. (not altering text)

- C1** Regulation: power to modify conferred (W.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 5 para. 4](#) (with s. 47)
- C2** Regulation: power to modify conferred (E.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), [ss. 14, 57\(1\)\(b\)\(c\)\(6\)](#)
- C3** Regulation: power to modify conferred (N.I.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), s. 57(1)(b)(c)(6), [Sch. 6 para. 5](#)

Commencement Information

- II** Regulation in so far as it relates to the CAP direct payment schemes for the claim year 2020 brought into domestic law on exit day by virtue of [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), [ss. 1, 9\(3\)](#); and Regulation brought into domestic law on IP completion day in accordance with [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1, 2

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

TITLE I

SCOPE AND DEFINITIONS

Article 1

Scope

This Regulation lays down the rules on:

- (a) the financing of expenditure [^{F1}for direct payments][^{F2}on agricultural support];
- (b) the farm advisory system;
- (c) the management and control systems to be put in place by the [^{F3}relevant authority];
- (d) the cross-compliance system;
- (e) ^{F4} ...

Textual Amendments

- F1** Words in Art. 1(a) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(1)(a)**
- F2** Words in Art. 1(a) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 1(c) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(1)(b)**; and words in Art. 1(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 1(e) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(1)(c)**; and Art. 1(e) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(1)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 2

Terms used in this Regulation

- 1 For the purpose of this Regulation:
 - a "farmer", means a farmer within the meaning of Article 4 of Regulation (EU) 1307/2013;
 - b "agricultural activity" means an agricultural activity within the meaning of Article 4 of Regulation (EU) 1307/2013;

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- c "agricultural area" means an agricultural area within the meaning of Article 4 of Regulation (EU) 1307/2013;
- d "holding" means holding within the meaning of Article 4 of Regulation (EU) 1307/2013, save as provided for in Article 91(3);
- e [^{F5}"direct payments" means direct payments within the meaning of Article 1 of Regulation (EU) 1307/2013;]
- f [^{F6}"sectoral agricultural legislation" means, insofar as it relates to direct payments:
 - i) any applicable acts adopted within the framework of the common agricultural policy on the basis of Article 43 TFEU;
 - ii) any delegated or implementing acts adopted on the basis of acts referred to in point (i);
 - iii) regulations made in the exercise of powers under any act referred to in point (i);]
- [^{F7}"sectoral agricultural legislation" means, insofar as it relates to agricultural support:
 - i) any applicable acts adopted within the framework of the common agricultural policy on the basis of Article 43 TFEU;
 - ii) any delegated or implementing acts adopted on the basis of acts referred to in point (i);
 - iii) regulations made in the exercise of powers under any act referred to in point (i);
 - iv) Part Two of Regulation (EU) No 1303/2013 insofar as it applies to support for rural development;]
- [^{F8}g "irregularity" means any infringement of a provision of sectoral agricultural legislation resulting from an act or omission by an economic operator, where the infringement results, or would result, in a reduction or loss of public revenue or an unjustified item of expenditure;]
- [^{F9}h "constituent nation" means England, Wales, Scotland or Northern Ireland, as the case may be;]
 - i) [^{F10}"direct payment support" means financial support granted under any of the support schemes listed in Annex I to Regulation (EU) No 1307/2013;]
- [^{F11}"agricultural support" means support for rural development and CMO support;]
- [^{F12}j "economic operator" means any person or public entity or group of such persons or entities, including any temporary association of undertakings, which offers the execution of works or a work, the supply of products or the provision of services on the market;]
- [^{F13}k "relevant authority", unless otherwise defined in this Regulation, means:
 - i) in England, the Secretary of State;
 - ii) in Wales, the Welsh Ministers;
 - iii) in Scotland, the Scottish Ministers;
 - iv) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;]
- [^{F14}l "relevant accounting officer" means:
 - i) in England, the accounting officer for the Department for Environment, Food and Rural Affairs;
 - ii) in Wales, the Permanent Secretary of the Welsh Government;
 - iii) in Scotland, the Permanent Secretary of the Scottish Government;
 - iv) in Northern Ireland, the Permanent Secretary of the Department of Agriculture, Environment and Rural Affairs;]

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[^{F15}m) [^{F16}“appropriate authority” means the relevant authority for the constituent nation in which the regulations apply.]]

[^{F17}m) ‘appropriate authority’ means:

- i) subject to point (ii), the relevant authority for the constituent nation in which the regulations apply;
- ii) the Secretary of State:
 - aa) in relation to regulations made under Article 66(3) or (4), where the subject matter is outside devolved competence;
 - bb) in relation to Wales, for regulations made under Article 8, 20, 79(2), 84(6), 88 or 106(5) or (6) of this Regulation, if consent is given by the Welsh Ministers;
 - cc) in relation to Scotland, if consent is given by the Scottish Ministers;
 - dd) in relation to Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs;

For the purposes of point (ii)(aa), it is outside devolved competence to make any provision by subordinate legislation which would be outside the legislative competence of:

- i) in relation to Wales, Senedd Cymru, if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006);
- ii) in relation to Scotland, the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998);
- iii) in relation to Northern Ireland, the Northern Ireland Assembly if it were included in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998).]

[^{F18}n) “CMO support” means financial support granted under:

- i) Regulation (EU) No 1308/2013 or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;
- ii) any delegated or implementing acts adopted on the basis of Regulation (EC) No 1234/2007;
- iii) Regulation (EU) No 1144/2014 or any regulations made under, or delegated or implementing acts adopted on the basis of, that Regulation;
- o) ‘support for rural development’ means financial support granted under Title III of Regulation (EU) No 1305/2013 or Title III, Chapter II of Regulation (EU) No 1303/2013;]

2 For the purposes of the financing, management and monitoring of [^{F19}expenditure on direct payments and for the purposes of sectoral agricultural legislation][^{F20}expenditure on agricultural support and for the purposes of sectoral agricultural legislation], “force majeure” and “exceptional circumstances” may, in particular, be recognised in the following cases:

- a the death of the beneficiary;
- b long-term professional incapacity of beneficiary;
- c a severe natural disaster gravely affecting the holding;
- d the accidental destruction of livestock buildings on the holding;
- e an epizootic or a plant disease affecting part or all of the beneficiary's livestock or crops respectively;
- f expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application.

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

[^{F213} In this Regulation, references to Regulation (EU) No 1303/2013 are references to that Regulation as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019.]

Textual Amendments

- F5** Art. 2(1)(e) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(a)(ai)** (as inserted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Art. 2(1)(f) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(i)**
- F7** Art. 2(1)(f) substituted (31.1.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(a)(i)** (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), **3(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Art. 2(1)(g) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(ii)**; and Art. 2(1)(g) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, 3(2)(a)(ii) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 2(1)(h) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**; and Art. 2(1)(h) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, 3(2)(a)(iii) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 2(1)(i) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**
- F11** Art. 2(1)(i) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(a)(iii)** (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(1)(j) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**; and Art. 2(1)(j) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, 3(2)(a)(iii) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 2(1)(k) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**; and a similar Art. 2(1)(k) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, 3(2)(a)(iii) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)

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- F14** Art. 2(1)(l) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**; and Art. 2(1)(l) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, 3(2)(a)(iii) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 2(1)(m) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iii)**
- F16** Art. 2(1)(m) substituted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(2)**
- F17** Art. 2(1)(m) inserted (26.2.2022 in so far as it relates to common organisation of the markets and rural development measures) by [The Waste and Agriculture \(Legislative Functions\) Regulations 2022 \(S.I. 2022/190\)](#), regs. 1(1), **24**
- F18** Art. 2(1)(n)(o) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(a)(iii)** (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 2(2) substituted for “the CAP” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **3(2)(a)(iv)**
- F20** Words in Art. 2(2) substituted for “the CAP” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Art. 2(3) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

TITLE II

GENERAL PROVISIONS ON AGRICULTURAL FUNDS

CHAPTER I

Agricultural Funds

^{F22}Article 3

Funds financing agricultural expenditure

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Status: Point in time view as at 28/02/2023.

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Textual Amendments

F22 Arts. 3, 4, 6 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(1)**; and Arts. 3-6 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(1)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F22} Article 4

EAGF expenditure

Textual Amendments

F22 Arts. 3, 4, 6 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(1)**; and Arts. 3-6 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(1)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F23} Article 5

EAFRD expenditure

Textual Amendments

F23 Arts. 3-6 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(1)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F22} Article 6

Other expenditure, including technical assistance

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

F22 Arts. 3, 4, 6 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(1)**; and Arts. 3-6 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(1)**; 2020 c. 1, **Sch. 5 para. 1(1)**

CHAPTER II

Paying agencies and other bodies

Article 7

[^{F24}Designation of paying agencies and coordinated action by relevant authorities]

^{F25}1 Paying agencies shall be departments or bodies designated by the relevant authority, which have an administrative organisation and a system of internal control that provide sufficient guarantees that payments are legal and regular, and properly accounted for.

2 The number of paying agencies shall be restricted to no more than one per constituent nation.

3 Paying agencies shall be responsible for the management and control of expenditure on direct payments. With the exception of payment, the carrying out of those tasks may be delegated.

4 The relevant authorities shall have joint responsibility for the following tasks:

- a to take or coordinate, as the case may be, actions with a view to resolving deficiencies of a common nature;
- b to promote and, where possible, ensure harmonised application of sectoral agricultural legislation.]

^{F26}1 Paying agencies shall be departments or bodies designated by the relevant authority, which have an administrative organisation and a system of internal control that provide sufficient guarantees that payments are legal and regular, and properly accounted for.

2 The number of paying agencies shall be restricted to no more than one per constituent nation. However, the relevant authorities may jointly designate a single paying agency for the UK to manage aid schemes which, by their nature, have to be managed at UK level.

3 Paying agencies shall be responsible for the management and control of expenditure on agricultural support. With the exception of payment, the carrying out of those tasks may be delegated.

4 The relevant authorities shall have joint responsibility for the following tasks:

- a to take or coordinate, as the case may be, actions with a view to resolving deficiencies of a common nature;
- b to promote and, where possible, ensure harmonised application of sectoral agricultural legislation.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

5 The paying agencies shall manage and ensure the control of the operations linked to public intervention for which they are responsible and they shall retain overall responsibility in that field.

[^{F27}5A Paragraph 5 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]]

Textual Amendments

- F24** Art. 7 heading substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(2)**; and Art. 7 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Art. 7 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(2)**
- F26** Art. 7(1)-(5) substituted for Art. 7(1)-(6) (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(3)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Art. 7(5A) inserted (E.) (28.2.2023 at 9.10 a.m.) by [The Market Measures Payment Schemes \(Amendments, Revocation and Transitional Provision\) \(England\) Regulations 2023 \(S.I. 2023/124\)](#), regs. 1(2)(b), **3(2)** (with reg. 10)

[^{F29}Article 8

[^{F28}Commission powers][^{F28}Powers]

1 To ensure the sound operation of the system provided for in Article 7, the [^{F30}appropriate authority may make regulations] concerning:

- ^{F31}a
- b the obligations of the paying agencies as regards public intervention, as well as the rules on the content of their management and control responsibilities.

[^{F32}1A Paragraph 1 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]

^{F33}2]

Textual Amendments

- F28** Art. 8 heading substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(2)**

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F29** Arts. 8-10 omitted (31.1.2020 in so far as relate to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **4(3)**
- F30** Words in Art. 8(1) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **4(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Art. 8(1)(a) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **4(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Art. 8(1A) inserted (E.) (28.2.2023 at 9.10 a.m.) by The Market Measures Payment Schemes (Amendments, Revocation and Transitional Provision) (England) Regulations 2023 (S.I. 2023/124), regs. 1(2)(b), **3(3)** (with reg. 10)
- F33** Art. 8(2) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **4(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F34 Article 9

Certification bodies

Textual Amendments

- F34** Arts. 8-10 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **4(3)**; and Art. 9 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F35 Article 10

Admissibility of payments made by the paying agencies

Textual Amendments

- F35** Arts. 8-10 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **4(3)**; and Art. 10 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 11

Payment in full to beneficiaries

Except where otherwise explicitly provided ^{F36}..., payments relating to the financing provided for in this Regulation shall be disbursed in full to the beneficiaries.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

F36 Words in Art. 11 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **4(4)**; and words in Art. 11 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **4(5)**; 2020 c. 1, Sch. 5 para. 1(1)

TITLE III

FARM ADVISORY SYSTEM

Article 12 **E+S+N.I.**

[^{F37}Principle and scope][^{F37}Farm Advisory System]

[^{F37}The relevant authority must have in place a system for advising beneficiaries on land management and farm management (“farm advisory system”). That farm advisory system shall be operated by designated public bodies and/or selected private bodies. That system shall cover [^{F42}the agricultural practices beneficial for the climate and the environment 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 [^{F43}that Regulation][^{F43}Regulation (EU) No 1307/2013].]

Extent Information

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

Textual Amendments

- F37** Art. 12 substituted for Arts. 12-15 (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **5(1)**
- F38** Words in Art. 12(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Art. 12(2)(b) omitted (31.12.2020) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(1)(b)(i)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(5)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Art. 12(2)(d)(e) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(1)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 12(3)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(1)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F42** Words in Art. 12 omitted (E.) (1.1.2021 insofar as relates to direct payments) by virtue of The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (S.I. 2020/1387), regs. 1(1), **4(2)(a)** (with reg. 1(2)); and words in Art. 12 omitted (N.I.) (25.2.2021) by virtue of The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 (S.R. 2021/42), regs. 1(1), **3(2)(a)**
- F43** Words in Art. 12 substituted (E.) (1.1.2021 insofar as relates to direct payments) by The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (S.I. 2020/1387), regs. 1(1), **4(2)(b)** (with reg. 1(2)); and words in Art. 12 substituted (N.I.) (25.2.2021) by The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 (S.R. 2021/42), regs. 1(1), **3(2)(b)**

Article 12 W

[^{F438}Principle and scope][^{F438}Farm Advisory System]

[^{F438}The relevant authority [^{F447}may] have in place a system for advising beneficiaries on land management and farm management (“farm advisory system”). That farm advisory system [^{F448}may] be operated by designated public bodies and/or selected private bodies. [^{F449}That system may cover the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of Regulation (EU) No. 1307/2013.]]

Extent Information

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

Textual Amendments

- F438** Art. 12 substituted for Arts. 12-15 (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **5(1)**
- F439** Words in Art. 12(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **5(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F440** Word in Art. 12(1) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(3)(a)(i)**
- F441** Word in Art. 12(1) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(3)(a)(ii)**
- F442** Art. 12(2)(aa) inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(3)(b)(i)**
- F443** Art. 12(2)(b) omitted (31.12.2020) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **5(1)(b)(i)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(5)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F444** Art. 12(2)(d)(e) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **5(1)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F445** Art. 12(2)(e) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(3)(b)(ii)**
- F446** Art. 12(3) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(3)(C)**
- F447** Word in Art. 12 substituted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(3)(a)**
- F448** Word in Art. 12 substituted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(3)(b)**
- F449** Words in Art. 12 substituted (W.) (31.12.2020 in so far as relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(3)(c)**

^{F37}^{F44} Article 13

Specific requirements relating to the farm advisory system

1 ^{F45}The relevant authority] shall ensure that advisors working within the farm advisory system are suitably qualified and regularly trained.

2 ^{F46}The relevant authority] shall ensure the separation between advice and checks. In that respect, and without prejudice to ^{F47}the law applying in the constituent nation] concerning public access to documents, ^{F48}the relevant authority] shall ensure that the selected and designated bodies as referred to in Article 12(1) do not disclose any personal or individual information or data they obtain in the course of their advisory activity to persons other than the beneficiary who is managing the holding concerned, with the exception of any irregularity or infringement found in the course of their activity which is covered by an obligation laid down in ^{F49}... law to inform a public authority, in particular in the case of criminal offences.

3 The ^{F50}relevant authority] shall provide, primarily by electronic means, the potential beneficiary with the appropriate list of selected and designated bodies as referred in Article 12(1).]]

Textual Amendments

- F37** Art. 12 substituted for Arts. 12-15 (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **5(1)**
- F44** Arts. 13-15 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(4)**
- F45** Words in Art. 13(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 13(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F47** Words in Art. 13(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 13(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 13(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 13(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F37}^{F44} Article 14

Access to the farm advisory system

Beneficiaries and farmers not receiving [^{F51}agricultural support] may use the farm advisory system on a voluntary basis.

Without prejudice to the fourth subparagraph of Article 99(2), [^{F52}the relevant authority] may, however, determine in accordance with objective criteria, the categories of beneficiaries that have priority access to the farm advisory system, including networks operating with limited resources within the meaning of Articles 53, 55 and 56 of Regulation (EU) No 1305/2013.

In such cases, [^{F52}the relevant authority] shall ensure that priority is given to those farmers with the most limited access to an advisory service other than the farm advisory system.

The farm advisory system shall ensure that beneficiaries have access to advice reflecting the specific situation of their holding.]]

Textual Amendments

- F37** Art. 12 substituted for Arts. 12-15 (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **5(1)**
- F44** Arts. 13-15 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(4)**
- F51** Words in Art. 14 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **5(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 14 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **5(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F37}/^{F44} Article 15

^{F53} Powers]

The ^{F54} appropriate authority may make regulations] laying down rules on the uniform implementation of the farm advisory system in order to render that system fully operational.

^{F55}]]

Textual Amendments

- F37** Art. 12 substituted for Arts. 12-15 (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **5(1)**
- F44** Arts. 13-15 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(4)**
- F53** Art. 15 heading substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **5(za)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 10(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 15 substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **5(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 15 omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **5(b)**; 2020 c. 1, Sch. 5 para. 1(1)

TITLE IV

FINANCIAL MANAGEMENT ^{F56} ...

CHAPTER I

^{F57} Direct payment support]]^{F58} CMO support]

Section 1

Financing of expenditure

^{F59} Article 16

Budget ceiling

.....

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

F59 Arts. 16-19 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 16-19 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F59}Article 17

Monthly payments

Textual Amendments

F59 Arts. 16-19 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 16-19 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F59}Article 18

Procedure for monthly payments

Textual Amendments

F59 Arts. 16-19 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 16-19 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F59}Article 19

Administrative and personnel costs

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

F59 Arts. 16-19 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 16-19 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 20

Public intervention expenditure

F60¹

[^{F61}2 The appropriate authority may make regulations in relation to public intervention expenditure concerning:

- a the types of measures eligible for financing and the reimbursement conditions;
- b the eligibility conditions and calculation methods based on the information actually observed by the paying agencies or based on flat-rates prescribed in regulations by the appropriate authority, or based on flat-rate or non-flat-rate amounts provided for by the sectoral agricultural legislation.

3 The appropriate authority may make regulations laying down the rules on the valuation of operations in connection with public intervention, the measures to be taken in the case of loss or deterioration of products under the public intervention, and on the determination of the amounts to be financed.]

[^{F62}3A This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]

F63⁴

Textual Amendments

F60 Art. 20(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F61 Art. 20(2)(3) substituted for Art. 20(2)-(4) (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **6**; 2020 c. 1, Sch. 5 para. 1(1)

F62 Art. 20(3A) inserted (E.) (28.2.2023 at 9.10 a.m.) by [The Market Measures Payment Schemes \(Amendments, Revocation and Transitional Provision\) \(England\) Regulations 2023 \(S.I. 2023/124\)](#), regs. 1(2)(b), **3(4)** (with reg. 10)

F63 Art. 20(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

^{F64} Article 21

Acquisition of satellite images

Textual Amendments

F64 Arts. 21-25 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

^{F64} Article 22

Monitoring of agricultural resources

Textual Amendments

F64 Arts. 21-25 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

^{F64} Article 23

Implementing powers

Textual Amendments

F64 Arts. 21-25 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Section 2

Budget discipline

^{F64} Article 24

Compliance with the ceiling

Textual Amendments

F64 Arts. 21-25 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

^{F64} Article 25

Reserve for crises in the agricultural sector

Textual Amendments

F64 Arts. 21-25 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(3)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

^{F65} Article 26

Financial discipline

^{F66}1 Where the relevant authority has an obligation to reimburse in respect of the 2019 adjustment rate, as provided for in Article 26(5) as it had effect immediately before exit day, the reimbursement must only be paid to relevant farmers.

2 For the purposes of paragraph 1, a relevant farmer is a person who would be liable to be subject to an adjustment rate under Article 26 as it had effect immediately before exit day.]]

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

- F65** Art. 26 omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1556), regs. 1(2)(a), **2(4)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), **3(6)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Art. 26 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **6(4)**

^{F67}Article 27

Budget discipline procedure

Textual Amendments

- F67** Arts. 27-29 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **6(5)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

^{F67}Article 28

Early-warning and monitoring system

Textual Amendments

- F67** Arts. 27-29 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **6(5)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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^{F67} Article 29

Reference exchange rates

Textual Amendments

F67 Arts. 27-29 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **6(5)**; and Arts. 21-29 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **6(5)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F57 Title 4 Ch. 1 heading substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **6(2)**

F58 Title 4 Ch. 1 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **6(2)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(6)(a)); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER II

^{F68}Support for rural development]

Section 1

^{F69}General provisions relating to support for rural development]

Article 30

No double funding

^{F70}Measures financed by support for rural development] shall not be the subject of any other ^{F71}agricultural support].

Textual Amendments

F70 Words in [Art. 30](#) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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- Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(10)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F71** Words in Art. 30 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(10)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F72}Article 31

Provisions applying to all payments

Textual Amendments

- F72** Art. 31 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(11)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Textual Amendments

- F69** Title 4 Ch. 2 Section 1 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(9)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Section 2

Financing of rural development programmes

^{F73}Article 32

Core contribution

^{F74}The core contribution referred to in Article 58(1) of Regulation (EU) No 1305/2013 shall be determined for each programme, within the ceilings established by Annex 1 to Regulation (EU) No 1305/2013.]]

Textual Amendments

- F73** Art. 32 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(12)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F74** Art. 32 omitted (S.) (1.1.2021 in so far as it does not relate to support for direct payments) by virtue of [The Rural Development \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/477\)](#), regs. 1(2), **6(2)**; and Art. 32 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural

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development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(5)**

^{F75} *Article 33*

Budget commitments

Textual Amendments

F75 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

Section 3

Financial contribution to rural development programmes

^{F76} *Article 34*

Provisions applying to payments for rural development programmes

Textual Amendments

F76 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F77} *Article 35*

Prefinancing arrangements

Textual Amendments

F77 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

F78 Article 36

Interim payments

Textual Amendments

F78 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

F79 Article 37

Payment of the balance and closure of the programme

Textual Amendments

F79 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

F80 Article 38

Automatic decommitment for rural development programmes

Textual Amendments

F80 Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F68 Title 4 Ch. 2 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(8)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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CHAPTER III

Common Provisions

^{F81} Article 39

Agricultural financial year

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F81} Article 40

Compliance with payment deadlines

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F81} Article 41

Reduction and suspension of monthly and interim payments

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\)](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

(Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F81 Article 42

Suspension of payments in the case of late submission

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F81 Article 43

Assignment of revenue

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F81 Article 44

Keeping of separate accounts

Textual Amendments

F81 Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\)](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

(Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F81} Article 45

Information measures

Textual Amendments

- F81** Arts. 39-45 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(6)**; and Arts. 33-45 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(13)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F83} Article 46

^{F82} Powers]

^{F84}1

^{F84}2

^{F84}3

^{F84}4

^{F85}5 The appropriate authority may make regulations laying down specific conditions applying to the information to be booked in the accounts kept by paying agencies.]

^{F86}6 The appropriate authority may make regulations to make provision for the financing of intervention measures in the form of public storage, and other expenditure financed by agricultural support.]

^{F87}7 Paragraph 6 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]]

Textual Amendments

- F82** Art. 46 heading substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(2)(a)**
- F83** Art. 46 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(6)**
- F84** Art. 46(1)-(4) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(7)(a)**; and Art. 46(1)-(4) omitted

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

(31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(14)**; 2020 c. 1, Sch. 5 para. 1(1)

F85 Art. 46(5) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **9**; 2020 c. 1, Sch. 5 para. 1(1)

F86 Art. 46(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **9**; 2020 c. 1, Sch. 5 para. 1(1)

F87 Art. 46(7) inserted (E.) (28.2.2023 at 9.10 a.m.) by [The Market Measures Payment Schemes \(Amendments, Revocation and Transitional Provision\) \(England\) Regulations 2023 \(S.I. 2023/124\)](#), regs. 1(2)(b), **3(5)** (with reg. 10)

CHAPTER IV

Clearance of accounts

Section I

General provisions

^{F88}Article 47

On-the-spot checks by the Commission

Textual Amendments

F88 Art. 47 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(8)**; and Art. 47 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(15)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F89}Article 48

Access to information

Textual Amendments

F89 Art. 48 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(8)**; and Art. 48 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by

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virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(15)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 49

Access to documents

The ^{F90}... paying agencies shall keep supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by [^{F91}the law applying in the constituent nation].

Where those documents are kept by an authority acting under delegation from a paying agency and responsible for authorising expenditure, that authority shall send reports to the ^{F92}... paying agency on the number of checks made, their content and the measures taken in the light of their results.

Textual Amendments

- F90** Word in Art. 49 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(9)(a)(i)**; and word in Art. 49 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 49 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(9)(a)(ii)**; and words in Art. 49 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(16)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Word in Art. 49 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(9)(b)**; and word in Art. 49 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 50

[^{F93}Powers]

^{F94}₁

[^{F95}₂ The appropriate authority may make regulations laying down rules on the conditions on which the supporting documents referred to in Article 49 are to be kept, including their form and the time period of their storage.]

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

- F93** Art. 50 heading substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(3)**; and Art. 50 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(17)(a)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(6)(d)); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Art. 50(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(10)(a)**; and Art. 50(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(17)(b)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(6)(d)); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Art. 50(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **10**; 2020 c. 1, Sch. 5 para. 1(1)

Section II

Clearance

^{F96}Article 51

Clearance of accounts

Textual Amendments

- F96** Arts. 51-53 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(11)**; and Arts. 51-53 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(18)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F96}Article 52

Conformity clearance

Textual Amendments

- F96** Arts. 51-53 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to](#)

Status: Point in time view as at 28/02/2023.

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Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(11)**; and Arts. 51-53 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(18)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F96}Article 53

Commission powers

Textual Amendments

F96 Arts. 51-53 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(11)**; and Arts. 51-53 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(18)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Section III

Irregularities

Article 54 **E+S+N.I.**

Common Provisions

1 For any undue payment following the occurrence of irregularity or negligence, [^{F97}the relevant authority] shall request recovery from the beneficiary within 18 months after the approval and, where applicable, reception, by the paying agency or body responsible for the recovery, of a control report or similar document, stating that an irregularity has taken place. The corresponding amounts shall be recorded at the time of the recovery request in the debtors' ledger of the paying agency.

^{F98}2

3 On duly justified grounds, [^{F99}the relevant authority] may decide not to pursue recovery. [^{F100}A decision to this effect may be taken only in the following cases:

- a where the costs already and likely to be effected total more than the amount to be recovered, which condition shall be considered to have been met if:
 - (i) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed EUR 100; or
 - (ii) [^{F101}the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, falls between EUR 100 and EUR 250 and the [^{F102}relevant authority]

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concerned applies a threshold equal to or higher than the amount to be recovered under [^{F103}the law applying in the constituent nation] for not pursuing national debts.]

- b where recovery proves impossible owing to the insolvency, recorded and recognised under [^{F104}the law applying in the constituent nation], of the debtor or the persons legally responsible for the irregularity.]

F105 ...
F1064
F1065

Extent Information

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


Textual Amendments

- F97** Words in Art. 54(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(a)**; and words in Art. 54(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F98** Art. 54(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(b)**; and Art. 54(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 54(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(i)**; and words in Art. 54(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in Art. 54(3) omitted (E.) (26.3.2021 insofar as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Reductions and Simplifications\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/407\)](#), regs. 1(2), **2(2)**
- F101** 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 28/02/2023.

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- F102** Words in Art. 54(3)(a)(ii) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(ii)(aa)**; and words in Art. 54(3)(a)(ii) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 54(3)(a)(ii) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(ii)(bb)**; and words in Art. 54(3)(a)(ii) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 54(3)(b) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(iii)**; and words in Art. 54(3)(b) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in Art. 54(3) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(iv)**; and words in Art. 54(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Art. 54(4)(5) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(d)**; and Art. 54(4)(5) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 54 

Common Provisions

1 For any undue payment following the occurrence of irregularity or negligence, [^{F450}the relevant authority] shall request recovery from the beneficiary ^{F451}... after the approval and, where applicable, reception, by the paying agency or body responsible for the recovery, of a control report or similar document, stating that an irregularity has taken place. The corresponding amounts shall be recorded at the time of the recovery request in the debtors' ledger of the paying agency.

^{F452}2

3 On duly justified grounds, [^{F453}the relevant authority] may decide not to pursue recovery. A decision to this effect may be taken only in the following cases:

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- a where the costs already and likely to be effected total more than the amount to be recovered, which condition shall be considered to have been met if:
 - (i) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed [^{F454}£100]; or
 - (ii) [^{F455}the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, falls between [^{F456}£100] and [^{F457}£250] and the [^{F458}relevant authority] concerned applies a threshold equal to or higher than the amount to be recovered under [^{F459}the law applying in the constituent nation] for not pursuing national debts.]
- b where recovery proves impossible owing to the insolvency, recorded and recognised under [^{F460}the law applying in the constituent nation], of the debtor or the persons legally responsible for the irregularity.

F461 ...

F462 4

F462 5

Extent Information

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

Textual Amendments

F450 Words in Art. 54(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(a)**; and words in Art. 54(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F451 Words in Art. 54(1) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(5)(a)**; and words in Art. 54(1) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(7)(a)**

F452 Art. 54(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(b)**; and Art. 54(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F453 Words in Art. 54(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(c)(i)**; and words in Art. 54(3) substituted (31.12.2020 in so far as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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- Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(19)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F454** Sum in Art. 54(3)(a)(i) substituted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(5)(b)(i)**; and sum in Art. 54(3)(a)(i) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(7)(b)(i)**
- F455** 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.
- F456** Sum in Art. 54(3)(a)(ii) substituted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(5)(b)(ii)(aa)**; and sum in Art. 54(3)(a)(ii) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(7)(b)(ii)(aa)**
- F457** Sum in Art. 54(3)(a)(ii) substituted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(5)(b)(ii)(bb)**; and sum in Art. 54(3)(a)(ii) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(7)(b)(ii)(bb)**
- F458** Words in Art. 54(3)(a)(ii) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(12)(c)(ii)(aa)**; and words in Art. 54(3)(a)(ii) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(19)(c)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F459** Words in Art. 54(3)(a)(ii) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(12)(c)(ii)(bb)**; and words in Art. 54(3)(a)(ii) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(19)(c)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F460** Words in Art. 54(3)(b) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(12)(c)(iii)**; and words in Art. 54(3)(b) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **6(19)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F461** Words in Art. 54(3) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **6(12)(c)(iv)**; and words in Art.

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54(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

F462 Art. 54(4)(5) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(12)(d)**; and Art. 54(4)(5) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(19)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F109}Article 55

^{F107}Provisions specific to direct payment support][^{F108}Provisions specific to CMO support]

^{F107}Sums recovered following the occurrence of irregularity or negligence and the interest thereon must be made over to the paying agency and booked by it as revenue collected in connection with direct payment support.]

^{F108}Sums recovered following the occurrence of irregularity or negligence and the interest thereon must be made over to the paying agency and booked by it as revenue collected in connection with CMO support.]]

Textual Amendments

F107 Art. 55 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(13)**

F108 Art. 55 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(20)** (S.I. 2020/1445, regs. 1(2)(b), 3(6)(e)); 2020 c. 1, Sch. 5 para. 1(1)

F109 Art. 55 omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(6)**

^{F110}/^{F111}Article 56

Provisions specific to support for rural development

Where irregularities or negligence are detected in rural development operations or programmes, the relevant authority must make financial adjustments by totally or partially cancelling the funding concerned. In making the financial adjustments, the relevant authority must take into consideration the nature and gravity of the irregularities detected and the loss to public funds.

Amounts which are cancelled and amounts which are recovered, together with any interest, must be reallocated to the rural development programme to which they relate, but may not be allocated to operations which have been subject to a financial adjustment

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under paragraph 1. Where such amounts are received after the closure of the rural development programme to which they relate, they must either be allocated to other agricultural support measures or returned to the relevant consolidated fund.

For the purposes of the second paragraph, the ‘relevant consolidated fund’ is:

- a in relation to England, the consolidated fund;
- b in relation to Wales, the Welsh consolidated fund;
- c in relation to Scotland, the Scottish consolidated fund;
- d in relation to Northern Ireland, the Northern Ireland consolidated fund.]]

Textual Amendments

- F110** Art. 56 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(21)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Art. 56 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(8)**

F¹¹² Article 57

Power to make regulations

In order to ensure correct and efficient application of the provisions relating to the conditions for the recovery of undue payments and interest thereon, the appropriate authority may make regulations setting out procedures for such recovery as set out in this Section.]

Textual Amendments

- F112** Art. 57 substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **11**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F56** Words in Title 4 heading omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **6(1)**; and words in Title 4 heading omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **6(1)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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TITLE V

CONTROL SYSTEMS AND PENALTIES

CHAPTER I

General rules

Article 58

[^{F113}Financial Management]

1 [^{F114}The relevant authority must take all measures necessary to ensure proper management of public money], in particular to:

- a check the legality and regularity of operations financed by [^{F115}direct payment support][^{F116}agricultural support];
- b ensure effective prevention against fraud, especially in areas with a higher level of risk, and which will act as a deterrent, having regard to the costs and benefits as well as the proportionality of the measures;
- c prevent, detect and correct irregularities and fraud;
- [^{F117}d enforce penalties through legal proceedings, as necessary;]
- e recover undue payments plus interest, and bring legal proceedings to that effect as necessary.

2 [^{F118}The relevant authority] shall set up efficient management and control systems in order to ensure compliance with the legislation governing [^{F119}direct payment][^{F120}agricultural] support schemes aimed at [^{F121}ensuring proper management of public money].

[^{F122}3 Any conditions established by the relevant authority to supplement conditions for receiving direct payment support contained in retained direct EU legislation shall be verifiable.]

[^{F123}3. Any conditions established by the relevant authority to supplement conditions for receiving agricultural support contained in retained direct EU legislation shall be verifiable.]

[^{F124}4

Textual Amendments

F113 Art. 58 heading substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(1)**; and Art. 58 heading substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(1)**; 2020 c. 1, Sch. 5 para. 1(1)

F114 Words in Art. 58(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(2)(a)(i)**; and words in Art. 58(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F115** Words in Art. 58(1)(a) substituted for “the Funds” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(a\)\(ii\)](#)
- F116** Words in Art. 58(1)(a) substituted for “the Funds” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F117** Art. 58(1)(d) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(a\)\(iii\)](#); and Art. 58(1)(d) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F118** Words in Art. 58(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(b\)\(i\)](#); and words in Art. 58(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F119** Words in Art. 58(2) substituted for “Union” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(b\)\(ii\)](#)
- F120** Word in Art. 58(2) substituted for “Union” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F121** Words in Art. 58(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(b\)\(iii\)](#); and words in Art. 58(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(b\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F122** Art. 58(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(c\)](#)
- F123** Art. 58(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F124** Art. 58(4) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(2\)\(d\)](#); and Art. 58(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(2\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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Article 59

General principles of checks

1 Except where otherwise provided, the system set up by the ^{F125}relevant authority] in accordance with Article 58(2) shall include systematic administrative checking of all aid applications and payment claims. That system shall be supplemented by on-the-spot checks.

2 As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part in order to obtain a representative error rate and a risk-based part, which shall target the areas where the risk of errors is the highest.

3 The authority responsible shall draw up a report on each on-the-spot check.

^{F126}4. Where appropriate, all on-the-spot checks provided for in sectoral agricultural legislation shall be carried out at the same time.]

5 ^{F129}The relevant authority] shall ensure a minimum level of on-the-spot checks needed for an effective management of the risks^{F130}, and shall increase that minimum level where necessary]. ^{F129}The relevant authority] may reduce that minimum level where the management and control systems function properly and the error rates remain at an acceptable level.

6 In cases ^{F131}... provided for ^{F132}... on the basis of point (h) of Article 62(2), aid applications and payment claims or any other communications, claims or requests may be corrected and adjusted after their submission in cases of obvious errors recognised by the competent authority.

7 An aid application or payment claim shall be rejected if the beneficiary or his representative prevents an on-the-spot check from being carried out, except in cases of force majeure or in exceptional circumstances.

Textual Amendments

- F125** Words in Art. 59(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(3)(a)**; and words in Art. 59(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F126** Art. 59(4) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(3)(b)**
- F127** Words in Art. 59(4) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(9)**
- F128** Words in Art. 59(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Words in Art. 59(5) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments](#)

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to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(3)(c)**; and words in Art. 59(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F130 Words in Art. 59(5) omitted (S.) (1.1.2021) by virtue of The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/349), regs. 1, **3(2)**

F131 Words in Art. 59(6) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(3)(d)(i)**; and words in Art. 59(6) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(3)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F132 Words in Art. 59(6) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(3)(d)(ii)**; and words in Art. 59(6) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(3)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 60

Circumvention clause

Without prejudice to specific provisions, no advantage provided for under sectoral agricultural legislation shall be granted in favour of a natural or legal person in respect of whom it is established that the conditions required for obtaining such advantages were created artificially, contrary to the objectives of that legislation.

^{F133} Article 61

Compatibility of support schemes for the purposes of checks in the wine sector

Textual Amendments

F133 Art. 61 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 62

[^{F134}Powers as regards checks]

1 In order to ensure that the checks are carried out correctly and efficiently and that the eligibility conditions are verified in an efficient, coherent and non-discriminatory manner [^{F135}, the Secretary of State may make regulations setting out], where the proper management of the system so requires, additional requirements with respect to customs procedures, and in particular to those laid down in Regulation (EC) No 952/2013 of the European Parliament and of the Council⁽²⁹⁾.

2 The [^{F136}appropriate authority may make regulations], laying down rules necessary for the uniform application of this Chapter, and in particular:

- a rules on administrative and on-the-spot checks to be conducted by the [^{F137}relevant authority] with regard to the respect of obligations, commitments and eligibility criteria ^{F138} ...;
- b rules on the minimum level of on-the-spot checks and [^{F139}on the obligation to increase it or] the possibility of reducing it as set out in Article 59(5);
- c the rules and methods applicable to the reporting of the checks and verifications carried out and their results;
- [^{F140}d the authorities responsible for performing compliance checks and the content and frequency of those checks;]
- ^{F141}e
- ^{F141}f
- g with regard to wine as referred to in Regulation (EU) No 1308/2013, rules on the measurement of areas, on checks and on rules governing the specific financial procedures for the improvement of checks;
- h the cases in which aid applications and payments claims or any other communications, claims or requests may be corrected and adjusted after their submission, as referred to in Article 59(6);
- i the tests and methods to be applied in order to establish the eligibility of products for public intervention and private storage, as well as the use of tendering procedures, both for public intervention and for private storage.

^{F142} ...

[^{F143}3 Point (i) of paragraph 2 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]

Textual Amendments

- F134** Art. 62 heading substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **12(a)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), **10(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F135** Words in Art. 62(1) substituted (31.12.2020) by [The Agriculture \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1402\)](#), regs. 1(3), **10**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F136** Words in Art. 62(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **12(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), **10(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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- F137** Words in Art. 62(2)(a) substituted (31.12.2020) by **The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748)**, regs. 1, **12(b)(ii)(aa)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F138** Words in Art. 62(2)(a) omitted (31.12.2020) by **The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748)**, regs. 1, **12(b)(ii)(bb)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F139** Words in Art. 62(2)(b) omitted (S.) (1.1.2021) by virtue of **The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/349)**, regs. 1, **3(3)**
- F140** Art. 62(2)(d) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by **The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90)**, regs. 1(2), **7(4)(b)(iii)**
- F141** Art. 62(2)(e)(f) omitted (31.12.2020) by **The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748)**, regs. 1, **12(b)(iii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F142** Words in Art. 62(2) omitted (31.12.2020) by **The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748)**, regs. 1, **12(b)(iv)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F143** Art. 62(3) inserted (E.) (28.2.2023 at 9.10 a.m.) by **The Market Measures Payment Schemes (Amendments, Revocation and Transitional Provision) (England) Regulations 2023 (S.I. 2023/124)**, regs. 1(2)(b), **3(6)** (with reg. 10)

Article 63

Undue payments and administrative penalties

1 Where it is found that a beneficiary does not comply with the eligibility criteria, commitments or other obligations relating to the conditions for the granting of the aid or support, as provided for in the sectoral agricultural legislation, the aid ^{F144}shall^{F144} ^{F144}may^{F144} not be paid or ^{F144}shall^{F144} ^{F144}may^{F144} be withdrawn in full or in part ^{F145}and, where relevant, the corresponding payment entitlements as referred to in Article 21 of Regulation (EU) No 1307/2013 ^{F144}shall^{F144} ^{F144}may^{F144} not be allocated or ^{F144}shall^{F144} ^{F144}may^{F144} be withdrawn].

^{F146}^{F147}Where the non-compliance concerns ^{F148}... rules on public procurement, the part of the aid not to be paid or to be withdrawn ^{F144}shall^{F144} ^{F144}may^{F144} be determined on the basis of the gravity of the non-compliance and in accordance with the principle of proportionality. The legality and regularity of the transaction ^{F144}shall^{F144} ^{F144}may^{F144} only be affected up to the level of the part of the aid not to be paid or to be withdrawn.]]

2 Moreover, where sectoral agricultural legislation so provides, ^{F149}the ^{F150}relevant authority^{F150} shall^{F150} ^{F150}relevant authority^{F150} may^{F150} also impose administrative penalties, in accordance with the rules laid down in ^{F151}Article 64 and^{F151} Article 77. This shall be without prejudice to the provisions set out in Articles 91 to 101 of Title VI.

3 Without prejudice to Article 54(3), the amounts, including interest thereon, ^{F152}and payment entitlements,^{F152} concerned by the withdrawal referred to in paragraph 1 and by the penalties referred to in paragraph 2 ^{F153}shall^{F153} ^{F153}may^{F153} be recovered.

4 The ^{F154}appropriate authority^{F154} may make regulations^{F154} laying down the conditions for the partial or total withdrawal referred to in paragraph 1.

5 ^{F155}The appropriate authority^{F155} may make regulations^{F155} laying down detailed procedural and technical rules on:

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- a the application and calculation of the partial or total withdrawal referred to in paragraph 1;
- b the recovery of undue payments and penalties as well as [F156] in respect of unduly allocated payment entitlements and [F157] ... the application of interest.

F158
...

Textual Amendments

- F144** Word in Art. 63(1) substituted (E.) (28.7.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/765\)](#), regs. 1(1), **8(2)(a)**
- F145** Words in Art. 63(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(5)(a)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(a)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F146** Words in Art. 63(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(5)(a)**
- F147** 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.](#)
- F148** Words in Art. 63(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(5)(a)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(a)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F149** Words in Art. 63(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(5)(b)(i)**; and words in Art. 63(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F150** Words in Art. 63(2) substituted (E.) (28.7.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/765\)](#), regs. 1(1), **8(2)(b)**
- F151** Words in Art. 63(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(5)(b)(ii)**
- F152** Words in Art. 63(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(5)(c)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(a)(ii)); 2020 c. 1, Sch. 5 para. 1(1)

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- F153** Word in Art. 63(3) substituted (E.) (28.7.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/765\)](#), regs. 1(1), **8(2)(c)**
- F154** Words in Art. 63(4) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **13(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Words in Art. 63(5) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **13(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F156** Words in Art. 63(5)(b) inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **15(2)**
- F157** Words in Art. 63(5)(b) omitted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **13(b)(ia)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 10(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F158** Words in Art. 63(5) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **13(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 64

Application of administrative penalties

1 As regards the administrative penalties referred to in Article 63(2), this Article shall apply in cases of non-compliance in relation to eligibility criteria, commitments or other obligations resulting from the application of sectoral agricultural legislation, with the exception of those referred to in Articles 67 to 78 of Chapter II of this Title and in Articles 91 to 101 of Title VI and of those subject to the penalties provided for in Article 89(3) and 89(4).

2 No administrative penalties shall be imposed:

- a where the non-compliance is due to force majeure;
- b where the non-compliance is due to obvious errors as referred to in Article 59(6);
- c where the non-compliance is due to an error of the competent authority or another authority, and where the error could not reasonably have been detected by the person concerned by the administrative penalty;
- d where the person concerned can demonstrate to the satisfaction of the competent authority that he or she is not at fault for the non-compliance with the obligations referred to in paragraph 1 or if the competent authority is otherwise satisfied that the person concerned is not at fault;
- e where the non-compliance is of a minor nature, including where expressed in the form of a threshold, [^{F159}set] in accordance with point (b) of paragraph 7;
- f other cases in which the imposition of a penalty is not appropriate, [^{F160}defined] in accordance with point (b) of paragraph 6.

3 Administrative penalties may be imposed on the beneficiary of the aid or support and on other natural or legal persons, including groups or associations of such beneficiaries or other persons, bound by the obligations laid down in the rules referred to in paragraph 1.

4 The administrative penalties may take one of the following forms:

- a a reduction in the amount of aid or support to be paid in relation to the aid application or payment claim affected by the non-compliance or further applications; however as regards rural development support, this shall be without prejudice to the possibility of suspending the support where it can be expected that the non-compliance can be addressed by the beneficiary within a reasonable time;

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- b payment of an amount calculated on the basis of the quantity and/or the period concerned by the non-compliance;
- c suspension or withdrawal of an approval, recognition or authorisation;
- d exclusion from the right to participate in or benefit from the aid scheme or support measure or other measure concerned;

5 The administrative penalties shall be proportionate [^{F161}and graduated according to the severity, extent, duration and reoccurrence of the non-compliance found,] and shall respect the following limits:

- a the amount of the administrative penalty as referred to in point (a) of paragraph 4 shall not exceed 200 % of the amount of the aid application or payment claim;
- b notwithstanding point (a), as regards rural development, the amount of the administrative penalty, as referred to in point (a) of paragraph 4, shall not exceed 100 % of the eligible amount;
- c the amount of the administrative penalty, as referred to in point (b) of paragraph 4, shall not exceed an amount comparable to the percentage referred to in point (a) of this paragraph;
- d the suspension, withdrawal or exclusion referred to in points (c) and (d) of paragraph 4 may be set at a maximum of three consecutive years which may be renewed in the case of any new non-compliance.

6 In order to take account of the deterrent effect of charges and penalties to be imposed on the one hand, and the special characteristics of each aid scheme or support measure covered by sectoral agricultural legislation on the other hand, the [^{F162}appropriate authority may make regulations]:

- a identifying, for each aid scheme or support measure and person concerned as referred to in paragraph 3, from the list set out in paragraph 4 and within the limits laid down in paragraph 5, the administrative penalty and determining the specific rate to be imposed ^{F163}... including in cases of non-quantifiable non-compliance;
- b identifying the cases in which the administrative penalties are not to be imposed, as referred to in point (f) of paragraph 2.

7 [^{F164}The appropriate authority may make regulations], laying down detailed procedural and technical rules for the uniform application of this Article on:

- a the application and calculation of the administrative penalties;
- b the detailed rules for identifying a non-compliance as minor, including the setting of a quantitative threshold expressed as a nominal value or a percentage of the eligible amount of aid or support, which as regards rural development support shall not be less than 3 % and which as regards all other aid or support shall not be less than 1 %;

^{F165}c

^{F166} ...

Textual Amendments

F159 Word in Art. 64(2)(e) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F160 Word in Art. 64(2)(f) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing,](#)

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Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F161 Words in Art. 64(5) omitted (E.) (28.7.2022 in so far as it relates to rural development support measures) by virtue of [The Rural Development \(Amendment\) \(England\) Regulations 2022](#) (S.I. 2022/765), regs. 1(1), **8(3)**

F162 Words in Art. 64(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **14(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F163 Words in Art. 64(6)(a) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **14(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F164 Words in Art. 64(7) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **14(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F165 Art. 64(7)(c) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **14(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F166 Words in Art. 64(7) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **14(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F167 Article 65

Suspension of payments to the Member States in specific cases covered by Regulation (EU) No 1308/2013

Textual Amendments

F167 Art. 65 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **7(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 66

Securities

1 The [^{F168}relevant authority] shall, when the sectoral agricultural legislation so provides, request the lodging of a security giving the assurance that a sum of money will be paid or forfeited to a competent authority if a particular obligation under sectoral agricultural legislation is not fulfilled.

2 Except in cases of force majeure, the security shall be forfeited in whole or in part where the execution of a particular obligation is not carried out, or is carried out only partially.

3 The [^{F169}appropriate authority may make regulations] laying down rules which ensure a non discriminatory treatment, equity and the respect of proportionality when lodging a security, and:

- a specifying the responsible party in the event that an obligation is not met;
- b laying down the specific situations in which the competent authority may waive the requirement of a security;
- c laying down the conditions applying to the security to be lodged and the guarantor and the conditions for lodging and releasing that security;

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- d laying down the specific conditions related to the security lodged in connection with advance payments;
 - e setting out the consequences of breaching the obligations for which a security has been lodged, as provided for in paragraph 1, including the forfeiting of securities, the rate of reduction to be applied on release of securities for refunds, licences, offers, tenders or specific applications and when an obligation covered by that security has not been met either wholly or in part, taking into account the nature of the obligation, the quantity for which the obligation has been breached, the period exceeding the time limit by which the obligation should have been met and the time by which evidence that the obligation has been met is produced.
- 4 [F170The appropriate authority may make regulations] laying down rules on:
- a the form of the security to be lodged and the procedure for lodging the security, for accepting it, and for replacing the original security;
 - b the procedures for the release of a security;
 - ^{F171}c
- ^{F172} ...

Textual Amendments

- F168** Words in Art. 66(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F169** Words in Art. 66(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **63(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F170** Words in Art. 66(4) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **63(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F171** Art. 66(4)(c) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **63(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F172** Words in Art. 66(4) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **63(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER II

Integrated Administration and Control System

Article 67

Scope and terms used

1 [F173The relevant authority must] operate an integrated administration and control system (the 'integrated system').

[F1742 The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No 1307/2013.]

3 To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- 4 For the purpose of this Chapter:
- a "agricultural parcel" means a continuous area of land, declared by one farmer, which does not cover more than one single crop group; however, ^{F177} where a separate declaration of the use of an area within a crop group is required in the context of Regulation (EU) No 1307/2013, that specific use shall if necessary further limit the agricultural parcel; Member States may lay ^{F177} nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;
- [^{X1}(b) ^{F178} "area-related direct payment" means the basic payment scheme; ^{F179} ... ^{F180} ... the payment for agricultural practices beneficial for the climate and the environment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013; ^{F181} ...; the payment for young farmers referred to in Chapter 5 of Title III of Regulation (EU) No 1307/2013; ^{F182} and] the voluntary coupled support referred to in Chapter 1 of Title IV, where the support is paid per hectare ^{F183}]]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

Extent Information

- E3** This version of this provision extends to Scotland only; separate versions have been created for England and Wales and Northern Ireland only

Textual Amendments

- F173** Words in Art. 67(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(a)**; and words in Art. 67(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F174** Art. 67(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(b)**
- F175** Words in Art. 67(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F176** Words in Art. 67(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F177** Words "nothing in this Regulation prevents the relevant authority from laying" in Art. 67(4)(a) substituted for "Member States may lay" (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(i)**; and words "nothing

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in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for words from “where” to “Member States may lay” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(9\)\(c\)\(i\)](#) (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(b)(ii)(aa)); 2020 c. 1, Sch. 5 para. 1(1)

F178 Art. 67(4)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(9\)\(c\)\(ii\)](#) (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(b)(ii)(bb)); 2020 c. 1, Sch. 5 para. 1(1)

F179 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(6\)\(c\)\(ii\)\(aa\)](#)

F180 Words in Art. 67(4)(b) omitted (S.) (1.1.2021 insofar as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/460\)](#), regs. 1(2), [4\(2\)\(a\)](#)

F181 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(6\)\(c\)\(ii\)\(cc\)](#)

F182 Word in Art. 67(4)(b) inserted (S.) (1.1.2021 insofar as relates to direct payments) by [The Direct Payments to Farmers \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/460\)](#), regs. 1(2), [4\(2\)\(b\)](#)

F183 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [7\(6\)\(c\)\(ii\)\(dd\)](#)

Article 67 W

Scope and terms used

1 ^{F463}The relevant authority must] operate an integrated administration and control system (the 'integrated system').

2 ^{F464}The integrated system shall apply ^{F465}... to the support granted in accordance with points (a) and (b) of Article 21(1) and Articles 28 to 31, 33, ^{F466}and 34] of Regulation 1305/2013 and where applicable points (b) and (c) of Article 35(1) of Regulation (EU) 1303/2013.

^{F464}The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No 1307/2013.]

3 To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.

4 For the purpose of this Chapter:

- a "agricultural parcel" means a continuous area of land ^{F467}within Wales], declared by one farmer, which does not cover more than one single crop group; however, ^{F468}where a separate declaration of the use of an area within a crop group is required in the context of Regulation (EU) No 1307/2013, that specific use shall if necessary further limit the agricultural parcel; Member States may lay] ^{F468}nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;

^{X4}(b) ^{F469}"area-related direct payment" means the basic payment scheme; ^{F470}... the redistributive payment referred to in ^{F471}Chapter] 2 of Title III of Regulation (EU)

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

No 1307/2013; ^{F472}...^{F473}...; the payment for young farmers referred to in Chapter 5 of Title III of Regulation (EU) No 1307/2013; the voluntary coupled support referred to in Chapter 1 of Title IV, where the support is paid per hectare^{F474}... .]]

Extent Information

- E9** This version of this provision extends to Wales only; separate versions have been created for England, Scotland and Northern Ireland only

Editorial Information

- X4** Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

Textual Amendments

- F463** Words in Art. 67(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(a)**; and words in Art. 67(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F464** Art. 67(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(b)**
- F465** Words in Art. 67(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F466** Words in Art. 67(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F467** Words in Art. 67(4)(a) inserted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(7)(a)**; and words in Art. 67(4)(a) inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(10)**
- F468** Words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for “Member States may lay” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(i)**; and words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for words from “where” to “Member States may lay” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I.](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

2019/763), regs. 1, **7(9)(c)(i)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(aa)); 2020 c. 1, Sch. 5 para. 1(1)

F469 Art. 67(4)(b) omitted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **7(9)(c)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(bb)); 2020 c. 1, Sch. 5 para. 1(1)

F470 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **7(6)(c)(ii)(aa)**

F471 Word in Art. 67(4)(b) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **7(6)(c)(ii)(bb)**

F472 Words in Art. 67(4)(b) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1556), regs. 1(2)(a), **2(7)(b)**

F473 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **7(6)(c)(ii)(cc)**

F474 Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **7(6)(c)(ii)(dd)**

Article 67 **E**

Scope and terms used

1 ^{F475} [The relevant authority must] operate an integrated administration and control system (the 'integrated system').

^{F476} 2 The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No 1307/2013.]

3 To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.

4 For the purpose of this Chapter:

a "agricultural parcel" means a continuous area of land, declared by one farmer, which does not cover more than one single crop group; however, ^{F479} where a separate declaration of the use of an area within a crop group is required in the context of Regulation (EU) No 1307/2013, that specific use shall if necessary further limit the agricultural parcel; Member States may lay ^{F479} nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;

^{X5}(b) ^{F480} "area-related direct payment" means the basic payment scheme; ^{F481} ... ^{F482} ... ^{F483} ... ^{F484} ...; ^{F485} and] the payment for young farmers referred to in Chapter 5 of Title III of Regulation (EU) No 1307/2013 ^{F486} ... ^{F487}]]

Editorial Information

X5 Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (Official Journal of the European Union L 347 of 20 December 2013).

Extent Information

E10 This version of this provision applies to England only; separate versions have been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F475** Words in Art. 67(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(a)**; and words in Art. 67(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F476** Art. 67(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(b)**
- F477** Words in Art. 67(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F478** Words in Art. 67(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F479** Words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for “Member States may lay” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(i)**; and words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for words from “where” to “Member States may lay” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(c)(i)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(aa)); 2020 c. 1, Sch. 5 para. 1(1)
- F480** Art. 67(4)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(c)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(bb)); 2020 c. 1, Sch. 5 para. 1(1)
- F481** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(aa)**
- F482** Words in Art. 67(4)(b) omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(2)(a)**
- F483** Words in Art. 67(4)(b) omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(3)** (with reg. 1(2))

Status: Point in time view as at 28/02/2023.

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- F484** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(cc)**
- F485** Word in Art. 67(4)(b) inserted (E.) (1.1.2021 in so far as relates to direct payments) by [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(2)(b)**
- F486** Words in Art. 67(4)(b) omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(2)(c)**
- F487** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(dd)**

Article 67 **N.I.**

Scope and terms used

1 ^{F488}The relevant authority must] operate an integrated administration and control system (the 'integrated system').

^{F489}2 The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No 1307/2013.]

3 To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.

4 For the purpose of this Chapter:

a "agricultural parcel" means a continuous area of land, declared by one farmer, which does not cover more than one single crop group; however, ^{F492}where a separate declaration of the use of an area within a crop group is required in the context of Regulation (EU) No 1307/2013, that specific use shall if necessary further limit the agricultural parcel; Member States may lay] ^{F492}nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;

^{X6}(b) ^{F493}"area-related direct payment" means the basic payment scheme; ^{F494}... the redistributive payment referred to in ^{F495}Chapter] 2 of Title III of Regulation (EU) No 1307/2013, ^{F496}... ^{F497}...; the payment for young farmers referred to in Chapter 5 of Title III of Regulation (EU) No 1307/2013; the voluntary coupled support referred to in Chapter 1 of Title IV, where the support is paid per hectare ^{F498}... .]]

Editorial Information

X6 Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

Extent Information

E11 This version of this provision extends to Northern Ireland only; separate versions have been created for England and Wales and Scotland only

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Textual Amendments

- F488** Words in Art. 67(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(a)**; and words in Art. 67(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F489** Art. 67(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(b)**
- F490** Words in Art. 67(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F491** Words in Art. 67(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F492** Words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for “Member States may lay” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(i)**; and words “nothing in this Regulation prevents the relevant authority from laying” in Art. 67(4)(a) substituted for words from “where” to “Member States may lay” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(c)(i)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(aa)); 2020 c. 1, Sch. 5 para. 1(1)
- F493** Art. 67(4)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(9)(c)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(b)(ii)(bb)); 2020 c. 1, Sch. 5 para. 1(1)
- F494** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(aa)**
- F495** Word in Art. 67(4)(b) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(bb)**
- F496** Words in Art. 67(4)(b) omitted (N.I.) (25.2.2021) by virtue of [The Direct Payments to Farmers \(Simplifications\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/42\)](#), regs. 1(1), **3(3)**
- F497** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(cc)**
- F498** Words in Art. 67(4)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(6)(c)(ii)(dd)**

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Article 68

Elements of the integrated system

- 1 The integrated system shall comprise the following elements:
 - a a computerised database;
 - b an identification system for agricultural parcels;
 - [^{F184}c a system for the identification and registration of payment entitlements;]
 - d aid applications and payment claims;
 - e an integrated control system;
 - f a single system to record the identity of each beneficiary of the support referred to in Article 67(2) who submits an aid application or a payment claim.
- 2 Where applicable, the integrated system shall include a system, set up in accordance with Regulation (EC) No 1760/2000 of the European Parliament and of the Council⁽³⁰⁾ and Council Regulation (EC) No 21/2004⁽³¹⁾ for the identification and registration of animals.

^{F185}3

^{F185}4

Textual Amendments

F184 Art. 68(1)(c) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(10)(a)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(c)); 2020 c. 1, Sch. 5 para. 1(1)

F185 Art. 68(3)(4) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(7)**; and Art. 68(3)(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(10)(b)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(c) (with reg. 2))

Article 69

Computerised database

- 1 The computerised database ("the database") shall record, for each beneficiary of the support referred to in Article 67(2), the data obtained from aid applications and payment claims.

The database shall, in particular, allow consultation through the competent authority of the [^{F186}constituent nation], of the data relating to the current calendar and/or marketing years and to the previous ten such years. Where the support level of farmers is affected by the data relating to earlier calendar and/or marketing years, starting with 2000, the database shall also allow consultation of the data relating to those years. [^{F187}The database shall allow direct and immediate access to the data relating to at least the previous four consecutive years and for data related to "permanent grassland and

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permanent pasture” as defined in point (h) of Article 4(1) of Regulation (EU) No 1307/2013, relating to at least the previous five consecutive calendar years].^{X2}

F188
...

[^{F189}[^{F190}2 A decentralised computerised database may be set up in each constituent nation on condition that these, and the administrative procedures for recording and accessing data must be designed to be homogenous throughout the United Kingdom and are compatible with one another to allow for cross checks.]]

Editorial Information

- X2** It is provided that the final sentence of Art. 69(1) is omitted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), [regs. 1\(2\)\(a\)](#), [2\(8\)\(a\)](#); and the final sentence of Art. 69(1) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), [regs. 1\(2\)](#), [2\(11\)\(a\)](#)

Textual Amendments

- F186** Words in Art. 69(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), [regs. 1\(2\)](#), [7\(8\)\(a\)\(i\)\(aa\)](#); and words in Art. 69(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), [regs. 1](#), [7\(11\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F187** Words in Art. 69(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), [regs. 1\(2\)](#), [7\(8\)\(a\)\(i\)\(bb\)](#)
- F188** Words in Art. 69(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), [regs. 1\(2\)](#), [7\(8\)\(a\)\(ii\)](#); and words in Art. 69(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), [regs. 1](#), [7\(11\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F189** Art. 69(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), [regs. 1\(2\)](#), [7\(8\)\(b\)](#); and Art. 69(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), [regs. 1](#), [7\(11\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F190** Art. 69(2) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), [regs. 1\(2\)\(a\)](#), [2\(8\)\(b\)](#); and Art. 69(2) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), [regs. 1\(2\)](#), [2\(11\)\(b\)](#)

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Article 70

Identification system for agricultural parcels

1 The identification system for agricultural parcels shall be established on the basis of maps, land registry documents or other cartographic references. Use shall be made of computerised geographical information system techniques, including aerial or spatial orthoimagery, with a homogenous standard that guarantees a level of accuracy that is at least equivalent to that of cartography at a scale of 1:10 000 [^{F191}and, as from 2016, at a scale of 1:5 000,] while taking into account the outline and condition of the parcel. ^{F192}...

[^{F193}Notwithstanding the first subparagraph, [^{F194}the relevant authority] may continue to make use of such techniques including aerial or spatial orthoimagery, with a homogenous standard that guarantees a level of accuracy that is at least equivalent to that of cartography at a scale of 1:10 000 where they were acquired on the basis of long-term contracts that were agreed before November 2012.]

[^{F1952} [^{F196}The relevant authority] shall ensure that the identification system for agricultural parcels contains a reference layer to accommodate ecological focus areas. That reference layer shall, in particular, cover the relevant specific commitments and/or environmental certification schemes referred to in Article 43(3) of Regulation (EU) No 1307/2013 that are equivalent to the practices in Article 46 of that Regulation before the application forms referred to in Article 72 of this Regulation for payments for agricultural practices beneficial for the climate and the environment referred to in Articles 43 to 46 of Regulation (EU) No 1307/2013 are provided in respect of claim year 2018 at the latest.]

Textual Amendments

- F191** Words in Art. 70(1) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(9)(a)(i)**; and words in Art. 70(1) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(12)(a)**
- F192** Words in Art. 70(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(9)(a)(i)**; and words in Art. 70(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(12)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F193** Words in Art. 70(1) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(9)(a)(ii)**; and words in Art. 70(1) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(12)(b)**
- F194** Words in Art. 70(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(9)(a)(ii)**; and words in Art. 70(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(12)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

- F195** Art. 70(2) omitted (W.) (31.12.2020 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(9)(b)**; Art. 70(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(12)(b)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(d)); 2020 c. 1, Sch. 5 para. 1(1); Art. 70(2) omitted (E.) (1.1.2021 insofar as relates to direct payments) by virtue of [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(4)** (with reg. 1(2)); and Art. 70(2) omitted (N.I.) (25.2.2021) by virtue of [The Direct Payments to Farmers \(Simplifications\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/42\)](#), regs. 1(1), **3(4)**
- F196** Words in Art. 70(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(9)(b)**

^{F197} Article 71

System for the identification and registration of payment entitlements

1 The system for the identification and registration of payment entitlements shall allow for verification of the entitlements and for cross-checks with the aid applications and the identification system for agricultural parcels.

^{F198}2 The system referred to in paragraph 1 shall allow direct and immediate consultation, through the competent authority of the [^{F199} constituent nation], of the data relating to at least the previous four consecutive calendar years.]]

Textual Amendments

- F197** Art. 71 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(13)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(e)); 2020 c. 1, Sch. 5 para. 1(1)
- F198** Art. 71(2) omitted (W.) (31.12.2020 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(10)**
- F199** Words in Art. 71(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(10)**

Article 72

Aid applications and payment claims

^{F200}1 Each year, a beneficiary of direct payment support must submit an application, indicating, where applicable:

- a all the agricultural parcels on the holding, as well as the non-agricultural area for which support referred to in Article 67(2) is claimed;

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- b the payment entitlements declared for activation;
- c any other information provided for in this Regulation or the relevant sectoral agricultural legislation or by the relevant authority concerned.

The relevant authority must determine the minimum size of agricultural parcels in respect of which an application may be made. However, the minimum size shall not exceed ^{F205}0.3 ha.]

^{F1012} By way of derogation from point (a) of paragraph 1 of this Article, ^{F206}the relevant authority] may decide that:

- a agricultural parcels of an area of up to 0,1 ha on which an application for payment is not made do not need to be declared, provided that the sum of such parcels does not exceed 1 ha ^{F207}, and/or may decide that a farmer who does not apply for any area-based direct payment does not have to declare his agricultural parcels in the case where the total area does not exceed 1 ha.] In all cases, the farmer shall indicate in his application that he has agricultural parcels at his disposal and, at the request of the competent authorities, shall indicate their location;

^{F208}b]

3 ^{F209}The relevant authority] shall provide, inter alia through electronic means, pre-established forms based on the areas determined in the previous year as well as graphic material indicating the location of those areas.

^{F210}The relevant authority] may decide that the aid application and the payment claim:

- a are valid if the beneficiary confirms the absence of changes with respect to the aid application and the payment claim submitted the previous year,
- b need to contain only changes with respect to the aid application and the payment claim submitted for the previous year.

^{F211} ...

4 ^{F212}The relevant authority] may decide that a single application shall cover a number of or all support schemes and measures referred to in Article 67 or other support schemes and measures.

5 ^{F213}By way of derogation from Council Regulation (EEC, Euratom) No 1182/71, the]^{F213}The] calculation of the date for the submission or the amendment of an aid application, of a payment claim or of any supporting documents, contracts or declarations under this Chapter shall be adapted to the specific requirements of the integrated system. The ^{F214}appropriate authority may make regulations] concerning rules applicable to periods, dates and time limits where the final date for submission of applications or amendments is a public holiday, a Saturday or a Sunday.

Textual Amendments

F101 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 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F200** Art. 72(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(a)**
- F201** Words in Art. 72(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(a)(zi)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(f)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F202** Art. 72(1)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(a)(zai)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(f)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F203** Words in Art. 72(1)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F204** Words in Art. 72(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F205** Words in Art. 72(1) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(4)**
- F206** Words in Art. 72(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(b)(i)**; and words in Art. 72(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F207** Words in Art. 72(2)(a) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(b)(ia)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(f)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F208** Art. 72(2)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(b)(ii)**; and Art. 72(2)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F209** Words in Art. 72(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(c)(i)**; and words in Art. 72(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F210** Words in Art. 72(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(c)(ii)**; and words in Art. 72(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(14)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F211 Words in Art. 72(3) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(c)(iii)**; and words in Art. 72(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F212 Words in Art. 72(4) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(d)**; and words in Art. 72(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(14)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

F213 Word in Art. 72(5) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(11)(e)(i)**; and word in Art. 72(5) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(13)**

F214 Words in Art. 72(5) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **15**; 2020 c. 1, Sch. 5 para. 1(1)

Article 73

System for the identification of beneficiaries

The single system for recording the identity of each beneficiary of the support as referred to in Article 67(2) shall guarantee that all aid applications and payment claims submitted by the same beneficiary can be identified as such.

Article 74

Verification of eligibility conditions and reductions

1 In accordance with Article 59, [^{F215}the relevant authority], through the paying agencies or the bodies delegated by [^{F216}the relevant authority], shall carry out administrative checks on the aid application to verify the eligibility conditions for the aid. Those checks shall be supplemented by on-the-spot checks.

2 For the purpose of on-the-spot checks [^{F217}the relevant authority] shall draw up a sampling plan of agricultural holdings and/or beneficiaries.

3 [^{F218}The relevant authority] may use remote sensing and Global Navigation Satellite System (GNSS) techniques as a means of carrying out on-the-spot checks on agricultural parcels.

4 In the case of non-compliance with the eligibility conditions Article 63 shall apply.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

- F215** Words in Art. 74(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(12)(a)(i)**; and words in Art. 74(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(15)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F216** Words in Art. 74(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(12)(a)(ii)**; and words in Art. 74(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(15)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F217** Words in Art. 74(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(12)(b)**; and words in Art. 74(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(15)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F218** Words in Art. 74(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(12)(c)**; and words in Art. 74(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(15)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 75 **E**

Payment to beneficiaries

1 The payments under the support schemes and the measures referred to in Article 67(2) shall be made within the period from 1 December to 30 June of the following calendar year.

Payments shall be made in a maximum of two instalments within that period.

[^{F101}Notwithstanding the first and second subparagraphs of this paragraph, [^{F219}the relevant authority] may:

- [^{F220}a prior to 1 December [^{F221}in any claim year], pay advances [^{F222}of up to 50% of the estimated value of a beneficiary's application]^{F223} ... for direct payments [^{F224}before the verification of eligibility conditions, to be carried out by the relevant authority in accordance with Article 74, has been finalised];]
- b prior to 1 December, pay advances of up to 75 % for the support granted under rural development as referred to in Article 67(2).

With regard to support granted under rural development, as referred to in Article 67(2), the first and second subparagraphs of this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year 2019.]

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

2 Payments referred to in the paragraph 1 ^{F225}(other than advances made under paragraph 1(a)) shall not be made before the verification of eligibility conditions, to be carried out by the ^{F226}relevant authority] pursuant to Article 74, has been finalised.

By way of derogation from the first subparagraph, advances for support granted under rural development as referred to in Article 67(2) may be paid after the administrative checks pursuant to Article 59(1) have been finalised.

3 In the event of an emergency, the ^{F227}appropriate authority may make regulations] which are both necessary and justifiable, in order to resolve specific problems in relation to the application of this Article. Such ^{F228}regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

F229

...

Extent Information

E4 This version of this provision applies to England only; separate versions have been created for Wales, Scotland and Northern Ireland

Textual Amendments

- F101** 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.](#)
- F219** Words in Art. 75(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(a)(i)**; and words in Art. 75(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F220** Art. 75(1)(a) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(16)(a)(ii)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F221** Words in Art. 75(1)(a) substituted (E.) (19.7.2022) by [The Direct Payments to Farmers \(Advance Payments and Activation of Payment Entitlements\) \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/706\)](#), regs. 1(1), **2(a)(i)**
- F222** Words in Art. 75(1)(a) inserted (E.) (19.7.2022) by [The Direct Payments to Farmers \(Advance Payments and Activation of Payment Entitlements\) \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/706\)](#), regs. 1(1), **2(a)(ii)**
- F223** Words in Art. 75(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(a)(ii)**
- F224** Words in Art. 75(1)(a) inserted (E.) (19.7.2022) by [The Direct Payments to Farmers \(Advance Payments and Activation of Payment Entitlements\) \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/706\)](#), regs. 1(1), **2(a)(iii)**

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F225** Words in Art. 75(2) inserted (E.) (19.7.2022) by [The Direct Payments to Farmers \(Advance Payments and Activation of Payment Entitlements\) \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/706\)](#), regs. 1(1), **2(b)**
- F226** Words in Art. 75(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(b)**; and words in Art. 75(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F227** Words in Art. 75(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F228** Word in Art. 75(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F229** Words in Art. 75(3) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 75 W

Payment to beneficiaries

1 The payments under the support schemes and the measures referred to in Article 67(2) shall be made within the period from 1 December to 30 June of the following calendar year ^[F499]or in cases where it has not been possible to complete the verification of eligibility conditions by 30 June, upon completion.]

Payments shall be made in a maximum of two instalments within that period.

^[F500]Notwithstanding the first and second subparagraphs of this paragraph, ^[F501]the relevant authority] may:

- ^[F502]a prior to 1 December ^{F503}..., pay advances ^{F504}... for direct payments ^[F505]before the verification of eligibility conditions, to be carried out by the relevant authority pursuant to Article 74, has been finalised];
- b prior to 1 December, pay advances of up to 75 % for the support granted under rural development as referred to in Article 67(2).

With regard to support granted under rural development, as referred to in Article 67(2), the first and second subparagraphs of this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year 2019.]

2 Payments referred to in the paragraph 1 ^[F506](excluding advances for direct payments under paragraph 1(a)) shall not be made before the verification of eligibility conditions, to be carried out by the ^[F507]relevant authority] pursuant to Article 74, has been finalised.

By way of derogation from the first subparagraph, advances for support granted under rural development as referred to in Article 67(2) may be paid after the administrative checks pursuant to Article 59(1) have been finalised.

3 In the event of an emergency, the ^[F508]appropriate authority may make regulations] which are both necessary and justifiable, in order to resolve specific problems in relation to the application of this Article. Such ^[F509]regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

^{F510} ...

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Extent Information

- E12** This version of this provision applies to Wales only; separate versions have been created for England, Scotland, and Northern Ireland

Textual Amendments

- F499** Words in Art. 75(1) inserted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(11)(a)**
- F500** 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.
- F501** Words in Art. 75(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(13)(a)(i)**; and words in Art. 75(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F502** Art. 75(1)(a) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(16)(a)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F503** Words in Art. 75(1)(a) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(11)(b)(i)**
- F504** Words in Art. 75(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(13)(a)(ii)**
- F505** Words in Art. 75(1)(a) inserted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(11)(b)(ii)**
- F506** Words in Art. 75(2) inserted (W.) (31.12.2020 in so far as it relates to direct payments) by The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(11)(c)**
- F507** Words in Art. 75(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(13)(b)**; and words in Art. 75(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F508** Words in Art. 75(3) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **16(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F509** Word in Art. 75(3) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **16(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

F510 Words in Art. 75(3) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 75 S

Payment to beneficiaries

1 The payments under the support schemes and the measures referred to in Article 67(2) shall be made within the period from 1 December to 30 June of the following calendar year.

Payments shall be made in a maximum of two instalments within that period.

[^{F511}Notwithstanding the first and second subparagraphs of this paragraph, [^{F512}the relevant authority] may:

- [^{F513}a prior to 1 December ^{F514}..., pay advances ^{F515}... for direct payments;]
- b prior to 1 December, pay advances of up to 75 % for the support granted under rural development as referred to in Article 67(2).

With regard to support granted under rural development, as referred to in Article 67(2), the first and second subparagraphs of this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year 2019.]

[^{F516}2 Payments referred to in paragraph 1 may be made after the administrative checks referred to in Article 74 have been finalised.]

3 In the event of an emergency, the [^{F517}appropriate authority may make regulations] which are both necessary and justifiable, in order to resolve specific problems in relation to the application of this Article. Such [^{F518}regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

^{F519}
...

Extent Information

E13 This version of this provision extends to Scotland only; separate versions have been created for England, Wales, and Northern Ireland

Textual Amendments

F511 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.](#)

F512 Words in Art. 75(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(a)(i)**; and words in Art. 75(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F513 Art. 75(1)(a) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(16)(a)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(g)); 2020 c. 1, Sch. 5 para. 1(1)

F514 Words in Art. 75(1)(a) omitted (S.) (18.9.2022) by virtue of The Rural Support (Simplification and Improvement) (Scotland) Regulations 2022 (S.S.I. 2022/206), regs. 1, **2**

F515 Words in Art. 75(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(13)(a)(ii)**

F516 Art. 75(2) substituted (S.) (19.5.2022) by The Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2022 (S.S.I. 2022/107), regs. 1, **2(2)**

F517 Words in Art. 75(3) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **16(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F518 Word in Art. 75(3) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **16(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F519 Words in Art. 75(3) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **16(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 75 **N.I.**

Payment to beneficiaries

1 The payments under the support schemes and the measures referred to in Article 67(2) shall be made within the period from 1 December to 30 June of the following calendar year.

Payments shall be made in a maximum of two instalments within that period.

[^{F520}Notwithstanding the first and second subparagraphs of this paragraph, [^{F521}the relevant authority] may:

[^{F522}a prior to 1 December [^{F523}in any claim year], pay advances ^{F524}... for direct payments;]

b prior to 1 December, pay advances of up to 75 % for the support granted under rural development as referred to in Article 67(2).

With regard to support granted under rural development, as referred to in Article 67(2), the first and second subparagraphs of this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year 2019.]

2 Payments referred to in the paragraph 1 shall not be made before [^{F525}the administrative checks to be carried out by the relevant authority pursuant to Article 74, have been finalised.]

By way of derogation from the first subparagraph, advances for support granted under rural development as referred to in Article 67(2) may be paid after the administrative checks pursuant to Article 59(1) have been finalised.

3 In the event of an emergency, the [^{F526}appropriate authority may make regulations] which are both necessary and justifiable, in order to resolve specific problems in relation to the application of this Article. Such [^{F527}regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

^{F528} ...

Status: Point in time view as at 28/02/2023.

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Extent Information

- E14** This version of this provision extends to Northern Ireland only; separate versions have been created for England, Wales, and Scotland

Textual Amendments

- F520** 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.](#)
- F521** Words in Art. 75(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(a)(i)**; and words in Art. 75(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F522** Art. 75(1)(a) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(16)(a)(ii)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F523** Words in Art. 75(1)(a) substituted (N.I.) (1.8.2022) by [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/193\)](#), regs. 1(1), **2(a)**
- F524** Words in Art. 75(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(13)(a)(ii)**
- F525** Words in Art. 75(2) substituted (N.I.) (1.8.2022) by [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/193\)](#), regs. 1(1), **2(b)**
- F526** Words in Art. 75(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F527** Word in Art. 75(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F528** Words in Art. 75(3) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **16(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 76

Delegated powers

1 In order to ensure that the integrated system provided for in this Chapter is implemented in an efficient, coherent and non-discriminatory way which [^{F230}ensures proper management of public money], the [^{F231}appropriate authority may make regulations] concerning:

- a specific definitions needed to ensure a harmonised implementation of the integrated system ^{F232} ...;
- b with regards to Articles 67 to 75, rules on further measures necessary to ensure the compliance with control requirements laid down in this Regulation or in sectoral

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agricultural legislation to be taken ^{F233}... in respect of producers, services, bodies, organisations or other operators, such as slaughterhouses or associations involved in the procedure for the granting of the aid, where this Regulation does not provide for relevant administrative penalties; such measures shall as far as possible, follow, mutatis mutandis, the provisions on penalties set out in paragraphs (1) to (5) of Article 77.

2 In order to ensure a correct distribution of the funds resulting from the aid applications provided for in Article 72 to the entitled beneficiaries and to allow for verification of the fulfilment by them of the obligations related thereto, the [^{F234}appropriate authority may make regulations] concerning:

a the basic features, technical rules, including, for the update of reference parcels, appropriate tolerance margins taking into account the outline and condition of the parcel, and including rules on the inclusion of landscape features located adjacent to a parcel, and quality requirements for the identification system for agricultural parcels provided for in Article 70 and for the identification of the beneficiaries as provided for in Article 73;

[^{F235}aa) the basic features, technical rules and quality requirements of the system for the identification and registration of payment entitlements provided for in Article 71;]

^{F236}b

c the rules to establish the definition of the basis for the calculation of aid, including rules on how to deal with certain cases in which eligible areas contain landscape features or trees; [^{F237}such rules may allow, in relation to areas under permanent grassland, for scattered landscape features and trees, the total area of which does not exceed a specified percentage of the reference parcel, to be part of the eligible area automatically] without a requirement to map them for that purpose.

Textual Amendments

F230 Words in Art. 76(1) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F231 Words in Art. 76(1) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F232 Words in Art. 76(1)(a) omitted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(a)(iia)** (as inserted by [S.I. 2020/1445](#), regs. 1(2)(b), 10(7)(a)); 2020 c. 1, Sch. 5 para. 1(1); note that Art 76(1)(a) was previously substituted with a similar effect (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), 7(14)(a)(iii)

F233 Words in Art. 76(1)(b) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F234 Words in Art. 76(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F235 Art. 76(2)(aa) inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **15(3)**

F236 Art. 76(2)(b) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(b)(ia)** (as inserted by [S.I. 2020/1445](#), regs. 1(2)(b), 10(7)(b)); 2020 c. 1, Sch. 5 para. 1(1)

F237 Words in Art. 76(2)(c) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **17(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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Article 77

Application of administrative penalties

1 As regards the administrative penalties referred to in Article 63(2), this Article shall apply in the case of non-compliance with relation to eligibility criteria, commitments or other obligations resulting from the application of the rules on support referred to in Article 67(2).

2 No administrative penalty shall be imposed:

- a where the non-compliance is due to force majeure;
- b where the non-compliance is due to obvious errors as referred to in Article 59(6);
- c where the non-compliance is due to an error of the competent authority or another authority, and where the error could not reasonably have been detected by the person concerned by the administrative penalty;
- d where the person concerned can demonstrate to the satisfaction of the competent authority that he or she is not at fault for the non-compliance with the obligations referred to in paragraph 1 or if the competent authority is otherwise satisfied that the person concerned is not at fault;
- e where the non-compliance is of a minor nature, including where expressed in the form of a threshold, [F²³⁸set] in accordance with point (b) of paragraph 7;
- f other cases in which the imposition of a penalty is not appropriate, [F²³⁹as defined] in accordance with point (b) of paragraph 7.

3 Administrative penalties may be imposed on the beneficiary of the aid or support, including groups or associations thereof, bound by the obligations laid down in the rules referred to in paragraph 1.

4 The administrative penalties may take the following forms:

- a a reduction in the amount of aid or support paid or to be paid in relation to the aid applications or payment claims affected by the non-compliance and/or in relation to aid applications or payment claims for previous or subsequent years;
- b payment of an amount calculated on the basis of the quantity and/or the period concerned by the non-compliance;
- c exclusion from the right to participate in the aid scheme or support measure concerned.

5 The administrative penalties shall be proportionate [F²⁴⁰and graduated according to the severity, extent, duration and reoccurrence of the non-compliance found] and shall respect the following limits:

- a the amount of the administrative penalty for a given year, as referred to in point (a) of paragraph 4, shall not exceed 100 % of the amounts of the aid applications or payment claims;
- b the amount of the administrative penalty for a given year, as referred to in point (b) of paragraph 4, shall not exceed 100 % of the amount of the aid applications or payment claims to which the penalty is applied;
- c the exclusion referred to in point (c) of paragraph 4 may be set at a maximum of three consecutive years, which may apply again in the case of any new non-compliance.

[F²⁴¹6 Notwithstanding paragraphs 4 and 5, as regards the payment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013, administrative penalties shall take the form of a reduction in the amount of payments made or to be made under that Regulation.

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The administrative penalties referred to in this paragraph shall be proportionate and graduated according to the severity, extent, duration and reoccurrence of the non-compliance concerned.

^{F242}The amount of such administrative penalties for a given year shall not exceed 25% of the amount of the payment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013 to which the farmer concerned would be entitled if the farmer met the conditions for that payment.]]

7 In order to take account of the deterrent effect of penalties to be imposed on the one hand, and the specific characteristics of each aid scheme or support measure referred to in Article 67(2) on the other, the ^{F243}appropriate authority may make regulations]:

- a identifying, for each aid scheme or support measure and person concerned as referred to in paragraph 3 from the list set out in paragraph 4 and within the limits laid down in ^{F244}paragraph 5], the administrative penalty and determining the specific rate to be imposed ^{F245}..., including in cases of non-quantifiable non-compliance;
- b identifying, the cases in which the administrative penalties are not to be imposed, as referred to in point (f) of paragraph 2.

8 ^{F246}The appropriate authority may make regulations], laying down detailed procedural and technical rules for the uniform application of this Article on:

- a rules on the application and calculation of the administrative penalties;
- b the detailed rules for identifying a non-compliance as minor, including the setting of a quantitative threshold expressed as a nominal value or a percentage of the eligible amount of aid or support which shall not be less than 0,5 %.

^{F247}
...

Textual Amendments

F238 Word in Art. 77(2)(e) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(15)(a)(i)**; and word in Art. 77(2)(e) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(17)(a)(i)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(h) (with reg. 2))

F239 Words in Art. 77(2)(f) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **7(15)(a)(ii)**; and words in Art. 77(2)(f) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(17)(a)(ii)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(7)(h) (with reg. 2))

F240 Words in Art. 77(5) omitted (E.) (28.7.2022 in so far as it relates to rural development support measures) by virtue of [The Rural Development \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/765\)](#), regs. 1(1), **8(4)**

F241 Art. 77(6) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(12)**; Art. 77(6) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(17)(b)** (as substituted by [S.I. 2020/1445](#), regs.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

1(2)(b), 3(7)(h)); 2020 c. 1, Sch. 5 para. 1(1); Art. 77(6) omitted (E.) (1.1.2021 insofar as relates to direct payments) by virtue of The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (S.I. 2020/1387), regs. 1(1), **4(5)** (with reg. 1(2)); and Art. 77(6) omitted (N.I.) (25.2.2021) by virtue of The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 (S.R. 2021/42), regs. 1(1), **3(5)**

F242 Words in Art. 77(6) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **7(15)(b)**

F243 Words in Art. 77(7) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **18(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F244 Words in Art. 77(7) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **18(a)(ia)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 10(8)); 2020 c. 1, Sch. 5 para. 1(1)

F245 Words in Art. 77(7) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **18(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F246 Words in Art. 77(8) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **18(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F247 Words in Art. 77(8) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **18(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 78

Implementing powers

[^{F248}The appropriate authority may make regulations] laying down the following:

- (a) the basic features, technical rules and quality requirements for the computerised database provided for in Article 69;
- (b) rules on the aid applications and payments claims provided for in Article 72, [^{F249}and applications for payment entitlements,]^{F250} ... including the final date for submission of applications, the requirements as to the minimum amount of information to be included in applications, provisions for amendments to or the withdrawal of aid applications, exemption from the requirement to submit aid applications and provisions which allow [^{F251}for the application of simplified procedures or correction of obvious errors];
- (c) rules on the carrying out of checks in order to verify compliance with obligations, and the correctness and completeness of the information provided in the aid application or payment claim, including rules on measurement tolerances for on-the-spot checks;
- (d) technical specifications needed for the purpose of the uniform implementation of this Chapter;
- (e) rules on situations of transfer of holdings accompanied by the transfer of any obligation concerning eligibility in respect of the aid in question which still needs to be fulfilled;
- (f) rules on the payment of the advances referred to in Article 75.

F252

Status: Point in time view as at 28/02/2023.

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Textual Amendments

- F248** Words in Art. 78 substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **19(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F249** Words in Art. 78(b) inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **15(4)**
- F250** Words in Art. 78(b) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **19(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(9)); 2020 c. 1, Sch. 5 para. 1(1)
- F251** Words in Art. 78(b) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **19(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 10(9)); 2020 c. 1, Sch. 5 para. 1(1)
- F252** Words in Art. 78 omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **19(c)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER III

Scrutiny of transactions

Article 79

Scope and definitions

1 This Chapter lays down specific rules on the scrutiny of the commercial documents of those entities receiving or making payments relating directly or indirectly to the system of financing [^{F253}of CMO support], or their representatives ('undertakings') in order to ascertain whether transactions forming part of the system of financing [^{F253}of CMO support] have actually been carried out and have been executed correctly.

2 This Chapter shall not apply to measures covered by the integrated system referred to in Chapter II of this Title. In order to respond to changes in sectoral agricultural legislation and to ensure the efficiency of the system of ex-post controls established by this Chapter, the [^{F254}appropriate authority may make regulations] establishing a list of measures which, due to their design and control requirements, are unsuited for additional ex-post controls by way of scrutiny of commercial documents and, therefore, are not to be subject to such scrutiny under this Chapter.

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

- a "commercial document" means all books, registers, vouchers and supporting documents, accounts, production and quality records, and correspondence relating to the undertaking's business activity, as well as commercial data, in whatever form they may take, including electronically stored data, in so far as these documents or data relate directly or indirectly to the transactions referred to in paragraph 1;
- b "third party" means any natural or legal person directly or indirectly connected with transactions carried out within the [^{F255}system of financing of CMO support].

Status: Point in time view as at 28/02/2023.

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Textual Amendments

- F253** Words in Art. 79(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F254** Words in Art. 79(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **20**; 2020 c. 1, Sch. 5 para. 1(1)
- F255** Words in Art. 79(3)(b) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(18)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 80

Scrutiny by Member States

1 ^[F256]The relevant authority] shall carry out systematic scrutiny of the commercial documents of undertakings taking account of the nature of the transactions to be scrutinised. ^[F256]The relevant authority] shall ensure that the selection of undertakings for scrutiny gives the best possible assurance of the effectiveness of the measures for preventing and detecting irregularities. The selection shall take account, inter alia, of the financial importance of the undertakings in that system and of other risk factors.

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

^{F257}3

Textual Amendments

- F256** Words in Art. 80(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F257** Art. 80(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 81

Objectives of the scrutiny

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

- a comparisons with the commercial documents of suppliers, customers, carriers and other third parties;

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- b physical checks, where appropriate, upon the quantity and nature of stocks;
- c comparison with the records of financial flows leading to or consequent upon the transactions carried out within the [F258]system of financing of CMO support]; and
- d checks, in relation to bookkeeping, or records of financial movements showing, at the time of the scrutiny, that the documents held by the paying agency by way of justification for the payment of aid to the beneficiary are accurate.

2 In particular, where undertakings are required to keep particular book records of stock in accordance with [F259]the law applying in the constituent nation], scrutiny of those records shall, in appropriate cases, include a comparison with the commercial documents and, where appropriate, with the actual quantities in stock.

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

Textual Amendments

F258 Words in Art. 81(1)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F259 Words in Art. 81(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(20)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 82

Access to commercial documents

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

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

3 Where, during scrutiny carried out pursuant to this Chapter, the commercial documents maintained by the undertaking are considered inadequate for scrutiny purposes, the undertaking shall be directed to maintain in future such records as are required by the [F260]relevant authority] responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

[F261]The relevant authority] shall determine the date from which such records are to be established.

Where some or all of the commercial documents required to be scrutinised pursuant to this Chapter are located with an undertaking in the same commercial group, partnership or association of undertakings managed on a unified basis as the undertaking scrutinised, whether located inside or outside the [F262]United Kingdom], the undertaking shall make those commercial documents available to officials responsible for the scrutiny, at a place

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and time to be determined by the [^{F263}relevant authority] responsible for carrying out the scrutiny.

4 [^{F264}The relevant authority] shall ensure that officials responsible for scrutiny are entitled to seize commercial documents, or have them seized. This right shall be exercised with due regard to the [^{F265}law applying in the constituent nation] and shall be without prejudice to the application of rules governing proceedings in criminal matters concerning the seizure of documents.

Textual Amendments

- F260** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F261** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F262** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F263** Words in Art. 82(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(a)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F264** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F265** Words in Art. 82(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(21)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F266}Article 83

Mutual assistance

Textual Amendments

- F266** [Art. 83](#) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(22)**; 2020 c. 1, **Sch. 5 para. 1(1)**

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Article 84

Programming

1 ^[F267]The relevant authority] shall draw up programmes for scrutiny to be carried out pursuant to Article 80 during the subsequent scrutiny period.

2 Each year, before 15 April, ^[F268]the relevant authority] shall send the ^[F269]relevant accounting officer] their programme as referred to in paragraph 1 and shall specify:

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

3 The programmes established by the ^[F270]relevant authority] and forwarded to the ^[F271]relevant accounting officer] shall be implemented by the ^[F270]relevant authority], if, within eight weeks, the ^[F271]relevant accounting officer] has not made known its comments.

4 Paragraph 3 shall apply mutatis mutandis to the amendments to the programme made by the ^[F272]relevant authority].

5 At any stage, the ^[F273]relevant accounting officer] may request the inclusion of a particular category of undertaking in the programme of ^[F274]the relevant authority].

6 Undertakings for which the sum of the receipts or payments amounted to less than ^[F275]EUR 40 000][^[F275]£40 000] shall be scrutinised in accordance with this Chapter only for specific reasons to be indicated by the ^[F276]relevant authority in its] annual programme referred to in paragraph 1 or by the ^[F277]relevant accounting officer] in any proposed amendment to that programme. ^[F278]In order to take account of economic developments, the appropriate authority may make regulations modifying the threshold. Such regulations may specify the threshold in Sterling.]

Textual Amendments

- F267** Words in Art. 84(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F268** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F269** Words in Art. 84(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F270** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(23)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F271** Words in Art. 84(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing,](#)

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- Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(23)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F272** Words in Art. 84(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(23)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F273** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(23)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F274** Words in Art. 84(5) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(23)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F275** Sum in Art. 84(6) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by The Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/400), regs. 1(2), **2(14)**
- F276** Words in Art. 84(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **21(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F277** Words in Art. 84(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **21(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F278** Words in Art. 84(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/748), regs. 1, **21(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 85

Special departments

1 [F279 A] special department shall be responsible for monitoring the application of this Chapter [F280 in each constituent nation. Where the relevant authority so decides, instead of establishing a special department, it may allow the functions of the special department to be carried out by a special department established in a different constituent nation]. [F281 The special department] shall, in particular, be responsible for:

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

[F282 Scrutiny to be carried out pursuant to this Chapter may be allocated between the special department and other departments, provided that the special department is responsible for its coordination.]

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

3 In order to ensure that this Chapter is properly applied, the special department referred to in paragraph 1 shall take all the measures necessary, and it shall be entrusted [F283 ... with all the powers necessary, to perform the tasks referred to in this Chapter.

F284 4

Status: Point in time view as at 28/02/2023.

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Textual Amendments

- F279** Word in Art. 85(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F280** Words in Art. 85(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F281** Words in Art. 85(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(i\)\(cc\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F282** Words in Art. 85(1) substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F283** Words in Art. 85(3) omitted (31.12.2020 in so far as it to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F284** Art. 85(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(24\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 86

Reports

1 Before 1 January, following the scrutiny period, [^{F285}the relevant authority] shall send the [^{F286}relevant accounting officer] a detailed report on the application of this Chapter.

^{F287}2

Textual Amendments

- F285** Words in Art. 86(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(25\)\(i\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F286** Words in Art. 86(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(25\)\(i\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F287** Art. 86(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, [7\(25\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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^{F288} Article 87

Access to information and scrutiny by the Commission

Textual Amendments

F288 Art. 87 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(26)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F289} Article 88

Power to make regulations

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

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

Textual Amendments

F289 Art. 88 substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **22**; 2020 c. 1, **Sch. 5 para. 1(1)**

CHAPTER IV

Other provisions on checks and penalties

Article 89

Other checks and penalties related to marketing rules

1 ^{F290}[The relevant authority] shall take measures to ensure that the products referred to in Article 119(1) of Regulation (EU) No 1308/2013 which are not labelled in conformity with the provisions of that Regulation are not placed on, or are withdrawn from, the market.

^{F291}[In this paragraph and in paragraph 4, ‘relevant authority’ means:

- a) in England, the Secretary of State;
- b) in Wales, the Welsh Ministers;
- c) in Scotland, the Scottish Ministers.]

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2 Without prejudice to any specific provisions [^{F292}in retained direct EU legislation], imports into the [^{F293}United Kingdom] of the products specified in points (a) and (b) of paragraph 1 of Article 189 of Regulation (EU) No 1308/2013 shall be subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.

[^{X13} [^{F294}The relevant authority] shall carry out checks, based on a risk analysis, in order to verify whether products referred to in Annex I to Regulation (EU) No 1308/2013 conform to the rules laid down in Section I of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 and shall apply administrative penalties as appropriate.]

4 [^{F295}Without prejudice to provisions regarding the wine sector made under, or adopted on the basis of, Article 64, in the event of infringement of rules in the wine sector, the relevant authority shall apply penalties in accordance with the law applying in the constituent nation.] Such penalties shall not apply in the cases set out in points (a) to (d) of Article 64(2) and where the non-compliance is of a minor nature.

5 In order to protect ^{F296}... the identity, provenance and quality of [^{F297}wine originating in Great Britain], the [^{F298}Secretary of State may make regulations] relating to:

- a the establishment of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by [^{F299}the relevant authority];
- b rules on control bodies and the mutual assistance between them;
- [^{F300}c rules on the use of findings].

6 The [^{F301}Secretary of State may make regulations] laying down all measures necessary for:

- a the procedures relating to ^{F302}... the analytical databank of isotopic data that will help detect fraud;
- b the procedures relating to cooperation and assistance between control authorities and bodies;
- c as regards the obligation referred to in paragraph 3, rules for performing the checks of compliance with marketing standards, rules on the authorities responsible for performing the checks, as well as on the content, the frequency and the marketing stage to which those checks are to apply.

^{F303}
...

[^{F304}7 The Secretary of State may not make regulations under paragraph 5 or 6 without the consent of the relevant authorities for Wales and Scotland.

8 Where the relevant authority for Wales or Scotland requests that the Secretary of State makes regulations under paragraph 5 or 6, the Secretary of State must have regard to that request.]

Editorial Information

X1 Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

Textual Amendments

F290 Words in Art. 89(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing](#),

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- Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(a)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F291** Words in Art. 89(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(a)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F292** Words in Art. 89(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F293** Words in Art. 89(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F294** Words in Art. 89(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F295** Words in Art. 89(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(27)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F296** Words in Art. 89(5) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F297** Words in Art. 89(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(ii)** (as amended by S.I. 2020/1453, regs. 1(2)(b), 12(12)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F298** Words in Art. 89(5) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F299** Words in Art. 89(5)(a) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F300** Art. 89(5)(c) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F301** Words in Art. 89(6) substituted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F302** Words in Art. 89(6)(a) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F303** Words in Art. 89(6) omitted (31.12.2020) by virtue of The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F304** Art. 89(7)(8) inserted (31.12.2020) by The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/831), regs. 1(4)(a), **64(c)** (as amended by S.I. 2020/1453, regs. 1(2)(b), 12(12)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Article 90

Checks related to designation of origin and geographical indications and protected traditional terms

1 ^[F305] The relevant authority] shall take the necessary steps to stop unlawful use of protected designations of origin, protected geographical indication and protected traditional terms referred to in Regulation (EU) No 1308/2013.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

2 [F306The relevant authority] shall designate the competent authority responsible for carrying out the checks in respect of the obligations laid down in Section II of Chapter I of Title II of Part 2 of Regulation (EU) No 1308/2013 in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽³²⁾ and shall ensure that any operator complying with those obligations is entitled to be covered by a system of checks.

[F307In this Article, ‘relevant authority’ means:

- a) in England, the Secretary of State;
- b) in Wales, the Welsh Ministers;
- c) in Scotland, the Scottish Ministers.]

3 Within [F308Great Britain], annual verification of compliance with the product specification, during the production and during or after conditioning of the wine shall be ensured by the competent authority referred to in paragraph 2 or by one or more control bodies within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body in accordance with the criteria laid down in Article 5 of that Regulation.

4 The [F309Secretary of State may make regulations] concerning the following:

- F310 a)
- b) rules on the authority responsible for the verification of compliance with the product specification, including where the geographical area is in a third country;
- c) the actions to be implemented F311... to prevent the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms;
- d) the checks and verification to be carried out F312..., including testing.

F313
...

Textual Amendments

F305 Words in Art. 90 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(a)** (as inserted by S.I. 2019/812, regs. 1, 3(2)(a)); 2020 c. 1, Sch. 5 para. 1(1)

F306 Words in Art. 90 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(aa)** (as inserted by S.I. 2019/812, regs. 1, 3(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

F307 Words in Art. 90(2) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(ab)** (as inserted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(j)(i)); 2020 c. 1, Sch. 5 para. 1(1)

F308 Words in Art. 90(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(28)(b)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(7)(j)(ii)); 2020 c. 1, Sch. 5 para. 1(1)

F309 Words in Art. 90(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- F310** Art. 90(4)(a) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F311** Words in Art. 90(4)(c) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F312** Words in Art. 90(4)(d) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F313** Words in Art. 90(4) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/828), regs. 1, **58(d)**; 2020 c. 1, Sch. 5 para. 1(1)

TITLE VI

CROSS-COMPLIANCE

CHAPTER I

Scope

Article 91

General principle

1 Where a beneficiary referred to in Article 92 does not comply with the rules on cross-compliance as laid down in Article 93, an administrative penalty shall be imposed on that beneficiary.

2 The administrative penalty referred to in paragraph 1 shall only apply where the non-compliance is the result of an act or omission directly attributable to the beneficiary concerned; and where one, or both, of the following additional conditions are met:

- a the non-compliance is related to the agricultural activity of the beneficiary;
- b the area of the holding of the beneficiary is concerned.

[^{F314}With regard to forest areas, however, this penalty shall not apply in so far as no support is claimed for the area concerned in accordance with point (a) of Article 21(1), and Articles 30 and 34 of Regulation (EU) No 1305/2013.]

3 For the purpose of this Title the following definitions shall apply:

- a 'holding' means all the production units and areas managed by the beneficiary referred to in Article 92 situated within [^{F315}Wales][^{F316}England][^{F317}Scotland][^{F318}Northern Ireland];
- b "requirement" means each individual statutory management requirement ^{F319}... referred to in Annex II within a given act, differing in substance from any other requirements of the same act.

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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

- F314** Words in Art. 91(2) omitted (W.) (31.12.2020 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(13)(a)**
- F315** Word in Art. 91(3)(a) substituted for “the United Kingdom” (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(13)(b)**; and word in Art. 91(3)(a) substituted for “the United Kingdom” (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(15)**
- F316** Word in Art. 91(3)(a) substituted for “the United Kingdom” (E.) (1.1.2021) by [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(6)**
- F317** Word in Art. 91(3)(a) substituted for “the United Kingdom” (S.) (1.1.2021) by [The Common Agricultural Policy \(Simplifications and Improvements\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/349\)](#), regs. 1, **3(4)**
- F318** Words in Art. 91(3)(a) substituted for “the United Kingdom” (N.I.) (25.2.2021) by [The Direct Payments to Farmers \(Simplifications\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/42\)](#), regs. 1(1), **12**
- F319** Words in Art. 91(3)(b) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(1)(b)**; and words in Art. 91(3)(b) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(1)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 92

Beneficiaries concerned

[^{F320}Article 91 shall apply to beneficiaries receiving direct payment support.]

Textual Amendments

- F320** [Art. 92](#) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(2)**
- F321** Words in [Art. 92](#) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(2)(a)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(8)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F322** Words in [Art. 92](#) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(2)(b)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(8)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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 93

Rules on cross-compliance

1 The rules on cross-compliance shall consist of the statutory management requirements
F323 ... and the standards for good agricultural and environmental condition of land established
F324 in the constituent nation] as listed in Annex II, relating to the following areas:

- a environment, climate change and good agricultural condition of land;
- b public, animal and plant health;
- c animal welfare.

2 The legal acts referred to in Annex II concerning the statutory management requirements shall apply in the version in force and, in the case of Directives, as implemented
F325 in the constituent nation].

F326 3

F326 4

F326 5

Textual Amendments

- F323** Words in Art. 93(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(3)(a)(i)**; and words in Art. 93(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F324** Words in Art. 93(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(3)(a)(ii)**; and words in Art. 93(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F325** Words in Art. 93(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(3)(b)**; and words in Art. 93(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F326** Art. 93(3)-(5) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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Article 94

Obligations ^{F327} of Member States] relating to good agricultural and environmental condition

^{F328}The relevant authority] shall ensure that all agricultural area, including land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. ^{F329}The minimum standards for beneficiaries for good agricultural and environmental conditions of land are as set out in the legislation applying in the constituent nation.]

^{F330}The relevant authority] shall not define minimum requirements which are not established in Annex II.

Textual Amendments

- F327** Words in Art. 94 heading omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(14)**; and words in Art. 94 heading omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(4)(za)** (as inserted by [S.I. 2020/1445](#), regs. 1(2)(b), 3(8)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F328** Words in Art. 94 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(4)(a)(i)**; and words in Art. 94 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F329** Words in Art. 94 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(4)(a)(ii)**; and words in Art. 94 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F330** Words in Art. 94 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(4)(b)**; and words in Art. 94 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 95

Information to beneficiaries

[^{F331}The relevant authority] shall provide the beneficiaries concerned, where appropriate by the use of electronic means, with the list of the requirements and standards to be applied at farm level, as well as clear and precise information thereon.

Textual Amendments

F331 Words in Art. 95 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(5)**; and words in Art. 95 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(5)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER II

Control system and administrative penalties in relation to cross-compliance

Article 96

Checks of cross-compliance

1 [^{F332}The relevant authority] shall make use, where appropriate, of the integrated system laid down in Chapter II of Title V and in particular of points (a), (b), (d), (e) and (f) of Article 68(1).

[^{F332}The relevant authority] may make use of their existing administration and control systems to ensure compliance with the rules on cross-compliance.

Those systems, and notably the system for the identification and registration of animals set up [^{F333}in the constituent nation] in accordance with Council Directive 2008/71/EC⁽³³⁾ and Regulations (EC) No 1760/2000 and (EC) No 21/2004, shall be compatible with the integrated system referred to in Chapter II of Title V of this Regulation.

2 Depending on the requirements, standards, acts or areas of cross-compliance in question, [^{F334}the relevant authority] may decide to carry out administrative checks, in particular those already provided for under the control systems applicable to the respective requirement, standard, act or area of cross-compliance.

3 [^{F335}The relevant authority] shall carry out on-the-spot checks to verify whether a beneficiary complies with the obligations laid down in this Title.

4 [^{F336}The appropriate authority may make regulations], laying down rules on the carrying out of checks in order to verify compliance with the obligations referred to under this Title, including rules allowing that risk analysis takes account of the following factors:

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- a a farmer's participation in the farm advisory system as provided for in Title III of this Regulation;
- b a farmer's participation in a certification system, if it covers the requirements and standards concerned.

F337
...

Textual Amendments

- F332** Words in Art. 96(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(6)(a)(i)**; and words in Art. 96(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(6)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F333** Words in Art. 96(1) inserted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(6)(a)(ii)**; and words in Art. 96(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(6)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F334** Words in Art. 96(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(6)(b)**; and words in Art. 96(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F335** Words in Art. 96(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(6)(c)**; and words in Art. 96(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F336** Words in Art. 96(4) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **23(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F337** Words in Art. 96(4) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **23(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 97

Application of the administrative penalty

1 The administrative penalty provided for in Article 91 shall be imposed where the rules on cross-compliance are not complied with at any time in a given calendar year ('the calendar year concerned'), and where the non-compliance in question is directly attributable to the beneficiary who submitted the aid application or the payment claim in the calendar year concerned.

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F338 ...

2 In cases in which the land is transferred during the calendar year concerned or the years concerned, paragraph 1 shall also apply where the non-compliance in question is the result of an act or omission directly attributable to the person to whom or from whom the agricultural land was transferred. By way of derogation from the first sentence, where the person to whom the act or omission is directly attributable has submitted an aid application or a payment claim in the calendar year concerned or the years concerned, the administrative penalty shall be imposed on the basis of the total amounts of the payments referred to in Article 92 granted or to be granted to that person.

For the purpose of this paragraph, 'transfer' means any type of transaction whereby the agricultural land ceases to be at the disposal of the transferor.

3 Notwithstanding paragraph 1, and subject to the rules to be adopted pursuant to Article 101, [F339 the relevant authority] may decide not to apply an administrative penalty per beneficiary and per calendar year when the amount of the penalty is [F340 EUR 100][F340 £100] or less.

Where [F341 the relevant authority] decides to make use of the option provided for in the first subparagraph, the competent authority shall, for a sample of beneficiaries, take in the following year the actions necessary to verify that the beneficiary has remedied the findings of non-compliance concerned. The finding and the obligation to take remedial action shall be notified to the beneficiary.

4 The imposition of an administrative penalty shall not affect the legality and regularity of the payments to which it applies.

Textual Amendments

F338 Words in Art. 97(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(7)(a)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(8)(c)); 2020 c. 1, Sch. 5 para. 1(1)

F339 Words in Art. 97(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(7)(a)**; and words in Art. 97(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(7)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(8)(c)); 2020 c. 1, Sch. 5 para. 1(1)

F340 Sum in Art. 97(3) substituted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(15)**; and sum in Art. 97(3) substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(16)**

F341 Words in Art. 97(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(7)(b)**; and words in Art. 97(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **8(7)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(8)(c)); 2020 c. 1, Sch. 5 para. 1(1)

F342 Article 98

Application of the administrative penalty in Bulgaria, Croatia and Romania

Textual Amendments

F342 Art. 98 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(8)**; and Art. 98 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(8)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 99 **W+S+N.I.**

Calculation of the administrative penalty

1 The administrative penalty provided for in Article 91 shall be applied by means of reduction or exclusion of the total amount of the payments listed in Article 92 granted or to be granted to the beneficiary concerned in respect of aid applications he has submitted or will submit in the course of the calendar year of the finding.

For the calculation of those reductions and exclusions, account shall be taken of the severity, extent, permanence and reoccurrence of the non-compliance found as well as of the criteria set out in paragraphs 2, 3 and 4.

2 In the case of non compliance due to negligence, the percentage of reduction shall not exceed 5 % and, in the case of reoccurrence, shall not exceed 15 %.

[^{F343}The relevant authority] may set up an early warning system that applies to cases of non-compliance which, given their minor severity, extent and duration, shall not, in duly justified cases, lead to a reduction or exclusion. Where [^{F344}the relevant authority] decides to make use of this option, the competent authority shall send an early warning to the beneficiary, notifying the beneficiary of the finding and the obligation to take remedial action. In case a subsequent check establishes that the non-compliance has not been remedied, the reduction pursuant to the first subparagraph shall be applied retroactively.

However, cases of non-compliance which constitute a direct risk to public or animal health shall always lead to a reduction or exclusion.

[^{F343}The relevant authority] may give priority access to the farm advisory system to the beneficiaries who have received for the first time an early warning.

3 In the case of intentional non-compliance, the percentage reduction shall in principle not be less than 20 % and may go as far as total exclusion from one or several aid schemes and may apply for one or more calendar years.

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4 In any event, the total amount of reductions and exclusions for one calendar year shall not be more than the total amount referred to in the first subparagraph of paragraph 1.

Extent Information

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

Textual Amendments

F343 Words in Art. 99(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(9)(a)**; and words in Art. 99(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F344 Words in Art. 99(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(9)(b)**; and words in Art. 99(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 99 **E**

Calculation of the administrative penalty

1 The administrative penalty provided for in Article 91 shall be applied by means of reduction or exclusion of the total amount of the payments listed in Article 92 granted or to be granted to the beneficiary concerned in respect of aid applications he has submitted or will submit in the course of the calendar year of the finding.

For the calculation of those reductions and exclusions, account shall be taken of the severity, extent, permanence and reoccurrence of the non-compliance found as well as of the criteria set out in paragraphs 2, 3 and 4.

2 In the case of non compliance due to negligence, the percentage of reduction shall not exceed 5 % and, in the case of reoccurrence, shall not exceed 15 %.

[^{F529}The relevant authority] may set up an early warning system that applies to cases of non-compliance which ^{F530}... shall not, in duly justified cases, lead to a reduction or exclusion. Where [^{F531}the relevant authority] decides to make use of this option, the competent authority shall send an early warning to the beneficiary, notifying the beneficiary of the finding and the obligation to take remedial action [^{F532}where it is possible]. In case a subsequent check establishes that the non-compliance has not been remedied [^{F533}as required], the reduction pursuant to the first subparagraph shall be applied retroactively.

[^{F534}Duly justified cases as referred to in the second subparagraph may be determined by the relevant authority based on the severity, extent and duration of the non-compliance in question, and on the beneficiary's overall engagement with the cross-compliance rules.]

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However, cases of non-compliance which constitute a direct risk to public or animal health shall always lead to a reduction or exclusion.

[^{F529}The relevant authority] may give priority access to the farm advisory system to the beneficiaries who have received for the first time an early warning.

3 In the case of intentional non-compliance, the percentage reduction shall in principle not be less than 20 % and may go as far as total exclusion from one or several aid schemes and may apply for one or more calendar years.

4 In any event, the total amount of reductions and exclusions for one calendar year shall not be more than the total amount referred to in the first subparagraph of paragraph 1.

Extent Information

E15 This version of this provision applies to England only; a separate version has been created for Wales, Scotland and Northern Ireland only

Textual Amendments

- F529** Words in Art. 99(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(9)(a)**; and words in Art. 99(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F530** Words in Art. 99(2) omitted (E.) (1.1.2021) by virtue of [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(7)(a)(i)**
- F531** Words in Art. 99(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **8(9)(b)**; and words in Art. 99(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **8(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F532** Words in Art. 99(2) inserted (E.) (1.1.2021) by [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(7)(a)(ii)**
- F533** Words in Art. 99(2) inserted (E.) (1.1.2021) by [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(7)(a)(iii)**
- F534** Words in Art. 99(2) inserted (E.) (1.1.2021) by [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **4(7)(b)**

^{F345} Article 100

Amounts resulting from cross-compliance

.....

Status: Point in time view as at 28/02/2023.

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Textual Amendments

F345 Art. 100 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **8(10)**; and Art. 100 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **8(10)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 101

^{F346} ... Powers in relation to the application and calculation of administrative penalties

1 In order to ensure a correct distribution of the funds to the entitled beneficiaries and that cross-compliance is carried out in an efficient, coherent and non-discriminatory way, the [^{F347}appropriate authority may make regulations]:

- ^{F348}a
- b laying down the conditions for the application and calculation of the administrative penalties due to cross-compliance, including in the case of non-compliance directly attributable to the beneficiary concerned.

2 The [^{F349}appropriate authority may make regulations] laying down detailed procedural and technical rules concerning the calculation and application of administrative penalties referred to in Articles 97 to 99, including as regards beneficiaries consisting of a group of persons under Articles 28 and 29 of Regulation (EU) No 1305/2013.

^{F350} ...

Textual Amendments

F346 Word in Art. 101 heading omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **24(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F347 Words in Art. 101(1) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **24(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F348 Art. 101(1)(a) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **24(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F349 Words in Art. 101(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **24(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1) (note that Art. 101(2) was previously substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), 9(1)(c))

F350 Words in Art. 101(2) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/748), regs. 1, **24(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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TITLE VII

COMMON PROVISIONS

CHAPTER I

Communication

^{F351}Article 102

Communication of information

Textual Amendments

F351 Art. 102 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(2)**; and Art. 102 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(1)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 103

Confidentiality

1 ^{F352}[The relevant authority] shall take all necessary steps to ensure the confidentiality of the information communicated or obtained under inspection ^{F353}... measures implemented under this Regulation.

^{F354}...

2 Without prejudice to ^{F355}[the law applying in the constituent nation in relation] to legal proceedings, information collected in the course of scrutiny as provided for in Chapter III of Title V shall be protected by professional secrecy. It shall not be communicated to any persons other than those who, by reason of their duties ^{F356}..., are required to have knowledge thereof for the purposes of performing those duties.

Textual Amendments

F352 Words in Art. 103(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(3)(a)(i)(aa)**; and words in Art. 103(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(2)(a)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

F353 Words in Art. 103(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments](#)

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to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(3)(a)(i)(bb)**; and words in Art. 103(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(2)(a)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

F354 Words in Art. 103(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(3)(a)(ii)**; and words in Art. 103(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F355 Words in Art. 103(2) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(3)(b)(i)**; and words in Art. 103(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F356 Words in Art. 103(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(3)(b)(ii)**; and words in Art. 103(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F357 Article 104

Commission powers

Textual Amendments

F357 Art. 104 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(4)**; and Art. 104 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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CHAPTER II

Use of the euro

^{F358}^{F359} Article 105

General principles

^{F360}1 The amounts in declarations of expenditure by the relevant authority may be expressed in either euro or sterling.]

^{F361}2 The prices and amounts fixed in sectoral agricultural legislation may be expressed in either euro or sterling. [^{F362}Subject to Article 108, they][^{F362}They] shall be granted or collected in sterling.]]]

Textual Amendments

- F358** Art. 105 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(5)**; and Art. 105 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F359** Art. 105 omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(16)**
- F360** Art. 105(1) omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(3)(a)**; and Art. 105(1) omitted (N.I.) (23.2.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/40\)](#), regs. 1(1), **5(2)(a)**
- F361** Art. 105(2) omitted (E.) (26.3.2021 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers \(Reductions and Simplifications\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/407\)](#), regs. 1(2), **2(3)**
- F362** Word in Art. 105(2) substituted (E.) (1.1.2021 in so far as relates to direct payments) by [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(3)(b)**; and word in Art. 105(2) substituted (N.I.) (23.2.2021 in so far as relates to direct payments) by [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/40\)](#), regs. 1(1), **5(2)(b)**; and Art. 105(2) amended with a similar effect (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(17)**

^{F363} Article 106

Exchange rate and operative event

^{F364}1 Where the prices or amounts referred to in Article 105(2) are expressed in euro, they shall be converted into sterling by means of an exchange rate.]

2 The operative event for the exchange rate shall be:

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- a the completion of customs import or export formalities in the case of amounts collected or granted in trade with third countries;
- b the event whereby the economic objective of the operation is attained in all other cases.

[^{F365}3 Where a direct payment as provided for in Regulation (EU) No 1307/2013 is made to a beneficiary in [^{F366}sterling, the relevant authority shall convert the amount of aid expressed in euro into sterling on the basis of the average of the exchange rates set by the European Central Bank during the month prior to 1 October 2019].

[^{F367} ...]

[^{F368}4 As regards [^{F369}direct payment support][^{F370}CMO support], when drawing up their declarations of expenditure, [^{F371}the relevant authority] shall apply the same exchange rate as that which they used to make payments to beneficiaries or receive revenue, in accordance with the provisions of this Chapter.]

5 In order to specify the operative event referred to in paragraph 2 or to fix it for reasons peculiar to the market organisation or the amount in question, the [^{F372}appropriate authority may make regulations], containing rules on those operative events and the exchange rate to be used. The specific operative event shall be determined taking account of the following criteria:

- a actual applicability as soon as possible of adjustments to the exchange rate;
- b similarity of the operative events for analogous operations carried out under the market organisation;
- c coherence in the operative events for the various prices and amounts relating to the market organisation;
- d practicability and effectiveness of checks on the application of suitable exchange rates.

[^{F373}6 In order to avoid the application ^{F374}... of different exchange rates in accounts of revenue received or aid paid to beneficiaries in a currency other than the euro, on the one hand, and in the establishment of the declaration of expenditure drawn up by the paying agency, on the other, the [^{F375}appropriate authority may make regulations] laying down rules on the exchange rate applicable when declarations of expenditure are drawn up and when public storage operations are recorded in the accounts of the paying agency.]]

Textual Amendments

F363 Art. 106 omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **2(16)**; and Art. 106 omitted (E.) (26.3.2021 in so far as it relates to direct payments) by virtue of The Direct Payments to Farmers (Reductions and Simplifications) (England) (Amendment) Regulations 2021 (S.I. 2021/407), regs. 1(2), **2(4)**

F364 Art. 106(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **9(6)(a)**; and Art. 106(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F365 Words in Art. 106(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(5)(b)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(9)(a)); 2020 c. 1, Sch. 5 para. 1(1)

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- F366** Words in Art. 106(3) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(5)(a)**
- F367** Words in Art. 106(3) omitted (8.6.2020) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(5)(b)**
- F368** Art. 106(4) omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(4)**; and Art. 106(4) omitted (N.I.) (23.2.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/40\)](#), regs. 1(1), **5(3)**
- F369** Words in Art. 106(4) substituted for “EAGF” (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(6)(b)(i)**
- F370** Words in Art. 106(4) substituted for “EAGF” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(5)(c)(i)** (as amended by S.I. 2020/1445, regs. 1(2)(b), 3(9)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F371** Words in Art. 106(4) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(6)(b)(ii)**; and words in Art. 106(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(5)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F372** Words in Art. 106(5) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **25(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F373** Art. 106(6) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(6)(c)**
- F374** Words in Art. 106(6) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **25(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F375** Words in Art. 106(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **25(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F376 Article 107

Safeguard measures and derogations

Textual Amendments

- F376** Art. 107 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(7)**; and Art. 107 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

^{F377}Article 108

Use of the euro ^{F378}...

1 If [^{F379}the relevant authority] decides to pay the expenditure resulting from sectoral agricultural legislation in euro rather than in [^{F380}sterling], the [^{F381}relevant authority] shall take measures to ensure that the use of the euro does not provide a systematic advantage compared with the use of [^{F382}sterling].

^{F383}2]

Textual Amendments

- F377** Art. 108 omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(17)**; Art. 108 omitted (E.) (1.1.2021 in so far as relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(5)**; and Art. 108 omitted (S.) (1.1.2021 insofar as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/460\)](#), regs. 1(2), **4(3)**; and Art. 108 omitted (N.I.) (23.2.2021 insofar as relates to direct payments) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/40\)](#), regs. 1(1), **5(4)**; and Art. 108 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(18)**
- F378** Words in Art. 108 heading omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(8)**; and words in Art. 108 heading omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F379** Words in Art. 108(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(9)(a)(i)**; and words in Art. 108(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F380** Word in Art. 108(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(9)(a)(ii)**; and word in Art. 108(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F381** Words in Art. 108(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(9)(a)(iii)**; and words in Art. 108(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(8)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F382 Word in Art. 108(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(9)(a)(iv)**; and word in Art. 108(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(8)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

F383 Art. 108(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(9)(b)**; and Art. 108(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER III

Report and evaluation

^{F384} Article 109

Annual financial report

Textual Amendments

F384 Arts. 109, 110 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(10)**; and Arts. 109, 110 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(9)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F384} Article 110

Monitoring and evaluation of the CAP

Textual Amendments

F384 Arts. 109, 110 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(10)**; and Arts. 109, 110 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development

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measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(9)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER IV

Transparency

Article 111

Publication of beneficiaries

1 ^{F385}The relevant authority ^{F386}shall ^{F386}may ^{F387}ensure annual ex-post publication of the ^{F387}publish a list of beneficiaries of ^{F388}direct payments ^{F389}agricultural support ^{F390}annually]. The publication ^{F386}shall ^{F386}may contain:

- a without prejudice to the first paragraph of Article 112 of this Regulation, the name of the beneficiary, as follows:
 - (i) the first name and the surname where the beneficiary is a natural person;
 - (ii) the full legal name as registered where the beneficiary is a legal person with the autonomous legal personality pursuant to the legislation ^{F391}applying in the constituent nation];
 - (iii) the full name of the association as registered or otherwise officially recognised where the beneficiary is an association without an own legal personality;
- b the municipality where the beneficiary is resident or is registered and, where available, the postal code or the part thereof identifying the municipality;
- c the amounts of payment corresponding to each measure ^{F392}under which direct payment support is granted, which is ^{F393}under which agricultural support is granted] received by each beneficiary in the financial year concerned;
- d the nature and the description of the measures ^{F394}under which direct payment support is granted ^{F395}under which agricultural support is granted] and under which the payment referred to in point (c) is awarded.

^{F396}The information referred to in the first subparagraph ^{F386}shall ^{F386}may be made available on a single website ^{F397}for the United Kingdom administered jointly by the relevant authorities]. It ^{F386}shall ^{F386}may remain available for two years from the date of the initial publication.]

^{F3982} As regards the payments corresponding to the measures ^{F399}under which support for rural development is granted] as referred to in point (c) of the first subparagraph of paragraph 1, the amounts to be published shall correspond to the total public funding ^{F400}....]

Textual Amendments

F385 Words in Art. 111(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(11)(a)(i)**; and words in Art. 111(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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- Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **9(10)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F386** Word in Art. 111(1) substituted (E.) (15.12.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(No. 2\) \(England\) Regulations 2022](#) (S.I. 2022/1225), regs. 1(1), **6(2)(a)(i)**
- F387** Words in Art. 111(1) substituted (E.) (15.12.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(No. 2\) \(England\) Regulations 2022](#) (S.I. 2022/1225), regs. 1(1), **6(2)(a)(ii)**
- F388** Words in Art. 111(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **9(11)(a)(ii)**
- F389** Words in Art. 111(1) substituted for “the Funds” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **9(10)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F390** Word in Art. 111(1) inserted (E.) (15.12.2022 in so far as it relates to rural development support measures) by [The Rural Development \(Amendment\) \(No. 2\) \(England\) Regulations 2022](#) (S.I. 2022/1225), regs. 1(1), **6(2)(a)(iii)**
- F391** Words in Art. 111(1)(a)(ii) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **9(11)(a)(iii)**; and words in Art. 111(1)(a)(ii) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **9(10)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F392** Words in Art. 111(1)(c) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **9(11)(a)(iv)**
- F393** Words in Art. 111(1)(c) substituted for “financed by the Funds” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **9(10)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F394** Words in Art. 111(1)(d) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **9(11)(a)(v)**
- F395** Words in Art. 111(1)(d) substituted for “financed by either of the Funds” (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **9(10)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F396** Words in Art. 111(1) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1556), regs. 1(2)(a), **2(18)**; and words in Art. 111(1) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021](#) (S.I. 2021/400), regs. 1(2), **2(19)**
- F397** Words in Art. 111(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020](#) (S.I. 2020/90), regs. 1(2), **9(11)(a)(vi)**; and words in Art. 111(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/763), regs. 1, **9(10)(a)(vi)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F398** Art. 111(2) omitted (E.) (15.12.2022 in so far as it relates to rural development support measures) by virtue of [The Rural Development \(Amendment\) \(No. 2\) \(England\) Regulations 2022 \(S.I. 2022/1225\)](#), regs. 1(1), **6(2)(b)**
- F399** Words in Art. 111(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(10)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F400** Words in Art. 111(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(10)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 112 **E+S+N.I.**

Threshold

[^{F401}The relevant authority shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph of Article 111(1) of this Regulation where the amount of aid from direct payment support and [^{F402}agricultural support] received in one year by a beneficiary is equal to or less than EUR 1250.]

[^{F403}The relevant authority shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph of Article 111(1) of this Regulation where the amount of aid received in one year by a beneficiary is equal to or less than EUR 1250.]

Where the first paragraph of this Article applies the [^{F404}relevant authority] shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of Article 111(1) and the beneficiary shall be identified by a code. [^{F405}The relevant authority] shall decide on the form of that code.

Extent Information

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

Textual Amendments

- F401** Words in Art. 112 substituted for the first and second paragraphs (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(a)**
- F402** Words in Art. 112 substituted (E.) (1.1.2021 in so far as relates to direct payments) by [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), **6(6)**; and words in Art. 112 substituted (S.) (1.1.2021 insofar as relates to direct payments) by [The Direct Payments to Farmers \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/460\)](#), regs. 1(2), **4(4)**; and words in Art. 112 substituted (N.I.) (23.2.2021 insofar as relates to direct payments) by [The Direct Payments to Farmers \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/40\)](#), regs. 1(1), **5(5)**
- F403** Words in Art. 112 substituted for the first and second paragraphs (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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F404 Words in Art. 112 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(b)(i)**; and words in Art. 112 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F405 Words in Art. 112 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(b)(ii)**; and words in Art. 112 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 112

Threshold

^{F535}The relevant authority shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph of Article 111(1) of this Regulation where the amount of aid from direct payment support and ^{F536}received in one year by a beneficiary is equal to or less than £1250.]

^{F537}The relevant authority shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph of Article 111(1) of this Regulation where the amount of aid received in one year by a beneficiary is equal to or less than ^{F538}EUR 1250]^{F538}£1250].]

Where the first paragraph of this Article applies the ^{F539}relevant authority] shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of Article 111(1) and the beneficiary shall be identified by a code. ^{F540}The relevant authority] shall decide on the form of that code.

Extent Information

E16 This version of this provision applies to Wales only; a separate version has been created for England, Scotland and Northern Ireland only

Textual Amendments

F535 Words in Art. 112 substituted for the first and second paragraphs (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(a)**

F536 Words in Art. 112 substituted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(19)**

F537 Words in Art. 112 substituted for the first and second paragraphs (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F538** Sum in Art. 112 substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(20)**
- F539** Words in Art. 112 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(b)(i)**; and words in Art. 112 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F540** Words in Art. 112 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(12)(b)(ii)**; and words in Art. 112 substituted (31.12.2020 insofar as relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(11)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 113

Information of the beneficiaries

[^{F406}The relevant authority] shall inform the beneficiaries that their data will be made public in accordance with Article 111 and that the data may be processed by auditing and investigating bodies ^{F407}... for the purpose of [^{F408}ensuring proper management of public funds].

In accordance with the requirements of [^{F409}Regulation (EU) No 2016/679 and the Data Protection Act 2018], where personal data is concerned, the [^{F410}relevant authority] shall inform the beneficiaries of their rights under the data protection rules and of the procedures applicable for exercising those rights.

Textual Amendments

- F406** Words in Art. 113 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(13)(a)(i)**; and words in Art. 113 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(12)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F407** Words in Art. 113 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(13)(a)(ii)**; and words in Art. 113 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(12)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F408** Words in Art. 113 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(13)(a)(iii)**; and words in Art. 113 substituted (31.12.2020 in so far as it relates to common organisation of the markets and

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rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(12)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F409 Words in Art. 113 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(13)(b)(i)**; and words in Art. 113 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(12)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F410 Words in Art. 113 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(13)(b)(ii)**; and words in Art. 113 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **9(12)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 114

[^{F411}[^{F412}Appropriate authority] powers][^{F411}Powers]

The [^{F413}appropriate authority may make regulations] laying down rules on:

- (a) the form, including the way of presentation by measure, and the calendar of the publication foreseen in Articles 111 and 112;
- (b) the uniform application of Article 113;
- (c) ^{F414} ...

^{F415}

Textual Amendments

F411 Art. 114 heading substituted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(21)**

F412 Words in Art. 114 heading substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **9(14)(a)**

F413 Words in Art. 114 substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **26(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F414 Art. 114(c) omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **26(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F415 Words in Art. 114 omitted (31.12.2020) by virtue of [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **26(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 28/02/2023.

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TITLE VIII

FINAL PROVISIONS

^{F416}Article 115

Regulations: general

- 1 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
- 2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
- 3 Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- 4 Regulations under this Regulation may:
 - a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - b make different provision for different purposes.]

Textual Amendments

F416 Arts. 115-115D substituted for Art. 115 (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(2)**; and Arts. 115-115D substituted for Art. 115 (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **27** (as amended by [S.I. 2020/1445](#), regs. 1(2)(b), **10(10)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F416}Article 115A

Regulations: the Secretary of State

- 1 Except as specified in paragraphs 2 to 6, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
- ^{F417}2
- 3 A statutory instrument containing regulations made by the Secretary of State under Article 75(3) must be laid before Parliament after being made.
- 4 Regulations made by the Secretary of State under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by resolution of each House of Parliament.
- 5 In calculating the period of 28 days for the purposes of paragraph 4, no account is to be taken of any time during which:
 - a Parliament is dissolved or prorogued, or
 - b either House of Parliament is adjourned for more than 4 days.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

6 If regulations cease to have effect as a result of paragraph 4, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.]

Textual Amendments

- F416** Arts. 115-115D substituted for Art. 115 (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(2)**; and Arts. 115-115D substituted for Art. 115 (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **27** (as amended by S.I. 2020/1445, regs. 1(2)(b), **10(10)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F417** Art. 115A(2) omitted (8.6.2020) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **2(6)**

^{F416}Article 115B

Regulations: the Welsh Ministers

1 Except as specified in paragraphs 2 to 5, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

2 A statutory instrument containing regulations made by the Welsh Ministers under Article 75(3) must be laid before the National Assembly for Wales after being made.

3 Regulations made by the Welsh Ministers under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument containing them is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

4 In calculating the period of 28 days for the purposes of paragraph 3, no account is to be taken of any time during which the National Assembly for Wales:

- a is dissolved, or
- b in recess for more than 4 days.

5 If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.]

Textual Amendments

- F416** Arts. 115-115D substituted for Art. 115 (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(2)**; and Arts. 115-115D substituted for Art. 115 (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **27** (as amended by S.I. 2020/1445, regs. 1(2)(b), **10(10)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

*F*⁴¹⁶ Article 115C

Regulations: the Scottish Ministers

1 Except as specified in paragraphs 2 to 5, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

2 Regulations made by the Scottish Ministers under Article 75(3) must be laid before the Scottish Parliament after being made.

3 Regulations made by the Scottish Ministers under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

4 In calculating the period of 28 days for the purposes of paragraph 3, no account is to be taken of any time during which the Scottish Parliament is:

- a dissolved, or
- b in recess for more than 4 days.

5 If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.]

Textual Amendments

F416 Arts. 115-115D substituted for Art. 115 (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(2)**; and Arts. 115-115D substituted for Art. 115 (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **27** (as amended by S.I. 2020/1445, regs. 1(2)(b), **10(10)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

*F*⁴¹⁶ Article 115D

Regulations: Northern Ireland

1 Except as specified in paragraphs 2 to 5, regulations made by the Department of Agriculture, Environment and Rural Affairs (“the Department”) under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

2 Regulations made by the Department under Article 75(3) must be laid before the Northern Ireland Assembly after being made.

3 Regulations made by the Department under Article 75(3) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.

4 In calculating the period of 28 days for the purpose of paragraph 3, no account is to be taken of any time during which the Northern Ireland Assembly is:

- a dissolved,

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- b in recess for more than 4 days, or
- c adjourned for more than 6 days.

5 If regulations cease to have effect as a result of paragraph 3, that does not affect the validity of anything previously done under those regulations or prevent the making of new regulations.]

Textual Amendments

F416 Arts. 115-115D substituted for Art. 115 (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(2)**; and Arts. 115-115D substituted for Art. 115 (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/748\)](#), regs. 1, **27** (as amended by S.I. 2020/1445, regs. 1(2)(b), **10(10)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F418}Article 116

Committee procedure

Textual Amendments

F418 Art. 116 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(3)**; and Art. 116 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 117

Processing and protection of personal data

1 [^{F419}The relevant authority] shall collect personal data for the purpose of carrying out their respective management, control, audit as well as monitoring and evaluation obligations under this Regulation and, in particular, those laid down in Chapter II of Title II, Title III, Chapters III and IV of Title IV, [^{F420}and] Titles V and VI ^{F421}..., as well as for statistical purposes, and shall not process this data in a way that is incompatible with that purpose.

2 Where personal data are processed ^{F422}... for statistical purposes, they shall be made anonymous and processed in aggregated form only.

3 Personal data shall be processed in accordance with the rules of [^{F423}Regulation (EU) No 2016/679 and the Data Protection Act 2018]. In particular, such data shall not be stored in a form which enables data subjects to be identified for longer than is necessary for the purposes for which those data were collected or for which they are further processed, taking into account the minimum retention periods laid down in the applicable ^{F424}... law.

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4 ^[F425]The relevant authority] shall inform the data subjects that their personal data may be processed by national ^{F426}... bodies in accordance with paragraph 1 and that in this respect they enjoy the rights set out in the respective data protection rules of ^{F427}Regulation (EU) No 2016/679 and the Data Protection Act 2018].

5 This Article shall be subject to Articles 111 to 114.

Textual Amendments

- F419** Words in Art. 117(1) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(a)(i)**; and words in Art. 117(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(a)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(10)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F420** Word in Art. 117(1) inserted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(a)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(10)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F421** Words in Art. 117(1) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(a)(ii)**; and words in Art. 117(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(a)(iii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(10)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F422** Words in Art. 117(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(b)**; and words in Art. 117(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(aa)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(10)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F423** Words in Art. 117(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(c)(i)**; and words in Art. 117(3) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F424** Words in Art. 117(3) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(c)(ii)**; and words in Art. 117(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F425** Words in Art. 117(4) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(d)(i)**; and words in Art. 117(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and](#)

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Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **10(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F426 Words in Art. 117(4) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(d)(ii)**; and words in Art. 117(4) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F427 Words in Art. 117(4) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(4)(d)(iii)**; and words in Art. 117(4) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(3)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F428 Article 118

Level of implementation

Textual Amendments

F428 Art. 118 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(5)**; and Arts. 118-121 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(4)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 3(10)(b)); 2020 c. 1, Sch. 5 para. 1(1)

F429 Article 119

Repeal

Textual Amendments

F429 Arts. 118-121 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(4)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), **3(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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F429 Article 119a

Derogation from Regulation (EU) No 966/2012

Textual Amendments

F429 Arts. 118-121 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(4)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F430 Article 120

Transitional measures

Textual Amendments

F430 Arts. 120, 121 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(6)**; and Arts. 118-121 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(4)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F431 Article 121

Entry into force and application

Textual Amendments

F431 Arts. 120, 121 omitted (31.1.2020 in so far as they relate to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(6)**; and Arts. 118-121 omitted (31.12.2020 in so far as they relate to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(4)** (as substituted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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Textual Amendments

F432 Words in Signature omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **10(7)**; and words in Signature omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **10(6)**; 2020 c. 1, **Sch. 5 para. 1(1)**

*Status: Point in time view as at 28/02/2023.**Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)*[^{F433} ANNEX I**INFORMATION IN THE FIELD OF CLIMATE CHANGE MITIGATION
AND ADAPTATION, BIODIVERSITY AND THE PROTECTION
OF WATER AS LAID DOWN IN POINT (D) OF ARTICLE 12(3)****Textual Amendments**

F433 Annex 1 omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **11(1)**; and Annex 1 omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(22)**

Climate change mitigation and adaptation:

- Information helping farmers to plan how best to invest in "climate-proofing" their farm systems, and which [^{F434} financial support] they can use to do so; and in particular, information on adapting farmland to climatic fluctuations and longer term changes and information on how to adopt practical agronomic measures to increase the resilience of farming systems to floods and droughts as well as information on how to improve and optimise soil carbon levels.

Textual Amendments

F434 Words in Annex 1 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **11(1)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Biodiversity:

Protection of water:

General:

ANNEX II

RULES ON CROSS-COMPLIANCE PURSUANT TO ARTICLE 93

SMR : Statutory management requirement
GAEC : Standards for good agricultural and environmental condition of land

Area	Main Issue	Requirements and standards		
Environment, climate change, good agricultural condition of land	Water	SMR 1	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against	Articles 4 and 5

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

SMR	:	Statutory management requirement	
GAEC	:	Standards for good agricultural and environmental condition of land	
			pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1)
		GAEC 1	Establishment of buffer strips along water courses ^a
		GAEC 2	Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures
		GAEC 3	Protection of ground water against pollution: prohibition of direct discharge into groundwater and measures to prevent indirect pollution of groundwater through discharge on the ground and percolation through the soil of dangerous substances, as listed in the Annex to Directive 80/68/EEC in its version in force on the last day of its validity, as far as it relates to agricultural activity
Soil and carbon stock		GAEC 4	Minimum soil cover

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SMR	: Statutory management requirement			
GAEC	: Standards for good agricultural and environmental condition of land			
		GAEC 5	Minimum land management reflecting site specific conditions to limit erosion	
		GAEC 6	Maintenance of soil organic matter level through appropriate practices including ban on burning arable stubble, except for plant health reasons ^b	
	Biodiversity	SMR 2	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7)	Article 3(1), Article 3(2)(b), Article 4(1), (2) and (4)
		SMR 3	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p. 7)	Article 6(1) and (2)
	Landscape, minimum level of maintenance	GAEC 7	Retention of landscape features, including where appropriate, hedges, ponds, ditches, trees in line, in group or isolated, field margins	

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SMR	:	Statutory management requirement		
GAEC	:	Standards for good agricultural and environmental condition of land		
			and terraces, and including a ban on cutting hedges and trees during the bird breeding and rearing season and, as an option, measures for avoiding invasive plant species ^[F435] . Restrictions on converting, ploughing or reseeded environmentally sensitive permanent grassland.]	
Public health, animal health and plant health	Food safety	SMR 4	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1)	Articles 14 and 15, Article ^[F436] 17 ^c and Articles 18, 19 and 20
		SMR 5	Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a	Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7

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SMR	:	Statutory management requirement		
GAEC	:	Standards for good agricultural and environmental condition of land		
			hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3)	
Identification and registration of animals	SMR 6		Council Directive 2008/71/EC of 15 July 2008 on identification and registration of pigs (OJ L 213, 8.8.2005, p. 31)	Articles 3, 4 and 5
	SMR 7		Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97(OJ L 204, 11.8.2000, p. 1)	Articles 4 and 7
	SMR 8		Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the	Articles 3, 4 and 5

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Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

SMR	:	Statutory management requirement		
GAEC	:	Standards for good agricultural and environmental condition of land		
			identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8)	
	Animal diseases	SMR 9	Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1)	Articles 7, 11, 12, 13 and 15
	Plant protection products	SMR 10	Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1)	Article 55, first and second sentence
Animal welfare	Animal welfare	SMR 11	Council Directive	Articles 3 and 4

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

SMR	: Statutory management requirement	
GAEC	: Standards for good agricultural and environmental condition of land	
	2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7)	
	SMR 12 Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5)	Article 3 and Article 4
	SMR 13 Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes(OJ L 221, 8.8.1998, p. 23)	Article 4

a The GAEC buffer strips must respect, both within and outside vulnerable zones designated pursuant to Article 3(2) of Directive 91/676/EEC, at least the requirements relating to the conditions for land application of fertiliser near water courses, referred to in point A.4 of Annex II to Directive 91/676/EEC to be applied in accordance with the action programmes of Member States established under Article 5(4) of Directive 91/676/EEC.

b The requirement can be limited to a general ban on burning arable stubble, but a Member State may decide to prescribe further requirements.

c As implemented in particular by:

- Article 14 of Regulation (EC) No 470/2009 and the Annex of Regulation (EC) No 37/2010,
- Regulation (EC) No 852/2004: Article 4(1) and Annex I part A (II 4 (g, h, j), 5 (f, h), 6; III 8 (a, b, d, e), 9 (a, c)),
- Regulation (EC) No 853/2004: Article 3(1) and Annex III Section IX Chapter 1 (I-1 b, c, d, e; I-2 a (i, ii, iii), b (i, ii), c; I-3; I-4; I-5; II-A 1, 2, 3, 4; II-B 1(a, d), 2, 4 (a, b)), Annex III Section X Chapter 1(1),
- [³Regulation (EC) No 183/2005: Article 5(1) and Annex I, part A (I-4 e, g; II-2 a, b, e), Article 5(5) and Annex III (under the heading 'FEEDING', point 1 entitled 'Storage', first and last sentences, and point 2 entitled 'Distribution', third sentence), Article 5(6), and]
- Regulation (EC) No 396/2005: Article 18.

Editorial Information

X3 Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\)](#)

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (Official Journal of the European Union L 347 of 20 December 2013).

Textual Amendments

- F435** Words in Annex 2 inserted (W.) (31.12.2020 in so far as it relates to direct payments) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(a), **2(20)**; and words in Annex 2 inserted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), **2(23)**
- F436** Word in Annex 2 substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **11(2)**; and word in Annex 2 substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **11(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F437} ANNEX III

Textual Amendments

- F437** Annex 3 omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **11(3)** (as inserted by [S.I. 2020/1445](#), regs. 1(2)(b), **3(11)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Joint statement by the European Parliament and the Council on cross-compliance

The Council and the European Parliament invite the Commission to monitor the transposition and the implementation by the Member States of Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy and Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides and, where appropriate, to come forward, once these Directives have been implemented in all Member States and the obligations directly applicable to farmers have been identified, with a legislative proposal amending this regulation with a view to including the relevant parts of these Directives in the system of cross-compliance.

Status: Point in time view as at 28/02/2023.

Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 10 August 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)

- (1) [OJ C 191, 29.6.2012, p. 116.](#)
- (2) Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ([OJ L 209, 11.8.2005, p. 1.](#))
- (3) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the annual budget of the Union ([OJ L 298, 26.10.2012, p. 1.](#))
- (4) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulations (EC) No 637/2008 and (EC) No 73/2009 (See page 608 of this Official Journal).
- (5) Directive 2000/60/EC of the European Parliament and the Council establishing a framework for Community action in the field of water policy ([OJ L 327, 22.12.2000, p. 1.](#))
- (6) Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([OJ L 309, 24.11.2009, p. 1.](#))
- (7) Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ([OJ L 309, 24.11.2009, p. 71.](#))
- (8) Council Regulation (EC) No 165/94 of 24 January 1994 concerning the co-financing by the Community of remote-sensing checks ([OJ L 24, 29.1.1994, p. 6.](#))
- (9) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (See page 884 of this Official Journal).
- (10) Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ([OJ L 30, 31.1.2009, p. 16.](#))
- (11) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006 (See page 320 of this Official Journal).
- (12) [X] 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 (See page 487 of this Official Journal).]
- (13) Council Regulation (EEC) No 352/78 of 20 February 1978 on the crediting of securities, deposits and guarantees furnished under the common agricultural policy and subsequently forfeited ([OJ L 50, 22.2.1978, p. 1.](#))
- (14) Council Regulation (EC) No 814/2000 of 17 April 2000 on information measures relating to the common agricultural policy ([OJ L 100, 20.4.2000, p. 7.](#))
- (15) Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests ([OJ L 312, 23.12.1995, p. 1.](#))
- (16) Council Regulation (EC) No 485/2008 of 26 May 2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund ([OJ L 143, 3.6.2008, p. 1.](#))
- (17) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ([OJ L 270, 21.10.2003, p. 1.](#))

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- (18) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 277, 21.10.2005, p. 1](#)).
- (19) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([OJ L 299, 16.11.2007, p. 1](#)).
- (20) Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances ([OJ L 20, 26.1.1980, p. 43](#)).
- (21) Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ([OJ L 349, 24.12.1998, p. 1](#)).
- (22) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).
- (23) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).
- (24) [2010] ECR I-11063.
- (25) Commission Regulation (EC) No 259/2008 of 18 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 76, 19.3.2008, p. 28](#)).
- (26) Commission Implementing Regulation (EU) No 410/2011 of 27 April 2011 amending Regulation (EC) No 259/2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 108, 28.4.2011, p. 24](#)).
- (27) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).
- (28) [OJ C 35, 9.2.2012, p. 1](#).
- (29) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ([OJ L 269, 10.10.2013, p. 1](#)).
- (30) Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ([OJ L 204, 11.8.2000, p. 1](#)).
- (31) Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC ([OJ L 5, 9.1.2004, p. 8](#)).
- (32) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([OJ L 165, 30.4.2004, p. 1](#)).
- (33) Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs ([OJ L 213, 8.8.2008, p. 31](#)).

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations \(EEC\) No 352/78, \(EC\) No 165/94, \(EC\) No 2799/98, \(EC\) No 814/2000, \(EC\) No 1290/2005 and \(EC\) No 485/2008 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

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Changes to legislation:

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