

Commission Delegated Regulation (EU) N o 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

[^{F1}][^{F2}CHAPTER 3

GREENING

[^{F1}][^{F2}SECTION 1

Equivalence

Article 38

Requirements applicable to the national or regional certification schemes

1. [^{F3}The relevant authority] deciding to implement equivalent practices referred to in Article 43(3)(b) of Regulation (EU) No 1307/2013 shall designate one or more public or private certification authorities certifying that the farmer observes practices on its holding which comply with Article 43(3) of that Regulation.
2. Public or private certification authorities shall fulfil the following conditions:
 - (a) they shall have the expertise, equipment and infrastructure required to carry out the certification tasks;
 - (b) they shall have a sufficient number of qualified and experienced staff;
 - (c) they shall be impartial and free from any conflict of interest as regards the exercise of the certification tasks.

F4 ...

F5 3.

Textual Amendments

- F3** Words in Art. 38(1) substituted (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), regs. 1(2), **12(1)(a)**
- F4** Words in Art. 38(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), **12(1)(b)**
- F5** Art. 38(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), **12(1)(c)**

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 639/2014, SECTION 1. (See end of Document for details)

Article 39

Calculation of the amount referred to in Article 28(6) of Regulation (EU) No 1305/2013

1. For farmers deciding to observe the practices referred to in points 3 and 4 of Section I and point 7 of Section III of Annex IX to Regulation (EU) No 1307/2013 and any further equivalent practices added to that Annex for which a specific calculation is needed in order to avoid double funding, as equivalent practices pursuant to Article 43(3)(a) of that Regulation, [F⁶the relevant authority] shall deduct from the amount of support per hectare calculated pursuant to Article 28(6) of Regulation (EU) No 1305/2013 an amount corresponding to one third of the average greening payment per hectare in the [F⁷constituent nation] or region concerned for each greening practice that the practice is equivalent with.

The average greening payment per hectare in the [F⁸constituent nation] or region concerned shall be calculated on the basis of the percentage referred to in Article 47(1) of Regulation (EU) No 1307/2013 of the average of the [F⁹relevant authority's share of the] national ceilings for the years 2015 to 2019^{F10} ... and the number of eligible hectares declared in accordance with Article 33^{F11} ... of Regulation (EU) No 1307/2013 in 2015. [F¹²Where the relevant authority has decided] to implement the practices referred to in the first subparagraph of this paragraph already in 2015, [F¹³the relevant authority] may estimate the number of eligible hectares declared in 2015 on the basis of the declarations made in 2014 pursuant to Article 34(2) of Regulation (EC) No 73/2009.

2. By way of derogation from paragraph 1, [F¹⁴the relevant authority] deciding to apply the third subparagraph of Article 43(9) of Regulation (EU) No 1307/2013 may decide to apply the deduction referred to in paragraph 1 of this Article on an individual basis by an amount corresponding to one third of the average greening payment per hectare of the farmer concerned.

The average greening payment for the farmer shall be calculated on the basis of the average of the individual payment calculated in accordance with the third and fourth subparagraphs of Article 43(9) of Regulation (EU) No 1307/2013 for the years 2015 to 2019 and the number of eligible hectares declared by the farmer in accordance with Article 33 of that Regulation in 2015.]]

Textual Amendments

- F6** Words in Art. 39(1) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(i)(aa)**
- F7** Words in Art. 39(1) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(i)(bb)**
- F8** Words in Art. 39(1) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(aa)**
- F9** Words in Art. 39(1) inserted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(bb)**
- F10** Words in Art. 39(1) omitted (8.6.2020) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(cc)**
- F11** Words in Art. 39(1) omitted (8.6.2020) by virtue of [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(dd)**
- F12** Words in Art. 39(1) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(ee)**
- F13** Words in Art. 39(1) inserted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(a)(ii)(ff)**

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 639/2014, SECTION 1. (See end of Document for details)

F14 Words in Art. 39(2) substituted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **4(2)(b)**

Textual Amendments

- F1** Regulation revoked (E.) (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 3 para. 1** Table 1 (with Sch. 3 Pt. 2)
- F2** 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), **8(8)**; and Ch. 3 omitted (E.) (1.1.2021 in relation to an application for direct payments made in 2021 or in any subsequent year) by virtue of [The Direct Payments to Farmers and Cross-Compliance \(Simplifications\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1387\)](#), regs. 1(1), **6(3)** (with reg. 1(2)); and Ch. 3 omitted (N.I.) (25.2.2021) by virtue of [The Direct Payments to Farmers \(Simplifications\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/42\)](#), regs. 1(1), **5(3)**

Changes to legislation:

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 639/2014, SECTION 1.