

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

TITLE V

**CONTROL SYSTEMS AND PENALTIES**

*CHAPTER I*

**General rules**

*Article 58*

**[<sup>F1</sup>Financial Management]**

1 [<sup>F2</sup>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 [<sup>F3</sup>direct payment support][<sup>F4</sup>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;
- [<sup>F5</sup>d enforce penalties through legal proceedings, as necessary;]
- e recover undue payments plus interest, and bring legal proceedings to that effect as necessary.

2 [<sup>F6</sup>The relevant authority] shall set up efficient management and control systems in order to ensure compliance with the legislation governing [<sup>F7</sup>direct payment][<sup>F8</sup>agricultural] support schemes aimed at [<sup>F9</sup>ensuring proper management of public money].

[<sup>F10</sup>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.]

[<sup>F11</sup>3. Any conditions established by the relevant authority to supplement conditions for receiving agricultural support contained in retained direct EU legislation shall be verifiable.]

<sup>F12</sup>4 .....

**Textual Amendments**

- F1** 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 \(Financing, Management and Monitoring\)](#)

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- (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/763), regs. 1, **7(1)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** 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)
- F3** 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)**
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)**
- F8** 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)
- F9** 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)
- F10** 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)**
- F11** 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)
- F12** 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](#)

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(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)

## Article 59

### General principles of checks

1 Except where otherwise provided, the system set up by the <sup>[F13]</sup>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.

<sup>[F14]</sup>. Where appropriate, all on-the-spot checks provided for in sectoral agricultural legislation shall be carried out at the same time.]

5 <sup>[F16]</sup>The relevant authority] shall ensure a minimum level of on-the-spot checks needed for an effective management of the risks, and shall increase that minimum level where necessary. <sup>[F16]</sup>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 <sup>F17</sup>... provided for <sup>F18</sup>... 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

- F13** 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)
- F14** 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)**
- F15** 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,](#)

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- 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)
- F16** 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 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)
- F17** 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)
- F18** 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.

## <sup>F19</sup>Article 61

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

#### Textual Amendments

- F19** [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

### [<sup>F20</sup>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 [<sup>F21</sup>, 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<sup>(1)</sup>.

2 The [<sup>F22</sup>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 [<sup>F23</sup>relevant authority] with regard to the respect of obligations, commitments and eligibility criteria <sup>F24</sup>...;
- b rules on the minimum level of on-the-spot checks and 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;
- [<sup>F25</sup>d the authorities responsible for performing compliance checks and the content and frequency of those checks;]
- <sup>F26</sup>e .....
- <sup>F26</sup>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.

<sup>F27</sup>  
...

#### Textual Amendments

- F20** 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)**
- F21** 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)**
- F22** 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)**
- F23** 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)**

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- F24** 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)
- F25** 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)**
- F26** 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)
- F27** 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)

### 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 shall not be paid or shall be withdrawn in full or in part <sup>F28</sup>and, where relevant, the corresponding payment entitlements as referred to in Article 21 of Regulation (EU) No 1307/2013 shall not be allocated or shall be withdrawn].

<sup>F29</sup><sup>F30</sup>Where the non-compliance concerns <sup>F31</sup>... rules on public procurement, the part of the aid not to be paid or to be withdrawn shall 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 shall 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, <sup>F32</sup>the relevant authority] shall also impose administrative penalties, in accordance with the rules laid down in <sup>F33</sup>Article 64 and] 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, <sup>F34</sup>and payment entitlements,] concerned by the withdrawal referred to in paragraph 1 and by the penalties referred to in paragraph 2 shall be recovered.

4 The <sup>F35</sup>appropriate authority may make regulations] laying down the conditions for the partial or total withdrawal referred to in paragraph 1.

5 <sup>F36</sup>The appropriate authority may make regulations] laying down detailed procedural and technical rules on:

- 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 <sup>F37</sup>... the application of interest.

<sup>F38</sup>  
...

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### Textual Amendments

- F28** 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)
- F29** 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)**
- F30** 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.](#)
- F31** 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)
- F32** 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)
- F33** 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)**
- F34** 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)
- F35** 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)
- F36** 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)
- F37** 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)
- F38** 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)

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## 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, [<sup>F39</sup>set] in accordance with point (b) of paragraph 7;
- f other cases in which the imposition of a penalty is not appropriate, [<sup>F40</sup>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;
- 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 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;



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- 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 [<sup>F41</sup>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 <sup>F42</sup>... 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 [<sup>F43</sup>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 %;

<sup>F44</sup> c .....

<sup>F45</sup> ...

#### Textual Amendments

- F39** 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)
- F40** 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 \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** 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)
- F42** 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)
- F43** 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)
- F44** 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)
- F45** 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)

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

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## <sup>F46</sup>Article 65

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

#### **Textual Amendments**

- F46** 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 [<sup>F47</sup>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 [<sup>F48</sup>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;
- 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 [<sup>F49</sup>The 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;

<sup>F50</sup>c

.....

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

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F51 ...

#### Textual Amendments

- F47** 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)
- F48** 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)
- F49** 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)
- F50** 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)
- F51** 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 **E+S+N.I.**

#### Scope and terms used

1 <sup>F52</sup>The relevant authority must] operate an integrated administration and control system (the 'integrated system').

<sup>F53</sup>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, <sup>F56</sup>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] <sup>F56</sup>nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;

<sup>X1</sup>(b) <sup>F57</sup>"area-related direct payment" means the basic payment scheme; <sup>F58</sup>... the redistributive payment referred to in <sup>F59</sup>Chapter] 2 of Title III of Regulation (EU) No 1307/2013; 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; <sup>F60</sup>...; 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 <sup>F61</sup>... .]]

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**Changes to legislation:** Regulation (EU) No 1306/2013 of the European Parliament and of the Council, TITLE V is up to date with all changes known to be in force on or before 21 June 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)

### 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

- E1** This version of this provision extends to Scotland only; separate versions have been created for England and Wales and Northern Ireland only

### Textual Amendments

- F52** 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)
- F53** 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)**
- F54** 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)
- F55** 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)
- F56** 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)
- F57** 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)
- F58** 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)**

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*Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council, TITLE V is up to date with all changes known to be in force on or before 21 June 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)*

- F59** 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)**
- F60** 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)**
- F61** 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 <sup>F185</sup>The relevant authority must] operate an integrated administration and control system (the 'integrated system').

2 <sup>F186</sup>The integrated system shall apply <sup>F187</sup>... to the support granted in accordance with points (a) and (b) of Article 21(1) and Articles 28 to 31, 33, <sup>F188</sup>and 34] of Regulation 1305/2013 and where applicable points (b) and (c) of Article 35(1) of Regulation (EU) 1303/2013.

<sup>F186</sup>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 <sup>F189</sup>within Wales], declared by one farmer, which does not cover more than one single crop group; however, <sup>F190</sup>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] <sup>F190</sup>nothing in this Regulation prevents the relevant authority from laying] down additional criteria for further delimitation of an agricultural parcel;

<sup>X3</sup>(b) <sup>F191</sup>"area-related direct payment" means the basic payment scheme; <sup>F192</sup>... the redistributive payment referred to in <sup>F193</sup>Chapter] 2 of Title III of Regulation (EU) No 1307/2013; <sup>F194</sup>... <sup>F195</sup>...; 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 <sup>F196</sup>... .]]

#### Extent Information

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

#### 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, \(EC\) 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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### Textual Amendments

- F185** 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)
- F186** 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)**
- F187** 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)
- F188** 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)
- F189** 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)**
- F190** 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)
- F191** 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)
- F192** 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)**
- F193** 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)**
- F194** 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)**
- F195** 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)**

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**F196** 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 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;
  - <sup>F62</sup>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<sup>(2)</sup> and Council Regulation (EC) No 21/2004<sup>(3)</sup> for the identification and registration of animals.

<sup>F63</sup> .....

<sup>F64</sup> .....

#### Textual Amendments

**F62** 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)

**F63** 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 <sup>F64</sup>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. <sup>F65</sup>The database

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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 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].<sup>X2</sup>

F66  
...

[<sup>F67</sup><sup>F68</sup>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)**

#### Textual Amendments

- F64** 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)
- F65** 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)**
- F66** 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)
- F67** 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)
- F68** 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)**



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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 [<sup>F69</sup>and, as from 2016, at a scale of 1:5 000,] while taking into account the outline and condition of the parcel. <sup>F70</sup>...

[<sup>F71</sup>Notwithstanding the first subparagraph, [<sup>F72</sup>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.]

[<sup>F73</sup>2 [<sup>F74</sup>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

- F69** 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)**
- F70** 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)
- F71** 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)**
- F72** 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 \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/763\)](#), regs. 1, **7(12)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Art. 70(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(9)(b)**; and 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](#)

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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)

**F74** 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)**

### [<sup>F75</sup>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.

[<sup>F76</sup>2 The system referred to in paragraph 1 shall allow direct and immediate consultation, through the competent authority of the [<sup>F77</sup>constituent nation], of the data relating to at least the previous four consecutive calendar years.]]

#### Textual Amendments

**F75** 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)

**F76** 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)**

**F77** 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

[<sup>F78</sup>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;
- 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 [<sup>F83</sup>0.3 ha].]

[<sup>F84</sup>2 By way of derogation from point (a) of paragraph 1 of this Article, [<sup>F85</sup>the relevant authority] may decide that:

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- 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 <sup>F86</sup>, 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;

<sup>F87</sup>b .....]

3 <sup>F88</sup>[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.

<sup>F89</sup>[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.

<sup>F90</sup> ...

4 <sup>F91</sup>[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 <sup>F92</sup>By way of derogation from Council Regulation (EEC, Euratom) No 1182/71, the <sup>F92</sup>[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 <sup>F93</sup>[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

- F78** 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)**
- F79** 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)
- F80** 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)
- F81** 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)
- F82** 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,](#)

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- 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)
- F83** 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)**
- F84** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F85** Words in Art. 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)
- F86** 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)
- F87** 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)
- F88** 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)
- F89** 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 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)
- F90** 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)

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- F91** 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)
- F92** 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)**
- F93** 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, [<sup>F94</sup>the relevant authority], through the paying agencies or the bodies delegated by [<sup>F95</sup>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 [<sup>F96</sup>the relevant authority] shall draw up a sampling plan of agricultural holdings and/or beneficiaries.
- 3 [<sup>F97</sup>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.

#### Textual Amendments

- F94** 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)
- F95** 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

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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, **7(15)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F96** 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)

**F97** 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+S+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.

[<sup>F84</sup>Notwithstanding the first and second subparagraphs of this paragraph, [<sup>F98</sup>the relevant authority] may:

- [<sup>F99</sup>a prior to 1 December but not before 16 October, pay advances <sup>F100</sup>... 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 the verification of eligibility conditions, to be carried out by the [<sup>F101</sup>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 [<sup>F102</sup>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 [<sup>F103</sup>regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

<sup>F104</sup> ...

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### Extent Information

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

### Textual Amendments

- F84** 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.](#)
- F98** 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)
- F99** 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)
- F100** 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)**
- F101** 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)
- F102** 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)
- F103** 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)
- F104** 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

### 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 <sup>[<sup>F197</sup></sup>or in cases where it has not been possible to complete the verification of eligibility conditions by 30 June, upon completion.]

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

[<sup>F198</sup>Notwithstanding the first and second subparagraphs of this paragraph, [<sup>F199</sup>the relevant authority] may:

- [<sup>F200</sup>a prior to 1 December <sup>F201</sup>..., pay advances <sup>F202</sup>... for direct payments [<sup>F203</sup>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 [<sup>F204</sup>(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 [<sup>F205</sup>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 [<sup>F206</sup>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 [<sup>F207</sup>regulations] may derogate from paragraphs 1 and 2, but only to the extent that, and for such a period, as is strictly necessary.

<sup>F208</sup>  
...

#### Extent Information

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

#### Textual Amendments

- F197** 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)**
- F198** 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.
- F199** 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)



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- F200** 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)
- F201** 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\(11\)\(b\)\(i\)](#)
- F202** 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\(13\)\(a\)\(ii\)](#)
- F203** 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\(11\)\(b\)\(ii\)](#)
- F204** 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\(11\)\(c\)](#)
- F205** 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)
- F206** 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)
- F207** 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)
- F208** 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 [<sup>F105</sup>ensures proper management of public money], the [<sup>F106</sup>appropriate authority may make regulations] concerning:

- a specific definitions needed to ensure a harmonised implementation of the integrated system <sup>F107</sup> ...;
- 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 agricultural legislation to be taken <sup>F108</sup> ... 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 [<sup>F109</sup>appropriate authority may make regulations] concerning:

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- 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;
- <sup>F110</sup>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; [<sup>F111</sup>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

- F105** 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)
- F106** 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)
- F107** 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)(ia)** (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)
- F108** 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)
- F109** 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)
- F110** 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)
- F111** 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)

#### 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:
- where the non-compliance is due to force majeure;
  - where the non-compliance is due to obvious errors as referred to in Article 59(6);
  - 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;

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- 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, [F112set] in accordance with point (b) of paragraph 7;
  - f other cases in which the imposition of a penalty is not appropriate, [F113as 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 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 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.

[F1146 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.

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.

[F115The 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 [F116appropriate 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 [F117paragraph 5], the administrative penalty and determining the specific rate to be imposed [F118...], including in cases of non-quantifiable non-compliance;

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- b identifying, the cases in which the administrative penalties are not to be imposed, as referred to in point (f) of paragraph 2.

8 <sup>[F119]</sup>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 %.

F120 ...

### Textual Amendments

- F112** 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))
- F113** 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))
- F114** 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)**; and 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. 1(2)(b), 3(7)(h)); 2020 c. 1, Sch. 5 para. 1(1)
- F115** 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)**
- F116** 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)
- F117** 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)
- F118** 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)
- F119** 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)
- F120** 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)

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## Article 78

### Implementing powers

[<sup>F121</sup>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, <sup>F122</sup>... 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 [<sup>F123</sup>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.

F124 .....

#### Textual Amendments

- F121** 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)
- F122** 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)
- F123** 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)
- F124** 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)

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## 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 [<sup>F125</sup>of CMO support], or their representatives ('undertakings') in order to ascertain whether transactions forming part of the system of financing [<sup>F125</sup>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 [<sup>F126</sup>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 [<sup>F127</sup>system of financing of CMO support].

#### Textual Amendments

**F125** 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)

**F126** 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)

**F127** 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 [<sup>F128</sup>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. [<sup>F128</sup>The relevant authority] shall ensure that [<sup>F128</sup>the selection of undertakings for scrutiny gives

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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.

F129<sup>3</sup> .....

#### Textual Amendments

**F128** 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)

**F129** 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;
- 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 <sup>F130</sup>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 [<sup>F131</sup>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

**F130** 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)

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**F131** 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 <sup>F132</sup>relevant authority responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

<sup>F133</sup>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 <sup>F134</sup>United Kingdom, the undertaking shall make those commercial documents available to officials responsible for the scrutiny, at a place and time to be determined by the <sup>F135</sup>relevant authority responsible for carrying out the scrutiny.

4 <sup>F136</sup>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 <sup>F137</sup>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

**F132** 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)

**F133** 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)

**F134** 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,](#)



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- 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)
- F135** 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)
- F136** 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)
- F137** 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)

### *F138* Article 83

#### **Mutual assistance**

#### **Textual Amendments**

- F138** 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)**

### Article 84

#### **Programming**

- 1 <sup>[F139]</sup>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, <sup>[F140]</sup>the relevant authority] shall send the <sup>[F141]</sup>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 <sup>[F142]</sup>relevant authority] and forwarded to the <sup>[F143]</sup>relevant accounting officer] shall be implemented by the <sup>[F142]</sup>relevant authority], if, within eight weeks, the <sup>[F143]</sup>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 <sup>[F144]</sup>relevant authority].
- 5 At any stage, the <sup>[F145]</sup>relevant accounting officer] may request the inclusion of a particular category of undertaking in the programme of <sup>[F146]</sup>the relevant authority].

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6 Undertakings for which the sum of the receipts or payments amounted to less than EUR 40 000 shall be scrutinised in accordance with this Chapter only for specific reasons to be indicated by the <sup>F147</sup>relevant authority in its] annual programme referred to in paragraph 1 or by the <sup>F148</sup>relevant accounting officer] in any proposed amendment to that programme. <sup>F149</sup>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

- F139** 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)
- F140** 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)
- F141** 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)
- F142** 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)
- F143** 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\(23\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F144** 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)
- F145** 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)
- F146** 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)
- F147** 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)
- F148** 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)
- F149** 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)

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

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## Article 85

### Special departments

1 <sup>F150</sup>A] special department shall be responsible for monitoring the application of this Chapter <sup>F151</sup>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]. <sup>F152</sup>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.

<sup>F153</sup>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 <sup>F154</sup>... with all the powers necessary, to perform the tasks referred to in this Chapter.

<sup>F155</sup>4 .....

#### Textual Amendments

- F150** 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)
- F151** 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)
- F152** 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)
- F153** 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)
- F154** 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)
- F155** 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](#)

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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, [<sup>F156</sup>the relevant authority] shall send the [<sup>F157</sup>relevant accounting officer] a detailed report on the application of this Chapter.

<sup>F158</sup>2 .....

Textual Amendments

- F156** 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)
- F157** 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)
- F158** 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)

<sup>F159</sup>Article 87

Access to information and scrutiny by the Commission

Textual Amendments

- F159** [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)

<sup>F160</sup>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;

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- 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

**F160** 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 <sup>[F161]</sup>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.

<sup>[F162]</sup>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.]

2 Without prejudice to any specific provisions <sup>[F163]</sup>in retained direct EU legislation], imports into the <sup>[F164]</sup>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.

<sup>[X13]</sup> <sup>[F165]</sup>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 <sup>[F166]</sup>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 <sup>F167</sup>... the identity, provenance and quality of <sup>[F168]</sup>wine originating in Great Britain], the <sup>[F169]</sup>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 <sup>[F170]</sup>the relevant authority];
- b rules on control bodies and the mutual assistance between them;
- <sup>[F171]</sup>c rules on the use of findings].

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6 The [<sup>F172</sup>Secretary of State may make regulations] laying down all measures necessary for:

- a the procedures relating to <sup>F173</sup>... 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.

<sup>F174</sup>  
...

[<sup>F175</sup>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

- F161** 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 \(Financing, Management and Monitoring\) \(Miscellaneous Amendments\) \(EU Exit\) 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)
- F162** 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)
- F163** 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)
- F164** 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)
- F165** 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)
- F166** 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,](#)

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- 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)
- F167** 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)
- F168** 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)
- F169** 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)
- F170** 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)
- F171** 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)
- F172** 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)
- F173** 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)
- F174** 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)
- F175** 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 [F176The 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.

2 [F177The 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<sup>(4)</sup> and shall ensure that any operator complying with those obligations is entitled to be covered by a system of checks.

[F178In 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 [F179Great 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 [F180Secretary of State may make regulations] concerning the following:

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*Changes to legislation: Regulation (EU) No 1306/2013 of the European Parliament and of the Council, TITLE V is up to date with all changes known to be in force on or before 21 June 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)*

- F181** 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 <sup>F182</sup>... 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 <sup>F183</sup>..., including testing.

**F184** ...

### Textual Amendments

- F176** 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)
- F177** 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)
- F178** 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)
- F179** 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)
- F180** 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)
- F181** [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)
- F182** 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)
- F183** 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)
- F184** 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)



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- (1) 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](#)).
- (2) 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](#)).
- (3) 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](#)).
- (4) 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](#)).

**Status:**

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**Changes to legislation:**

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