

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 2

On-the-spot checks with regard to aid applications for area-related aid schemes and payment claims for area-related support measures

Article 37

Elements of on-the-spot checks

1. On-the-spot checks shall cover all the agricultural parcels [^{F1}for which aid is requested under schemes listed in Annex I to Regulation (EU) No 1307/2013 and/or] for which support is requested under rural development measures in the scope of the integrated system.

With regard to the control of the rural development measures provided for in Article 21(1)(a) and Articles 30 and 34 of Regulation (EU) No 1305/2013, the on-the-spot checks shall also cover all non-agricultural land for which support is being claimed.

The competent authority shall assess on the basis of the control results whether an update of the corresponding reference parcels is required, having regard to Article 5(3) of Delegated Regulation (EU) No 640/2014.

2. On-the-spot checks shall cover the area measurement and verification of the eligibility criteria, commitments and other obligations of the area declared by the beneficiary under the [^{F2}aid schemes and/or] support measures referred to in paragraph 1.

[^{F3}For beneficiaries applying for direct payments under the schemes listed in Annex I to Regulation (EU) No 1307/2013 and whose agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation, the on-the-spot check shall also cover the verification of the minimum activity carried out on those areas as referred to in Article 9(1) of Regulation (EU) No 1307/2013.]

[^{F43}. On-the-spot checks related to greening practices shall cover all obligations to be respected by the beneficiary. Where relevant, the compliance with the thresholds referred to in [^{F5}Articles 44 and][^{F5}Article] 46 of Regulation (EU) No 1307/2013 for exemption from the practices shall form part of on-the-spot checks. This subparagraph shall also apply to the on-

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the-spot checks carried out in respect of ^{F6}... environmental certification schemes as referred to in Article 43(3)(b) of Regulation (EU) No 1307/2013.

Where the on-the-spot check concerns ^{F7}... implementation in accordance with Article 46(5) of Regulation (EU) No 1307/2013, the on-the-spot check shall also cover the area measurement and verification of the obligations imposed by the [^{F8}relevant authority] upon the beneficiaries or groups of beneficiaries.

Where the on-the-spot check concerns a collective implementation in accordance with Article 46(6) of Regulation (EU) No 1307/2013, the on-the-spot check shall cover:

- (a) the verification of the criteria for close proximity set in accordance with Article 47(1) of Delegated Regulation (EU) No 639/2014;
- (b) the area measurement and verification of the criteria for the contiguous ecological focus areas;
- (c) the additional obligations imposed by the [^{F9}relevant authority] upon the beneficiaries or groups of beneficiaries, where appropriate;
- (d) the individual greening obligations to be respected by the beneficiary participating in the collective implementation.]

[^{F10}4. For collectives selected in accordance with point (a) of Article 32(2a), the on-the-spot checks shall cover the area measurement, verification of the eligibility criteria and other obligations of the area declared in the collective claim.

For commitments selected in accordance with point (b) of Article 32(2a), the on-the-spot check shall cover the verification of the commitments notified.]

Textual Amendments

- F1** Words in Art. 37(1) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **5(32)(a)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 8(24)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 37(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **5(32)(b)(i)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 8(24)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 37(2) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **5(32)(b)(ii)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 8(24)); 2020 c. 1, Sch. 5 para. 1(1); and words in Art. 37(2) omitted (E.) (1.1.2021 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1513\)](#), regs. 1(2), 7(13)
- F4** Art. 37(3) omitted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by virtue of [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **5(32)(c)** (as substituted by S.I. 2020/1445, regs. 1(2)(b), 8(24)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 37(3) omitted (W.) (31.12.2020 in so far as it relates to direct payments) by virtue of [The Direct Payments to Farmers and Rural Affairs \(Miscellaneous Amendments etc.\)](#)

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- (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), 4(20); and Art. 37(3) omitted (E.) (1.1.2021 in so far as it relates to direct payments) by virtue of The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (S.I. 2020/1387), regs. 1(1), 9(15)
- F5** Word in Art. 37(3) substituted (S.) (1.1.2021) by The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/349), regs. 1, 7(10)
- F6** Words in Art. 37(3) 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(32)(a)(i)
- F7** Words in Art. 37(3) 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(32)(a)(ii)(aa)
- F8** Words in Art. 37(3) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), 14(32)(a)(ii)(bb)
- F9** Words in Art. 37(3)(c) substituted (31.1.2020 in so far as it relates to the Common Agricultural Policy direct payment schemes) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), 14(32)(a)(iii)(aa)
- F10** 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.

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- Regulation applied with mods. by [S.R. 2021/181 reg. 2](#)
- art. 37 omitted by [S.R. 2021/42 reg. 17\(9\)](#)
- art. 37(2) words omitted by [S.R. 2021/40 reg. 6\(7\)](#)
- art. 37(3) omitted by [S.R. 2021/42 reg. 8\(9\)](#)
- Art. 37(3) words omitted by [S.I. 2019/765 reg. 5\(32\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(30)-(32) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(24))
- Art. 37(3) words omitted by [S.I. 2019/765 reg. 5\(32\)\(a\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(30)-(32) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(24))
- Art. 37(3) words substituted by [S.I. 2019/765 reg. 5\(32\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(30)-(32) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(24))
- Art. 37(4) omitted by [S.I. 2022/765 reg. 11\(7\)](#)

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

- Title 5 revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 1](#)
- Art. 1(m) words substituted by [S.I. 2019/765 reg. 5\(2\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(2)(a)(iv) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(3)(c))
- Art. 1(r)(s) revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 2](#)
- Art. 6(2)(c) words substituted by [S.I. 2021/400 reg. 4\(3\)](#)
- Art. 6(2)(f)(iii)(iv) omitted by [S.I. 2019/765 reg. 5\(6\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(6) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(8))
- art. 6(3)(b) omitted by [S.R. 2021/40 reg. 6\(2\)\(a\)](#)
- Art. 6(3)(c) omitted by [S.I. 2019/765 reg. 5\(6\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(6) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(8))
- Art. 6(5) inserted by [S.I. 2021/407 reg. 5\(2\)\(c\)](#)
- Art. 14(1)(f) omitted by [S.I. 2022/765 reg. 11\(2\)](#)
- art. 14(1)(h) omitted by [S.R. 2021/40 reg. 6\(3\)](#)
- Art. 14(1a) inserted for specified purposes by [S.I. 2022/1225 reg. 8\(1\)reg. 8\(2\)\(b\)](#)
- Art. 17(7)(c) words substituted by [S.I. 2019/765 reg. 5\(16\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(16)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(13))
- Art. 21(1)(d) words substituted by [S.I. 2019/765 reg. 5\(19\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(19)(a)(b) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(18)(i))
- Art. 24(1)(c) revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 2](#)
- Art. 29(1)(a) word omitted by [S.I. 2023/1430 Sch. 4 para. 7\(6\)\(b\)](#)
- Art. 29(1)(a) words omitted by [S.I. 2023/1430 Sch. 4 para. 7\(6\)\(a\)](#)
- Art. 29(1)(a) words omitted by [S.I. 2023/1430 Sch. 4 para. 7\(6\)\(c\)](#)
- Art. 29(1)(f) omitted by [S.I. 2019/765 reg. 5\(26\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))

- Art. 29(1)(g) omitted by [S.I. 2019/765 reg. 5\(26\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 30(f) omitted by [S.I. 2019/765 reg. 5\(27\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 30(h) omitted by [S.I. 2019/765 reg. 5\(27\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 31(b)(ii) words omitted by [S.I. 2019/765 reg. 5\(28\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 31(1)(c) words omitted by [S.I. 2019/765 reg. 5\(28\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 31(1)(d) words omitted by [S.I. 2019/765 reg. 5\(28\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(26)-(28) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(22))
- Art. 32a inserted by [S.I. 2021/400 reg. 4\(10\)](#)
- Art. 34(5)(c) words substituted by [S.I. 2019/765 reg. 5\(30\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(30)-(32) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(24))
- Art. 34(5)(d) word inserted by [S.I. 2021/400 reg. 4\(11\)\(c\)\(ii\)](#)
- Art. 37(3)(c) words substituted by [S.I. 2019/765 reg. 5\(32\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(30)-(32) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(24))
- Art. 40a(2)(b) words substituted by [S.I. 2019/765 reg. 5\(36\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(34)-(36) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(26))
- Art. 41(1)(h) words revoked by [S.I. 2023/816 Sch. Pt. 1 para. 1 Table 2](#)
- Art. 48(2)(e) sum substituted by [S.I. 2021/400 reg. 4\(22\)\(a\)\(ii\)\(aa\)](#)
- Art. 48(2)(e) words omitted by [S.I. 2021/400 reg. 4\(22\)\(a\)\(ii\)\(bb\)](#)
- Art. 48(5)(a) omitted by [S.I. 2021/400 reg. 4\(22\)\(b\)\(ii\)](#)
- Art. 64(a) word omitted by [S.I. 2019/765 reg. 5\(51\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(51) substituted immediately before IP completion day by S.I. 2020/1445, reg. 8(31))