

Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance

TITLE I

GENERAL PROVISIONS

Article 1

Scope

This Regulation lays down provisions supplementing certain non-essential elements of Regulation (EU) No 1306/2013 in relation to:

- (a) conditions for the partial or total refusal or withdrawal of the aid or support;
- (b) identifying the administrative penalty and determining the specific rate to be imposed;
- (c) identifying the cases in which the administrative penalty is not applied;
- (d) rules applicable to periods, dates and time limits where the final date for submission of applications or amendments is a public holiday, a Saturday or a Sunday;
- (e) specific definitions needed to ensure a harmonised implementation of the integrated system;
- (f) basic features and technical rules for the identification system for agricultural parcels and identification of beneficiaries;
- (g) basic features, technical rules and quality requirements of the system for the identification and registration of payment entitlements;
- (h) the basis for the calculation of aid, including rules on how to deal with certain cases in which eligible areas contain landscape features or trees;
- (i) additional rules for intermediates such as services, bodies and organisations, which are involved in the procedure for granting the aid or support;
- (j) the maintenance of permanent pasture in relation to cross-compliance;
- (k) a harmonised basis for the calculation of administrative penalties related to cross-compliance;
- (l) conditions for the application and calculation of the administrative penalties related to cross-compliance;
- (m) an addition to the rules provided for in Regulation (EU) No 1306/2013 in order to ensure a smooth transition from repealed rules to the new rules.

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 640/2014. 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) View outstanding changes

Article 2

Definitions

1. For the purposes of the integrated system referred to in Article 67(1) of Regulation (EU) No 1306/2013, the definitions in Article 4(1) of Regulation (EU) No 1307/2013 and in Article 67(4) of Regulation (EU) No 1306/2013 shall apply.

The following definitions shall also apply:

- (1) ‘beneficiary’ means a farmer as defined in Article 4(1)(a) of Regulation (EU) No 1307/2013 and referred to in Article 9 of that Regulation, the beneficiary subject to cross-compliance within the meaning of Article 92 of Regulation (EU) No 1306/2013 and/or the beneficiary receiving rural development support as referred to in Article 2(10) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹⁾;
- (2) ‘non-compliance’ means:
 - (a) for eligibility criteria, commitments or other obligations relating to the conditions for the granting of the aid or support referred to in Article 67(2) of Regulation (EU) No 1306/2013, any non-respect of those eligibility criteria, commitments or other obligations; or
 - (b) for cross-compliance, non-compliance with the statutory management requirements under Union legislation, with the standards for good agricultural and environmental condition of land defined by the Member States in accordance with Article 94 of Regulation (EU) No 1306/2013, or with the maintenance of permanent pasture referred to in Article 93(3) of that Regulation;
- (3) ‘application for support’ means an application for support or to enter a measure under Regulation (EU) No 1305/2013;
- (4) ‘payment claim’ means an application by a beneficiary for payment by the national authorities under Regulation (EU) No 1305/2013;
- (5) ‘other declaration’ means any declaration or document, other than applications for support or payment claims, which has to be submitted or kept by a beneficiary or a third party in order to comply with specific requirements of certain rural development measures;
- (6) ‘rural development measures in the scope of the integrated system’ means the support measures granted in accordance with Article 21(1)(a) and (b) and Articles 28 to 31, 33, 34 and 40 of Regulation (EU) No 1305/2013 and where applicable Article 35(1)(b) and (c) of Regulation (EU) No 1303/2013, with the exception of measures referred to in Article 28(9) of Regulation (EU) No 1305/2013, and measures under Article 21(1)(a) and (b) of that Regulation as far as the establishment cost is concerned;
- (7) ‘system for the identification and registration of animals’ means the system for the identification and registration of bovine animals established by Regulation (EC) No 1760/2000 of the European Parliament and of the Council⁽²⁾ and/or the system for the identification and registration of ovine and caprine animals established by Council Regulation (EC) No 21/2004⁽³⁾ respectively;

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- (8) ‘ear tag’ means the ear tag to identify bovine animals individually referred to in Article 3(a) and Article 4 of Regulation (EC) No 1760/2000 and/or the ear tag to identify ovine and caprine animals individually referred to in point A.3 of the Annex to Regulation (EC) No 21/2004 respectively;
- (9) ‘computerised database for animals’ means the computerised database referred to in Article 3(b) and Article 5 of Regulation (EC) No 1760/2000 and/or the central register or computerised database referred to in Article 3(1)(d), Article 7 and Article 8 of Regulation (EC) No 21/2004 respectively;
- (10) ‘animal passport’ means the animal passport referred to in Article 3(c) and Article 6 of Regulation (EC) No 1760/2000;
- (11) ‘register’ in relation to animals means the register kept by the animal keeper referred to in Article 3(d) and Article 7 of Regulation (EC) No 1760/2000 and/or the register referred to in Article 3(1)(b) and Article 5 of Regulation (EC) No 21/2004 respectively;
- (12) ‘identification code’ means the identification code referred to in Article 4(1) of Regulation (EC) No 1760/2000 and/or the codes referred to in point A.2 of the Annex to Regulation (EC) No 21/2004 respectively;
- (13) ‘animal aid scheme’ means a voluntary coupled support measure provided for in Chapter 1 of Title IV of Regulation (EU) No 1307/2013 where the annual payment to be granted within defined quantitative limits is based on a fixed number of animals;
- (14) ‘animal-related support measures’ means rural development measures or types of operations for which support is based on the number of animals or number of livestock units declared;
- (15) ‘livestock aid application’ means the applications for the payment of aid where the annual payment to be granted within defined quantitative limits is based on a fixed number of animals under the voluntary coupled support provided for in Chapter 1 of Title IV of Regulation (EU) No 1307/2013;
- (16) ‘declared animals’ means animals subject to a livestock aid application under the animal aid scheme or subject to a payment claim for an animal-related support measure;
- (17) ‘potentially eligible animal’ means an animal that could a priori potentially fulfil the eligibility criteria for receiving the aid under the animal aid scheme or support under an animal-related support measure in the claim year in question;
- (18) ‘animal determined’ means:
 - (a) for an animal aid scheme, an animal for which all conditions laid down in the rules for granting the aid have been met; or
 - (b) for an animal-related support measure, an animal identified by means of administrative or on-the-spot checks;
- (19) ‘animal keeper’ means any natural or legal person responsible for animals whether on a permanent or on a temporary basis, including during transportation or at a market;
- (20) ‘area-related aid schemes’ means the area-related direct payments within the meaning of Article 67(4)(b) of Regulation (EC) No 1306/2013, excluding specific measures for agriculture in the outermost regions of the Union as referred to in Chapter IV of

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Regulation (EU) No 228/2013 of the European Parliament and of the Council⁽⁴⁾ and specific measures for agriculture in favour of the smaller Aegean islands as referred to in Chapter IV of Regulation (EU) No 229/2013 of the European Parliament and of the Council⁽⁵⁾;

- (21) ‘area-related support measures’ means rural development measures or type of operations for which support is based on the size of the area declared;
- (22) ‘use’ in relation to area means the use of area in terms of the type of crop as referred to in Article 44(4) of Regulation (EU) No 1307/2013, type of permanent grassland as defined in Article 4(1)(h) of that Regulation, permanent pasture referred to in Article 45(2)(a) of that Regulation or areas of grassland, other than permanent grassland or permanent pasture, or ground cover or the absence of a crop;
- (23) ‘area determined’ means:
- (a) for area-related aid schemes, the area for which all eligibility criteria or other obligations relating to the conditions for the granting of the aid have been met, regardless of the number of the payment entitlements at the beneficiary’s disposal; or
 - (b) for area-related support measures, the area of plots or parcels as identified by means of administrative or on-the-spot checks;
- (24) ‘Geographical Information System’ (hereinafter referred to as ‘GIS’) means the computerised geographical information system techniques referred to in Article 70 of Regulation (EU) No 1306/2013;
- (25) ‘reference parcel’ means a geographically delimited area retaining a unique identification as registered in the identification system for agricultural parcels referred to in Article 70 of Regulation (EU) No 1306/2013;
- (26) ‘geographical material’ means maps or other documents used to communicate the contents of the GIS between the applicants for aid or support and the Member States.
2. For the purpose of Title IV of this Regulation, the definitions in Title VI of Regulation (EU) No 1306/2013 shall apply.

In addition, ‘standards’ means any of the standards as defined by the Member States in accordance with Article 94 of Regulation (EU) No 1306/2013 as well as the obligations in relation to permanent pasture as laid down in Article 93(3) of that Regulation.

Article 3

Application of criminal penalties

The application of the administrative penalties and the refusal or withdrawal of aid or support as provided for in this Regulation shall be without prejudice to the application of criminal penalties, should national law so provide.

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Article 4

Force majeure and exceptional circumstances

1. As regards direct payments, if a beneficiary has been unable to comply with the eligibility criteria or other obligations as a result of *force majeure* or exceptional circumstances he shall retain his right to aid in respect of the area or animals eligible at the time when the case of *force majeure* or the exceptional circumstance occurred.

As regards rural development support measures under Articles 28, 29, 33 and 34 of Regulation (EU) No 1305/2013, if a beneficiary has been unable to fulfil the commitment as a result of *force majeure* or exceptional circumstances, the respective payment shall be proportionally withdrawn for the years during which the case of *force majeure* or exceptional circumstances occurred. The withdrawal shall concern only those parts of the commitment for which additional costs or income foregone did not take place before the *force majeure* or exceptional circumstances occurred. No withdrawal shall apply in relation to the eligibility criteria and other obligations and no administrative penalty shall apply.

As regards other rural development support measures, Member States shall not require the partial or full reimbursement of the support in case of *force majeure* or exceptional circumstances. In case of multiannual commitments or payments, reimbursement of the support received in previous years shall not be required and the commitment or payment shall be continued in the subsequent years in accordance with its original duration.

When the non-compliance resulting from such *force majeure* or exceptional circumstances concerns cross-compliance, the corresponding administrative penalty as referred to in Article 91(1) of Regulation (EU) No 1306/2013 shall not be applied.

2. Cases of *force majeure* and exceptional circumstances shall be notified in writing to the competent authority, with relevant evidence to the satisfaction of the competent authority, within fifteen working days from the date on which the beneficiary or the person entitled through him, is in a position to do so.

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- (1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([OJ L 347, 20.12.2013, p. 320](#)).
- (2) Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ([OJ L 204, 11.8.2000, p. 1](#)).
- (3) Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC ([OJ L 5, 9.1.2004, p. 8](#)).
- (4) Regulation (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](#)).
- (5) 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](#)).

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation coming into force by [2020 c. 2 s. 1](#) (Regulation in so far as it relates to the CAP direct payment schemes for the claim year 2020 brought into domestic law on exit day by virtue of Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), ss. 1, 9(3))

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title 2 Ch. 4 words omitted by [S.I. 2020/1387 reg. 7\(7\)\(a\)](#)
- Title 2 Ch. 4 s.0003 omitted by [S.R. 2021/42 reg. 6\(6\)\(b\)](#)
- Title 2 Ch. 4 s.0002 words omitted by [S.R. 2021/42 reg. 6\(6\)\(a\)](#)
- Title 4 Ch. 1 omitted by [S.I. 2021/400 reg. 3\(9\)](#)
- Title 4 Ch. 2 revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 1](#)
- Title 5 omitted by [S.I. 2021/400 reg. 3\(11\)](#)
- s. 3 omitted by [S.I. 2020/1387 reg. 7\(7\)\(b\)](#)
- Signature words omitted by [S.I. 2020/90 reg. 15\(25\)](#)
- Art. 1(g)(m) omitted by virtue of [S.I. 2019/765, reg. 6\(1A\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(3\)](#)
- Art. 1(j) omitted by [S.I. 2021/400 reg. 3\(2\)](#)
- Art. 2.2 words substituted by [S.I. 2020/90 reg. 15\(2\)\(b\)](#)
- Art. 2.1(1) substituted by [S.I. 2020/90 reg. 15\(2\)\(a\)\(i\)](#)
- art. 2(1)(22) words omitted by [S.R. 2021/42 reg. 6\(2\)](#)
- Art. 2.1(1) words omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(ai\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(4\)\(b\)](#)
- Art. 2.1(1) words revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 2](#)
- Art. 2.1(2)(b) revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 2](#)
- Art. 2.01(2)(b)(1) words omitted by [S.I. 2019/765 reg. 6\(2\)\(a\)\(i\)\(bb\)](#)
- Art. 2.1(2)(b) words omitted by [S.I. 2020/90 reg. 15\(2\)\(a\)\(ii\)\(bb\)](#)
- Art. 2.01(2)(b)(1) words substituted by [S.I. 2019/765 reg. 6\(2\)\(a\)\(i\)\(aa\)](#)
- Art. 2.1(2)(b) words substituted by [S.I. 2020/90 reg. 15\(2\)\(a\)\(ii\)\(aa\)](#)
- Art. 2.01(4) words substituted by [S.I. 2019/765 reg. 6\(2\)\(a\)\(ii\)](#)
- Art. 2.01(6) words omitted by [S.I. 2019/765 reg. 6\(2\)\(a\)\(iii\)](#)
- Art. 2(7)-(13) omitted for specified purposes by [S.I. 2020/1513 reg. 8\(2\)\(b\)](#)
- Art. 2.1(13)(15) omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(iiia\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(4\)\(c\)](#)
- Art. 2(15)-(19) omitted for specified purposes by [S.I. 2020/1513 reg. 8\(2\)\(b\)](#)
- Art. 2.1(16) words omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(iiib\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(4\)\(c\)](#)
- Art. 2.1(17) words omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(iiic\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(4\)\(c\)](#)
- Art. 2.1(18)(a) omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(iiid\)](#) (as inserted) by [S.I. 2020/1445 reg. 9\(4\)\(c\)](#)
- Art. 2.1(20) omitted by virtue of [S.I. 2019/765, reg. 6\(2\)\(a\)\(iv\)](#) (as substituted) by [S.I. 2020/1445 reg. 9\(4\)\(d\)](#)
- Art. 2.01(20) words omitted by [S.I. 2019/765 reg. 6\(2\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6(2)(a)(iv) substituted immediately before IP completion day by [S.I. 2020/1445, reg. 8\(37\)](#))
- Art. 2.1(20) words omitted by [S.I. 2020/90 reg. 15\(2\)\(a\)\(iii\)](#)

- Art. 2.1(22) omitted by virtue of S.I. 2019/765, reg. 6(2)(a)(iva) (as inserted) by S.I. 2020/1445 reg. 9(4)(e)
- Art. 2.1(22) substituted for specified purposes by S.I. 2020/1556 reg. 3(2)
- Art. 2.1(22) words substituted by S.I. 2021/407 reg. 4(2)
- Art. 2.1(23)(a) and word omitted by virtue of S.I. 2019/765, reg. 6(2)(a)(ivb) (as inserted) by S.I. 2020/1445 reg. 9(4)(e)
- Art. 2.01(26) words substituted by S.I. 2019/765 reg. 6(2)(a)(v)
- Art. 2.1(26) words substituted by S.I. 2020/90 reg. 15(2)(a)(iv)
- Art. 5(2)(a) omitted by virtue of S.I. 2019/765, reg. 6(5)(b)(ia) (as inserted) by S.I. 2020/1445 reg. 9(6)(b)(i)
- art. 5(2)(c) omitted by S.R. 2021/42 reg. 6(3)(a)
- Art. 5(2)(c) omitted by S.I. 2020/1387 reg. 7(4)(a)
- Art. 5(2)(c) omitted by virtue of S.I. 2019/765, reg. 6(5)(b)(iii) (as substituted) by S.I. 2020/1445 reg. 9(6)(b)(ii)
- Art. 5(2)(c) omitted for specified purposes by S.I. 2020/1556 reg. 3(3)(a)
- Art. 5(2)(c) words substituted by S.I. 2019/765 reg. 6(5)(b)(iii)(aa) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(c) words substituted by S.I. 2019/765 reg. 6(5)(b)(iii)(bb) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(c) words substituted by S.I. 2020/90 reg. 15(4)(b)(iii)(aa)
- Art. 5(2)(c) words substituted by S.I. 2020/90 reg. 15(4)(b)(iii)(bb)
- Art. 5(2)(d) omitted by S.I. 2020/1387 reg. 7(4)(b)
- art. 5(2)(d) substituted by S.R. 2021/42 reg. 6(3)(b)
- Art. 5(2)(d) substituted by S.I. 2020/90 reg. 15(4)(b)(iv)
- art. 5(2)(d) words omitted by S.R. 2021/40 reg. 7(3)
- Art. 5(2)(d) words omitted by S.I. 2019/765 reg. 6(5)(b)(iv)(aa) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(d) words omitted by S.I. 2019/765 reg. 6(5)(b)(iv)(cc) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(d) words omitted by S.I. 2019/765 reg. 6(5)(b)(iv)(dd) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(d) words omitted by virtue of S.I. 2019/765, reg. 6(5)(b)(iv)(bb) (as substituted) by S.I. 2020/1445 reg. 9(6)(b)(ii)
- Art. 5(2)(d) words omitted for specified purposes by S.I. 2020/1556 reg. 3(3)(b)
- Art. 5(2)(d) words substituted by S.I. 2019/765 reg. 6(5)(b)(iv)(bb) (This amendment not applied to legislation.gov.uk. Reg. 6(5)(b)(iii)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(b)(ii))
- Art. 5(2)(d) words substituted by S.I. 2019/765, reg. 6(5)(b)(iv)(aa) (as substituted) by S.I. 2020/1445 reg. 9(6)(b)(ii)
- Art. 7(1)(f) words inserted by S.I. 2020/90 reg. 15(6)(a)(ii)(aa)
- Art. 7(1)(f) words substituted by S.I. 2020/90 reg. 15(6)(a)(ii)(bb)
- Art. 12(b) omitted by virtue of S.I. 2019/765, reg. 6(9A)(a)(ii) (as inserted) by S.I. 2020/1445 reg. 9(10)
- Art. 12(b) words substituted by S.I. 2021/400 reg. 16(3)
- Art. 17(1)(a)-(d) omitted by virtue of S.I. 2019/765, reg. 6(14)(a)(i) (as substituted) by S.I. 2020/1445 reg. 9(13)
- Art. 17(1)(a) words omitted by S.I. 2019/765 reg. 6(14) (This amendment not applied to legislation.gov.uk. Reg. 6(14) substituted immediately before IP completion day by S.I. 2020/1445, reg. 9(13))
- Art. 17(1)(a) words omitted by S.I. 2020/90 reg. 15(14)(a)
- Art. 17(1)(b) omitted for specified purposes by S.S.I. 2020/460 reg. 6(3)
- Art. 17(1)(b) omitted for specified purposes by S.I. 2020/1513 reg. 8(5)
- Art. 17(1)(d) omitted for specified purposes by S.I. 2020/1513 reg. 8(5)

- Art. 17(1)(e) words omitted by virtue of S.I. 2019/765, reg. 6(14)(a)(ii) (as substituted) by [S.I. 2020/1445 reg. 9\(13\)](#)
- art. 18a inserted by [S.R. 2021/42 reg. 6\(5\)](#)
- Art. 27(1)(22) words omitted by [S.I. 2020/1387 reg. 7\(2\)](#)
- Art. 30(4)(c) words substituted by S.I. 2019/765, reg. 6(19)(c) (as inserted) by [S.I. 2020/1445 reg. 9\(19\)\(d\)](#)
- Art. 35(2)(b) words substituted by [S.I. 2019/765 reg. 6\(22\)\(a\)](#)
- art. 39para. 4(3) omitted by (This amendment not applied to legislation.gov.uk. (The Direct Payments to Farmers(Cross-Compliance)(Amendment)Regulations(Northern Ireland)2022 (SR 2022 240) is held on legislation.gov.uk in pdf format only and it is not possible to revise the text.)
- Art. 43(c) omitted by [S.I. 2019/765 reg. 6\(28\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6(27) substituted for reg. 6(27)-(29) immediately before IP completion day by S.I. 2020/1445, reg. 9(23))