

Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009

REGULATION (EU) No 1307/2013 OF THE  
EUROPEAN PARLIAMENT AND OF THE COUNCIL

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42 and Article 43(2) thereof,

Having regard to the 1979 Act of Accession, and in particular paragraph 6 of Protocol No 4 on cotton attached thereto,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the Court of Auditors<sup>(1)</sup>,

Having regard to the opinions of the European Economic and Social Committee<sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions<sup>(3)</sup>,

Acting in accordance with the ordinary legislative procedure<sup>(4)</sup>,

Whereas:

- (1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future" set out potential challenges, objectives and orientations for the Common Agricultural Policy ("the CAP") after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including Council Regulation (EC) No 73/2009<sup>(5)</sup>. In view of the scope of the reform, it is appropriate to repeal Regulation (EC) No 73/2009 and to replace it with a new text. The reform should also streamline and simplify the relevant provisions.
- (2) One of the core objectives, and one of the key requirements, of the CAP reform is the reduction of the administrative burden. This should be taken firmly into account when shaping the relevant provisions for the direct support scheme.

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- (3) All the basic elements pertaining to the payment of Union support to farmers should be included in this Regulation, which should also fix the conditions of access to payments which are inextricably linked to those basic elements.
- (4) It is necessary to clarify that Regulation (EU) No 1306/2013 of the European Parliament and of Council<sup>(6)</sup> and the provisions adopted pursuant to it are to apply in relation to the measures set out in this Regulation. For the sake of consistency with other legal instruments relating to the CAP, some rules currently provided for in Regulation (EC) No 73/2009 are now laid down in Regulation (EU) No 1306/2013, in particular the rules to guarantee compliance with the obligations laid down by direct payment provisions, including checks and the application of administrative measures and administrative penalties in the case of non-compliance, the rules related to cross-compliance such as the statutory management requirements, the good agricultural and environmental condition, the monitoring and evaluation of relevant measures and the rules related to the payment of advances and the recovery of undue payments.
- (5) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (6) This Regulation should contain a list of the direct payment support schemes covered by it. In order to take into account new legislation on support schemes which may be adopted after the entry into force of this Regulation, the power to adopt certain acts should be delegated to the Commission in respect of the amendment of that list.
- (7) In order to ensure legal certainty, the power to adopt certain acts should be delegated to the Commission in respect of establishing the framework within which Member States are to define the criteria to be met by farmers in order to fulfil the obligation to maintain the agricultural area in a state suitable for grazing or cultivation, and the minimum activities to be carried out on areas naturally kept in a state suitable for grazing or cultivation, as well as the criteria to determine the predominance of grasses and other herbaceous forage and to determine the established local practices as regards permanent grassland and permanent pasture ('permanent grassland').
- (8) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings referred to in Article 16(1) of Regulation (EU) No 1306/2013, an adjustment of the level of direct support in any calendar year should be made as provided for under Article 25 of that Regulation. In order to ensure that it contributes to achieving the objective of a more balanced distribution of payments between small and large beneficiaries, the adjustment of the direct payments should only be applied to payments to be granted to farmers in excess of EUR 2 000 in the corresponding calendar year. Taking into account the levels of direct payments to farmers in Bulgaria, Croatia and Romania in the framework of the application of the phasing-in mechanism to all direct payments granted in those Member States, this instrument of financial discipline

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should only apply in Bulgaria and Romania from 1 January 2016, and in Croatia from 1 January 2022. Specific rules should be laid down in respect of that instrument of financial discipline and of certain other provisions in the case of a legal person, or a group of natural or legal persons, where national law provides for individual members' rights and obligations comparable to those of individual farmers who have the status of a head of holding, in order to strengthen the agricultural structures and promote the establishment of the legal persons or groups concerned.

- (9) In order to ensure the correct application of the adjustment of direct payments with respect to financial discipline, the power to adopt certain acts should be delegated to the Commission in respect of rules on the basis for calculation of reductions to be applied by Member States to farmers pursuant to the application of the financial discipline.
- (10) Experience acquired in the application of the various support schemes for farmers has shown that support was in a number of cases granted to natural or legal persons whose business purpose was not, or was only marginally targeted at an agricultural activity. To ensure that support is better targeted, Member States should refrain from granting direct payments to certain natural and legal persons unless such persons can demonstrate that their agricultural activity is not marginal. Member States should also have the possibility of not granting direct payments to other natural or legal persons whose agricultural activity is marginal. However, Member States should be allowed to grant direct payments to smaller part-time farmers, since those farmers contribute directly to the vitality of rural areas. Member States should also refrain from granting direct payments to natural or legal persons whose agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation and who do not carry out a certain minimum activity.
- (11) In order to guarantee the protection of the rights of farmers, the power to adopt certain acts should be delegated to the Commission in respect of laying down criteria for determining the cases where a farmer's agricultural area is to be considered to be mainly an area naturally kept in a state suitable for grazing or cultivation, criteria to establish the distinction between receipts resulting from agricultural and from non-agricultural activities and the amount of direct payments relevant for applying the marginality test, and criteria to be met by farmers in order to prove that their agricultural activity is not marginal.
- (12) To avoid the excessive administrative burden caused by managing payments of small amounts, Member States should in general refrain from granting direct payments where the amount would be lower than EUR 100, or where the eligible area of the holding for which support is claimed would be less than one hectare. However, as Member States' farming structures vary considerably and may differ significantly from the average farming structure in the Union, Member States should be allowed to apply minimum thresholds that reflect their particular situation. Due to the very specific farming structure in the outermost regions and the smaller Aegean Islands, Member States should be able to decide whether any minimum threshold should apply in those regions. Moreover, Member States should opt for the implementation of one of the two types of minimum threshold, taking account of the particularities of the structures

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of their farming sectors. Since payment could be granted to farmers with so-called 'landless' holdings, the application of the hectare-based threshold would be ineffective. The support-related minimum amount should therefore apply to such farmers. To ensure the equal treatment of farmers in Bulgaria, Croatia and Romania whose direct payments are subject to phasing-in, the minimum threshold should, in those Member States, be based on the final amounts to be granted at the end of the phasing-in process.

- (13) The distribution of direct income support among farmers is characterised by the allocation of disproportionate amounts of payments to a rather small number of large beneficiaries. Larger beneficiaries, due to their ability to exploit economies of size, do not require the same level of unitary support in order for the objective of income support to be efficiently achieved. Moreover, the potential to adapt makes it easier for larger beneficiaries to operate with lower levels of unitary support. Member States should therefore reduce by at least 5 % the part of the basic payment to be granted to farmers which exceeds EUR 150 000. To avoid disproportionate effects on large farms with high employment numbers, Member States may decide to take into account salaried labour intensity when applying the mechanism. In order to make such reduction of the support level effective, no advantage should be granted to farmers who artificially create the conditions to avoid its effects. The proceeds of the reduction of payments to large beneficiaries should remain in the Member States where they were generated and should be made available as Union support for measures financed under the European Agricultural Fund for Rural Development (EAFRD).
- (14) Net ceilings should be determined for each Member State in order to limit the payments to be made to farmers following the application of the reduction of payments. To take into account the specific characteristics of CAP support granted in accordance with Regulation (EU) No 228/2013 of the European Parliament and of the Council<sup>(7)</sup> and Regulation (EU) No 229/2013 of the European Parliament and of the Council<sup>(8)</sup>, and the fact that these direct payments are not subject to reduction of payments, the net ceiling for the Member States concerned should not include those direct payments.
- (15) In order to take account of the developments relating to the total maximum amounts of direct payments that may be granted, including those resulting from the decisions to be taken by the Member States regarding transfers between the first and second pillars and the application of the reduction and, where applicable, capping of payments, as well as those resulting from the notifications to be made by Croatia regarding the demined land that has returned to use for agricultural activities, the power to adopt certain acts should be delegated to the Commission in respect of adapting the national and net ceilings set out in this Regulation.
- (16) It should be specified that those provisions of this Regulation which could give rise to behaviour of a Member State capable of constituting State aid are excluded from the application of the State aid rules, given that the provisions concerned include appropriate conditions for the granting of support, or envisage the adoption of such conditions by the Commission, in order to prevent any undue distortion of competition.
- (17) With a view to strengthening their rural development policy, Member States should be given the possibility to transfer funds from their direct payments ceiling to their support

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assigned for rural development. Member States should also be given the possibility to transfer funds from their support assigned for rural development to their direct payments ceiling. To ensure the effectiveness of this tool, Member States should be given the possibility to review their initial decision once, with effect from claim year 2018, provided that any decision based on such review does not entail any decrease in the amounts assigned for rural development.

- (18) In order to achieve the objectives of the CAP, the support schemes may need to be adapted to changing developments, if necessary within short time-limits. Therefore, it is necessary to provide for a possible review of the support schemes, in particular in the light of economic developments or the budgetary situation, with the result that beneficiaries cannot assume that support conditions remain unchanged.
- (19) Farmers in Member States which acceded to the Union on or after 1 May 2004 received direct payments following a phasing-in mechanism provided for in the respective Acts of Accession. For Bulgaria and Romania, such mechanism will still be in force in 2015, and for Croatia, it will be in force until 2021. Furthermore, those Member States were allowed to grant complementary national direct payments. The possibility for granting such payments should be maintained for Croatia and, as a complement to the basic payment scheme for Bulgaria and Romania, until they are fully phased-in. As regards authorising Croatia to grant complementary national direct payments, the Commission should be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(9)</sup>.
- (20) Regulation (EC) No 73/2009, as amended by the Act of Accession of 2011, provides for a special national de-mining reserve for Croatia in order to finance, for a period of ten years after its accession to the Union, the allocation of payment entitlements to land which is de-mined and returned to agricultural use every year. It is appropriate to set the rules for determining the amounts allotted to funding support for that land under the support schemes provided for in this Regulation and the rules for the management of that reserve. In order to take account of the amounts resulting from the notifications to be made by Croatia regarding the de-mined land that has returned to use for agricultural activities, the power to adopt certain acts should be delegated to the Commission in respect of reviewing certain financial provisions applying to Croatia.
- (21) In order to ensure a better distribution of support across agricultural land in the Union, including in those Member States which applied the single area payment scheme established under Regulation (EC) No 73/2009, a new basic payment scheme should replace the single payment scheme established under Council Regulation (EC) No 1782/2003<sup>(10)</sup>, and continued under Regulation (EC) No 73/2009, which combined previously existing support mechanisms in a single scheme of decoupled direct payments. Such a move should, in principle, result in the expiry of payment entitlements obtained under those Regulations and the allocation of new ones. That allocation of new payment entitlements should be based, as a general rule, on the number of eligible hectares at the disposal of farmers in the first year of implementation of the scheme. However, Member States which currently operate the single payment scheme on a regional or regional hybrid basis should have the possibility of keeping

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their existing payment entitlements. In order to avoid a situation in a given Member State in which an increase in the eligible area dilutes disproportionately the amount of direct payments per hectare and thus affects the internal convergence process, Member States should be allowed, when carrying out the first allocation of payment entitlements, to apply certain limitations for the purpose of establishing the number of payment entitlements.

- (22) Due to the successive integration of various sectors into the single payment scheme and the subsequent period of adjustment granted to farmers, it has become increasingly difficult to justify the existence of significant individual differences in the level of support per hectare resulting from use of historical references. Therefore, direct income support should be more equitably distributed between Member States, by reducing the link to historical references and having regard to the overall context of the Union budget. To ensure a more equal distribution of direct support, while taking account of the differences that still exist in wage levels and input costs, the levels of direct support per hectare should be progressively adjusted. Member States that have direct payments below the level of 90 % of the Union average should close one third of the gap between their current level and this level, with all Member States arriving at a minimum level by financial year 2020. This convergence should be financed proportionally by all Member States that have direct payment levels above the Union average level.
- (23) In addition, as a general rule, all payment entitlements activated in 2019 in a Member State or in a region should have a uniform unit value. However, in order to avoid disruptive financial consequences for farmers, Member States should be allowed to take historical factors into account when calculating the value of payment entitlements which farmers should have in 2019, provided that no payment entitlements in 2019 have a value lower than 60 % of the average. Member States should finance this convergence by reducing, on the basis of objective and non-discriminative criteria which they are to establish, the value of payment entitlements that exceeds the 2019 average. In this context and in order to avoid unacceptably disruptive losses for certain farmers, Member States may limit this reduction to 30 % of the initial value of the concerned entitlements, even if such a limitation does not allow for all payment entitlements to reach 60 % of the average value for 2019. Except for those Member States that opt for a uniform unit value from the first year of implementation of the scheme, the convergence should be made in equal steps. The convergence of the payment entitlements with a value above the average should also take account of the estimated resources available for payment entitlements. However, for those Member States which keep their existing payment entitlements and which have already opted for convergence steps in accordance with Article 63(3) of Regulation (EC) No 1782/2003, those convergence steps should be implemented, where applicable, and the value of all payment entitlements should be adjusted to take account of the estimated resources available for payment entitlements.
- (24) The experience gained through applying the single payment scheme has shown that some of its main elements should be kept, including the determination of national ceilings to ensure that the total level of support does not exceed current budgetary constraints. Member States should also continue to operate a national reserve, or should

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be allowed to establish regional reserves. Such national or regional reserves should be used, as a matter of priority, to facilitate the participation of young farmers and farmers commencing their agricultural activity in the scheme and using them should be allowed in order to take account of certain other specific situations. Rules on the transfer and use of payment entitlements should be retained.

- (25) The experience gained through applying Regulation (EC) No 73/2009 has shown that Member States did not use the entire amount of the funds available under the national ceilings laid down in that Regulation. While, compared to the system under that Regulation, this Regulation reduces the risk of unspent funds Member States should nonetheless have the possibility of distributing payment entitlements for a higher value than the amount available for their basic payment scheme, in order to facilitate a more efficient use of the funds. Member States should therefore be allowed, within certain common limits and in respect of the net ceilings for direct payments, to calculate the necessary amount by which their basic payment ceiling may be increased.
- (26) As a general rule, any agricultural area of the holding, including areas that were not in good agricultural condition on 30 June 2003 in Member States acceding to the Union on 1 May 2004 that opted to apply the single area payment scheme, that is used for an agricultural activity is eligible to benefit from the basic payment. Given the potential for non-agricultural activities to contribute to the income diversification of agricultural holdings and to the vitality of rural areas, an agricultural area of a holding that is used also for non-agricultural activities is to be considered eligible on condition that it is used predominantly for agricultural activities. For the purpose of assessing that predominance, common criteria should be set for all Member States. In this context and in order to ensure better targeting of direct payments, it should be possible for Member States to draw up, in the interests of legal certainty and clarity, a list of areas which are predominantly used for non-agricultural activities and are hence ineligible. Furthermore, in order to maintain the eligibility of land that was eligible for the purpose of activating set-aside entitlements prior to the abolition of the set-aside obligation, it should be provided that certain afforested areas, including those afforested under national schemes complying with the relevant rules in Council Regulation (EC) No 1698/2005<sup>(11)</sup> or Regulation (EU) No 1305/2013 of the European Parliament and of the Council<sup>(12)</sup>, or areas subject to certain environmental commitments, are eligible to benefit from the basic payment.
- (27) In order to avoid a situation in which, in a given Member State, an increase in the eligible area dilutes disproportionately the amount of direct payments per hectare and thus affects the internal convergence process, Member States should be allowed to use a reduction coefficient for determining the eligible area of permanent grassland where grasses and other herbaceous forage are traditionally not predominant in grazing areas, but form part of established local practices.
- (28) As regards hemp, specific measures should be kept to ensure that illegal crops cannot be hidden among the crops eligible for the basic payment, thereby adversely affecting the market for hemp. Hence, payments should continue to be granted only for areas

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sown with varieties of hemp offering certain guarantees with regard to its psychotropic substance content.

- (29) In order to ensure legal certainty, and in order to clarify the specific situations that may arise in the application of the basic payment scheme, the power to adopt certain acts should be delegated to the Commission in respect of rules on eligibility and access in respect of the basic payment scheme of farmers, in the case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination, transfer of payment entitlements, and in the case of a merger or scission of the holding and in the case of a contract clause regarding the right to receive payment entitlements in the first year of allocation of payment entitlements. Moreover, that delegation of power should also cover rules on the calculation of the value and number or on the change in the value of payment entitlements in relation to the allocation of payment entitlements, including rules on the possibility of a provisional value and number or of a provisional increase of payment entitlements allocated on the basis of the application from the farmer, on the conditions for establishing the provisional and definitive value and number of the payment entitlements and on the cases where a sale or lease contract could affect the allocation of payment entitlements. Furthermore, that delegation of power should also cover rules on the establishment and calculation of the value and number of payment entitlements received from the national reserve or regional reserves; rules on the modification of the unit value of payment entitlements in the case of fractions of payment entitlements and the transfer of payment entitlements without land. In addition, that delegation of power should also cover criteria for the allocation of payment entitlements to farmers who did not receive direct payments in 2013 or pursuant to the use of the national or regional reserve; criteria for applying limitations on the number of payment entitlements to be allocated; and criteria for setting the reduction coefficient for conversion of certain permanent grassland to eligible hectares.
- (30) In order to ensure the proper management of payment entitlements, the power to adopt certain acts should be delegated to the Commission in respect of rules on the content of the declaration and the requirements for the activation of payment entitlements.
- (31) In order to preserve public health, the power to adopt certain acts should be delegated to the Commission in respect of laying down rules making the granting of payments conditional upon the use of certified seeds of certain hemp varieties and defining the procedure for the determination of hemp varieties and the verification of their tetrahydrocannabinol content.
- (32) In view of the considerable administrative, technical and logistical difficulties the transition to the basic payment scheme represents for the Member States applying the single area payment scheme under Regulation (EC) No 73/2009, they should be allowed to apply the single area payment scheme for the purpose of granting the basic payment for a further transitional period until the end of 2020 at the latest. If a Member State decides to introduce the basic payment scheme by 2018, it may opt for differentiating the payments under the single area payment scheme according to the level of certain payments granted in 2014 under the regimes for specific support and separate payments



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provided for in Regulation (EC) No 73/2009, or, in the case of Cyprus, under the sector-specific financial envelopes for transitional national aid.

- (33) In order to guarantee the protection of the rights of beneficiaries and in order to clarify the specific situations that may arise in the application of the single area payment scheme, the power to adopt certain acts should be delegated to the Commission in respect of laying down rules on eligibility and access in respect of the single area payment scheme of farmers.
- (34) In Member States applying the single area payment scheme which were allowed to grant transitional national aid, such aid has played an important role in supporting the income of farmers in specific sectors. For that reason, and in order to avoid a sudden and substantial decrease of support from 2015 in those sectors benefiting, until 2014, from transitional national aid, it is appropriate to provide, in those Member States, for the possibility to grant that aid as a complement to the single area payment scheme. In order to ensure the continuity of the support with the transitional national aid granted so far, it is appropriate to limit the conditions to those applicable in 2013 to that aid, or in the case of Bulgaria and Romania to complementary national direct payments, authorised by the Commission following the requests from Member States. It is also appropriate to limit the maximum amounts of aid by sector, compared to their levels in 2013, to ensure a steady decrease of the aid levels and to ensure their compatibility with the convergence mechanism.
- (35) Specific rules should be provided for the first allocation and for the calculation of the value of payment entitlements when Member States having applied the single area payment scheme pursuant to this Regulation introduce the basic payment scheme. In order to ensure a smooth transition between those schemes, the power to adopt certain acts should be delegated to the Commission in respect of further rules on the introduction of the basic payment scheme in Member States having applied the single area payment scheme.
- (36) Taking into account the need for the unitary support to farmers with smaller holdings to be sufficient in order to achieve the objective of income support effectively, Member States should be allowed to redistribute direct support between farmers by granting them an extra payment for the first hectares.
- (37) One of the objectives of the new CAP is the enhancement of environmental performance through a mandatory "greening" component of direct payments which will support agricultural practices beneficial for the climate and the environment applicable throughout the Union. For that purpose, Member States should use part of their national ceilings for direct payments in order to grant, on top of the basic payment, an annual payment which may take account of internal convergence in the Member State or region, for compulsory practices to be followed by farmers addressing, as a priority, both climate and environment policy goals. Those practices should take the form of simple, generalised, non-contractual and annual actions that go beyond cross-compliance and that are linked to agriculture, such as crop diversification, the maintenance of permanent grassland, including traditional orchards where fruit trees are grown in low density on grassland, and the establishment of ecological focus areas. In order to better achieve

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the objectives of "greening" and to allow for its efficient administration and control, such practices should apply to the whole eligible area of the holding. The compulsory nature of those practices should also concern farmers whose holdings are fully or partly situated in "Natura 2000" areas covered by Council Directive 92/43/EEC<sup>(13)</sup> and by Directive 2009/147/EC of the European Parliament and of the Council<sup>(14)</sup>, or in areas covered by Directive 2000/60/EC of the European Parliament and of the Council<sup>(15)</sup>, as long as those practices are compatible with the objectives of those Directives.

- (38) Given the recognised environmental benefits of the organic farming systems, farmers should, for those units of their holding on which they fulfil the conditions laid down in Council Regulation (EC) No 834/2007<sup>(16)</sup>, benefit from the "greening" component without needing to fulfil any further obligation.
- (39) Failure to respect the "greening" component should lead to penalties on the basis of Regulation (EU) No 1306/2013.
- (40) In order to accommodate the diversity of agricultural systems and the different environmental situations across the Union, it is justified to recognise, in addition to the three greening practices established in this Regulation, practices covered by agri-environment-climate measures or certification schemes that are similar to greening and that yield an equivalent or higher level of benefit for the climate and the environment. For reasons of legal clarity these practices should be laid down in an Annex to this Regulation. Member States should decide whether to offer to farmers the possibility of using equivalent practices and the greening practices established in this Regulation in order to require the farmer to observe the practices best suited to ensure the objectives of the measure and they should notify the Commission of their decisions. For reasons of legal certainty, the Commission should assess whether the practices covered by the notified equivalent measures are covered by the Annex. If the Commission considers this not to be the case, it should notify Member States accordingly by means of an implementing act adopted without applying Regulation (EU) No 182/2011. In order to allow a simpler implementation of equivalence and for reasons of controllability, rules should be laid down as regards the area coverage of equivalent measures, taking into account the specific characteristics of agri-environment-climate measures and certification schemes. In order to ensure that equivalent practices are properly applied and that double funding is avoided, the power to adopt certain acts should be delegated to the Commission for the purpose of adding practices to the list of equivalent practices, establishing requirements for the national or regional certification schemes and, where necessary, establishing detailed rules for the calculation of related amounts.
- (41) The obligations relating to crop diversification should be applied in a way that takes into account the difficulty for smaller farms to diversify, while continuing to make progress towards enhanced environmental benefit, and in particular the improvement of soil quality. Exceptions should be provided for farms that already fulfil the objectives of crop diversification as a result of being covered to a significant extent by grassland or fallowland, for specialised farms rotating their parcels each year or for farms that because of their geographical localisation would have excessive difficulties in introducing a third crop. In order to ensure that the obligations referred to in the crop

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diversification measure are applied in a proportionate and non-discriminatory way and lead to an enhanced environmental protection, the power to adopt certain acts should be delegated to the Commission in respect of recognising further genera and species and laying down rules concerning the application of the precise calculation of shares of different crops.

- (42) For the sake of the environmental benefits of permanent grassland and in particular carbon sequestration, provision should be made for the maintenance of permanent grassland. This protection should consist of a ban on ploughing and conversion on the environmentally most sensitive areas in "Natura 2000" areas covered by Directives 92/43/EEC and 2009/147/EC, and of a more general safeguard, based on a ratio of permanent grassland, against conversion to other uses. Member States should be empowered to delineate further environmentally sensitive areas not covered by those Directives. In addition, they should choose at which territorial level the ratio should apply. In order to assure an efficient protection of permanent grassland, the power to adopt certain acts should be delegated to the Commission for the purpose of defining the framework for the designation, by Member States, of permanent grasslands not covered by Directives 92/43/EEC or 2009/147/EC.
- (43) In order to ensure that the ratio of permanent grassland to the total agricultural area is correctly determined and maintained, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of detailed methods for the determination of that ratio, detailed rules on maintenance of permanent grassland and the relevant time frame for an obligation upon individual farmers to reconvert land.
- (44) Ecological focus areas should be established, in particular, in order to safeguard and improve biodiversity on farms. The ecological focus area should therefore consist of areas directly affecting biodiversity such as land lying fallow, landscape features, terraces, buffer strips, afforested areas and agro-forestry areas, or indirectly affecting biodiversity through a reduced use of inputs on the farm, such as areas covered by catch crops and winter green cover. The obligations laid down in respect of the ecological focus area should be applied in a way that avoids putting a disproportionate burden on smaller farms in comparison to the additional enhanced environmental benefit. Exceptions should be provided for farms that already fulfil the objectives of ecological focus areas by being covered to a significant extent by grassland or fallowland. Exceptions should also be provided, in the case of predominantly forested Member States, for farmers that pursue an agricultural activity in areas facing natural constraints in certain predominantly forested areas where there is a significant risk of land abandonment. In addition, provision should be made for the possibility for Member States and farmers to implement at a regional or collective level the obligation in order to obtain adjacent ecological focus areas that are more beneficial for the environment. For the sake of simplification, Member States should have the option to standardise the measurement of the ecological focus areas.
- (45) In order to ensure the that ecological focus areas are established in an efficient and coherent way, while taking into account Member States' specific characteristics, the power to adopt certain acts should be delegated to the Commission in respect of laying

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down further criteria for the qualification of areas as ecological focus areas; recognising other types of ecological focus areas; establishing conversion and weighting factors for certain types of ecological focus area; establishing rules for the implementation, by Member States, of a part of the ecological focus area at regional level; laying down rules for collective implementation of the obligation to keep ecological focus areas by holdings in close proximity; establishing the framework for the criteria, to be defined by Member States, for identifying such close proximity; and establishing the methods of determination of the ratio of forest to agricultural land. When adding other types of ecological focus area, the Commission should ensure that they aim to improve the general environmental performance of the holding, in particular as regards biodiversity, the improvement of soil and water quality, the preservation of landscape and meeting the climate change mitigation and adaptation objectives.

- (46) In order to promote the sustainable development of agriculture in areas with specific natural constraints, Member States should be able to use part of their direct payments ceilings to grant an annual area-based payment, on top of the basic payment, to all farmers operating in those areas or in some of those areas, where decided by the Member State. That payment should not replace the support given under rural development programmes and should not be granted to farmers in areas which were designated in accordance with Regulation (EC) No 1698/2005 but have not been designated in accordance with Regulation (EU) No 1305/2013.
- (47) The creation and development of new economic activity in the agricultural sector by young farmers is financially challenging and constitutes an element that should be considered in the allocation and targeting of direct payments. This development is essential for the competitiveness of the agricultural sector in the Union and, for that reason, an income support to young farmers commencing their agricultural activities should be established in order to facilitate the initial establishment of young farmers and the structural adjustment of their holdings after the initial setting up. For that purpose, Member States should use part of their national ceilings for direct payments to grant to young farmers an annual payment, on top of the basic payment. Member States should be able to decide on a calculation method for that payment and, if that method implies an obligation to set a limit on the payment per farmer, such a limit is to be set in respect of the general principles of Union law. Since it should only cover the initial period of the life of the business and should not become an operating aid, that payment should only be granted during a maximum period of five years. It should be available to young farmers commencing their agricultural activity who are no more than 40 years of age in the year of the first submission of the application under the basic payment scheme or under the single area payment scheme.
- (48) In order to guarantee the protection of the rights of beneficiaries and to avoid discrimination between them, the power to adopt certain acts should be delegated to the Commission in respect of defining the conditions under which a legal person may be considered eligible for receiving the payment for young farmers.
- (49) Member States should be allowed to use part of their national ceilings for direct payments for coupled support in certain sectors or regions in clearly defined cases.

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The resources that may be used for any coupled support should be limited to an appropriate level, while allowing such support to be granted in Member States in their specific sectors or regions facing particular situations where specific types of farming or specific agricultural sectors are particularly important for economic, environmental and/or social reasons. Member States should be allowed to use up to 8 % of their national ceilings for this support, or 13 % where their level of coupled support exceeds 5 % in at least one of the years of the period 2010-2014 or where they apply the single area payment scheme until 31 December 2014. Furthermore, in order to maintain the protein-based autonomy of the breeding sector, Member States which decide to use at least 2 % of their national ceilings to support the production of protein crops should be allowed to increase those percentages by up to two percentage points. In duly justified cases where certain sensitive needs in a sector or a region are demonstrated, and upon approval by the Commission, Member States should be allowed to use more than 13 % of their national ceiling. As an alternative to those percentages, Member States may choose to use up to EUR 3 million per year for financing the coupled support. Coupled support should only be granted to the extent necessary to create an incentive to maintain current levels of production in the sectors or regions concerned. That support should also be available to farmers holding, on 31 December 2013, special payment entitlements allocated under Regulation (EC) No 1782/2003 and Regulation (EC) No 73/2009, and who do not have eligible hectares for the activation of payment entitlements. As regards the approval of voluntary coupled support exceeding 13 % of the annual national ceiling fixed per Member State, the Commission should be further empowered to adopt implementing acts without applying Regulation (EU) No 182/2011.

- (50) In order to ensure efficient and targeted use of Union funds and to avoid double funding under other similar support instruments, the power to adopt certain acts should be delegated to the Commission in respect of establishing the conditions for granting voluntary coupled support, as well as rules on its consistency with other Union measures and on the cumulation of support.
- (51) In order to ensure against any risk of disruption to production in the cotton producing regions, a part of support to the cotton sector under Regulation (EC) No 73/2009 continued to be linked to the cultivation of cotton through a crop-specific payment per eligible hectare, taking into account all relevant factors. This situation should be maintained in accordance with the objectives set out in Protocol No 4 on cotton attached to the 1979 Act of Accession.
- (52) In order to ensure the efficient application and management of the crop-specific payment for cotton, the power to adopt certain acts should be delegated to the Commission in respect of establishing rules and conditions for the authorisation of land and varieties for the purposes of the crop-specific payment for cotton; rules on the conditions for the granting of that payment, on the eligibility requirements and the agronomic practices; criteria for the approval of interbranch organisations; obligations for producers; and rules governing the situation where the approved interbranch organisation does not satisfy those criteria.

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- (53) Chapter 2 of Council Regulation (EC) No 637/2008<sup>(17)</sup> required each cotton producing Member State to submit to the Commission either every four years and for the first time by 1 January 2009 a draft four-year restructuring programme, or by 31 December 2009 a single draft modified eight-year restructuring programme. Experience has shown that the restructuring of the cotton sector would be better served through other measures, including those under rural development programming financed under Regulation (EU) No 1305/2013. Such measures would also allow for a greater co-ordination with measures in other sectors. The acquired rights and legitimate expectations of undertakings already involved in restructuring programmes should, however, be respected. Therefore, the ongoing programmes of four or eight years should be allowed to run their course, with no possibility of extension. Funds available from the four-year programmes could then be integrated into the available Union funds for measures under rural development from 2014. Given the programming period, funds available after the end of the eight-year programmes would not be useful in rural development programmes in 2018, and could therefore be more usefully transferred to support schemes under this Regulation, as already provided for in Regulation (EC) No 637/2008. Regulation (EC) No 637/2008 will therefore become obsolete from 1 January 2014 or 1 January 2018 as regards Member States which have, respectively, four or eight-year programmes and should therefore be repealed.
- (54) Member States should be allowed to establish a simple and specific scheme for small farmers in order to reduce the administrative costs linked to the management and control of direct support. For that purpose, Member States should be allowed to establish either a lump-sum payment that replaces all direct payments, or a payment based on the amount due to the farmers each year. Rules simplifying formalities should be introduced by reducing, inter alia, the obligations imposed on small farmers, such as those related to the application for support, to agricultural practices beneficial for the climate and the environment, to cross-compliance and to controls as laid down in Regulation (EU) No 1306/2013 without jeopardising the achievement of the overall objectives of the reform, it being understood that Union legislation as referred to in Annex II to Regulation (EU) No 1306/2013 applies to small farmers. The objective of that scheme should be to support the existing agricultural structure of small farms in the Union without countering the development towards more competitive structures. For that reason, access to the scheme should, in principle, be limited to existing holdings. Participation of farmers in the scheme should be optional. However, in order to further increase the impact of the scheme in terms of simplification, Member States should be allowed to include certain farmers in the scheme automatically, subject to the possibility for them to opt-out.
- (55) In order to ensure legal certainty, the power to adopt certain acts should be delegated to the Commission in respect of establishing conditions for participation in the small farmers scheme if the situation of the participating farmer changes.
- (56) In the interest of simplification and in order to take into account the specific situation of the outermost regions, direct payments in those regions should be managed within the support programmes established by Regulation (EU) No 228/2013. As a consequence,

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provisions in this Regulation relating to the basic payment and related payments, to coupled support and to the small farmers scheme should not apply to those regions.

- (57) Notifications are needed from Member States for the purpose of applying this Regulation, and for the purpose of monitoring, analysing and managing direct payments. In order to ensure the correct application of the rules set out in this Regulation and to make such notifications fast, efficient, accurate, cost-effective and compatible with the protection of personal data, the power to adopt certain acts should be delegated to the Commission in respect of establishing the necessary measures regarding notifications to be made by Member States to the Commission or for the purpose of checking, controlling, monitoring, evaluating and auditing direct payments and for complying with requirements laid down in international agreements, including notification requirements under those agreements and in respect of further rules on the nature and type of the information to be notified, the categories of data to be processed and maximum period of retention, the access rights to the information or information systems and the conditions of publication of the information.
- (58) Personal data collected for the purposes of the application of direct payments should be processed in a way that is compatible with those purposes. It should also be made anonymous, be aggregated when processed for monitoring or evaluation purposes, and be protected in accordance with Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council<sup>(18)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>(19)</sup>. Data subjects should be informed of such processing and of their data protection rights.
- (59) The European Data Protection Supervisor was consulted and delivered an opinion on 14 December 2011<sup>(20)</sup>.
- (60) In order to ensure a smooth transition from the arrangements provided for in Regulation (EC) No 73/2009 to those laid down in this Regulation, the power to adopt certain acts should be delegated to the Commission in respect of establishing the necessary measures to protect any acquired rights and legitimate expectations of farmers.
- (61) In order to ensure uniform conditions for the implementation of this Regulation and to avoid unfair competition or discrimination between farmers, implementing powers should be conferred on the Commission in respect of: setting the amount to be included in the special national de-mining reserve for Croatia; fixing the annual national ceiling for the basic payment scheme; adopting rules on applications for allocation of payment entitlements; adopting measures regarding the reversion of non-activated payment entitlements to the national reserve; adopting modalities of the notification of transfer of payment entitlements to the national authorities and the deadlines within which such notifications are to take place; fixing the annual national ceiling for the single area payment scheme; adopting rules on applications for allocation of payment entitlements submitted in the year of allocation of payment entitlements where Member States change to the basic payment scheme; fixing annual ceilings for the redistributive payment. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

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- (62) In order to ensure uniform conditions for the implementation of this Regulation and to avoid unfair competition or discrimination between farmers, implementing powers should also be conferred on the Commission in respect of: adopting rules on the procedure, including on the timetables for their submission, for the Member States' notifications and the Commission assessment as regards equivalent practices; adopting certain limits within which the obligation to maintain permanent grassland is considered to be being complied with; setting out the annual ceiling for the payment for agricultural practices beneficial for the climate and the environment; setting out the annual ceiling for the payment for areas with natural constraints; setting out the annual ceiling for the payment for young farmers. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (63) In order to ensure uniform conditions for the implementation of this Regulation and to avoid unfair competition or discrimination between farmers, implementing powers should also be conferred on the Commission in respect of: setting out the annual ceilings for the voluntary coupled support; adopting rules on the procedure for the assessment and approval of decisions in the framework of the voluntary coupled support; adopting rules on the authorisation procedure and on the notifications to the producers related to the authorisation of land and varieties for the purposes of the crop-specific payment for cotton; adopting rules on the calculation of the reduction of the amount of the crop-specific payment for cotton; adopting rules concerning general notification requirements and methods; and adopting necessary and justifiable measures to resolve specific problems in an emergency. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (64) In order to solve urgent problems occurring in one or more Member States while ensuring the continuity of the direct payments system, the Commission should adopt immediately applicable implementing acts where, in duly justified cases, extraordinary circumstances affect the granting of support and jeopardise the effective implementation of the payments under the support schemes listed in this Regulation.
- (65) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the links between this Regulation and the other instruments of the CAP, the disparities between the various rural areas and the limited financial resources of the Member States in an enlarged Union, be better achieved at Union level through the multiannual guarantee of Union financing and by concentrating on clearly identified priorities, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (66) Given that Regulation (EC) No 73/2009 is to continue to apply in 2014, this Regulation should apply in general from 1 January 2015. However, the provisions of this Regulation on flexibility between pillars provide for the possibility for Member States to take decisions and notify them to the Commission by 31 December 2013. In addition, some other provisions of this Regulation require action to be taken in 2014. Those provisions should, therefore, apply from the entry into force of this Regulation.



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- (67) Due to the urgency of preparing the smooth implementation of the measures envisaged, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

#### Modifications etc. (not altering text)

- C1** Regulation: power to modify conferred (E.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), **ss. 9, 10, 57(1)(b)(c)(6)**
- C2** Regulation: power to modify conferred (W.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), [57\(1\)\(b\)\(c\)\(6\)](#), **Sch. 5 paras. 2, 3**
- C3** Regulation: power to modify conferred (N.I.) (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), [57\(1\)\(b\)\(c\)\(6\)](#), **Sch. 6 paras. 24**

#### Commencement Information

- II** Regulation (except Art. 13) as it has effect for the claim year 2020 brought into domestic law on exit day by virtue of Direct Payments to [Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), **ss. 1, 4, 9(3)**

## TITLE I **U.K.**

### SCOPE AND DEFINITIONS

#### Article 1 **U.K.**

##### Scope

This Regulation establishes:

- (a) common rules on payments granted directly to farmers under the support schemes listed in Annex I ("direct payments");
- (b) specific rules concerning:
- (i) a basic payment for farmers ("the basic payment scheme" <sup>F1</sup> ... ;
  - (ii) <sup>F2</sup> ...
  - (iii) a voluntary redistributive payment;
  - (iv) [<sup>F3</sup>a payment for farmers observing agricultural practices beneficial for the climate and the environment;]
  - (v) <sup>F4</sup> ...
  - (vi) a payment for young farmers commencing their agricultural activity;
  - (vii) a voluntary coupled support scheme;
  - (viii) <sup>F5</sup> ...
  - (ix) <sup>F6</sup> ...
  - (x) <sup>F7</sup> ...

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#### Textual Amendments

- F1** Words in Art. 1(b)(i) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(a)**
- F2** Art. 1(b)(ii) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(b)**
- F3** Art. 1(b)(iv) omitted (W.) (31.12.2020) 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), **7(2)**
- F4** Art. 1(b)(v) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(b)**
- F5** Art. 1(b)(viii) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(b)**
- F6** Art. 1(b)(ix) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(b)**
- F7** Art. 1(b)(x) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(1)(b)**

### Article 2 **U.K.**

#### Amendment of Annex I

In order to ensure legal certainty, the [<sup>F8</sup>appropriate authority may make regulations] amending the list of support schemes set out in Annex I to the extent necessary to take account of any new legislative acts on support schemes which may be adopted after the adoption of this Regulation.

#### Textual Amendments

- F8** Words in Art. 2 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(2)**

### <sup>F9</sup>Article 3 **U.K.**

#### Application to the outermost regions and the smaller Aegean islands

#### Textual Amendments

- F9** Art. 3 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(3)**

### Article 4 **E+S+N.I.**

#### Definitions and related provisions

- 1 For the purposes of this Regulation, the following definitions shall apply:

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- a "farmer" means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members <sup>F10</sup>..., whose holding is situated within the [<sup>F11</sup>United Kingdom], and who exercises an agricultural activity;
- b "holding" means all the units used for agricultural activities and managed by a farmer situated within the [<sup>F12</sup>United Kingdom];
- c "agricultural activity" means:
  - (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
  - (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by [<sup>F13</sup>the relevant authority on the basis of the framework set out in Article 4 of Regulation (EU) 639/2014], or
  - (iii) carrying out a minimum activity, defined by [<sup>F14</sup>the relevant authority], on agricultural areas naturally kept in a state suitable for grazing or cultivation;
- d "agricultural products" means the products, with the exception of fishery products, listed in Annex I to the Treaties <sup>F15</sup>...;
- e "agricultural area" means any area taken up by arable land, permanent grassland and permanent pasture, or permanent crops;
- f "arable land" means land cultivated for crop production or areas available for crop production but lying fallow, including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover;
- g "permanent crops" means non-rotational crops other than permanent grassland and permanent pasture that occupy the land for five years or more and yield repeated harvests, including nurseries and short rotation coppice;
- <sup>F16</sup>h "permanent grassland and permanent pasture" (together referred to as "permanent grassland") means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or more, [<sup>F17</sup>and, where the relevant authority so decides], that has not been ploughed up for five years or more; it may include other species such as shrubs and/or trees which can be grazed and, where [<sup>F18</sup>the relevant authority so decides], other species such as shrubs and/or trees which produce animal feed, provided that the grasses and other herbaceous forage remain predominant. [<sup>F19</sup>The relevant authority] may also decide to consider as permanent grassland:
  - (i) land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas; and/or
  - (ii) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas;]
- i "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the [<sup>F20</sup>United Kingdom], whether or not used for grazing animals;
- j "nurseries" means the following areas of young ligneous (woody) plants grown in the open air for subsequent transplantation:
  - vine and root-stock nurseries,
  - fruit tree and berries nurseries,

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- ornamental nurseries,
  - commercial nurseries of forest trees excluding those for the holding's own requirements grown within woodland,
  - nurseries of trees and bushes for planting in gardens, parks, at the roadside and on embankments (e.g. hedgerow plants, rose trees and other ornamental bushes, ornamental conifers), including in all cases their stocks and young seedlings;
- k "short rotation coppice" means areas planted with tree species <sup>F21</sup>... <sup>F22</sup>... defined by [<sup>F23</sup>the relevant authority] that consist of woody, perennial crops, the rootstock or stools of which remain in the ground after harvesting, with new shoots emerging in the following season and with a maximum harvest cycle <sup>F22</sup>... determined by the [<sup>F24</sup>relevant authority];
- l "sale" means the sale or any other definitive transfer of ownership of land or payment entitlements; it does not include the sale of land where land is transferred to public authorities or for use in the public interest and where the transfer is carried out for non-agricultural purposes;
- m "lease" means a rental agreement or similar temporary transaction;
- n "transfer" means the lease or sale or actual inheritance or anticipated inheritance of land or payment entitlements or any other definitive transfer thereof; it does not cover the reversion of entitlements upon expiry of a lease;
- [<sup>F25</sup>o) "constituent nation" means England, Wales, Scotland or Northern Ireland, as the case may be;
- p) "national reserve" means a reserve established by the relevant authority at the level of the constituent nation;
- q) "regional reserves" means reserves established by the relevant authority at regional level;
- r) "relevant authority" means—
- i) in relation to England, the Secretary of State;
  - ii) in relation to Wales, the Welsh Ministers;
  - iii) in relation to Scotland, the Scottish Ministers;
  - iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- s) "appropriate authority" means—
- i) the relevant authority for the constituent nation in which the regulations apply, or
  - ii) the Secretary of State:
    - aa) in relation to regulations applying in Scotland, if consent is given by the Scottish Ministers;
    - bb) in relation to regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.]

[<sup>F26</sup>Notwithstanding points (f) and (h) of the first subparagraph, [<sup>F27</sup>a relevant authority] which, prior to 1 January 2018, [<sup>F28</sup>has] accepted parcels of land lying fallow as arable land may continue to accept them as such after that date. From 1 January 2018 parcels of land lying fallow which have been accepted as arable land under this subparagraph in 2018 shall become permanent grassland in 2023, or thereafter, if the conditions set out in point (h) are met.]

- 2 [<sup>F29</sup>For the purposes of point (c) of paragraph 1:

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- a the criteria to be met by farmers in order to fulfil the obligation to maintain an agricultural area in a state suitable for grazing or cultivation, as referred to in point (c) (ii) are the criteria set by the relevant authority prior to exit day;
- b where applicable in a constituent nation, the minimum activity to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation, as referred to in point (c)(iii) is as defined by the relevant authority prior to exit day.]

[<sup>F30</sup>The relevant authority] may decide that land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas is to be considered to be permanent grassland, as referred to in point (h) of paragraph 1.

[<sup>F26</sup>[<sup>F30</sup>The relevant authority] may decide that:

- a land that has not been ploughed up for five years or more shall be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1, provided that the land is used to grow grasses or other herbaceous forages naturally (self-seeded) or through cultivation (sown) and that it has not been included in the crop rotation of the holding for five years or more;
- b permanent grassland may include other species such as shrubs and/or trees which produce animal feed, in areas where grasses and other herbaceous forage are predominant; and/or
- c land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1.

[<sup>F30</sup>The relevant authority] may decide, on the basis of objective and non-discriminatory criteria, to apply their decision in accordance with points (b) and/or (c) of the third subparagraph of this paragraph to the whole or a part of [<sup>F31</sup>the constituent nation].

[<sup>F32</sup>This paragraph only applies where the decisions to which it refers were made and notified to the Commission by:

- a) 31st January 2015, in the case of a decision taken under the second subparagraph;
- b) 31st March 2018, in the case of a decision taken under the third or fourth subparagraph.]]

<sup>F33</sup>3 .....

#### Extent Information

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

#### Textual Amendments

- F10** Words in Art. 4(1)(a) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(a)(i)**
- F11** Words in Art. 4(1)(a) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(a)(ii)**
- F12** Words in Art. 4(1)(b) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(b)**
- F13** Words in Art. 4(1)(c)(ii) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(c)(i)**
- F14** Words in Art. 4(1)(c)(iii) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(c)(ii)**

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- F15** Words in Art. 4(1)(d) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(d)**
- F16** 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.
- F17** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(i)**
- F18** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(ii)**
- F19** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(iii)**
- F20** Words in Art. 4(1)(i) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(f)**
- F21** Words in Art. 4(1)(k) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(i)**
- F22** Words in Art. 4(1)(k) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(ii)**
- F23** Words in Art. 4(1)(k) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(iii)**
- F24** Words in Art. 4(1)(k) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(iv)**
- F25** Art. 4(1)(o)-(s) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(h)**
- F26** 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.
- F27** Words in Art. 4(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(5)(a)**
- F28** Word in Art. 4(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(5)(b)**
- F29** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(a)**
- F30** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(b)**
- F31** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(c)**
- F32** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(d)**
- F33** Art. 4(3) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(7)**

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## Article 4 W

### Definitions and related provisions

- 1 For the purposes of this Regulation, the following definitions shall apply:
- a "farmer" means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members <sup>F323</sup> ..., whose holding is situated within [<sup>F324</sup>Wales], and who exercises an agricultural activity;
  - b "holding" means all the units used for agricultural activities and managed by a farmer situated within [<sup>F325</sup>Wales];
  - c "agricultural activity" means:
    - (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
    - (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by [<sup>F326</sup>the relevant authority on the basis of the framework set out in Article 4 of Regulation (EU) 639/2014], or
    - (iii) carrying out a minimum activity, defined by [<sup>F327</sup>the relevant authority], on agricultural areas naturally kept in a state suitable for grazing or cultivation;
  - d "agricultural products" means the products, with the exception of fishery products, listed in Annex I to the Treaties <sup>F328</sup> ...;
  - e "agricultural area" means any area taken up by arable land, permanent grassland <sup>F329</sup> ..., or permanent crops;
  - f "arable land" means land cultivated for crop production or areas available for crop production but lying fallow, including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover;
  - g "permanent crops" means non-rotational crops other than permanent grassland <sup>F330</sup> ... that [<sup>F331</sup>occupies] the land for five years or more and yield repeated harvests, including nurseries and short rotation coppice;
  - <sup>F332</sup>h [<sup>F333</sup>"permanent grassland"] means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or more, [<sup>F334</sup>and, where the relevant authority so decides], that has not been ploughed up for five years or more; it may include other species such as shrubs and/or trees which can be grazed and, where [<sup>F335</sup>the relevant authority so decides], other species such as shrubs and/or trees which produce animal feed, provided that the grasses and other herbaceous forage remain predominant. [<sup>F336</sup>The relevant authority] may also decide to consider as permanent grassland:
    - (i) land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas; and/or
    - (ii) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas;]

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- i "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in [<sup>F337</sup>Wales], whether or not used for grazing animals;
  - j "nurseries" means the following areas of young ligneous (woody) plants grown in the open air for subsequent transplantation:
    - vine and root-stock nurseries,
    - fruit tree and berries nurseries,
    - ornamental nurseries,
    - commercial nurseries of forest trees excluding those for the holding's own requirements grown within woodland,
    - nurseries of trees and bushes for planting in gardens, parks, at the roadside and on embankments (e.g. hedgerow plants, rose trees and other ornamental bushes, ornamental conifers), including in all cases their stocks and young seedlings;
  - k "short rotation coppice" means areas planted with tree species <sup>F338</sup> ... <sup>F339</sup> ... defined by [<sup>F340</sup>the relevant authority] that consist of woody, perennial crops, the rootstock or stools of which remain in the ground after harvesting, with new shoots emerging in the following season and with a maximum harvest cycle <sup>F339</sup> ... determined by the [<sup>F341</sup>relevant authority];
  - l "sale" means the sale or any other definitive transfer of ownership of land or payment entitlements; it does not include the sale of land where land is transferred to public authorities or for use in the public interest and where the transfer is carried out for non-agricultural purposes;
  - m "lease" means a rental agreement or similar temporary transaction;
  - n "transfer" means the lease or sale or actual inheritance or anticipated inheritance of land or payment entitlements or any other definitive transfer thereof; it does not cover the reversion of entitlements upon expiry of a lease;
  - [<sup>F342</sup>o) "constituent nation" means England, Wales, Scotland or Northern Ireland, as the case may be;
  - p) "national reserve" means a reserve established by the relevant authority at the level of the constituent nation;
  - q) "regional reserves" means reserves established by the relevant authority at regional level;
  - r) "relevant authority" means—
    - i) in relation to England, the Secretary of State;
    - ii) in relation to Wales, the Welsh Ministers;
    - iii) in relation to Scotland, the Scottish Ministers;
    - iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - [<sup>F343</sup>s) "appropriate authority" means the relevant authority for the constituent nation in which the regulations apply;]
  - [<sup>F344</sup>t) "total ceiling" means the amount determined in accordance with Article 5A.]
- [<sup>F345</sup>Notwithstanding points (f) and (h) of the first subparagraph, [<sup>F346</sup>a relevant authority] which, prior to 1 January 2018, [<sup>F347</sup>has] accepted parcels of land lying fallow as arable land may continue to accept them as such after that date. From 1 January 2018 parcels of land lying fallow which have been accepted as arable land under this subparagraph in 2018 shall become permanent grassland in 2023, or thereafter, if the conditions set out in point (h) are met.]



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- 2 <sup>F348</sup>For the purposes of point (c) of paragraph 1:
- a) the criteria to be met by farmers in order to fulfil the obligation to maintain an agricultural area in a state suitable for grazing or cultivation, as referred to in point (c) (ii) are the criteria set by the relevant authority prior to exit day;
  - b) where applicable in a constituent nation, the minimum activity to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation, as referred to in point (c)(iii) is as defined by the relevant authority prior to exit day.]

<sup>F349</sup>The relevant authority] may decide that land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas is to be considered to be permanent grassland, as referred to in point (h) of paragraph 1.

<sup>F345</sup><sup>F349</sup>The relevant authority] may decide that:

- a) land that has not been ploughed up for five years or more shall be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1, provided that the land is used to grow grasses or other herbaceous forages naturally (self-seeded) or through cultivation (sown) and that it has not been included in the crop rotation of the holding for five years or more;
- b) permanent grassland may include other species such as shrubs and/or trees which produce animal feed, in areas where grasses and other herbaceous forage are predominant; and/or
- c) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1.

<sup>F349</sup>The relevant authority] may decide, on the basis of objective and non-discriminatory criteria, to apply their decision in accordance with points (b) and/or (c) of the third subparagraph of this paragraph to the whole or a part of <sup>F350</sup>the constituent nation].

<sup>F351</sup> ... ]

<sup>F352</sup>3 .....

#### Extent Information

- E9** This version of this provision applies to Wales only; a separate version has been created for England, Scotland and Northern Ireland

#### Textual Amendments

- F323** Words in Art. 4(1)(a) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(a)(i)**
- F324** Word in Art. 4(1)(a) substituted (W.) (31.12.2020) 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), **7(3)(a)(i)**
- F325** Word in Art. 4(1)(b) substituted (W.) (31.12.2020) 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), **7(3)(a)(i)**
- F326** Words in Art. 4(1)(c)(ii) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(c)(i)**
- F327** Words in Art. 4(1)(c)(iii) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **3(4)(c)(ii)**

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- F328** Words in Art. 4(1)(d) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(d)**
- F329** Words in Art. 4(1)(e) omitted (W.) (31.12.2020) 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), **7(3)(a)(ii)**
- F330** Words in Art. 4(1)(g) omitted (W.) (31.12.2020) 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), **7(3)(a)(iii)(aa)**
- F331** Word in Art. 4(1)(g) substituted (W.) (31.12.2020) 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), **7(3)(a)(iii)(bb)**
- F332** 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.
- F333** Words in Art. 4(1)(h) substituted (W.) (31.12.2020) 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), **7(3)(a)(iv)**
- F334** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(i)**
- F335** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(ii)**
- F336** Words in Art. 4(1)(h) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(e)(iii)**
- F337** Word in Art. 4(1)(i) substituted (W.) (31.12.2020) 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), **7(3)(a)(i)**
- F338** Words in Art. 4(1)(k) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(i)**
- F339** Words in Art. 4(1)(k) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(ii)**
- F340** Words in Art. 4(1)(k) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(iii)**
- F341** Words in Art. 4(1)(k) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(g)(iv)**
- F342** Art. 4(1)(o)-(s) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(4)(h)**
- F343** Art. 4(1)(s) substituted (W.) (31.12.2020) 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), **7(3)(a)(v)**
- F344** Art. 4(1)(t) inserted (W.) (31.12.2020) 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), **7(3)(a)(vi)**
- F345** 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

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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.

- F346** Words in Art. 4(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(5)(a)**
- F347** Word in Art. 4(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(5)(b)**
- F348** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(a)**
- F349** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(b)**
- F350** Words in Art. 4(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(6)(c)**
- F351** Words in Art. 4(2) omitted (W.) (31.12.2020) 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), **7(3)(b)**
- F352** Art. 4(3) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **3(7)**

## TITLE II **U.K.**

### GENERAL PROVISIONS ON DIRECT PAYMENTS

#### CHAPTER 1 **U.K.**

##### *Common rules on direct payments*

##### Article 5 **U.K.**

##### **General common agricultural policy provisions**

Regulation (EU) No 1306/2013 and the provisions adopted pursuant thereto shall apply to the schemes provided for in this Regulation.

##### <sup>F34</sup>Article 5A **E**

##### **The total ceiling for England**

- 1 In determining the total ceiling for England, the Secretary of State must determine an amount equivalent to England's share of the 2020 national ceiling set out in Annex II.
- 2 The Secretary of State must determine the total ceiling before the start of the relevant year.
- 3 When the total ceiling has been determined, the Secretary of State must publish that amount as soon as practicable after that determination has been made.

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

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4 The total ceiling, for any relevant year, is to be distributed among all allocated payment entitlements, the national reserve or the regional reserves, and the ceiling fixed in accordance with Article 51, as they apply in England.

5 Where the Secretary of State makes a decision under Article 22(2) to increase the basic payment scheme ceiling, the total ceiling, for any relevant year, may be exceeded by the increase decided pursuant to that Article.

6 In this Article, “relevant year” has the meaning given by section 10(4) of the Agriculture Act 2020.]

#### Textual Amendments

**F34** Art. 5A inserted (E.) (11.12.2020) by [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(revoked\) 2020 \(S.I. 2020/1513\)](#), regs. 1(3), **2(4)**

### <sup>F353</sup> Article 5A **W**

#### The total ceiling for Wales

1 The Welsh Ministers must determine the total ceiling for Wales.

2 The Welsh Ministers must determine the total ceiling before the start of the relevant year.

3 The Welsh Ministers must publish the total ceiling as soon as practicable after they have determined it under paragraph 1.

4 The total ceiling, for any relevant year, must be distributed among all claimed payment entitlements, including the national reserve or the regional reserves, and ceilings set in accordance with Articles 42 and 51 and the amount allocated under Article 53.

5 In this Article, “relevant year” has the same meaning as in paragraph 3(4) of Schedule 5 to the Agriculture Act 2020.]

#### Extent Information

**E10** This version of this provision extends to Wales only; a separate version has been created for England only

#### Textual Amendments

**F353** Art. 5A inserted (W.) (17.12.2020) by [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1556\)](#), regs. 1(2)(b), **7(4)**

### <sup>F35</sup> Article 6 **U.K.**

#### National ceilings

<sup>F361</sup> For each year, the national ceiling for the United Kingdom comprising the total value of all allocated payment entitlements, of all national reserves and regional reserves and of all the ceilings calculated in accordance with Articles 42, 47, 51 and 53 is as set out in Annex II.

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Where a relevant authority makes a decision under Article 22(2) to increase the amount which represents its share of the basic payment scheme ceiling, the national ceiling set out in Annex II for the United Kingdom for the respective year may be exceeded by the sum of the increases decided pursuant to that Article in respect of that year.]

<sup>F37</sup>2 .....

[<sup>F38</sup>3 In order to take account of the developments relating to the total maximum amounts of direct payments that may be granted, including those resulting from the decisions taken <sup>F39</sup>... in accordance with <sup>F40</sup>...[<sup>F41</sup>Articles 7A and 14] of this Regulation [<sup>F42</sup>, the Secretary of State may make regulations] adapting the national ceilings set out in Annex II to this Regulation.]

[<sup>F43</sup>4 The Secretary of State may not make regulations under paragraph 3 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.

5 Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 3, the Secretary of State must have regard to that request.]]

#### Textual Amendments

- F35** Art. 6 omitted (W.) (31.12.2020) 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), 7(5)
- F36** Art. 6(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(1)**
- F37** Art. 6(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(2)**
- F38** Substituted by [Regulation \(EU\) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), amending Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation \(EC\) No 73/2009 and Regulations \(EU\) No 1307/2013, \(EU\) No 1306/2013 and \(EU\) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014.](#)
- F39** Words in Art. 6(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(3)(a)**
- F40** Words in Art. 6(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(3)(b)**
- F41** Words in Art. 6(3) substituted (31.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. **5(2)**, 9(2)
- F42** Words in Art. 6(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(3)(c)**
- F43** Art. 6(4)(5) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(4)**

[<sup>F44</sup>Article 7 **U.K.**

#### Net ceilings

1 [<sup>F45</sup>The] total amount of direct payments which may be granted in [<sup>F46</sup>the United Kingdom] pursuant to Titles III, IV and V in respect of a calendar year, after application of Article 11, shall not be higher than the corresponding ceiling set out in Annex III.

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

Where the total amount of direct payments to be granted in [<sup>F47</sup>a constituent nation] would be higher than [<sup>F48</sup>its share of] the ceiling set out in Annex III, [<sup>F49</sup>the relevant authority] shall make a linear reduction in the amounts of all direct payments <sup>F50</sup>....

[<sup>F51</sup>2 For calendar year 2020, the estimated product of the reduction of payments referred to in Article 11 (which is reflected by the difference between the national ceiling set out in Annex II and the net ceiling set out in Annex III) shall be made available as support for measures under rural development.

2A References to “rural development” in this Article and in Article 14 include measures which are conducive to:

- a the conservation or enhancement of the natural beauty or amenity of the countryside (including its flora and fauna and geological and physiographical features) or of any features of archaeological interest there; or
- b the promotion of the enjoyment of the countryside by the public; or
- c starting, or improving the productivity of, an agricultural, horticultural or forestry activity or a rural business; or
- d starting, promoting or improving rural services.]

3 In order to take account of the developments relating to the total maximum amounts of direct payments that may be granted, including those resulting from the decisions taken <sup>F52</sup>... pursuant to [<sup>F53</sup>Article 7A and] Article 14, [<sup>F54</sup>the Secretary of State may make regulations] adapting the ceilings set out in Annex III.

[<sup>F55</sup>4 The Secretary of State may not make regulations under paragraph 3 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.

5 Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 3, the Secretary of State must have regard to that request.]]

#### Textual Amendments

- F44** Art. 7 omitted (W.) (31.12.2020) 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), **7(5)**
- F45** Word in Art. 7(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(a)**
- F46** Words in Art. 7(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(b)(i)**
- F47** Words in Art. 7(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(b)(ii)**
- F48** Words in Art. 7(1) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(c)**
- F49** Words in Art. 7(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(d)**
- F50** Words in Art. 7(1) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(5)(e)**
- F51** Art. 7(2)(2A) substituted for Art. 7(2) (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(6)**
- F52** Words in Art. 7(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(7)(a)**
- F53** Words in Art. 7(3) inserted (31.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. **5(3)**, 9(2)



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F54** Words in Art. 7(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(7)(b)**
- F55** Art. 7(4)(5) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(8)**

## <sup>F56</sup><sup>F57</sup> Article 7A **U.K.**

### **Increase in national and net ceilings**

1 The Secretary of State may, having regard to the recommendations contained in the report of the Bew Review, decide to increase the total maximum amount of direct payments that could otherwise be granted in relation to the claim year 2020.

2 In this Article, the “report of the Bew Review” means the report entitled “Intra-UK Allocations Review” published on 6 September 2019.]]

#### **Textual Amendments**

- F56** Art. 7A inserted (31.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. **5(4)**, 9(2)
- F57** Art. 7A omitted (W.) (31.12.2020) 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), **7(5)**

## <sup>F58</sup> Article 8 **U.K.**

### **Financial discipline**

#### **Textual Amendments**

- F58** Art. 8 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(9)**

## Article 9 **E+S+N.I.**

### **Active farmer**

1 No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, whose agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation and who do not carry out on those areas the minimum activity defined by [<sup>F59</sup>the relevant authority] in accordance with point (b) of Article 4(2).

2 No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, who operate airports, railway services, waterworks, real estate services, permanent sport and recreational grounds.

[<sup>F60</sup>Nothing in this Regulation prevents the relevant authority from adding to the list in the first subparagraph any other similar non-agricultural businesses or activities or

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from removing any such additions, provided that any such additions and removals are appropriate and made on the basis of objective and non-discriminatory criteria.]

A person or group of persons falling within the scope of the first or second subparagraph shall, however, be regarded as an active farmer if it provides verifiable evidence, in the form that is required by <sup>[F61]</sup>the relevant authority], which demonstrates any of the following:

- a that the annual amount of direct payments is at least 5 % of the total receipts that it obtained from non-agricultural activities in the most recent fiscal year for which such evidence is available;
- b that its agricultural activities are not insignificant;
- c that its principal business or company objects consist of exercising an agricultural activity.

3 <sup>[F62]</sup>Nothing in this Regulation prevents the relevant authority from deciding], on the basis of objective and non-discriminatory criteria, that no direct payments are to be granted to natural or legal persons, or to groups of natural or legal persons:

- a whose agricultural activities form only an insignificant part of their overall economic activities; and/or
- b whose principal activity or company objects do not consist of exercising an agricultural activity.

<sup>[F263a]</sup> <sup>[F63]</sup>Nothing in this Regulation prevents the relevant authority from deciding] that no direct payments are to be granted to farmers who are not registered, for their agricultural activities, in a national fiscal or social security register.]

<sup>[F64]</sup> Paragraphs 2, 3 and 3a do not apply to farmers who received direct payments for the previous year, if the amount of those direct payments was no more than the amount set by the relevant authority in accordance with this Regulation prior to exit day.]

5 In order to guarantee the protection of the rights of farmers, the <sup>[F65]</sup>appropriate authority may make regulations] laying down:

- a criteria for determining the cases where a farmer's agricultural area is to be considered to be mainly an area naturally kept in a state suitable for grazing or cultivation;
- b criteria for establishing the distinction between receipts resulting from agricultural and non-agricultural activities;
- c criteria for establishing the amounts of direct payments referred to in paragraphs 2 and 4, especially concerning <sup>F66</sup>... direct payments for new farmers;
- d criteria that farmers are to meet in order to prove for the purposes of paragraphs 2 and 3 that their agricultural activities are not insignificant and that their principal business or company objects consist of exercising an agricultural activity.

<sup>F67</sup>6 .....

<sup>[F68]</sup>7 Nothing in this Regulation prevents the relevant authority from deciding that only one or two of the criteria listed in the third subparagraph of paragraph 2 applies.]

<sup>[F69]</sup>8 The relevant authority may decide to stop applying paragraph 2.]

#### **Extent Information**

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



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F26** 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.
- F59** Words in Art. 9(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(a)**
- F60** Words in Art. 9(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(b)(i)**
- F61** Words in Art. 9(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(b)(ii)**
- F62** Words in Art. 9(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(c)**
- F63** Words in Art. 9(3a) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(c)**
- F64** Art. 9(4) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(d)**
- F65** Words in Art. 9(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(e)(i)**
- F66** Words in Art. 9(5)(c) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(e)(ii)**
- F67** Art. 9(6) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(f)**
- F68** Art. 9(7) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(g)**
- F69** Art. 9(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **4(10)(h)**

## Article 9 **W**

### Active farmer

1 No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, whose agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation and who do not carry out on those areas the minimum activity defined by [<sup>F354</sup>the relevant authority] in accordance with point (b) of Article 4(2).

<sup>F355</sup>2 .....

<sup>F355</sup>3 .....

<sup>F355</sup>3a .....

<sup>F355</sup>4 .....

5 In order to guarantee the protection of the rights of farmers, the [<sup>F356</sup>appropriate authority may make regulations] laying down:

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- a criteria for determining the cases where a farmer's agricultural area is to be considered to be mainly an area naturally kept in a state suitable for grazing or cultivation;
- F357 b .....
- F358 c .....
- F359 d .....
- F360 6 .....
- F360 7 .....
- F360 8 .....

#### Extent Information

- E11** This version of this provision applies to Wales only; a separate version has been created for England, Scotland and Northern Ireland only

#### Textual Amendments

- F354** Words in Art. 9(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(10)(a)**
- F355** Art. 9(2)-(4) omitted (W.) (31.12.2020) 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), **7(6)(a)**
- F356** Words in Art. 9(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(10)(e)(i)**
- F357** Art. 9(5)(b) omitted (W.) (31.12.2020) 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), **7(6)(b)**
- F358** Art. 9(5)(c) omitted (W.) (31.12.2020) 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), **7(6)(b)**
- F359** Art. 9(5)(d) omitted (W.) (31.12.2020) 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), **7(6)(b)**
- F360** Art. 9(6)-(8) omitted (W.) (31.12.2020) 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), **7(6)(c)**

<sup>F70</sup> Article 10 **U.K.**

### Minimum requirements for receiving direct payments

1 Subject to paragraph 2, the relevant authority shall not grant direct payments to a farmer where the eligible holding for which direct payments are claimed or due to be granted before the application of Article 63 of Regulation (EU) No 1306/2013 is smaller than the area set in legislation applying to the constituent nation.

2 In the case of farmers receiving the animal-related coupled support referred to in Title IV, the area threshold determined in accordance with paragraph 1 does not apply, but the relevant authority shall not grant direct payments where the total amount of direct payments claimed or due to be granted before the application of Article 63 of Regulation (EU) No 1306/2013 in a given calendar year is less than [<sup>F71</sup>EUR 100][<sup>F71</sup>£100].]

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F70** Art. 10 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(11)**
- F71** Sum in Art. 10(2) substituted (W.) (31.12.2020) 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), **7(7)**

## Article 11 **E+S+N.I.**

### Reduction of payments

1 <sup>F72</sup>The relevant authority] shall reduce the amount of direct payments to be granted to a farmer pursuant to Chapter 1 of Title III for a given calendar year by at least 5 % for the part of the amount exceeding EUR 150 000.

2 Before applying paragraph 1, <sup>F73</sup>the relevant authority] may subtract the salaries linked to an agricultural activity actually paid and declared by the farmer in the previous calendar year, including taxes and social contributions related to employment, from the amount of direct payments to be granted to a farmer pursuant to Chapter 1 of Title III in a given calendar year. Where no data is available on the salaries actually paid and declared by the farmer in the previous calendar year, the most recent data available shall be used.

3 Where <sup>F74</sup>the relevant authority] decides to grant a redistributive payment to farmers pursuant to Chapter 2 of Title III and to use more than 5 % <sup>F75</sup>of its share] of the annual national ceiling <sup>F76</sup>... for that purpose, it may decide not to apply this Article.

Where <sup>F74</sup>the relevant authority] decides to grant a redistributive payment to farmers pursuant to Chapter 2 of Title III and the application of the maximum limits set out in Article 41(4) prevents it from using more than 5 % <sup>F75</sup>of its share] of the annual national ceiling <sup>F76</sup>... for that purpose, <sup>F77</sup>the relevant authority] may decide not to apply this Article.

4 No advantage by means of avoiding reductions of the payment shall be granted in favour of farmers in respect of whom it is established that they artificially created, after 18 October 2011, the conditions to avoid the effects of this Article.

<sup>F785</sup> .....

<sup>F786</sup> .....

### Extent Information

- E3** This version of this provision applies to England, Scotland and Northern Ireland only; a separate version has been created for Wales only

### Textual Amendments

- F72** Words in Art. 11(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(a)**
- F73** Words in Art. 11(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(b)**
- F74** Words in Art. 11(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(i)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F75** Words in Art. 11(3) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(ii)**
- F76** Words in Art. 11(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(iii)**
- F77** Words in Art. 11(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(iv)**
- F78** Art. 11(5)(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(d)**

## Article 11 W

### Reduction of payments

1 <sup>F361</sup>The relevant authority] shall reduce the amount of direct payments to be granted to a farmer pursuant to Chapter 1 of Title III for a given calendar year by at least 5 % for the part of the amount exceeding <sup>F362</sup>£150,000].

2 Before applying paragraph 1, <sup>F363</sup>the relevant authority] may subtract the salaries linked to an agricultural activity actually paid and declared by the farmer in the previous calendar year, including taxes and social contributions related to employment, from the amount of direct payments to be granted to a farmer pursuant to Chapter 1 of Title III in a given calendar year. Where no data is available on the salaries actually paid and declared by the farmer in the previous calendar year, the most recent data available shall be used.

3 Where <sup>F364</sup>the relevant authority] decides to grant a redistributive payment to farmers pursuant to Chapter 2 of Title III and to use more than 5 % <sup>F365</sup>... of the <sup>F366</sup>[total] ceiling <sup>F367</sup>... for that purpose, it may decide not to apply this Article.

Where <sup>F364</sup>the relevant authority] decides to grant a redistributive payment to farmers pursuant to Chapter 2 of Title III and the application of the maximum limits set out in Article 41(4) prevents it from using more than 5 % <sup>F365</sup>... of the <sup>F366</sup>[total] ceiling <sup>F367</sup>... for that purpose, <sup>F368</sup>the relevant authority] may decide not to apply this Article.

4 No advantage by means of avoiding reductions of the payment shall be granted in favour of farmers in respect of whom it is established that they artificially created, after 18 October 2011, the conditions to avoid the effects of this Article.

<sup>F369</sup>5 .....

<sup>F369</sup>6 .....

#### Extent Information

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

#### Textual Amendments

**F361** Words in Art. 11(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(a)**

**F362** Sum in Art. 11(1) substituted (W.) (31.12.2020) 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), **7(8)(a)**

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- F363** Words in Art. 11(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(b)**
- F364** Words in Art. 11(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(i)**
- F365** Words in Art. 11(3) omitted (W.) (31.12.2020) 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), **7(8)(b)(i)**
- F366** Word in Art. 11(3) substituted (W.) (31.12.2020) 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), **7(8)(b)(ii)**
- F367** Words in Art. 11(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(iii)**
- F368** Words in Art. 11(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(c)(iv)**
- F369** Art. 11(5)(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(12)(d)**

## Article 12 **U.K.**

### Multiple claims

The area corresponding to the number of eligible hectares in respect of which an application for a basic payment has been submitted by a farmer pursuant to Chapter 1 of Title III may be the subject of an application for any other direct payment, as well as for any other aid not covered by this Regulation, save as explicitly provided otherwise in this Regulation.

## <sup>F79</sup>Article 13 **U.K.**

### State aid

#### Textual Amendments

- F79** Art. 13 omitted (31.12.2020) by virtue of [The State Aid \(Revocations and Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1470\)](#), reg. 1(2), **Sch. 1 para. 5(2)** (with Sch. 3)

## <sup>F80</sup><sup>F81</sup>Article 14 **U.K.**

### Flexibility between pillars

The relevant authority may make available, as additional support for measures under rural development, up to 15% of its share of the national ceiling for calendar year 2020 provided that such a decision was taken and notified to the Commission by 31 December 2019. The amount made available for rural development under this paragraph shall no longer be available for granting direct payments.]]

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

- F80** Art. 14 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(13)**
- F81** Art. 14 omitted (W.) (31.12.2020) 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), **7(9)**

<sup>F82</sup> *Article 15* **U.K.**

#### Review

#### Textual Amendments

- F82** Art. 15 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(14)**

*CHAPTER 2* **U.K.**

#### *Provisions applying to Bulgaria, Croatia and Romania*

*Article 16* **U.K.**

#### **Gradual introduction of direct payments in Bulgaria and Romania**

For Bulgaria and Romania, the ceilings fixed in accordance with Articles 42, 47, 49, 51, 53 and 65 shall, for 2015, be established on the basis of the amount set out in point A of Annex V.

<sup>F83</sup> *Article 17* **U.K.**

#### **Gradual introduction of direct payments in Croatia**

#### Textual Amendments

- F83** Art. 17 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(14)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

Article 18 **U.K.**

**Complementary national direct payments and direct payments in Bulgaria and Romania**

1 In 2015, Bulgaria and Romania may use national direct payments in order to complement payments granted under the basic payment scheme referred to in Sections 1, 2 and 3 of Chapter 1 of Title III. The total amount of those payments shall not exceed the relevant amount set out in point B of Annex V.

2 In 2015, Bulgaria may use national direct payments in order to complement payments granted under the crop-specific payment for cotton referred to in Chapter 2 of Title IV. The total amount of those payments shall not exceed the amount set out in point C of Annex V.

3 Complementary national direct payments shall be granted in accordance with objective criteria and in such a way as to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

<sup>F84</sup> Article 19 **U.K.**

**Complementary national direct payments for Croatia**

**Textual Amendments**

**F84** Art. 19 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(14)**

<sup>F85</sup> Article 20 **U.K.**

**Special national de-mining reserve for Croatia**

**Textual Amendments**

**F85** Art. 20 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **4(14)**



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## TITLE III U.K.

### BASIC PAYMENT SCHEME, SINGLE AREA PAYMENT SCHEME AND RELATED PAYMENTS

#### CHAPTER 1 U.K.

##### *Basic payment scheme and single area payment scheme*

#### Section 1 U.K.

##### *Setting up of the basic payment scheme*

#### <sup>F86</sup>Article 21 U.K.

##### **Payment entitlements**

Support under the basic payment scheme shall be available to farmers who:

- a obtain payment entitlements under this Regulation through first allocation pursuant to Article 24 as it had effect immediately before exit day, through allocation from the national reserve or regional reserves pursuant to Article 30 or through transfer pursuant to Article 34, or
- b comply with Article 9 and hold unexpired owned or leased-in payment entitlements established under the single payment scheme in accordance with Regulation (EC) No 1782/2003 and with Regulation (EC) No 73/2009.]

#### **Textual Amendments**

**F86** Art. 21 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(1)**

#### <sup>F87</sup>Article 22 **E+S+N.I.**

##### **Basic payment scheme ceiling**

1 The basic payment scheme ceiling for any given year is calculated by deducting from the annual national ceiling set out in Annex II all the ceilings calculated in respect of that year in accordance with Articles 42, 47, 51 and 53.

2 The relevant authority's share of the basic payment ceiling is the amount which remains for the basic payment scheme in the constituent nation after deducting from the relevant authority's share of the national ceiling the ceilings set under Articles 42, 47 and 51 and the amount allocated in the constituent nation under Article 53. The relevant authority may increase the amount which represents its share of the basic payment scheme ceiling. That increase may not exceed 3% of the amount which represents its share of the annual national ceiling after deduction of the amount resulting from the application of Article 47(1) for the relevant year.

3 The relevant authority may review the decision under paragraph 2 on an annual basis.



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

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4 The total value of all payment entitlements and the national reserve or regional reserves in the constituent nation must equal its share of the basic payment scheme ceiling. The total value of payment entitlements and national reserves and regional reserves in the United Kingdom must equal the basic payment scheme ceiling calculated in accordance with paragraph 1.]

[<sup>F885</sup> If the ceiling [<sup>F89</sup> calculated] pursuant to paragraph 1 of this Article is different from that of the previous year as a result of any decision taken by [<sup>F90</sup> the relevant authority] in accordance with paragraph 3 of this Article, [<sup>F91</sup> Article 7A,]<sup>F92</sup> Article 14], Article 42(1), <sup>F93</sup>... the second subparagraph of Article 51(1), or Article 53, [<sup>F90</sup> the relevant authority] shall linearly reduce or increase the value of all payment entitlements in order to ensure compliance with paragraph 4 of this Article.]

**Extent Information**

**E4** This version of this provision extends to England, Scotland and Northern Ireland only; a separate version has been created for Wales only

**Textual Amendments**

- F87** Art. 22(1)-(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(a)**
- F88** Substituted by [Regulation \(EU\) 2019/288 of the European Parliament and of the Council of 13 February 2019 amending Regulations \(EU\) No 1305/2013 and \(EU\) No 1307/2013 as regards certain rules on direct payments and support for rural development in respect of the years 2019 and 2020](#).
- F89** Word in Art. 22(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(b)(i)**
- F90** Words in Art. 22(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(b)(ii)**
- F91** Words in Art. 22(5) inserted (31.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. **5(5)**, 9(2)
- F92** Words in Art. 22(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(b)(iii)**
- F93** Words in Art. 22(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(b)(iv)**

[<sup>F370</sup> Article 22 **W**

**Basic payment scheme ceiling**

<sup>F371</sup>1 .....

[<sup>F372</sup>2 The basic payment scheme ceiling in Wales for any given year is the amount which remains for the basic payment scheme after deducting, from the total ceiling, the ceilings set in accordance with Articles 42 and 51 for that year, and the amount allocated under Article 53.]

<sup>F373</sup>3 .....

[<sup>F374</sup>4 The total value of all claimed payment entitlements in the constituent nation must equal the basic payment scheme ceiling in Wales.]]

[<sup>F375</sup>5 If the ceiling calculated pursuant to paragraph 2 of this Article is different from the relevant authority's share of the basic payment scheme ceiling in claim year 2020 as a result

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of any decision taken by the relevant authority, or the total value of all claimed payment entitlements (including those allocated and claimed from the national reserve or regional reserve) is different from the total value of claimed payment entitlements in claim year 2020, the relevant authority shall linearly reduce or increase the value of all claimed payment entitlements in order to ensure compliance with paragraph 4 of this Article.]

#### Extent Information

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

#### Textual Amendments

**F370** Art. 22(1)-(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(2)(a)**

**F371** Art. 22(1) omitted (W.) (31.12.2020) 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), **7(10)(a)**

**F372** Art. 22(2) substituted (W.) (31.12.2020) 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), **7(10)(b)**

**F373** Art. 22(3) omitted (W.) (31.12.2020) 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), **7(10)(c)**

**F374** Art. 22(4) substituted (W.) (31.12.2020) 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), **7(10)(d)**

**F375** Art. 22(5) substituted (W.) (31.12.2020) 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), **7(10)(e)**

### Article 23 U.K.

#### Regional allocation of the national ceilings

1 <sup>[F94]</sup>The relevant authority may apply the basic payment scheme at regional level, provided that it took a decision to do so by 1 August 2014.] In such cases, <sup>[F95]</sup>the relevant authority] shall define the regions in accordance with objective and non-discriminatory criteria such as their agronomic and socio-economic characteristics, their regional agricultural potential, or their institutional or administrative structure.

F96  
...

2 <sup>[F97]</sup>The relevant authority] shall divide <sup>[F98]</sup>its share of] the annual national ceiling for the basic payment scheme referred to in Article 22(1) between the regions in accordance with objective and non-discriminatory criteria.

F99  
...

3 <sup>[F100]</sup>The relevant authority] may decide that the regional ceilings shall be subject to annual progressive modifications in accordance with pre-established annual steps and objective and non-discriminatory criteria such as agricultural potential or environmental criteria.

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

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4 To the extent necessary to respect the applicable regional ceilings determined in accordance with paragraph 2 or 3, [F101the relevant authority] shall make a linear reduction or increase in the value of the payment entitlements in each of the relevant regions.

5 [F102The relevant authority] may decide to cease the application of the basic payment scheme at regional level from a date to be set by [F103the relevant authority].

F104 6 .....

#### Textual Amendments

- F94 Words in Art. 23(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(a)(i)**
- F95 Words in Art. 23(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(a)(ii)**
- F96 Words in Art. 23(1) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(a)(iii)**
- F97 Words in Art. 23(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(b)(i)**
- F98 Words in Art. 23(2) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(b)(ii)**
- F99 Words in Art. 23(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(b)(iii)**
- F100 Words in Art. 23(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(c)**
- F101 Words in Art. 23(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(d)**
- F102 Words in Art. 23(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(e)(i)**
- F103 Words in Art. 23(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(e)(ii)**
- F104 Art. 23(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(3)(f)**

#### Article 24 U.K.

#### First allocation of payment entitlements

1 Payment entitlements shall be allocated to farmers who are entitled to be granted direct payments in accordance with Article 9 of this Regulation provided that:

- a they apply for allocation of payment entitlements under the basic payment scheme by the final date for submission of applications in 2015 to be set in accordance with point (b) of the first subparagraph of Article 78 of Regulation (EU) No 1306/2013, except in case of force majeure or exceptional circumstances; and
- b they were entitled to receive payments, before any reduction or exclusion provided for in Chapter 4 of Title II of Regulation (EC) No 73/2009, in respect of an aid application for direct payments, for transitional national aid or for complementary national direct payments in accordance with Regulation (EC) No 73/2009 for 2013.

The first subparagraph shall not apply in Member States applying Article 21(3) of this Regulation.

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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Member States may allocate payment entitlements to farmers who are entitled to be granted direct payments in accordance with Article 9 of this Regulation, who fulfil the condition provided for in point (a) of the first subparagraph and who:

- a did not receive payments for 2013 in respect of an aid application as referred to in the first subparagraph of this paragraph and who, on the date fixed by the Member State concerned in accordance with Article 11(2) of Commission Regulation (EC) No 1122/2009<sup>(21)</sup> for the claim year 2013:
  - (i) in Member States applying the single payment scheme:
    - were producing fruits, vegetables, ware potatoes, seed potatoes or ornamental plants, and did so on a minimum area expressed in hectares if the Member State concerned decides to adopt such a requirement, or
    - were cultivating vineyards; or
  - (ii) in Member States applying the single area payment scheme, had only agricultural land that was not in good agricultural condition on 30 June 2003 as provided for in Article 124(1) of Regulation (EC) No 73/2009;
- b in 2014, are allocated payment entitlements from the national reserve under the single payment scheme pursuant to Article 41 or 57 of Regulation (EC) No 73/2009; or
- c never held owned or leased-in payment entitlements established under Regulation (EC) No 73/2009 or Regulation (EC) No 1782/2003 and who submit verifiable evidence that, on the date fixed by the Member State in accordance with Article 11(2) of Regulation (EC) No 1122/2009 for the claim year 2013, they produced, reared or grew agricultural products, including through harvesting, milking, breeding animals and keeping animals for farming purposes. Member States may establish their own additional objective and non-discriminatory eligibility criteria for this category of farmers as regards appropriate skills, experience or education.

2 Except in the case of force majeure or exceptional circumstances, the number of payment entitlements allocated per farmer in 2015 shall be equal to the number of eligible hectares, which the farmer declares in his aid application in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 for 2015 and which are at his disposal on a date fixed by the Member State. That date shall be no later than the date fixed in that Member State for amending such an aid application.

3 Member States may apply one or more of the limitations, as set out in paragraphs 4 to 7, on the number of payment entitlements to be allocated under paragraph 2.

4 Member States may decide that the number of payment entitlements to be allocated shall be equal to either the number of eligible hectares which the farmer declared in accordance with Article 34(2) of Regulation (EC) No 73/2009 in 2013, or the number of eligible hectares referred to in paragraph 2 of this Article, whichever is the lowest. For Croatia, the use of this option shall be without prejudice to the allocation of payment entitlements for de-mined hectares in accordance with Article 20(4) of this Regulation.

5 Where the total number of eligible hectares referred to in paragraph 2 of this Article declared in a Member State would result in an increase of more than 35 % of the total number of eligible hectares declared in accordance with Article 35 of Regulation (EC) No 73/2009 in 2009, or in the case of Croatia in 2013, Member States may limit the number of payment entitlements to be allocated in 2015 to a minimum of either 135 % or 145 % of the total number of eligible hectares declared in 2009, or, in the case of Croatia, of the total number of eligible hectares declared in 2013, in accordance with Article 35 of Regulation (EC) No 73/2009.

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When using this option, Member States shall allocate a reduced number of payment entitlements to farmers. That number shall be calculated by applying a proportional reduction to the additional number of eligible hectares declared by each farmer in 2015 compared to the number of eligible hectares within the meaning of Article 34(2) of Regulation (EC) No 73/2009 that that farmer declared in his aid application in 2011 or, in the case of Croatia, in 2013, without prejudice to the de-mined hectares for which payment entitlements are to be allocated in accordance with Article 20(4) of this Regulation.

6 Member States may decide to apply, for the purposes of establishing the number of payment entitlements to be allocated to a farmer, a reduction coefficient to those eligible hectares referred to in paragraph 2 which consist of permanent grassland located in areas with difficult climate conditions, especially due to their altitude and other natural constraints such as poor soil quality, steepness and water supply.

7 Member States may decide that the number of payment entitlements to be allocated to a farmer shall be equal to the number of eligible hectares referred to in paragraph 2 of this Article which were not hectares of vineyards on the date fixed by the Member State in accordance with Article 11(2) of Regulation (EC) No 1122/2009 for the claim year 2013 or hectares of arable land under permanent greenhouses.

8 In the case of the sale or lease of their holding or part of it, natural or legal persons complying with paragraph 1 of this Article may, by contract signed before the final date for submitting applications in 2015 to be set in accordance with point (b) of the first subparagraph of Article 78 of Regulation (EU) No 1306/2013, transfer the right to receive payment entitlements in accordance with paragraph 1 of this Article to one or more farmers provided that the latter comply with the conditions laid down in Article 9 of this Regulation.

9 A Member State may decide to fix a minimum size per holding, expressed in eligible hectares, in respect of which the farmer may apply for an allocation of payment entitlements. That minimum size shall not exceed the threshold set out in point (b) of Article 10(1) in conjunction with paragraph 2 of that Article.

10 Member States shall, where relevant, notify the Commission of the decisions referred to in this Article by 1 August 2014.

11 The Commission shall adopt implementing acts laying down rules on applications for the allocation of payment entitlements submitted in the year of allocation of payment entitlements where those payment entitlements may not yet be definitively established and where that allocation is affected by specific circumstances. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 71(2).

## Article 25 **E+S+N.I.**

### **Value of payment entitlements and convergence**

[<sup>F105</sup>1 Subject to paragraphs 2 and 3, for the purposes of this Article the unit value of payment entitlements is calculated by dividing a fixed percentage of the relevant authority's share of the national ceiling for each relevant year by the number of payment entitlements in 2015 in the constituent nation or, where applicable, at regional level, excluding those allocated from the national reserve or regional reserves in 2015.

The fixed percentage referred to in the first subparagraph is calculated by dividing the relevant authority's share of the basic payment scheme ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with Article 23(2), as

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it had effect immediately before exit day for 2015, after applying the linear reduction provided for in paragraph 1 or, where applicable, paragraph 2 of Article 30 by the relevant authority’s share of the national ceiling for 2015.

2 The value of payment entitlements, other than those allocated from the national reserve or regional reserves in 2015, may be differentiated for each relevant year on the basis of their initial unit value calculated in accordance with Article 26 as it had effect immediately before exit day, provided that the decision to differentiate was taken and notified to the Commission by 1 August 2014.

3 All payment entitlements in a constituent nation or, where Article 23 is applied, in a region shall have a uniform unit value unless the relevant authority has applied the derogation in paragraph 4 of this Article, as it had effect immediately before exit day. Where a relevant authority has applied this derogation, the unit value will be calculated in accordance with paragraphs 4 to 7 of this Article as it had effect immediately before exit day.]

8 When applying paragraph 2 of this Article, the transition from the initial unit value of payment entitlements as calculated in accordance with Article 26 [F106 as it had effect immediately before exit day] to their final unit value in 2019 as established in accordance with paragraph 3 or paragraphs 4 to 7 of this Article shall be made in equal steps starting from 2015.

In order to ensure compliance with the fixed percentage referred to in paragraph 1 of this Article for each year, the value of the payment entitlements with an initial unit value that is higher than the national or regional unit value in 2019 shall be adjusted.

F107g .....

10 In 2015, Member States shall inform farmers of the value of their payment entitlements as calculated in accordance with this Article and Articles 26 and 27 for each year of the period covered by this Regulation.

**Extent Information**

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

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**Textual Amendments**

**F105** Art. 25(1)-(3) substituted for Art. 25(1)-(7) (31.1.2020) by The Rules for Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(4)(a)**

**F106** Words in Art. 25(8) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(4)(b)**

**F107** Art. 25(9) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(4)(c)**

Article 25 **W**

**Value of payment entitlements and convergence**

F376 1 .....

F376 2 .....

[F377 3 All payment entitlements in a constituent nation or, where Article 23 is applied, in a region shall have a uniform unit value unless the relevant authority has applied the derogation



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in paragraph 4 of this Article, as it had effect immediately before exit day. Where a relevant authority has applied this derogation, the unit value will be calculated in accordance with paragraphs 4 to 7 of this Article as it had effect immediately before exit day.]

F378g .....

F379g .....

10 In 2015, Member States shall inform farmers of the value of their payment entitlements as calculated in accordance with this Article and Articles 26 and 27 for each year of the period covered by this Regulation.

**Extent Information**

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

**Textual Amendments**

**F376** Art. 25(1)(2) omitted (W.) (31.12.2020) 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), **7(1)(a)**

**F377** Art. 25(1)-(3) substituted for Art. 25(1)-(7) (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(4)(a)**

**F378** Art. 25(8) omitted (W.) (31.12.2020) 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), **7(1)(b)**

**F379** Art. 25(9) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(4)(c)**

<sup>F108</sup> *Article 26* **U.K.**

**Calculation of the initial unit value**

**Textual Amendments**

**F108** Arts. 26-28 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(5)**

<sup>F108</sup> *Article 27* **U.K.**

**Inclusion of the special national de-mining reserve**

**Textual Amendments**

**F108** Arts. 26-28 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(5)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F108</sup>Article 28 **U.K.**

**Windfall profit**

**Textual Amendments**

**F108** Arts. 26-28 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(5)**

Article 29 **U.K.**

**Notifications concerning the value of payment entitlements and convergence**

Member States shall notify the Commission of any decision referred to in Articles 25, 26 and 28 by 1 August 2014.

Section 2 **U.K.**

**National reserve and regional reserves**

Article 30 **E+S+N.I.**

**Establishment and use of the national reserve or regional reserves**

[<sup>F109</sup>1 The relevant authority shall maintain the national reserve or regional reserves established prior to exit day.]

<sup>F110</sup>2 .....

<sup>F110</sup>3 .....

4 [<sup>F111</sup>The relevant authority] shall allocate payment entitlements from their national or regional reserves in accordance with objective criteria and in such a way as to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

5 Payment entitlements referred to in paragraph 4 shall only be allocated to farmers entitled to be granted direct payments in accordance with Article 9.

6 [<sup>F112</sup>The relevant authority] shall use their national or regional reserves to allocate payment entitlements, as a matter of priority, to young farmers and to farmers commencing their agricultural activity.

7 [<sup>F113</sup>The relevant authority] may use their national or regional reserves to:

- a allocate payment entitlements to farmers in order to prevent land from being abandoned, including in areas subject to restructuring or development programmes relating to a form of public intervention;
- b allocate payment entitlements to farmers in order to compensate them for specific disadvantages;



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- c allocate payment entitlements to farmers who were prevented from being allocated payment entitlements under this Chapter as a result of force majeure or exceptional circumstances;
- d allocate, in cases where they apply Article 21(3) of this Regulation, payment entitlements to farmers whose number of eligible hectares that they declared in 2015 in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and that are at their disposal on a date fixed by the Member State, which shall be no later than the date fixed in that Member State for amending such an aid application, is higher than the number of owned or leased-in payment entitlements established in accordance with Regulation (EC) No 1782/2003 and with Regulation (EC) No 73/2009 that they hold on the final date for submission of applications to be set in accordance with point (b) of the first subparagraph of Article 78 of Regulation (EU) No 1306/2013;
- e linearly increase, on a permanent basis, the value of all payment entitlements under the basic payment scheme at national or regional level if the relevant national or regional reserve exceeds 0,5 % of the <sup>[F114]</sup>relevant authority's share of the basic payment scheme ceiling or, where applicable, the regional ceiling for the basic payment scheme, provided that sufficient amounts remain available for allocations under paragraph 6, under points (a) and (b) of this paragraph and under paragraph 9 of this Article;
- f cover the yearly needs for payments to be granted in accordance with Article 51(2) and Article 65(1), (2) and (3) of this Regulation.

For the purpose of this paragraph, <sup>[F115]</sup>the relevant authority] shall decide on the priorities between the different uses referred to herein.

8 When applying paragraph 6 and points <sup>[F116]</sup>(a) and (b) of paragraph 7, <sup>[F117]</sup>the relevant authority] shall fix the value of payment entitlements allocated to farmers at the national or regional average value of payment entitlements in the year of allocation.

<sup>[F118]</sup>The national or regional average value shall be calculated by dividing the relevant authority's share of the basic payment scheme ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with Article 23(2), for the year of allocation, excluding the amount of the national reserve or regional reserves, by the number of allocated payment entitlements.]

<sup>[F119]</sup>The relevant authority] shall fix the steps for annual progressive modifications of the value of payment entitlements allocated from the national reserve or regional reserves, taking account of the modifications of the <sup>[F120]</sup>relevant authority's share of the basic payment ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with] Article 23(2) that result from the variations in the level of the national ceilings set out in Annex II.

9 Where a farmer is entitled to receive payment entitlements or to increase the value of the existing ones by virtue of a definitive court ruling or by virtue of a definitive administrative act of the competent authority of a <sup>[F121]</sup>relevant authority], the farmer shall receive the number and value of payment entitlements established in that ruling or act at a date to be fixed by the <sup>[F121]</sup>relevant authority]. However, that date shall not be later than the latest date for lodging an application under the basic payment scheme following the date of the court ruling or the administrative act, taking into account the application of Articles 32 and 33.

10 When applying paragraph 6, points (a) and (b) of paragraph 7 and paragraph 9, <sup>[F122]</sup>the relevant authority] may either allocate new entitlements or increase the unit value of all of the existing entitlements of a farmer up to the national or regional average value.

11 For the purposes of this Article, the following definitions shall apply:

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- a 'young farmers' means farmers fulfilling the conditions laid down in Article 50(2) and, where relevant, the conditions referred to in Article 50(3) and (11);
- b 'farmers commencing their agricultural activity' means natural or legal persons who, in the five years preceding the start of the agricultural activity, did not have any agricultural activity in their own name and at their own risk or did not have the control of a legal person exercising an agricultural activity. In the case of a legal person, the natural person or persons in control of the legal person must not have had any agricultural activity in their own name and at their own risk or must not have had the control of a legal person exercising an agricultural activity in the five years preceding the start of the agricultural activity by the legal person; [<sup>F123</sup>this category of farmers must also meet any additional objective and non-discriminatory eligibility criteria established by the relevant authority prior to exit day as regards appropriate skills, experience or education].

#### Extent Information

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

#### Textual Amendments

- F109** Art. 30(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(a)**
- F110** Art. 30(2)(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(b)**
- F111** Words in Art. 30(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(c)**
- F112** Words in Art. 30(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(c)**
- F113** Words in Art. 30(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(d)(i)**
- F114** Words in Art. 30(7)(e) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(d)(ii)**
- F115** Words in Art. 30(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(d)(iii)**
- F116** Words in Art. 30(8) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(e)(i)(aa)**
- F117** Words in Art. 30(8) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(e)(i)(bb)**
- F118** Words in Art. 30(8) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(e)(ii)**
- F119** Words in Art. 30(8) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(e)(iii)(aa)**
- F120** Words in Art. 30(8) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(e)(iii)(bb)**
- F121** Words in Art. 30(9) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(f)**
- F122** Words in Art. 30(10) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(g)**
- F123** Words in Art. 30(11) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(h)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## Article 30 W

### Establishment and use of the national reserve or regional reserves

<sup>F380</sup>1 The relevant authority shall maintain the national reserve or regional reserves established prior to exit day.]

<sup>F381</sup>2 .....

<sup>F381</sup>3 .....

4 <sup>F382</sup>[The relevant authority] shall allocate payment entitlements from their national or regional reserves in accordance with objective criteria and in such a way as to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

5 Payment entitlements referred to in paragraph 4 shall only be allocated to farmers entitled to be granted direct payments in accordance with Article 9.

6 <sup>F383</sup>[The relevant authority] shall use their national or regional reserves to allocate payment entitlements, as a matter of priority, to young farmers and to farmers commencing their agricultural activity.

7 <sup>F384</sup>[The relevant authority] may use their national or regional reserves to:

<sup>F385</sup>a .....

<sup>F385</sup>b .....

c allocate payment entitlements to farmers who were prevented from being allocated payment entitlements under this Chapter as a result of force majeure or exceptional circumstances;

d allocate, in cases where they apply Article 21(3) of this Regulation, payment entitlements to farmers whose number of eligible hectares that they declared in 2015 in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and that are at their disposal on a date fixed by the Member State, which shall be no later than the date fixed in that Member State for amending such an aid application, is higher than the number of owned or leased-in payment entitlements established in accordance with Regulation (EC) No 1782/2003 and with Regulation (EC) No 73/2009 that they hold on the final date for submission of applications to be set in accordance with point (b) of the first subparagraph of Article 78 of Regulation (EU) No 1306/2013;

e linearly increase, on a permanent basis, the value of all payment entitlements under the basic payment scheme at national or regional level if the relevant national or regional reserve exceeds 0,5 % of the <sup>F386</sup>[<sup>F387</sup>basic payment scheme ceiling in Wales] or, where applicable, the] regional ceiling for the basic payment scheme, provided that sufficient amounts remain available for allocations under paragraph 6, under points (a) and (b) of this paragraph and under paragraph 9 of this Article;

f cover the yearly needs for payments to be granted in accordance with Article 51(2) <sup>F388</sup>... of this Regulation.

For the purpose of this paragraph, <sup>F389</sup>[the relevant authority] shall decide on the priorities between the different uses referred to herein.

8 When applying paragraph 6 and points <sup>F390</sup>(a) and (b) of paragraph 7, <sup>F391</sup>[the relevant authority] shall fix the value of payment entitlements allocated to farmers at the national or regional average value of payment entitlements in the year of allocation.

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F392</sup>The national or regional average value shall be calculated by dividing the [<sup>F393</sup>basic payment scheme ceiling in Wales] or, where applicable, the regional ceiling for the basic payment scheme set in accordance with Article 23(2), for the year of allocation, excluding the amount of the national reserve or regional reserves, by the number of allocated payment entitlements.]

<sup>F394</sup>  
...

9 Where a farmer is entitled to receive payment entitlements or to increase the value of the existing ones by virtue of a definitive court ruling or by virtue of a definitive administrative act of the competent authority of a [<sup>F395</sup>relevant authority], the farmer shall receive the number and value of payment entitlements established in that ruling or act at a date to be fixed by the [<sup>F395</sup>relevant authority]. However, that date shall not be later than the latest date for lodging an application under the basic payment scheme following the date of the court ruling or the administrative act, taking into account the application of Articles 32 and 33.

10 When applying paragraph 6, points (a) and (b) of paragraph 7 and paragraph 9, [<sup>F396</sup>the relevant authority] may either allocate new entitlements or increase the unit value of all of the existing entitlements of a farmer up to the national or regional average value.

11 For the purposes of this Article, the following definitions shall apply:

- a 'young farmers' means farmers fulfilling the conditions laid down in Article 50(2) and, where relevant, the conditions referred to in Article 50<sup>F397</sup> ... (11);
- b 'farmers commencing their agricultural activity' means natural or legal persons who, in the five years preceding the start of the agricultural activity, did not have any agricultural activity in their own name and at their own risk or did not have the control of a legal person exercising an agricultural activity. In the case of a legal person, the natural person or persons in control of the legal person must not have had any agricultural activity in their own name and at their own risk or must not have had the control of a legal person exercising an agricultural activity in the five years preceding the start of the agricultural activity by the legal person; [<sup>F398</sup>this category of farmers must also meet any additional objective and non-discriminatory eligibility criteria established by the relevant authority prior to exit day as regards appropriate skills, experience or education].

#### Extent Information

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

#### Textual Amendments

- F380** Art. 30(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(a)**
- F381** Art. 30(2)(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(b)**
- F382** Words in Art. 30(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(c)**
- F383** Words in Art. 30(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(c)**
- F384** Words in Art. 30(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(6)(d)(i)**
- F385** Art. 30(7)(a)(b) omitted (W.) (31.12.2020) 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), **7(12)(a)(i)**

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*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F386** Words in Art. 30(7)(e) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(d)(ii)**
- F387** Words in Art. 30(7)(e) substituted (W.) (31.12.2020) 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), **7(12)(a)(ii)**
- F388** Words in Art. 30(7)(f) omitted (W.) (31.12.2020) 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), **7(12)(a)(iii)**
- F389** Words in Art. 30(7) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(d)(iii)**
- F390** Words in Art. 30(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(e)(i)(aa)**
- F391** Words in Art. 30(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(e)(i)(bb)**
- F392** Words in Art. 30(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(e)(ii)**
- F393** Words in Art. 30(8) substituted (W.) (31.12.2020) 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), **7(12)(b)(i)**
- F394** Words in Art. 30(8) omitted (W.) (31.12.2020) 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), **7(12)(b)(ii)**
- F395** Words in Art. 30(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(f)**
- F396** Words in Art. 30(10) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(g)**
- F397** Words in Art. 30(11)(a) omitted (W.) (31.12.2020) 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), **7(12)(c)**
- F398** Words in Art. 30(11) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(6)(h)**

### Article 31 **U.K.**

#### Replenishment of the national reserve or regional reserves

- 1 The national reserve or regional reserves shall be replenished by amounts resulting from:
- a payment entitlements not giving right to payments during two consecutive years due to the application of:
    - (i) Article 9,
    - (ii) Article 10(1), or
    - (iii) Article 11(4) of this Regulation;
  - b a number of payment entitlements equivalent to the total number of payment entitlements which have not been activated by farmers in accordance with Article 32 of this Regulation for a period of two consecutive years, except where their activation has been prevented by force majeure or exceptional circumstances; when establishing the owned or leased-in payment entitlements held by a farmer that shall revert to the

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- national reserve or regional reserves, priority shall be given to those entitlements which have the lowest value;
- c payment entitlements voluntarily returned by farmers;
- <sup>F124</sup>d .....
- e unduly allocated payment entitlements in accordance with Article 63 of Regulation (EU) No 1306/2013;
- f a linear reduction of the value of payment entitlements under the basic payment scheme at national or regional level where the national reserve or regional reserves are not sufficient to cover the cases referred to in Article 30(9) of this Regulation;
- <sup>F116</sup>g where <sup>F125</sup>[the relevant authority considers] it necessary, a linear reduction of the value of payment entitlements under the basic payment scheme at national or regional level to cover cases referred to in Article 30(6) of this Regulation. In addition, <sup>F126</sup>[a relevant authority] already making use of that linear reduction may in the same year also apply a linear reduction of the value of payment entitlements under the basic payment scheme at national or regional level to cover cases referred to in points (a) and (b) of the first subparagraph of Article 30(7) of this Regulation;]
- <sup>F127</sup>h the application of Article 34(4) of this Regulation.]
- 2 The <sup>F128</sup>[appropriate authority may make regulations] laying down necessary measures regarding the reversion of non-activated payment entitlements to the national reserve or regional reserves. <sup>F129</sup>...

#### Textual Amendments

- F16** 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.
- F124** Art. 31(1)(d) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(7)(a)(i)**
- F125** Words in Art. 31(1)(g) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(7)(a)(ii)(aa)**
- F126** Words in Art. 31(1)(g) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(7)(a)(ii)(bb)**
- F127** Art. 31(1)(h) omitted (W.) (31.12.2020) 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), **7(13)**
- F128** Words in Art. 31(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(7)(b)(i)**
- F129** Words in Art. 31(2) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(7)(b)(ii)**



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

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### Section 3 U.K.

#### **Implementation of the basic payment scheme**

### Article 32 U.K.

#### **Activation of payment entitlements**

1 Support under the basic payment scheme shall be granted to farmers, by means of declaration in accordance with Article 33(1), upon activation of a payment entitlement per eligible hectare in the [<sup>F130</sup>constituent nation] where it has been allocated. Activated payment entitlements shall give a right to the annual payment of the amounts fixed therein, without prejudice to the application [<sup>F131</sup>of financial discipline,] of reduction of payments in accordance with Article 11 and of linear reductions in accordance with [<sup>F132</sup>[<sup>F133</sup>Article 7 and]] Article 51(2) <sup>F134</sup>... of this Regulation, and to the application of Article 63 of Regulation (EU) No 1306/2013.

2 For the purposes of this Title, 'eligible hectare' means:

- a any agricultural area of the holding<sup>F135</sup>... that is used for an agricultural activity or, where the area is also used for non-agricultural activities, is predominantly used for agricultural activities; or
- b [<sup>F136</sup>any area which gave a right to payments in 2008 under the single payment scheme laid down in Title III] of Regulation (EC) No 1782/2003, and which:
  - (i) no longer complies with the definition of 'eligible hectare' under point (a) as a result of the implementation of Directive 92/43/EEC, Directive 2000/60/EC and Directive 2009/147/EC;
  - (ii) for the duration of the relevant commitment by the individual farmer, is afforested pursuant to Article 31 of Regulation (EC) No 1257/1999 or to Article 43 of Regulation (EC) No 1698/2005 or to Article 22 of Regulation (EU) No 1305/2013 or under a national scheme the conditions of which comply with Article 43(1), (2) and (3) of Regulation (EC) No 1698/2005 or Article 22 of Regulation (EU) No 1305/2013; or
  - (iii) for the duration of the relevant commitment of the individual farmer, is set aside pursuant to Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, to Article 39 of Regulation (EC) No 1698/2005 or to Article 28 of Regulation (EU) No 1305/2013.

3 For the purposes of point (a) of paragraph 2:

- a where an agricultural area of a holding is also used for non-agricultural activities, that area shall be considered to be used predominantly for agricultural activities provided that those agricultural activities can be exercised without being significantly hampered by the intensity, nature, duration and timing of the non-agricultural activities;
- b [<sup>F137</sup>the relevant authority] may draw up a list of areas which are predominantly used for non-agricultural activities.

[<sup>F138</sup>The relevant authority must apply the criteria it has established for the implementation of this paragraph in the constituent nation.]

4 Areas shall be considered to be eligible hectares only if they comply with the definition of eligible hectare throughout the calendar year, except in the case of force majeure or exceptional circumstances.

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F139</sup>5 For the purposes of determining 'eligible hectare', [<sup>F140</sup>the relevant authority] having taken the decision referred to in the second subparagraph of Article 4(2) may apply a reduction coefficient to convert the hectares concerned into 'eligible hectares'.]

6 Areas used for the production of hemp shall only be eligible hectares if the varieties used have a tetrahydrocannabinol content not exceeding 0,2 %.

#### Textual Amendments

- F130** Words in Art. 32(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(a)(i)**
- F131** Words in Art. 32(1) omitted (W.) (31.12.2020) 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), **7(14)(a)(i)**
- F132** Words in Art. 32(1) substituted (8.6.2020) by The Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/576), regs. 1, **3(2)**
- F133** Words in Art. 32(1) omitted (W.) (31.12.2020) 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), **7(14)(a)(ii)**
- F134** Words in Art. 32(1) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(a)(ii)**
- F135** Words in Art. 32(2)(a) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(b)(i)**
- F136** Words in Art. 32(2)(b) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(b)(ii)**
- F137** Words in Art. 32(3)(b) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(c)(i)**
- F138** Words in Art. 32(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(c)(ii)**
- F139** Art. 32(5) omitted (W.) (31.12.2020) 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), **7(14)(b)**
- F140** Words in Art. 32(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(8)(d)**

#### Article 33 **U.K.**

#### Declaration of eligible hectares

1 For the purposes of the activation of payment entitlements provided for in Article 32(1), the farmer shall declare the parcels corresponding to the eligible hectares accompanying any payment entitlement. Except in the case of force majeure or exceptional circumstances, the parcels declared shall be at the farmer's disposal on a date fixed by the [<sup>F141</sup>relevant authority], which shall be no later than the date fixed in that [<sup>F142</sup>constituent nation] for amending the aid application as referred to in Article 72(1) of Regulation (EU) No 1306/2013.

2 [<sup>F143</sup>The relevant authority] may, in duly justified circumstances, authorise the farmer to modify his declaration provided that he maintains at least the number of hectares corresponding to his payment entitlements and respects the conditions for granting the payment under the basic payment scheme for the area concerned.



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F141** Words in Art. 33(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(9)(a)(i)**
- F142** Words in Art. 33(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(9)(a)(ii)**
- F143** Words in Art. 33(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(9)(b)**

### Article 34 **U.K.**

#### Transfer of payment entitlements

1 Payment entitlements may be transferred only to a farmer entitled to be granted direct payments in accordance with Article 9 established in the same [<sup>F144</sup>constituent nation], except in the case of transfer by actual or anticipated inheritance.

Payment entitlements, including in the case of actual or anticipated inheritance, may be activated only in the [<sup>F144</sup>constituent nation] where they were allocated.

2 Where [<sup>F145</sup>the relevant authority exercises] the option in Article 23(1), payment entitlements may be transferred or activated only within the same region, except in the case of actual or anticipated inheritance.

Payment entitlements, including in the case of actual or anticipated inheritance, may be activated only in the region where they were allocated.

3 [<sup>F146</sup>A relevant authority] not exercising the option in Article 23(1) may decide that payment entitlements may be transferred or activated only within the same region, except in the case of actual or anticipated inheritance.

Such regions shall be defined at the appropriate territorial level in accordance with objective criteria and in a way that ensures the equal treatment of farmers and avoids distortions of the market and of competition.

[<sup>F147</sup> Where payment entitlements are transferred without land, [<sup>F148</sup>the relevant authority] may, acting in compliance with [<sup>F149</sup>retained EU law relating to the common agricultural policy and the objectives of the common agricultural policy set out in Article 39 of the Treaty on the Functioning of the European Union], decide that a part of the payment entitlements transferred are to revert to the national reserve or regional reserves or that their unit value is to be reduced in favour of the national reserve or regional reserves. Such reduction may be applied to one or more types of transfer.]

5 The [<sup>F150</sup>appropriate authority may make regulations] laying down detailed rules governing the notification by farmers of transfer of payment entitlements to the [<sup>F151</sup>relevant authority] and the deadlines within which such notification is to take place. <sup>F152</sup>...

#### Textual Amendments

- F144** Words in Art. 34(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(10)(a)**
- F145** Words in Art. 34(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(10)(b)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F146** Words in Art. 34(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(c)**
- F147** Art. 34(4) omitted (W.) (31.12.2020) 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), **7(15)**
- F148** Words in Art. 34(4) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(d)(i)**
- F149** Words in Art. 34(4) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(d)(ii)**
- F150** Words in Art. 34(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(e)(i)**
- F151** Words in Art. 34(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(e)(ii)**
- F152** Words in Art. 34(5) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(10)(e)(iii)**

*Article 35* U.K.

**Delegated powers**

1 In order to ensure legal certainty and to clarify the specific situations that may arise in the application of the basic payment scheme, the [<sup>F153</sup>appropriate authority may make regulations] concerning:

- a rules on eligibility and access in respect of the basic payment scheme of farmers in the case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination, transfer of payment entitlements, [<sup>F154</sup>and] merger or scission of the holding<sup>F155</sup> ... ;
- b rules on the calculation of the value and number or on the increase or reduction in the value of payment entitlements in relation to the allocation of payment entitlements under any provision of this Title, including rules:
  - (i) on the possibility of a provisional value and number or of a provisional increase of payment entitlements allocated on the basis of the application from the farmer,
  - (ii) on the conditions for establishing the provisional and definitive value and number of the payment entitlements,
  - (iii) on the cases where a sale or lease contract may affect the allocation of payment entitlements;
- c rules on the establishment and calculation of the value and number of payment entitlements received from the national reserve or regional reserves;
- d rules on the modification of the unit value of payment entitlements in the case of fractions of payment entitlements and in the case of transfer of payment entitlements referred to in Article 34(4);
- <sup>F156</sup>e ..... ;
- <sup>F156</sup>f ..... ;
- g criteria for the allocation of payment entitlements pursuant to Article 30(6) [<sup>F157</sup>and (7)];
- [<sup>F158</sup>h criteria for setting the reduction coefficient referred to in Article 32(5).]

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

2 In order to ensure the proper management of payment entitlements, the [<sup>F159</sup>appropriate authority may make regulations] laying down rules on the content of the declaration and the requirements for the activation of payment entitlements.

3 In order to preserve public health, the [<sup>F160</sup>appropriate authority may make regulations] laying down rules making the granting of payments conditional upon the use of certified seeds of certain hemp varieties and the procedure for the determination of hemp varieties and the verification of their tetrahydrocannabinol content referred to in Article 32(6).

#### Textual Amendments

- F153** Words in Art. 35(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(a)(i)**
- F154** Word in Art. 35(1)(a) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(a)(ii)(aa)**
- F155** Words in Art. 35(1)(a) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(a)(ii)(bb)**
- F156** Art. 35(1)(e)(f) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(a)(iii)**
- F157** Words in Art. 35(1)(g) omitted (W.) (31.12.2020) 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), **7(16)(a)**
- F158** Art. 35(1)(h) omitted (W.) (31.12.2020) 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), **7(16)(b)**
- F159** Words in Art. 35(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(b)**
- F160** Words in Art. 35(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(11)(c)**

Section 4 **U.K.**

#### Single area payment scheme

<sup>F161</sup>Article 36 **U.K.**

#### Single area payment scheme

#### Textual Amendments

- F161** Arts. 36-40 omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(12)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F161</sup> Article 37 **U.K.**

### Transitional national aid

#### Textual Amendments

**F161** Arts. 36-40 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(12)**

Section 5 **U.K.**

### *Implementation of the basic payment scheme in the member states having applied the single area payment scheme*

<sup>F161</sup> Article 38 **U.K.**

### Introduction of the basic payment scheme in the Member States having applied the single area payment scheme

#### Textual Amendments

**F161** Arts. 36-40 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(12)**

<sup>F161</sup> Article 39 **U.K.**

### First allocation of payment entitlements

#### Textual Amendments

**F161** Arts. 36-40 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(12)**

<sup>F161</sup> Article 40 **U.K.**

### Value of payment entitlements

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F161** Arts. 36-40 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(12)**

## CHAPTER 2 **U.K.**

### *Redistributive payment*

#### Article 41 **E+S+N.I.**

#### General rules

<sup>F162</sup> The relevant authority may grant an annual payment to farmers who are entitled to a payment under the basic payment scheme referred to in Sections 1, 2, 3 and 5 of Chapter 1 (“the redistributive payment”), provided that such a decision was taken and notified to the Commission by 1 August 2019.

2 If the relevant authority applies the basic payment scheme at regional level in accordance with Article 23, it may apply the redistributive payment at regional level.]

3 Without prejudice to the application of financial discipline, of reduction of payments in accordance with Article 11, of linear reductions as referred in Article 7 of this Regulation, and to the application of Article 63 of Regulation (EU) No 1306/2013, the redistributive payment shall be granted annually upon activation of payment entitlements by the farmer<sup>F163</sup>....

4 The redistributive payment shall be calculated each year by [<sup>F164</sup>the relevant authority] by multiplying a figure to be set by the [<sup>F165</sup>relevant authority], which shall not be higher than 65 % of the <sup>F166</sup>... average payment per hectare [<sup>F167</sup>made by the relevant authority (at regional level where applicable)], by the number of payment entitlements activated by the farmer in accordance with Article 33(1) <sup>F168</sup>.... The number of such payment entitlements or hectares shall not exceed a maximum to be set by [<sup>F164</sup>the relevant authority] which shall not be higher than 30 hectares [<sup>F169</sup>, or 54 hectares if the] average size exceeds 30 hectares in the [<sup>F170</sup>constituent nation] concerned.

<sup>F171</sup>5 .....

6 The national average payment per hectare referred to in paragraph 4 of this Article shall be established by the [<sup>F172</sup>relevant authority] on the basis [<sup>F173</sup>of its share] of the national ceiling <sup>F174</sup>... for calendar year 2019 and the number of eligible hectares declared in accordance with Article 33(1) <sup>F175</sup>... in 2015.

<sup>F176</sup> ...

7 [<sup>F177</sup>The relevant authority] shall ensure that no advantage provided for under this Chapter is granted to farmers in respect of whom it is established that, after 18 October 2011, they divided their holding with the sole purpose of benefiting from the redistributive payment. This shall also apply to farmers whose holdings result from that division.

<sup>F178</sup>8 .....

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Extent Information

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

### Textual Amendments

- F162** Art. 41(1)(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(a)**
- F163** Words in Art. 41(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(b)**
- F164** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(i)**
- F165** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(ii)(aa)**
- F166** Words in Art. 41(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(iii)**
- F167** Words in Art. 41(4) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(iv)**
- F168** Words in Art. 41(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(v)**
- F169** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(vi)**
- F170** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(ii)(bb)**
- F171** Art. 41(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(d)**
- F172** Words in Art. 41(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(aa)**
- F173** Words in Art. 41(6) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(bb)**
- F174** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(cc)**
- F175** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(dd)**
- F176** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(ii)**
- F177** Words in Art. 41(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(f)**
- F178** Art. 41(8) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(g)**

## Article 41

### General rules

<sup>F399</sup>1 The relevant authority may grant an annual payment to farmers who are entitled to a payment under the basic payment scheme referred to in Sections 1, 2, 3 and 5 of Chapter 1 (“the redistributive payment”)<sup>F400</sup> ....

2 If the relevant authority applies the basic payment scheme at regional level in accordance with Article 23, it may apply the redistributive payment at regional level.]

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

3 Without prejudice to the application <sup>F401</sup>... of reduction of payments in accordance with Article 11 <sup>F402</sup>... of this Regulation, and to the application of Article 63 of Regulation (EU) No 1306/2013, the redistributive payment shall be granted annually upon activation of payment entitlements by the farmer <sup>F403</sup>....

4 The redistributive payment shall be calculated each year by [<sup>F404</sup>the relevant authority] by multiplying a figure to be set by the [<sup>F405</sup>relevant authority], which shall not be higher than 65 % of the <sup>F406</sup>... average payment per hectare [<sup>F407</sup>made by the relevant authority (at regional level where applicable)], by the number of payment entitlements activated by the farmer in accordance with Article 33(1) <sup>F408</sup>.... [<sup>F409</sup>The number of such payment entitlements or hectares shall not exceed a maximum level to be set by the relevant authority which shall not be higher than 54 hectares.]

<sup>F410</sup>5 .....

6 The national average payment per hectare referred to in paragraph 4 of this Article shall be established by the [<sup>F411</sup>relevant authority] on the basis [<sup>F412</sup>of its share] of the national ceiling <sup>F413</sup>... for calendar year 2019 and the number of eligible hectares declared in accordance with Article 33(1) <sup>F414</sup>... in 2015.

<sup>F415</sup> ...

7 [<sup>F416</sup>The relevant authority] shall ensure that no advantage provided for under this Chapter is granted to farmers in respect of whom it is established that, after 18 October 2011, they divided their holding with the sole purpose of benefiting from the redistributive payment. This shall also apply to farmers whose holdings result from that division.

<sup>F417</sup>8 .....

#### Extent Information

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

#### Textual Amendments

- F399** Art. 41(1)(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(a)**
- F400** Words in Art. 41(1) omitted (W.) (31.12.2020) 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), **7(17)(a)**
- F401** Words in Art. 41(3) omitted (W.) (31.12.2020) 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), **7(17)(b)(i)**
- F402** Words in Art. 41(3) omitted (W.) (31.12.2020) 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), **7(17)(b)(ii)**
- F403** Words in Art. 41(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(b)**
- F404** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(i)**
- F405** Words in Art. 41(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(ii)(aa)**
- F406** Words in Art. 41(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(iii)**



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F407** Words in Art. 41(4) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(iv)**
- F408** Words in Art. 41(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(c)(v)**
- F409** Words in Art. 41(4) substituted (W.) (31.12.2020) 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), **7(17)(c)**
- F410** Art. 41(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(d)**
- F411** Words in Art. 41(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(aa)**
- F412** Words in Art. 41(6) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(bb)**
- F413** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(cc)**
- F414** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(i)(dd)**
- F415** Words in Art. 41(6) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(e)(ii)**
- F416** Words in Art. 41(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(f)**
- F417** Art. 41(8) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(13)(g)**

<sup>F179</sup>Article 42 U.K.

### Financial provisions

In order to finance the redistributive payment, the relevant authority may decide<sup>F180</sup>, by the date referred to in Article 41(1)] to use up to 30% of [<sup>F181</sup>its share of the annual national][<sup>F181</sup>the total] ceiling.]

#### Textual Amendments

- F179** Art. 42 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(14)**
- F180** Words in Art. 42 omitted (W.) (31.12.2020) 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), **7(18)(a)**
- F181** Words in Art. 42 substituted (W.) (31.12.2020) 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), **7(18)(b)**



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## <sup>F182</sup>CHAPTER 3 U.K.

### ***Payment for agricultural practices beneficial for the climate and the environment***

#### Article 43 U.K.

##### **General rules**

1 Farmers entitled to a payment under the basic payment scheme or the single area payment scheme shall observe, on all their eligible hectares within the meaning of Article 32(2) to (5), the agricultural practices beneficial for the climate and the environment referred to in paragraph 2 of this Article or the equivalent practices referred to in paragraph 3 of this Article.

2 The agricultural practices beneficial for the climate and the environment shall be the following:

- a crop diversification;
- b maintaining existing permanent grassland; and
- c having ecological focus area on the agricultural area.

3 The equivalent practices shall be those which include similar practices that yield an equivalent or higher level of benefit for the climate and the environment compared to one or several of the practices referred to in paragraph 2. Those equivalent practices and the practice or practices referred to in paragraph 2 to which they are equivalent are listed in Annex IX and shall be covered by any of the following:

- a commitments undertaken in accordance with either Article 39(2) of Regulation (EC) No 1698/2005 or Article 28(2) of Regulation (EU) No 1305/2013;
- b national or regional environmental certification schemes, including those for the certification of compliance with national environmental legislation, going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013, which aim to meet objectives relating to soil and water quality, biodiversity, landscape preservation, and climate change mitigation and adaptation. Those certification schemes may include the practices listed in Annex IX to this Regulation, the practices referred to in paragraph 2 of this Article, or a combination of those practices.

4 The equivalent practices referred to in paragraph 3 shall not be the subject of double funding.

5 [<sup>F183</sup>Nothing in this Regulation prevents the relevant authority from deciding], including, where appropriate, at regional level, to restrict the choice of the farmers to use the options referred to in points (a) and (b) of paragraph 3.

6 [<sup>F184</sup>Nothing in this Regulation prevents the relevant authority from deciding], including, where appropriate, at regional level, that farmers shall carry out all of their relevant obligations under paragraph 1 in accordance with national or regional environmental certification schemes referred to in point (b) of paragraph 3.

7 Subject to the decisions of [<sup>F185</sup>the relevant authority] referred to in paragraphs 5 and 6, a farmer may observe one or more of the practices referred to in point (a) of paragraph 3 only if these fully replace the related practice or practices referred to in paragraph 2. A farmer may use certification schemes referred to in point (b) of paragraph 3 only if these cover the entire obligation referred to in paragraph 1.

<sup>F186</sup>8 .....

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

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9 Without prejudice to paragraphs 10 and 11 of this Article, to the application <sup>F187</sup>... of linear reductions in accordance with Article 7 of this Regulation and to the application of Article 63 of Regulation (EU) No 1306/2013, [<sup>F188</sup>the relevant authority] shall grant the payment referred to in this Chapter to farmers who observe the practices referred to in paragraph 1 of this Article that are relevant for them, and to the extent that those farmers comply with Articles 44, 45 and 46 of this Regulation.

This payment shall take the form of an annual payment per eligible hectare declared in accordance with Article 33(1) <sup>F189</sup>..., the amount of which shall be calculated annually by dividing the amount resulting from the application of Article 47 by the total number of eligible hectares declared in accordance with Article 33(1) <sup>F189</sup>... in the [<sup>F190</sup>constituent nation] or the region concerned.

By way of derogation from the second subparagraph, [<sup>F191</sup>and provided that the decision to derogate was taken and notified to the Commission prior to 15 December 2014, the relevant authority] may decide to grant the payment referred to in this paragraph as a percentage of the total value of the payment entitlements that the farmer has activated in accordance with Article 33(1) for each relevant year.

For each year and each [<sup>F190</sup>constituent nation] or region, that percentage shall be calculated by dividing the amount resulting from the application of Article 47 by the total value of all payment entitlements activated in accordance with Article 33(1) in that [<sup>F190</sup>constituent nation] or region.

10 Farmers whose holdings are fully or partly situated in areas covered by Directives 92/43/EEC, 2000/60/EC, or 2009/147/EC shall be entitled to the payment referred to in this Chapter provided that they observe the practices referred to in this Chapter to the extent that those practices are compatible in the holding concerned with the objectives of those Directives.

11 Farmers complying with the requirements laid down in Article 29(1) of Regulation (EC) No 834/2007 as regards organic farming shall be entitled ipso facto to the payment referred to in this Chapter.

The first subparagraph shall apply only to the units of a holding that are used for organic production in accordance with Article 11 of Regulation (EC) No 834/2007.

- 12 The [<sup>F192</sup>appropriate authority may make regulations]:
- a adding equivalent practices to the list set out in Annex IX;
  - b establishing appropriate requirements applicable to the national or regional certification schemes referred to in point (b) of paragraph 3 of this Article, including the level of assurance to be provided by those schemes;
  - c establishing detailed rules for the calculation of the amount referred to in Article 28(6) of Regulation (EU) No 1305/2013 for the practices referred to in points 3 and 4 of Section I and point 7 of Section III of Annex IX to this Regulation, and any further equivalent practices added to that Annex pursuant to point (a) of this paragraph for which a specific calculation is needed in order to avoid double funding.

<sup>F193</sup>13 .....

#### Textual Amendments

**F183** Words in Art. 43(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(15)(a)**

**F184** Words in Art. 43(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(15)(a)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F185** Words in Art. 43(7) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(b)**
- F186** Art. 43(8) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(c)**
- F187** Words in Art. 43(9) omitted (8.6.2020) by virtue of The Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/576), regs. 1, **3(3)**
- F188** Words in Art. 43(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(d)(i)**
- F189** Words in Art. 43(9) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(d)(iii)**
- F190** Words in Art. 43(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(d)(ii)**
- F191** Words in Art. 43(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(d)(iv)**
- F192** Words in Art. 43(12) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(e)**
- F193** Art. 43(13) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(15)(f)**

#### **Modifications etc. (not altering text)**

- C4** Art. 43(2) excluded (N.I.) (30.4.2020) by The Direct Payments to Farmers (Crop Diversification Derogation) Regulations (Northern Ireland) 2020 (S.R. 2020/75), regs. 1, **2**
- C5** Art. 43(2)(a) excluded (W.) (30.4.2020) by The Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020 (S.I. 2020/470), regs. 1(2), **2(a)(i)** (with reg. 3)
- C6** Art. 43(2)(a) excluded (S.) (1.5.2020) by The Direct Payments (Crop Diversification Derogation) (Scotland) Regulations 2020 (S.S.I. 2020/135), regs. 1(1), **2**
- C7** Art. 43(2)(a) excluded (E.) (1.5.2020) by The Direct Payments to Farmers (Crop Diversification Derogation) (England) Regulations 2020 (S.I. 2020/475), regs. 1(1), **2**
- C8** Art. 43(9) modified (W.) (30.4.2020) by The Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020 (S.I. 2020/470), regs. 1(2), **2(b)** (with reg. 3)

#### *Article 44* **U.K.**

### **Crop diversification**

1 Where the arable land of the farmer covers between 10 and 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least two different crops on that arable land. The main crop shall not cover more than 75 % of that arable land.

Where the arable land of the farmer covers more than 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least three different crops on that arable land. The main crop shall not cover more than 75 % of that arable land and the two main crops together shall not cover more than 95 % of that arable land.

[<sup>F162</sup> Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow or cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle cover more than 75 % of the arable land. In such cases, the main crop on the remaining arable area shall not cover more than 75 %

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of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow.]

3 Paragraphs 1 and 2 shall not apply to holdings:

- [<sup>F16</sup>a where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is used for cultivation of leguminous crops, is land lying fallow or is subject to a combination of those uses;
- b where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses;]
- c where more than 50 % of the areas of arable land declared were not declared by the farmer in his aid application of the previous year and, where based on a comparison of the geo-spatial aid applications, all arable land is being cultivated with a different crop compared to that of the previous calendar year;

<sup>F194</sup>d .....

4 For the purposes of this Article, a "crop" means any of the following:

- a a culture of any of the different genera defined in the botanical classification of crops;
- b a culture of any of the species in the case of *Brassicaceae*, *Solanaceae*, and *Cucurbitaceae*;
- c land lying fallow;
- d grasses or other herbaceous forage.

[<sup>F16</sup>Winter crop and spring crop shall be considered to be distinct crops even if they belong to the same genus. *Triticum spelta* shall be considered to be a distinct crop from crops belonging to the same genus.]

5 The [<sup>F195</sup>appropriate authority may make regulations]:

- a recognising other types of genera and species than those referred to in paragraph 4 of this Article; and
- b laying down the rules concerning the application of the precise calculation of shares of different crops.

#### Textual Amendments

**F16** 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.

**F194** Art. 44(3)(d) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(16)(a)**

**F195** Words in Art. 44(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(16)(b)**

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#### **Modifications etc. (not altering text)**

- C9** Art. 44 excluded (N.I.) (30.4.2020) by [The Direct Payments to Farmers \(Crop Diversification Derogation\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/75\)](#), regs. 1, 2
- C10** Art. 44 excluded (W.) (30.4.2020) by [The Direct Payments to Farmers \(Crop Diversification Derogation\) \(Wales\) Regulations 2020 \(S.I. 2020/470\)](#), regs. 1(2), **2(a)(ii)** (with reg. 3)
- C11** Art. 44 excluded (E.) (1.5.2020) by [The Direct Payments to Farmers \(Crop Diversification Derogation\) \(England\) Regulations 2020 \(S.I. 2020/475\)](#), regs. 1(1), 2
- C12** Art. 44 excluded (S.) (1.5.2020) by [The Direct Payments \(Crop Diversification Derogation\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/135\)](#), regs. 1(1), 2

### Article 45 **U.K.**

#### **Permanent grassland**

[<sup>F196</sup>1 Farmers shall not convert or plough permanent grassland situated in areas which, prior to exit day, have been designated by the relevant authority as permanent grasslands which are environmentally sensitive.]

2 [<sup>F197</sup>The relevant authority] shall ensure that the ratio of areas of permanent grassland to the total agricultural area declared by the farmers in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 does not decrease by more than 5 % compared to [<sup>F198</sup>the reference ratio] established by [<sup>F199</sup>the relevant authority] in 2015 by dividing areas of permanent grassland referred to in point (a) of the second subparagraph of this paragraph by the total agricultural area referred to in point (b) of that subparagraph.

For the purposes of establishing the reference ratio referred to in the first subparagraph:

- a "areas of permanent grassland" means the land under permanent pasture declared in 2012, <sup>F200</sup>... in accordance with Regulation (EC) No 73/2009 by the farmers subject to the obligations under this Chapter, as well as the areas of permanent grassland declared in 2015 in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 by the farmers subject to the obligations under this Chapter that have not been declared as land under permanent pasture in 2012 <sup>F201</sup>...;
- b "total agricultural area" means the agricultural area declared in 2015 in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 by farmers subject to the obligations under this Chapter.

The reference ratio of permanent grassland shall be recalculated in cases where farmers subject to the obligations under this Chapter have an obligation to reconvert an area into permanent grassland in 2015 or in 2016 in accordance with Article 93 of Regulation (EU) No 1306/2013. In such cases, these areas shall be added to the areas of permanent grassland referred to in point (a) of the second subparagraph of this paragraph.

The ratio of permanent grassland shall be established each year on the basis of the areas declared by the farmers subject to the obligations under this Chapter for that year in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013.

[<sup>F202</sup>The obligation under this paragraph shall apply across the constituent nation.]

<sup>F203</sup>  
...

3 Where it is established that the ratio referred to in paragraph 2 has decreased by more than 5 % [<sup>F204</sup>in the constituent nation, the relevant authority] shall impose obligations at holding



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level to reconvert land into permanent grassland for those farmers who have land at their disposal which was converted from land under permanent pasture or from permanent grassland into land for other uses during a period in the past.

However, where the amount of areas of permanent grassland in absolute terms established in accordance with point (a) of the second subparagraph of paragraph 2 is maintained within certain limits, the obligation set out in the first subparagraph of paragraph 2 shall be considered to have been complied with.

4 Paragraph 3 shall not apply where the decrease below the threshold is the result of afforestation that is compatible with the environment and does not include plantations of short rotation coppice, Christmas trees or fast growing trees for energy production.

5 In order to ensure that the ratio of permanent grassland is maintained, the [F<sup>205</sup>appropriate authority may make regulations] laying down detailed rules on maintenance of permanent grassland, including rules on reconversion in the case of non-respect of the obligation in paragraph 1 of this Article, F<sup>206</sup>... and any adjustment of the reference ratio referred to in paragraph 2 that may become necessary.

6 The [F<sup>207</sup>appropriate authority may make regulations]:

- a laying down the framework for the designation of further sensitive areas referred to in the second subparagraph of paragraph 1 of this Article;
- b establishing detailed methods for the determination of the ratio of permanent grassland and of the total agricultural area that has to be maintained pursuant to paragraph 2 of this Article;
- c defining the period in the past referred to in the first subparagraph of paragraph 3 of this Article.

7 The [F<sup>208</sup>appropriate authority may make regulations] fixing the limits referred to in the second subparagraph of paragraph 3 of this Article. F<sup>209</sup>...

#### Textual Amendments

- F196** Art. 45(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(a)**
- F197** Words in Art. 45(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(i)(aa)**
- F198** Words in Art. 45(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(ii)**
- F199** Words in Art. 45(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(i)(bb)**
- F200** Words in Art. 45(2)(a) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(iii)(aa)**
- F201** Words in Art. 45(2)(a) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(iii)(bb)**
- F202** Words in Art. 45(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(iv)**
- F203** Words in Art. 45(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(b)(v)**
- F204** Words in Art. 45(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(c)**
- F205** Words in Art. 45(5) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(d)(i)**

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- F206** Words in Art. 45(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(d)(ii)**
- F207** Words in Art. 45(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(e)**
- F208** Words in Art. 45(7) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(f)(i)**
- F209** Words in Art. 45(7) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(17)(f)(ii)**

## Article 46 **U.K.**

### Ecological focus area

[<sup>F16</sup>1 Where the arable land of a holding covers more than 15 hectares, the farmer shall ensure that, from 1 January 2015, an area corresponding to at least 5 % of the arable land of the holding that the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and, if they are considered to be ecological focus area by the [<sup>F210</sup>relevant authority] in accordance with paragraph 2 of this Article, including the areas mentioned in points (c), (d), (g), (h), (k) and (l) of that paragraph is ecological focus area.]

The percentage referred to in the first subparagraph of this paragraph shall be increased from 5 % to 7 % subject to a legislative act of the European Parliament and of the Council in accordance with Article 43(2) TFEU.

By 31 March 2017, the Commission shall present an evaluation report on the implementation of the first subparagraph of this paragraph accompanied, where appropriate, by a proposal for a legislative act as referred to in the second subparagraph.

- 2 [<sup>F211</sup>An ecological focus area may include one or more of the following:]
- a land lying fallow;
  - b terraces;
  - c landscape features, including such features adjacent to the arable land of the holding which, by way of derogation from Article 43(1) of this Regulation, may include landscape features that are not included in the eligible area in accordance with point (c) of Article 76(2) of Regulation (EU) No 1306/2013;
  - d buffer strips, including buffer strips covered by permanent grassland, provided that these are distinct from adjacent eligible agricultural area;
  - e hectares of agro-forestry that receive, or have received, support under Article 44 of Regulation (EC) No 1698/2005 and/or Article 23 of Regulation (EU) No 1305/2013;
  - f strips of eligible hectares along forest edges;
  - g areas with short rotation coppice with no use of mineral fertiliser and/or plant protection products;
  - h afforested areas referred to in point (b)(ii) of Article 32(2) of this Regulation;
  - i areas with catch crops, or green cover established by the planting and germination of seeds, subject to the application of weighting factors referred to in paragraph 3 of this Article;
  - j areas with nitrogen-fixing crops[<sup>F16</sup>;
  - [<sup>F26</sup>k areas with *Miscanthus* ;
  - l areas with *Silphium perfoliatum* ;
  - m land lying fallow for melliferous plants (pollen and nectar rich species).]



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[<sup>F16</sup>With the exception of the areas of the holding referred to in points (g), (h), (k) and (l) of the first subparagraph of this paragraph, the ecological focus area shall be located on the arable land of the holding. In the case of areas referred to in points (c) and (d) of the first subparagraph of this paragraph, the ecological focus area may also be adjacent to the arable land of the holding the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013.]

3 In order to simplify administration and to take account of the characteristics of the types of ecological focus area listed in the first subparagraph of paragraph 2, as well as to facilitate their measurement, [<sup>F212</sup>the relevant authority] may, when calculating the total hectares represented by the ecological focus area of the holding, make use of the conversion and/or weighting factors set out in Annex X. If [<sup>F213</sup>the relevant authority] decides to consider to be ecological focus area the area under point (i) of the first subparagraph of paragraph 2 or any other area that is subject to a weighting of less than 1, the use of the weighting factors set out in Annex X shall be mandatory.

4 Paragraph 1 shall not apply to holdings:

- [<sup>F16</sup>a where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses;
- b where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses.]

5 [<sup>F214</sup>The relevant authority] may decide to implement up to half of the percentage points of the ecological focus area referred to in paragraph 1 at regional level in order to obtain adjacent ecological focus areas. [<sup>F214</sup>The relevant authority] shall designate the areas and the obligations of participating farmers or groups of farmers. <sup>F215</sup> ...

6 [<sup>F216</sup>The relevant authority] may decide to allow farmers whose holdings are in close proximity to fulfil the obligation referred to in paragraph 1 collectively ("collective implementation"), provided that the ecological focus areas concerned are contiguous. <sup>F217</sup> ... [<sup>F216</sup>The relevant authority] may designate the areas on which collective implementation is possible and may impose further obligations upon farmers or groups of farmers participating in such collective implementation.

Each farmer participating in collective implementation shall ensure that at least 50 % of the area subject to the obligation in paragraph 1 is located on the land of his holding and is in accordance with the second subparagraph of paragraph 2. The number of farmers participating in such collective implementation shall not exceed ten.

<sup>F218</sup>7 .....

<sup>F218</sup>8 .....

9 The [<sup>F219</sup>appropriate authority may make regulations]:

- a laying down further criteria for the types of areas referred to in paragraph 2 of this Article to qualify as ecological focus area;
- b adding other types of areas than those referred to in paragraph 2 that can be taken into account for the purpose of respecting the percentage referred to in paragraph 1;
- c adapting Annex X in order to establish the conversion and weighting factors referred to in paragraph 3 and in order to take into account the criteria and/or types of areas to be defined by the [<sup>F220</sup>appropriate authority] under points (a) and (b) of this paragraph;

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d setting rules for the implementation referred to in paragraphs 5 and 6, including the minimum requirements on such implementation;

F221<sup>e</sup> .....  
F221<sup>f</sup> .....

### Textual Amendments

- F16** 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.
- F26** 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.
- F210** Words in Art. 46(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(a)**
- F211** Words in Art. 46(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(b)**
- F212** Words in Art. 46(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(c)(i)**
- F213** Words in Art. 46(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(c)(ii)**
- F214** Words in Art. 46(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(d)(i)**
- F215** Words in Art. 46(5) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(d)(ii)**
- F216** Words in Art. 46(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(e)(i)**
- F217** Words in Art. 46(6) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(e)(ii)**
- F218** Art. 46(7)(8) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(f)**
- F219** Words in Art. 46(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(g)(i)**
- F220** Words in Art. 46(9)(c) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(g)(ii)**
- F221** Art. 46(9)(e)(f) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(18)(g)(iii)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## Article 47 **U.K.**

### Financial provisions

1 In order to finance the payment referred to in this Chapter, [<sup>F222</sup>the relevant authority] shall use 30 % [<sup>F223</sup>of its share] of the annual national ceiling <sup>F224</sup>....

2 [<sup>F225</sup>The relevant authority] shall apply the payment referred to in this Chapter at [<sup>F226</sup>the same level across the constituent nation].

[<sup>F227</sup>Where the relevant authority has applied Article 23, the relevant authority may apply the payment at regional level, provided that a decision to do so was taken and notified to the Commission by 15 December 2014.] In such cases, they shall use in each region a share of the ceiling set pursuant to paragraph 3 of this Article. For each region, this share shall be calculated by dividing the respective regional ceiling set in accordance with Article 23(2) by [<sup>F228</sup>its share of] the national ceiling set in accordance with Article 22(1), after applying the linear reduction provided for in paragraph 1 of Article 30 where paragraph 2 of that Article is not applied.

<sup>F229</sup>3 .....]

#### Textual Amendments

- F222** Words in Art. 47(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(a)(i)**
- F223** Words in Art. 47(1) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(a)(ii)**
- F224** Words in Art. 47(1) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(a)(iii)**
- F225** Words in Art. 47(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(b)(i)**
- F226** Words in Art. 47(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(b)(ii)**
- F227** Words in Art. 47(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(c)(i)**
- F228** Words in Art. 47(2) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(c)(ii)**
- F229** Art. 47(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(19)(d)**

#### Textual Amendments

- F182** Title 3 Ch. 3 omitted (W.) (31.12.2020) 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), **7(19)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## CHAPTER 4 U.K.

### *Payment for areas with natural constraints*

#### <sup>F230</sup> Article 48 U.K.

##### **General rules**

#### **Textual Amendments**

**F230** Art. 48 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(20)**

#### <sup>F231</sup> Article 49 U.K.

##### **Financial provisions**

#### **Textual Amendments**

**F231** Art. 49 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(20)**

## CHAPTER 5 U.K.

### *Payment for young farmers*

#### Article 50 E+S+N.I.

##### **General rules**

1 <sup>[F232]</sup>The relevant authority] shall grant an annual payment to young farmers who are entitled to a payment under the basic payment scheme or the single area payment scheme referred to in Chapter 1 ("payment for young farmers").

- 2 For the purposes of this Chapter, 'young farmers', means natural persons:
- a who are setting up for the first time an agricultural holding as head of the holding, or who have already set up such a holding during the five years preceding the first submission of an application under the basic payment scheme or the single area payment scheme referred to in Article 72(1) of Regulation (EU) No 1306/2013; and
  - b who are no more than 40 years of age in the year of submission of the application referred to in point (a).

<sup>[F233]</sup> Young farmers applying for the payment under this Article must also meet any objective and non-discriminatory requirements specified by the relevant authority prior to exit day regarding appropriate skills and/or training requirements.]

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

4 Without prejudice to the application of financial discipline, of reduction of payments in accordance with Article 11 and of linear reductions in accordance with Article 7 of this Regulation, and to the application of Article 63 of Regulation (EU) No 1306/2013, the payment for young farmers shall be granted annually upon activation of payment entitlements by the farmer <sup>F234</sup>....

<sup>F165</sup> The payment for young farmers shall be granted per farmer for a period of five years, starting from the first submission of the application for the payment for young farmers provided that that submission takes place within the five years following the setting up referred to in point (a) of paragraph 2. That period of five years shall also apply for farmers who have received payment for young farmers in respect of claims before claim year 2018.

By way of derogation from the second sentence of the first subparagraph, <sup>F235</sup>the relevant authority] may decide that, for those young farmers who set up in accordance with point (a) of paragraph 2 in the period 2010-2013, the five-year period is to be reduced by the number of years which have elapsed between the setting up referred to in point (a) of paragraph 2 and the first submission of the application for the payment for young farmers.]

6 Each year, <sup>F236</sup>in accordance with the legislation applying in the constituent nation, the relevant authority] shall calculate the amount of the payment for young farmers by multiplying the number of entitlements the farmer has activated in accordance with Article 32(1) by a figure corresponding to:

- <sup>F16a</sup> between 25 % and 50 % of the average value of the owned or leased-in payment entitlements held by the farmer; or
- b between 25 % and 50 % of an amount calculated by dividing a fixed percentage <sup>F237</sup>of the relevant authority's share] of the national ceiling for the calendar year 2019 <sup>F238</sup>... by the number of all eligible hectares declared <sup>F239</sup>in the constituent nation] in 2015 in accordance with Article 33(1). <sup>F240</sup>The fixed percentage shall be equal to the percentage of the relevant authority's share of the national ceiling which remained for the basic payment scheme in the constituent nation for 2015.]]

<sup>F241</sup>7 .....

<sup>F168</sup> By way of derogation from <sup>F242</sup>paragraph 6] of this Article, <sup>F243</sup>where the legislation applying in the constituent nation so provides, the relevant authority shall] calculate each year the amount of the payment for young farmers by multiplying a figure corresponding to a value between 25 % and 50 % of the <sup>F244</sup>... average payment per hectare <sup>F245</sup>in the constituent nation] by the number of entitlements that the farmer has activated in accordance with Article 32(1) <sup>F246</sup>....]

The <sup>F247</sup>... average payment per hectare <sup>F248</sup>in the constituent nation] shall be calculated by dividing <sup>F249</sup>the relevant authority's share of] the national ceiling for the calendar year 2019 <sup>F250</sup>... by the number of eligible hectares declared <sup>F251</sup>in the constituent nation] in 2015 in accordance with Article 33(1) <sup>F252</sup>....

9 <sup>F253</sup>The] maximum limit applicable to the number of payment entitlements activated by the farmer or to the number of eligible hectares declared by the farmer <sup>F254</sup>is the single maximum limit set by the relevant authority prior to exit day]. That limit shall not be below 25 or above 90. <sup>F255</sup>The relevant authority] shall respect that limit when applying paragraphs <sup>F256</sup>6 and 8].

<sup>F257</sup>10 .....

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F258</sup>10A Paragraphs 3, 6 and 9 only apply where the decisions to which they refer were taken and notified to the Commission by 31 January 2015.]

11 In order to guarantee the protection of the rights of beneficiaries and to avoid discrimination among them, the [<sup>F259</sup>appropriate authority may make regulations] concerning the conditions under which a legal person may be considered to be eligible to receive the payment for young farmers.

### Textual Amendments

- F16** 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.
- F232** Words in Art. 50(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(a)**
- F233** Art. 50(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(b)**
- F234** Words in Art. 50(4) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(c)**
- F235** Words in Art. 50(5) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(d)**
- F236** Words in Art. 50(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(i)**
- F237** Words in Art. 50(6) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(ii)**
- F238** Words in Art. 50(6) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(iii)**
- F239** Words in Art. 50(6) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(iv)**
- F240** Words in Art. 50(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(v)**
- F241** Art. 50(7) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(f)**
- F242** Words in Art. 50(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(i)(aa)**
- F243** Words in Art. 50(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(i)(bb)**
- F244** Word in Art. 50(8) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(i)(cc)**
- F245** Words in Art. 50(8) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(i)(dd)**
- F246** Words in Art. 50(8) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(i)(ee)**
- F247** Word in Art. 50(8) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(ii)(aa)**
- F248** Words in Art. 50(8) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(g)(ii)(bb)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F249** Words in Art. 50(8) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(g)(ii)(cc)**
- F250** Words in Art. 50(8) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(g)(ii)(dd)**
- F251** Words in Art. 50(8) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(g)(ii)(ee)**
- F252** Words in Art. 50(8) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(g)(ii)(ff)**
- F253** Word in Art. 50(9) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(h)(i)**
- F254** Words in Art. 50(9) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(h)(ii)**
- F255** Words in Art. 50(9) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(h)(iii)**
- F256** Words in Art. 50(9) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(h)(iv)**
- F257** Art. 50(10) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(i)**
- F258** Art. 50(10A) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(j)**
- F259** Words in Art. 50(11) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(k)**

## Article 50 W

### General rules

1 <sup>F418</sup> [The relevant authority] shall grant an annual payment to young farmers who are entitled to a payment under the basic payment scheme or the single area payment scheme referred to in Chapter 1 ("payment for young farmers").

- 2 For the purposes of this Chapter, 'young farmers', means natural persons:
- a who are setting up for the first time an agricultural holding as head of the holding, or who have already set up such a holding during the five years preceding the first submission of an application under the basic payment scheme or the single area payment scheme referred to in Article 72(1) of Regulation (EU) No 1306/2013; and
  - b who are no more than 40 years of age in the year of submission of the application referred to in point (a).

<sup>F419</sup>3 .....

4 Without prejudice to the application <sup>F420</sup>... of reduction of payments in accordance with Article 11 and of linear reductions in accordance with Article 7 of this Regulation, and to the application of Article 63 of Regulation (EU) No 1306/2013, the payment for young farmers shall be granted annually upon activation of payment entitlements by the farmer <sup>F421</sup>....

<sup>F422</sup>5 The payment for young farmers shall be granted per farmer for a period of five years, starting from the first submission of the application for the payment for young farmers provided that that submission takes place within the five years following the setting up referred to in point (a) of paragraph 2. That period of five years shall also apply for farmers who have received payment for young farmers in respect of claims before claim year 2018.

<sup>F423</sup> ...]



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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

6 Each year, [<sup>F424</sup>in accordance with the legislation applying in the constituent nation, the relevant authority] shall calculate the amount of the payment for young farmers by multiplying the number of entitlements the farmer has activated in accordance with Article 32(1) by a figure corresponding to:

- [<sup>F422</sup>a between 25 % and 50 % of the average value of the owned or leased-in payment entitlements held by the farmer; or
- b between 25 % and 50 % of an amount calculated by dividing a fixed percentage [<sup>F425</sup>of the relevant authority's share] of the national ceiling for the calendar year 2019 [<sup>F426</sup>... by the number of all eligible hectares declared [<sup>F427</sup>in the constituent nation] in 2015 in accordance with Article 33(1). [<sup>F428</sup>The fixed percentage shall be equal to the percentage of the relevant authority's share of the national ceiling which remained for the basic payment scheme in the constituent nation for 2015.]]

<sup>F429</sup>7 .....

<sup>F430</sup>8 .....

9 [<sup>F431</sup>The] maximum limit applicable to the number of payment entitlements activated by the farmer or to the number of eligible hectares declared by the farmer [<sup>F432</sup>is the single maximum limit set by the relevant authority prior to exit day]. That limit shall not be below 25 or above 90. [<sup>F433</sup>The relevant authority] shall respect that limit when applying paragraphs [<sup>F434</sup>6 and 8].

<sup>F435</sup>10 .....

<sup>F436</sup>10A .....

11 In order to guarantee the protection of the rights of beneficiaries and to avoid discrimination among them, the [<sup>F437</sup>appropriate authority may make regulations] concerning the conditions under which a legal person may be considered to be eligible to receive the payment for young farmers.

#### Textual Amendments

- F418** Words in Art. 50(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(a)**
- F419** Art. 50(3) omitted (W.) (31.12.2020) 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), **7(20)(a)**
- F420** Words in Art. 50(4) omitted (W.) (31.12.2020) 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), **7(20)(b)**
- F421** Words in Art. 50(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(21)(c)**
- F422** Substituted by [Regulation \(EU\) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations \(EU\) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), \(EU\) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, \(EU\) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, \(EU\) No 1308/2013 establishing a common organisation of the markets in agricultural products and \(EU\) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.](#)

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- F423** Words in Art. 50(5) omitted (W.) (31.12.2020) 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), **7(20)(c)**
- F424** Words in Art. 50(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(i)**
- F425** Words in Art. 50(6) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(ii)**
- F426** Words in Art. 50(6) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(iii)**
- F427** Words in Art. 50(6) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(iv)**
- F428** Words in Art. 50(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(e)(v)**
- F429** Art. 50(7) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(f)**
- F430** Art. 50(8) omitted (W.) (31.12.2020) 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), **7(20)(d)**
- F431** Word in Art. 50(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(h)(i)**
- F432** Words in Art. 50(9) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(h)(ii)**
- F433** Words in Art. 50(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(h)(iii)**
- F434** Words in Art. 50(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(h)(iv)**
- F435** Art. 50(10) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(i)**
- F436** Art. 50(10A) omitted (W.) (31.12.2020) 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), **7(20)(d)**
- F437** Words in Art. 50(11) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(21)(k)**

## Article 51 **E+S+N.I.**

### Financial provisions

[<sup>F260</sup>1 In order to finance the payment for young farmers, the relevant authority shall use a percentage, which shall not be higher than 2% of its share of the annual national ceiling.

Where the relevant authority decided to revise the estimated percentage and this decision was notified to the Commission by 1 August 2019, that revised percentage will have effect for calendar year 2020.]

2 Without prejudice to the maximum of 2 % laid down in paragraph 1 of this Article, where the total amount of the payment for young farmers applied for in a [<sup>F261</sup>constituent nation in a particular year exceeds the amount calculated in accordance with paragraph 1, and where that amount is lower than 2% of the relevant authority's share of the national ceiling, the relevant authority] shall finance the difference by applying point (f) of the first subparagraph of Article 30(7) in the relevant year, by applying a linear reduction to all payments to be granted to all farmers in accordance with Article 32 [<sup>F262</sup>, or by both means]<sup>F263</sup> ... .

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

3 Where the total amount of the payment for young farmers applied for in a [F264 constituent nation] in a particular year exceeds the [F265 amount calculated in accordance with paragraph 1, and where that amount is equal to 2% of its share of the annual national ceiling, the relevant authority] shall apply a linear reduction to the amounts to be paid pursuant to Article 50 in order to comply with that ceiling.

F266<sup>4</sup> .....

#### Textual Amendments

- F260** Art. 51(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(a)**
- F261** Words in Art. 51(2) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(b)(i)**
- F262** Words in Art. 51(2) inserted (8.6.2020) by The Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/576), regs. 1, **3(4)**
- F263** Words in Art. 51(2) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(b)(ii)**
- F264** Words in Art. 51(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(c)(i)**
- F265** Words in Art. 51(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(c)(ii)**
- F266** Art. 51(4) omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **5(22)(d)**

### Article 51

#### Financial provisions

[F438<sup>1</sup> In order to finance the payment for young farmers, the relevant authority shall use a percentage, which shall not be higher than 2% of [F439 the total] ceiling.

Where the relevant authority decided to revise the estimated percentage and this decision was notified to the Commission by 1 August 2019, that revised percentage will have effect for calendar year 2020.]

2 Without prejudice to the maximum of 2 % laid down in paragraph 1 of this Article, where the total amount of the payment for young farmers applied for in a [F440 constituent nation] in a particular year exceeds the amount calculated in accordance with paragraph 1, and where that amount is lower than 2% of the [F441 total] ceiling, the relevant authority] shall finance the difference by applying point (f) of the first subparagraph of Article 30(7) in the relevant year, by applying a linear reduction to all payments to be granted to all farmers in accordance with Article 32 [F442, or by both means] F443 ... .

3 Where the total amount of the payment for young farmers applied for in a [F444 constituent nation] in a particular year exceeds the [F445 amount calculated in accordance with paragraph 1, and where that amount is equal to 2% of [F446 the total] ceiling, the relevant authority] shall apply a linear reduction to the amounts to be paid pursuant to Article 50 in order to comply with that ceiling.

F447<sup>4</sup> .....

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F438** Art. 51(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(a)**
- F439** Words in Art. 51(1) substituted (W.) (31.12.2020) 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), **7(21)(a)**
- F440** Words in Art. 51(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(b)(i)**
- F441** Word in Art. 51(2) substituted (W.) (31.12.2020) 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), **7(21)(b)**
- F442** Words in Art. 51(2) inserted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **3(4)**
- F443** Words in Art. 51(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(b)(ii)**
- F444** Words in Art. 51(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(c)(i)**
- F445** Words in Art. 51(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(c)(ii)**
- F446** Words in Art. 51(3) substituted (W.) (31.12.2020) 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), **7(21)(c)**
- F447** Art. 51(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **5(22)(d)**

## TITLE IV **U.K.**

### COUPLED SUPPORT

#### CHAPTER 1 **U.K.**

#### *Voluntary coupled support*

#### Article 52 **U.K.**

##### General rules

1 <sup>[F267]</sup> The relevant authority] may grant coupled support to farmers under the conditions laid down in this Chapter (in this Chapter referred to as "coupled support").

2 Coupled support may be granted to the following sectors and productions: cereals, oilseeds, protein crops, grain legumes, flax, hemp, rice, nuts, starch potato, milk and milk products, seeds, sheepmeat and goatmeat, beef and veal, olive oil, silkworms, dried fodder, hops, sugar beet, cane and chicory, fruit and vegetables and short rotation coppice.

3 Coupled support may only be granted to those sectors or to those regions of a <sup>[F268]</sup>constituent nation] where specific types of farming or specific agricultural sectors that are particularly important for economic, social or environmental reasons undergo certain difficulties.

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

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4 By way of derogation from paragraph 3, coupled support may also be granted to farmers who:

- a on 31 December 2014, have payment entitlements granted in accordance with Section 2 of Chapter 3 of Title III and Article 71m of Regulation (EC) No 1782/2003 and in accordance with Article 60 and the fourth paragraph of Article 65 of Regulation (EC) No 73/2009; and
- b have at their disposal no eligible hectares for the activation of payment entitlements under the basic payment scheme as referred to in Chapter 1 of Title III of this Regulation.

F2695 .....

[<sup>F166</sup> Coupled support is a production-limiting scheme that shall take the form of an annual payment based on fixed areas and yields or on a fixed number of animals and shall respect financial ceilings to be [<sup>F270</sup> jointly agreed by the relevant authorities for each constituent nation.]]

7 In the case of a legal person, or a group of natural or legal persons, [<sup>F271</sup> the relevant authority] may apply the limits referred to in paragraph 6 at the level of the members of those legal persons or groups where national law provides for the individual members to assume rights and obligations comparable to those of individual farmers who have the status of a head of holding, in particular as regards their economic, social and tax status, provided that they have contributed to strengthening the agricultural structures of the legal persons or groups concerned.

8 Any coupled support granted under this Article shall be consistent with [<sup>F272</sup> measures provided for in Regulation (EU) No 1305/2013 and Regulation (EU) No 1308/2013 and any other measures specified for the purposes of this paragraph by virtue of paragraph 9].

9 In order to ensure efficient and targeted use of [<sup>F273</sup> agricultural support] and to avoid double funding under other similar support instruments, the [<sup>F274</sup> Secretary of State may make regulations] laying down:

- a the conditions for granting coupled support;
- b rules on consistency with other [<sup>F275</sup> measures provided for in Regulation (EU) No 1305/2013 and Regulation (EU) No 1308/2013 and any other measures specified for the purposes of this paragraph by virtue of paragraph 9] and on the cumulation of support.

[<sup>F2610</sup> The [<sup>F276</sup> Secretary of State may make regulations] supplementing this Regulation as regards measures in order to avoid beneficiaries of voluntary coupled support suffering from structural market imbalances in a sector. Those [<sup>F277</sup> regulations] may allow [<sup>F278</sup> for support to] continue to be paid until 2020 on the basis of the production units for which voluntary coupled support was granted in a past reference period.]

[<sup>F279</sup> 11 The Secretary of State may not make regulations under paragraph 9 or 10 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.

Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 9 or 10, the Secretary of State must have regard to that request.]

#### Textual Amendments

- F16** 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](#)



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

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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.

- F26** 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.
- F267** Words in Art. 52(1) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(a)**
- F268** Words in Art. 52(3) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(b)**
- F269** Deleted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- F270** Words in Art. 52(6) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(c)**
- F271** Words in Art. 52(7) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(d)**
- F272** Words in Art. 52(8) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(e)**
- F273** Words in Art. 52(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(f)(i)**
- F274** Words in Art. 52(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(f)(ii)**
- F275** Words in Art. 52(9) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(f)(iii)**
- F276** Words in Art. 52(10) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(g)(i)**
- F277** Word in Art. 52(10) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(g)(ii)**
- F278** Words in Art. 52(10) substituted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(g)(iii)**
- F279** Art. 52(11) inserted (31.1.2020) by The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), **6(1)(h)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## Article 53 **E+S+N.I.**

### Financial provisions

<sup>F280</sup>1 Up to 8% of the annual national ceiling set out in Annex II may be used to finance the coupled support.]

<sup>F281</sup>2 .....

3 The percentages of the annual national ceiling referred to in <sup>F282</sup>paragraph 1] may be increased by up to two percentage points <sup>F283</sup>if] at least 2 % of <sup>F284</sup>the] annual national ceiling set out in Annex II <sup>F285</sup>is used] to support the production of protein crops under this Chapter.

<sup>F286</sup>4 .....

5 By way of derogation from the percentages set out in paragraphs 1 to 4, <sup>F287</sup>... up to EUR 3 million per year <sup>F288</sup>may be used] for financing coupled support.

<sup>F289</sup>6 Where a decision has been reviewed and notified to the Commission by 1 August 2019 pursuant to this Chapter, it will have effect in calendar year 2020.]

<sup>F290</sup>7 .....

#### Extent Information

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

#### Textual Amendments

- F280** Art. 53(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(a)**
- F281** Art. 53(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(b)**
- F282** Words in Art. 53(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(c)(i)**
- F283** Word in Art. 53(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(c)(ii)**
- F284** Word in Art. 53(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(c)(iii)**
- F285** Words in Art. 53(3) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(c)(iv)**
- F286** Art. 53(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(d)**
- F287** Words in Art. 53(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(e)(i)**
- F288** Words in Art. 53(5) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(e)(ii)**
- F289** Art. 53(6) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(f)**
- F290** Art. 53(7) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(g)**



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

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 53 W

**Financial provisions**

- [<sup>F448</sup>1 Up to 10% of the total ceiling may be used to finance the coupled support.]
- <sup>F449</sup>2 .....
- <sup>F450</sup>3 .....
- <sup>F451</sup>4 .....
- 5 By way of derogation from the [<sup>F452</sup>percentage set out in paragraph 1], <sup>F453</sup>... up to [<sup>F454</sup>£3] million per year [<sup>F455</sup>may be used] for financing coupled support.
- <sup>F456</sup>6 .....
- <sup>F457</sup>7 .....

**Extent Information**

**E17** This version of this provision extends to Wales only; a separate version has been created for England, Scotland and Northern Ireland only

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**Textual Amendments**

**F448** Art. 53(1) substituted (W.) (31.12.2020) 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), **7(22)(a)**

**F449** Art. 53(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(b)**

**F450** Art. 53(3) omitted (W.) (31.12.2020) 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), **7(22)(b)**

**F451** Art. 53(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(d)**

**F452** Words in Art. 53(5) substituted (W.) (31.12.2020) 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), **7(22)(c)(i)**

**F453** Words in Art. 53(5) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(e)(i)**

**F454** Sum in Art. 53(5) substituted (W.) (31.12.2020) 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), **7(22)(c)(ii)**

**F455** Words in Art. 53(5) inserted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(e)(ii)**

**F456** Art. 53(6) omitted (W.) (31.12.2020) 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), **7(22)(d)**

**F457** Art. 53(7) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(2)(g)**

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<sup>F291</sup> Article 54 **U.K.**

**Notification**

**Textual Amendments**

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

<sup>F291</sup> Article 55 **U.K.**

**Approval by the Commission**

**Textual Amendments**

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

CHAPTER 2 **U.K.**

**Crop-specific payment for cotton**

<sup>F291</sup> Article 56 **U.K.**

**Scope**

**Textual Amendments**

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

<sup>F291</sup> Article 57 **U.K.**

**Eligibility**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

<sup>F291</sup> Article 58 **U.K.**

### Base areas, fixed yields and reference amounts

#### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

<sup>F291</sup> Article 59 **U.K.**

### Approved interbranch organisations

#### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

<sup>F291</sup> Article 60 **U.K.**

### Granting of the payment

#### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

## TITLE V **U.K.**

### SMALL FARMERS SCHEME

#### <sup>F291</sup> Article 61 **U.K.**

##### General rules

###### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

#### <sup>F291</sup> Article 62 **U.K.**

##### Participation

###### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

#### <sup>F291</sup> Article 63 **U.K.**

##### Amount of the payment

###### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

#### <sup>F291</sup> Article 64 **U.K.**

##### Special conditions

###### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<sup>F291</sup> Article 65 **U.K.**

## Financial provisions

### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

TITLE VI **U.K.**

## NATIONAL RESTRUCTURING PROGRAMMES FOR THE COTTON SECTOR

<sup>F291</sup> Article 66 **U.K.**

### Use of the annual budget for the restructuring programmes

### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

TITLE VII **U.K.**

## FINAL PROVISIONS

CHAPTER 1 **U.K.**

### *Notifications and emergency*

<sup>F291</sup> Article 67 **U.K.**

### Notification requirements

### Textual Amendments

**F291** Arts. 54-67 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **6(3)**

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

*Changes to legislation:* There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

## Article 68 **U.K.**

### Processing and protection of personal data

1 <sup>[F292]</sup>The relevant authority may collect personal data, in relation to the constituent nation, for the purposes of checking, controlling, monitoring, evaluating and auditing direct payments or for the purpose of complying with requirements laid down in international agreements.] They shall not process this data in a way that is incompatible with those purposes.

2 Where personal data are processed for monitoring and evaluation purposes as referred to in <sup>[F293]</sup>paragraph 1], they shall be made anonymous and processed in aggregated form only.

3 Personal data shall be processed in accordance with <sup>[F294]</sup>Regulation (EU) 2016/679 and the Data Protection Act 2018]. In particular, such data shall not be stored in a form which permits identification of data subjects for longer than is necessary for the purposes for which they were collected or for which they are further processed, taking into account <sup>[F295]</sup>any statutory minimum retention periods].

4 <sup>[F296]</sup>The relevant authority] shall inform the data subjects that their personal data may be processed by <sup>[F297]</sup>UK bodies and bodies in the constituent nation] in accordance with paragraph 1, and that in this respect they enjoy the rights set out in <sup>[F298]</sup>Regulation (EU) 2016/679 and the Data Protection Act 2018], respectively.

5 This Article shall be subject to Articles 111 to 114 of Regulation (EU) No 1306/2013.

#### Textual Amendments

**F292** Words in Art. 68(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(a)**

**F293** Words in Art. 68(2) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(b)**

**F294** Words in Art. 68(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(c)(i)**

**F295** Words in Art. 68(3) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(c)(ii)**

**F296** Words in Art. 68(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(d)(i)**

**F297** Words in Art. 68(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(d)(ii)**

**F298** Words in Art. 68(4) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(1)(d)(iii)**

## Article 69 **U.K.**

### Measures to resolve specific problems

<sup>[F299]</sup>1 In order to resolve specific problems, the appropriate authority may make regulations which are both necessary and justifiable in an emergency. Those regulations may derogate from provisions of this Regulation, to the extent and for such a period as is strictly necessary.]

<sup>F300</sup>2 .....

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

3 Measures adopted under paragraph 1<sup>F301</sup>... shall remain in force for a period not exceeding twelve months.<sup>F302</sup>...

<sup>F303</sup>4 .....

#### Textual Amendments

- F299** Art. 69(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(2)(a)**
- F300** Art. 69(2) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(2)(b)**
- F301** Words in Art. 69(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(2)(c)(i)**
- F302** Words in Art. 69(3) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(2)(c)(ii)**
- F303** Art. 69(4) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(2)(d)**

## CHAPTER 2 **U.K.**

### *Delegations of powers and implementing provisions*

#### <sup>F304</sup>Article 70 **U.K.**

#### **Regulations: General**

1 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3 Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

4 Regulations under this Regulation may:

- a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- b make different provision for different purposes.

#### Textual Amendments

- F304** Arts. 70-71C substituted for Arts. 70, 71 (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(3)**



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

*Changes to legislation:* There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 71 **U.K.**

**Regulations: the Secretary of State**

1 Except as specified in paragraphs 2 to 6, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

2 A statutory instrument containing regulations made by the Secretary of State under Articles 6(3), 7(3), 43(12), or 52(9) or (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

3 A statutory instrument containing regulations made by the Secretary of State under Article 69(1) must be laid before Parliament after being made.

4 Regulations made by the Secretary of State under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by resolution of each House of Parliament.

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

- a Parliament is dissolved or prorogued, or
- b either House of Parliament is adjourned for more than 4 days.

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

**Textual Amendments**

**F304** Arts. 70-71C substituted for Arts. 70, 71 (31.1.2020) by The Rules for Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), 7(3)

Article 71A **U.K.**

**Regulations: the Welsh Ministers**

1 Except as specified in [<sup>F305</sup>paragraphs 3] to 6, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

<sup>F306</sup>2 .....

3 A statutory instrument containing regulations made by the Welsh Ministers under Article 69(1) must be laid before the National Assembly for Wales after being made.

4 Regulations made by the Welsh Ministers under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument containing them is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

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

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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

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

#### Textual Amendments

- F304** Arts. 70-71C substituted for Arts. 70, 71 (31.1.2020) by The Rules for Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(3)**
- F305** Words in Art. 71A(1) substituted (W.) (31.12.2020) 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), **7(23)(a)**
- F306** Art. 71A(2) omitted (W.) (31.12.2020) 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), **7(23)(b)**

### Article 71B U.K.

#### Regulations: the Scottish Ministers

1 Except as specified in paragraphs 2 to 6, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

2 Regulations made by the Scottish Ministers under Article 43(12) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3 Regulations made by the Scottish Ministers under Article 69(1) must be laid before the Scottish Parliament after being made.

4 Regulations made by the Scottish Ministers under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

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

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

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

#### Textual Amendments

- F304** Arts. 70-71C substituted for Arts. 70, 71 (31.1.2020) by The Rules for Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(3)**

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## Article 71C **U.K.**

### Regulations: Northern Ireland

1 Except as specified in paragraphs 2 to 6, regulations made by the Department of Agriculture, Environment and Rural Affairs (“the Department”) under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

2 Regulations may not be made by the Department under Article 43(12) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.

3 Regulations made by the Department under Article 69(1) must be laid before the Northern Ireland Assembly after being made.

4 Regulations made by the Department under Article 69(1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.

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

- a dissolved,
- b in recess for more than 4 days, or
- c adjourned for more than 6 days.

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

#### Textual Amendments

**F304** Arts. 70-71C substituted for Arts. 70, 71 (31.1.2020) by The Rules for Direct Payments to [Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(3)**

## CHAPTER 3 **U.K.**

### Transitional and final provisions

## Article 72 **U.K.**

### Repeals

1 Regulation (EC) No 637/2008 is repealed with effect from 1 January 2014.

However, it shall continue to apply until 31 December 2017 in respect of Member States which have exercised the option laid down in the second subparagraph of Article 4(1) of that Regulation.

2 Regulation (EC) No 73/2009 is repealed.

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F307</sup>However, it shall continue to apply in respect of aid applications relating to claim years starting before 1 January 2015.]

Without prejudice to paragraph 3, references to the repealed Regulation shall be construed as references to this Regulation or Regulation (EU) No 1306/2013 and shall be read in accordance with the correlation table set out in Annex XI to this Regulation.

3 The references made in this Regulation to Regulations (EC) No 73/2009 and (EC) No 1782/2003 shall be understood as being made to those Regulations such as they were in force before their repeal.

#### Textual Amendments

**F307** Inserted by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014.

<sup>F308</sup> Article 73 **U.K.**

#### Transitional rules

#### Textual Amendments

**F308** Art. 73 omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), 7(4)

<sup>F309</sup> Article 74 **U.K.**

#### Entry into force and application

#### Textual Amendments

**F309** Art. 74 omitted (31.1.2020) by virtue of The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91), regs. 1(2), 7(4)

F310 ...

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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#### **Textual Amendments**

**F310** Words in [Signature](#) omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **7(5)**

*Status: Point in time view as at 31/12/2020.**Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*ANNEX I **U.K.**

## LIST OF SUPPORT SCHEMES

Sector	Legal base	Notes
Basic payment scheme	Title III, Chapter 1, Sections 1, 2, 3 and 5 of this Regulation	Decoupled payment
F311 ...	F311 ...	F311 ...
[ <sup>F312</sup> Redistributive payment]	[ <sup>F312</sup> Title III, Chapter 2 of this Regulation]	[ <sup>F312</sup> Decoupled payment]
Payment for agricultural practices beneficial for the climate and the environment	Title III, Chapter 3 of this Regulation	Decoupled payment
F311 ...	F311 ...	F311 ...
Payment for young farmers	Title III, Chapter 5 of this Regulation	Decoupled payment
Voluntary coupled support	Title IV, Chapter 1 of this Regulation	
F311 ...	F311 ...	F311 ...
F311 ...	F311 ...	F311 ...
F311 ...	F311 ...	F311 ...
F311 ...	F311 ...	F311 ...

**Textual Amendments**

**F311** Words in Annex 1 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **8(1)**

**F312** Words in Annex 1 omitted (W.) (31.12.2020) 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), **7(24)**

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

[<sup>F313</sup> ANNEX II U.K.]

National ceilings referred to in [<sup>F314</sup> Article 6][<sup>F314</sup> Article 5A]

**Textual Amendments**

**F313** Annex 2 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **8(2)**

**F314** Words in Annex 2 heading substituted (W.) (31.12.2020) 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), **7(25)**

(in thousands EUR)

Calendar year	2015	2016	2017	2018	2019	2020
	3,173,324	3,179,880	3,186,319	3,195,781	3,205,243	[ <sup>F315</sup> 3,208,298]]

**Textual Amendments**

**F315** Sum in Annex 2 substituted (15.7.2020) by [The Direct Payments Ceilings Regulations 2020 \(S.I. 2020/760\)](#), regs. 1(1), **2(2)**

[<sup>F316</sup>[<sup>F317</sup> ANNEX III U.K.]

Net ceilings referred to in Article 7

**Textual Amendments**

**F316** Annex 3 substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **8(3)**

**F317** Annex 3 omitted (W.) (31.12.2020) 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), **7(26)**

(in million EUR)

Calendar year	2015	2016	2017	2018	2019	2020
	3,170.7	3,177.3	3,183.6	3,192.2	3,201.4	[ <sup>F318</sup> 3,204.4]]

**Textual Amendments**

**F318** Sum in Annex 3 substituted (15.7.2020) by [The Direct Payments Ceilings Regulations 2020 \(S.I. 2020/760\)](#), regs. 1(1), **2(3)**



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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

## <sup>F319</sup>ANNEX IV U.K.

### Textual Amendments

**F319** Annexes 4-8 omitted (31.1.2020) by virtue of [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **8(4)**

## <sup>F319</sup>ANNEX V U.K.

## <sup>F319</sup>ANNEX VI U.K.

### Financial provisions applying to Croatia referred to in Articles 10 and 19

## <sup>F319</sup>ANNEX VII U.K.

## <sup>F319</sup>ANNEX VIII U.K.

## [<sup>F320</sup>ANNEX IX U.K.

### List of equivalent practices referred to in Article 43(3)

### Textual Amendments

**F320** Annex 9 omitted (W.) (31.12.2020) 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), **7(26)**

- I. Practices equivalent to crop diversification:
  - (1) Crop diversification

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

Requirement: at least three crops, the main crop covering a maximum of 75 %, and any one or more of the following applying:

- (2) Crop rotation

Requirement: at least three crops, the main crop covering a maximum of 75 %, and any one or both of the following applying:

- (3) Winter soil cover<sup>(22)</sup>
- (4) Catch crops<sup>(22)</sup>

## II. Practices equivalent to maintenance of permanent grassland:

- (1) Management of meadows or pastures

Requirement: maintenance of permanent grassland and any one or more of the following:

- (2) Extensive grazing systems

Requirement: maintenance of permanent grassland and any one or more of the following:

## III. Practices equivalent with ecological focus area:

Requirement: application of any of the following practices on at least the percentage of the arable land set pursuant to Article 46(1):

- (1) Ecological set-aside
- (2) Creation of "buffer zones" for high nature value areas, Natura 2000 or other biodiversity protection sites, including along hedgerows and water courses
- (3) Management of uncultivated buffer strips and field margins (cutting regime, local or specified grass varieties and/or seeding regime, re-seeding with regional varieties, no use of pesticides, no disposal of manure and/or mineral fertilisers, no irrigation, no soil sealing)
- (4) Borders, in-field strips and patches managed for wildlife or specific fauna (herbaceous border, protection of nests, wildflower strips, local seed mix, unharvested crops)
- (5) Management (pruning, trimming, dates, methods, restoration) of landscape features (trees, hedgerows, riparian woody vegetation, stone walls (terraces), ditches, ponds)
- (6) Keeping arable peaty or wet soils under grass (with no use of fertilisers and no use of plant protection products)
- (7) Production on arable land with no use of fertiliser (mineral fertiliser and manure) and/or plant protection products, and not irrigated, not sown with the same crop two years in a row and on a fixed place<sup>(22)</sup>
- (8) Conversion of arable land into permanent grassland extensively used]

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

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

#### Modifications etc. (not altering text)

**C13** Annex 9 Section I para. (1) excluded (W.) (30.4.2020) by The Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020 (S.I. 2020/470), regs. 1(2), **2(a)(iii)** (with reg. 3)

[<sup>F321</sup>][<sup>F322</sup>ANNEX X **U.K.**

#### Textual Amendments

**F321** Substituted by Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017 amending Delegated Regulation (EU) No 639/2014 as regards the control measures relating to the cultivation of hemp, certain provisions on the greening payment, the payment for young farmers in control of a legal person, the calculation of the per unit amount in the framework of voluntary coupled support, the fractions of payment entitlements and certain notification requirements relating to the single area payment scheme and the voluntary coupled support, and amending Annex X to Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

**F322** Annex 10 omitted (W.) (31.12.2020) 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), 7(26)

#### Conversion and weighting factors referred to in Article 46(3)

Features	Conversion factor (m/tree to m <sup>2</sup> )	Weighting factor	Ecological focus area (if both factors are applied)
Land lying fallow (per 1 m <sup>2</sup> )	n.a.	1	1 m <sup>2</sup>
Terraces (per 1 m)	2	1	2 m <sup>2</sup>
Landscape features:			
Hedges/wooded strips/trees in line (per 1 m)	5	2	10 m <sup>2</sup>
Isolated tree (per tree)	20	1,5	30 m <sup>2</sup>
Field copses (per 1 m <sup>2</sup> )	n.a.	1,5	1,5 m <sup>2</sup>
Ponds (per 1 m <sup>2</sup> )	n.a.	1,5	1,5 m <sup>2</sup>
Ditches (per 1 m)	5	2	10 m <sup>2</sup>
Traditional stone walls (per 1 m)	1	1	1 m <sup>2</sup>
Other features not listed above but protected under GAEC7, SMR 2 or SMR 3 (per 1 m <sup>2</sup> )	n.a.	1	1 m <sup>2</sup>

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Buffer strips and field margins (per 1 m)	6	1,5	9 m <sup>2</sup>	
Hectares of agro-forestry (per 1 m <sup>2</sup> )	n.a.	1	1 m <sup>2</sup>	
Strips of eligible hectares along forest edges (per 1 m)				
	Without production	6	1,5	9 m <sup>2</sup>
	With production	6	0,3	1,8 m <sup>2</sup>
[ <sup>F16</sup> Areas with short rotation coppice (per 1 m <sup>2</sup> )	n.a.	0,5	0,5 m <sup>2l</sup>	
Afforested areas as referred to in Article 32(2)(b)(ii) (per 1 m <sup>2</sup> )	n.a.	1	1 m <sup>2</sup>	
Areas with catch crops or green cover (per 1 m <sup>2</sup> )	n.a.	0,3	0,3 m <sup>2</sup>	
[ <sup>F16</sup> Areas with nitrogen fixing crops (per 1 m <sup>2</sup> )	n.a.	1	1 m <sup>2l</sup>	
[ <sup>F26</sup> Areas with <i>Miscanthus</i>	n.a.	0,7	0,7 m <sup>2</sup>	
Areas with <i>Silphium perfoliatum</i>	n.a.	0,7	0,7 m <sup>2</sup>	
Land lying fallow for melliferous plants (pollen and nectar rich species)	n.a.	1,5	1,5 m <sup>2l</sup>	

**Conversion and weighting factors referred to in Article 46(3) to be applied to features included in the equivalent practices as listed in Section III of Annex IX**

Equivalent ecological focus area	Similar standard ecological focus area	Conversion factor	Weighting factor	Ecological focus area (if both factors are applied)
(1) Ecological set-aside (per 1 m <sup>2</sup> )	Land lying fallow	n.a.	1	1 m <sup>2</sup>
(2) Creation of 'buffer zones' (per 1 m)	Buffer strips and field margins	6	1,5	9 m <sup>2</sup>
(3) Management of uncultivated	Buffer strips and field margins	6	1,5	9 m <sup>2</sup>

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

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1307/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

	buffer strips and field margins (per 1 m)				
(4)	Borders, in-field strips and patches:				
	Borders, in-field strips (per 1 m)	Buffer strips and field margins	6	1,5	9 m <sup>2</sup>
	Patches (per 1 m <sup>2</sup> )	Field copses	n.a.	1,5	1,5 m <sup>2</sup>
(5)	Management of landscape features:				
	Isolated tree (per tree)	Isolated tree	20	1,5	30 m <sup>2</sup>
	Trees in line (per 1 m)	Hedges/wooded strips/trees in line	5	2	10 m <sup>2</sup>
	Group of trees/ Field copses (per 1 m <sup>2</sup> )	Field copses	n.a.	1,5	1,5 m <sup>2</sup>
	Hedgerows (per 1m)	Hedges/wooded strips/trees in line	5	2	10 m <sup>2</sup>
	Riparian woody vegetation (per 1m)	Hedges/wooded strips/trees in line	5	2	10 m <sup>2</sup>
	Terraces (per 1m)	Terraces	2	1	2 m <sup>2</sup>
	Stone walls (per 1m)	Traditional stone walls	1	1	1 m <sup>2</sup>
	Ditches (per 1m)	Ditches	5	2	10 m <sup>2</sup>
	Ponds (per 1 m <sup>2</sup> )	Ponds	n.a.	1,5	1,5 m <sup>2</sup>

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(6)	Keeping arable peaty or wet soils under grass (no use of fertilisers and no use of plant protection products) (per 1 m <sup>2</sup> )	Land lying fallow	n.a.	1	1 m <sup>2</sup>
(7)	Production on arable land with no use of fertiliser and/or plant protection products, and not irrigated, not sown with the same crop two years in a row (per 1 m <sup>2</sup> )	Areas with short rotation coppice; Strips along forest edges with production; Areas with nitrogen-fixing crops	n.a.	0,3 0,7 for nitrogen-fixing crops	0,3 m <sup>2</sup> 0,7 m <sup>2</sup>
(8)	Conversion of arable land into permanent grassland	Land lying fallow	n.a.	1	1 m <sup>2</sup> II

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(per  
1 m<sup>2</sup>)

## ANNEX XI U.K.

### CORRELATION TABLE

referred to in Article 72(2)

<b>Regulation (EC) No 73/2009</b>	<b>This Regulation</b>	<b>Regulation (EU) No 1306/2013</b>
Article 1	Article 1	—
Article 2	Article 4	—
Article 3	Article 5	—
Article 4(1)	—	Article 91
Article 4(2)	—	Article 95
Article 5	—	Article 93
Article 6(1)	—	Article 94
Article 6(2)	—	—
Article 7	—	—
Article 8	Article 7	—
Article 9	—	—
Article 10	—	—
Article 10a	—	—
Article 10b	—	—
Article 10c	—	—
Article 10d	—	—
Article 11	Article 8	Article 26(1) and (2)
Article 11(3)	Article 8(2)	—
Article 11a	Article 8(3)	—
Article 12(1) and (2)	—	Article 12
Article 12(3)	—	Article 14
Article 12(4)	—	—
Article 13	—	Article 13(2)
Article 14	—	Article 67
Article 15	—	Article 68(1) and (2)
Article 16	—	Article 69



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Article 17	—	Article 70
Article 18	—	Article 71
Article 19	—	Article 72
Article 20	—	Article 74(1), (2) and (3)
Article 21	—	Article 74(4)
Article 22	—	Article 96
Article 23	—	Article 97
Article 24	—	Article 99
Article 25	—	Article 100
Article 26	—	Article 61
Article 27(1)	—	Article 102(3)
Article 27(2)	—	Article 47
Article 27(3)	—	Article 68(3)
Article 28(1)	Article 10	—
Article 28(2)	Article 9(3)	—
Article 28(3)	Article 31(1)(a) (i) and (ii)	—
Article 29	—	Article 75
Article 30	—	Article 60
Article 31	—	Article 2(2)
Article 32	Article 15	—
Article 33	—	—
Article 34 (2)	Article 32(2) and (4)	—
Article 35	Article 33	—
Article 36	—	—
Article 37	Article 12	—
Article 38	—	—
Article 39(1)	Article 32(6)	—
Article 39(2)	Article 35(3)	—
Article 40(1)	Article 6(1)	—
Article 41(1)	Article 30(1)	—
Article 41(2)	Article 30(3) and (6)	—
Article 41(3)	Article 30(3) and (7)(a)	—
Article 41(4)	—	—
Article 41(5)	Article 30(10)	—

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Article 41(6)	—	—
Article 42	Article 31(1)(b)	—
Article 43(1)	Article 34(1), (2) and (3)	—
Article 43(2)	—	—
Article 43(3)	Article 34(4)	—
Article 44	—	—
Article 45	—	—
Article 46	—	—
Article 47	—	—
Article 48	—	—
Article 49	—	—
Article 50	—	—
Article 51	—	—
Article 52	—	—
Article 53	—	—
Article 54	—	—
Article 55	—	—
Article 56	—	—
Article 57	—	—
Article 57a	Article 20 and Annex VII	—
Article 58	—	—
Article 59	—	—
Article 60	—	—
Article 61	—	—
Article 62	—	—
Article 63	—	—
Article 64	—	—
Article 65	—	—
Article 66	—	—
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Article 68	—	—
Article 69	—	—
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Article 72	—	—
Article 73	—	—
Article 74	—	—
Article 75	—	—
Article 76	—	—
Article 77	—	—
Article 78	—	—
Article 79	—	—
Article 80	—	—
Article 81	—	—
Article 82	—	—
Article 83	—	—
Article 84	—	—
Article 85	—	—
Article 86	—	—
Article 87	—	—
Article 88	Article 56	—
Article 89	Article 57	—
Article 90	Article 58	—
Article 91	Article 59	—
Article 92	Article 60	—
Article 93	—	—
Article 94	—	—
Article 95	—	—
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Article 97	—	—
Article 98	—	—
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Article 104	—	—
Article 105	—	—

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Article 106	—	—
Article 107	—	—
Article 108	—	—
Article 109	—	—
Article 110	—	—
Article 111	—	—
Article 112	—	—
Article 113	—	—
Article 114	—	—
Article 115	—	—
Article 116	—	—
Article 117	—	—
Article 118	—	—
Article 119	—	—
Article 120	—	—
Article 121	Articles 16 and 17	—
Article 121a	—	Article 98, second subparagraph
Article 122	—	—
Article 123	—	—
Article 124(1) to (5), (7) and (8)	—	—
Article 124(6)	—	Article 98, first subparagraph
Article 125	—	—
Article 126	—	—
Article 127	—	—
Article 128	—	—
Article 129	—	—
Article 130	—	—
Article 131	—	—
Article 132	Articles 18 and 19	—
Article 133	—	—
Article 133a	Article 37	—
Article 134 (deleted)	—	—
Article 135 (deleted)	—	—

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Article 136	—	—
Article 137	—	—
Article 138	Article 3	—
Article 139	Article 13	—
Article 140	Article 67	—
Article 141	Article 71	—
Article 142(a) to (q) and (s)	Article 70	—
Article 142(r)	Article 69	—
Article 143	—	—
Article 144	—	—
Article 145	—	—
Article 146	Article 72	—
Article 146a	—	—
Article 147	Article 73	—
Article 148	—	—
Article 149	Article 74	—
Annex I	Annex I	—
Annex II	—	Annex II
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Annex VII	Annex IV	—
Annex VIII	Annex II	—
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Annex XVIIa	—	—

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- (1) Opinion of 8 March 2012 (not yet published in the Official Journal).
- (2) [OJ C 191, 29.6.2012, p. 116](#) and [OJ C 44, 15.2.2013, p. 159](#).
- (3) [OJ C 225, 27.7.2012, p. 174](#).
- (4) Position of the European Parliament of 20 November 2013 (not yet published in the Official Journal).
- (5) Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ([OJ L 30, 31.1.2009, p. 16](#)).
- (6) Regulation (EU) No 1306/2013 of the European Parliament and of 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 (See page 549 of this Official Journal).
- (7) Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 ([OJ L 78, 20.3.2013, p. 23](#)).
- (8) Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 ([OJ L 78, 20.3.2013, p. 41](#)).
- (9) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).
- (10) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ([OJ L 270, 21.10.2003, p. 1](#)).
- (11) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 277, 21.10.2005, p. 1](#)).
- (12) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 december 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (See page 487 of this Official Journal).
- (13) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([OJ L 206, 22.7.1992, p. 7](#)).
- (14) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7](#)).
- (15) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ([OJ L 327, 22.12.2000, p. 1](#)).
- (16) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ([OJ L 189, 20.7.2007, p. 1](#)).
- (17) Council Regulation (EC) No 637/2008 of 23 June 2008 amending Regulation (EC) No 1782/2003 and establishing national restructuring programmes for the cotton sector ([OJ L 178, 5.7.2008, p. 1](#)).
- (18) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).
- (19) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).
- (20) [OJ C 35, 9.2.2012, p. 1](#).



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- (21) Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ L 316, 2.12.2009, p. 65).
- (22) Practices subject to the calculation referred to in point (c) of Article 43(12)

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