

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 36

Reduction of the control rate

1. The control rates laid down in this Chapter may only be reduced in respect of aid schemes or support measures set out in this Article.
2. By way of derogation from Article 30(a), (b) and (f), Member States may, as regards the basic payment scheme, the single area payment scheme, the re-distributive payment and the small farmers scheme, decide to reduce the minimum level of on-the-spot checks carried out each year per scheme to 3 %.

[^{F1}The first subparagraph shall only apply if a system of spatial intersection of all aid applications with the identification system for agricultural parcels is in place in accordance with Article 17(2) for all beneficiaries.]

In respect of claim year 2015 the rate of errors found in the random sample checked on the spot shall not exceed 2 % in the preceding two financial years. That rate of errors shall be certified by the Member State in accordance with the established methodology drawn up at Union level.]

[^{F2}In respect of claim year 2016 the rate of errors found in the random sample checked on the spot shall not exceed 2 % in the preceding financial year. That rate of errors shall be certified by the Member State in accordance with the new methodology drawn up at Union level taking account of Article 7(4) of Commission Implementing Regulation (EU) No 908/2014⁽¹⁾.]

3. By way of derogation from Article 30(a), (b) and (f), Member States may, as regards the basic payment scheme, the single area payment scheme, the re-distributive payment and the small farmers scheme, decide to reduce the control sample to the sample selected in accordance with point (a) of the first subparagraph of Article 34(2) if checks based on the ortho-images

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used for the update of the identification system for agricultural parcels referred to in Article 70 of Regulation (EU) No 1306/2013 are carried out.

The first subparagraph shall only apply if Member States systematically update the identification system for agricultural parcels and check all beneficiaries in the entire area covered by it within a period of maximum three years, covering per year at least 25 % of the eligible hectares recorded in the identification system for agricultural parcels. However, that minimum coverage percentage per year shall not apply to Member States with less than 150 000 eligible hectares recorded in the identification system for agricultural parcels.

Before applying the first subparagraph, Member States shall have made a complete update of the identification system for agricultural parcels concerned within the previous three years.

The ortho-images used for the update shall not be older than 15 months at the date of their use for the purpose of the update of the identification system for agricultural parcels.

The quality of the identification system for agricultural parcels as assessed in accordance with Article 6 of Delegated Regulation (EU) No 640/2014 during the two years preceding the application of the first subparagraph shall be sufficient to ensure effective verification of the conditions under which aid is granted.

The decision referred to in the first subparagraph may be taken at national level or regional level. For the purposes of this subparagraph, a region shall be comprised of the whole area covered by one or more autonomous identification systems for agricultural parcels.

[^{F1}The third and fourth subparagraphs of paragraph 2 shall apply *mutatis mutandis*.]

4. By way of derogation from Article 32(1), Member States may decide to reduce the minimum level of on-the-spot checks carried out each calendar year to 3 % of the beneficiaries applying for rural development measures in the scope of the integrated system.

[^{F1}However, the first subparagraph shall not apply in relation to beneficiaries that include equivalent practices as referred to in Article 43(3) of Regulation (EU) No 1307/2013 and to collectives and commitments which are selected in accordance with Article 32(2a) of this Regulation.]

5. [^{F1}Paragraphs 2, 3 and 4 shall only apply if the general conditions for reducing the minimum level of on-the-spot checks laid down in Article 41 of Implementing Regulation (EU) No 908/2014 are fulfilled.] Where any of those conditions or the conditions laid down in paragraphs 2 or 3 of this Article are no longer met, Member States shall immediately revoke their decision to reduce the minimum level of on-the-spot checks and shall apply the minimum level of on-the-spot checks provided for in Article 30(a), (b) and (f) and/or Article 32 as of the following claim year for the aid schemes or support measures concerned.

6. By way of derogation from Article 30(g), where a Member State introduces a system of prior approval for the cultivation of hemp, the minimum level of on-the-spot checks may be reduced to 20 % of the areas declared for the production of hemp as referred to in Article 32(6) of Regulation (EU) No 1307/2013.

In that case, the Member State shall notify the Commission of its detailed rules and conditions linked to its system of prior approval the year before the application of the

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reduced control rate. Any amendments to those detailed rules or conditions shall be notified to the Commission without undue delay.

Textual Amendments

- F1** 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.](#)
- F2** Inserted 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.](#)

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- (1) [^{F2}Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59)]

Textual Amendments

- F2** Inserted 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.](#)

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