

Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance

TITLE III

CHECKS

CHAPTER III

On-the-spot checks within the integrated system

Section 1

Common provisions

Article 31

Control rate for the greening payment

1. For the greening payment, the control sample for on-the-spot checks carried out each year shall cover at least:
 - (a) 5 % of all beneficiaries required to observe the agricultural practices beneficial for the climate and the environment (hereinafter referred to as ‘the greening practices’), and who are not part of the control populations referred to in points (b) and (c) (hereinafter referred to as ‘the control population for greening’); this sample shall, at the same time, cover at least 5 % of all beneficiaries having areas covered with permanent grasslands which are environmentally sensitive in areas covered by Council Directive 92/43/EEC⁽¹⁾ or Directive 2009/147/EC of the European Parliament and of the Council⁽²⁾ and further sensitive areas referred to in Article 45(1) of Regulation (EU) No 1307/2013;
 - (b) 3 % of:
 - (i) either all beneficiaries qualifying for the greening payment who are exempted from both the crop diversification and the ecological focus area obligations by not meeting the thresholds referred to in Articles 44 and 46 of Regulation (EU) No 1307/2013 and who are not concerned by the obligations referred to in Article 45 of that Regulation;
 - (ii) or, in the years where Article 44 of Delegated Regulation (EU) No 639/2014 does not apply [^{F1}in a Member State], the beneficiaries qualifying for the greening payment who are exempted from both the crop diversification and the ecological focus area obligations by not meeting the thresholds referred to in Articles 44 and 46 of Regulation (EU) No 1307/2013 and who are not concerned by the obligations referred to in Article 45(1) of that Regulation;

*Status: Point in time view as at 14/06/2020. This version of this provision has been superseded.
 Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 809/2014. 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)*

- (c) 5 % of all beneficiaries required to observe the greening practices and using [F²national or regional] environmental certification schemes as referred to in Article 43(3)(b) of Regulation (EU) No 1307/2013;
- (d) 5 % of all beneficiaries participating in [F³a regional] implementation in accordance with Article 46(5) of Regulation (EU) No 1307/2013;
- (e) 5 % of the collective implementation in accordance with Article 46(6) of Regulation (EU) No 1307/2013;
- (f) 100 % of the contiguous structures of adjacent ecological focus areas as referred to in Article 46(3) of Delegated Regulation (EU) No 639/2014;
- (g) [F⁴100 % of all parcels on which an obligation to re-convert land into land under permanent grassland according to Article 42 of Delegated Regulation (EU) No 639/2014 applies;]
- (h) 20 % of all beneficiaries with an obligation to re-convert land into land under permanent grassland according to Article 44(2) and (3) of Delegated Regulation (EU) No 639/2014.

2. Beneficiaries who observe the greening practices through equivalent practices in accordance with Article 43(3)(a) of Regulation (EU) No 1307/2013 [F⁵or who participate in the small farmers scheme in accordance with Article 61 of that Regulation] or who comply for the whole holding with the requirements laid down in Article 29(1) of Council Regulation (EC) No 834/2007⁽³⁾ as regards organic farming shall not be part of the control sample and shall not be counted against the control rates laid down in this Article.

[F⁶3. Where the ecological focus areas are not identified in the identification system for agricultural parcels as referred to in Article 70 of Regulation (EU) No 1306/2013, the control rate laid down in points (a) and (c) to (e) of paragraph 1 shall be supplemented by 5 % of all beneficiaries of the respective control population who are required to have ecological focus area on the agricultural area in accordance with Articles 43 and 46 of Regulation (EU) No 1307/2013.]

However, the first subparagraph shall not apply where the administration and control system ensures that all ecological focus areas declared are identified and, where applicable, recorded in the identification system for agricultural parcels in accordance with Article 5(2)(c) of Delegated Regulation (EU) No 640/2014 before payment.

Textual Amendments

- F1** Words in Art. 31(1)(b)(ii) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **14(29)(a)(i)**
- F2** Words in Art. 31(1)(c) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **14(29)(a)(ii)**
- F3** Words in Art. 31(1)(d) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **14(29)(a)(iii)**
- F4** Substituted by [Commission Implementing Regulation \(EU\) 2018/746 of 18 May 2018 amending Implementing Regulation \(EU\) No 809/2014 as regards modification of single applications and payment claims and checks.](#)

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 809/2014. 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)

- F5** Words in Art. 31(2) omitted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **14(29)(b)**
- F6** Substituted by [Commission Implementing Regulation \(EU\) 2015/2333 of 14 December 2015 amending Implementing Regulation \(EU\) No 809/2014 laying down rules for the application of Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance](#).

Modifications etc. (not altering text)

- C1** Art. 31(1)(a) modified (W.) (14.6.2020) by [The Payments to Farmers \(Controls and Checks\) \(Wales\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/531\)](#), regs. 1(2), **2(d)**

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- (1) 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](#)).
- (2) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7](#)).
- (3) 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](#)).

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