

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 I

Common provisions

Article 24

General principles

1. Administrative checks and on-the-spot checks provided for in this Regulation shall be made in such a way as to ensure effective verification of:

- (a) the correctness and completeness of the information provided in the aid application, application for support, payment claim or other declaration;
- (b) compliance with all eligibility criteria, commitments and other obligations for the aid scheme and/or support measure concerned, the terms under which aid and/or support or exemption from obligations are granted;
- (c) the requirements and standards relevant for cross-compliance.

2. ^[F1]Member States^[F1] The relevant authority shall ensure that compliance with all conditions applicable established by ^[F2]Union law or laid down in relevant national law^[F2] the law applying in the constituent nation and documents containing implementing arrangements or by the rural development programme can be checked according to a set of verifiable indicators to be established by the ^[F1]Member States^[F1] relevant authority].

3. The results of the administrative and on-the-spot checks shall be assessed to establish whether any problems encountered could in general entail a risk for other similar operations, beneficiaries or other bodies. The assessment shall also identify the causes of such situations, any further examination which may be required and necessary corrective and preventive actions.

^[F3]4. The competent authority shall carry out physical inspections in the field in the event that photo-interpretation of satellite or aerial ortho-images or other relevant evidence including evidence provided by the beneficiary at the request of the competent authority do not provide results that would permit definitive conclusions to be drawn to the satisfaction of the competent authority concerning the eligibility or, where applicable, the correct size of the area that is the subject of administrative or on-the-spot checks.

^[F4]By way of derogation from the first sub-paragraph, the competent authority may fully substitute the physical inspections to be carried out under this Regulation in respect of claim year 2020 by the use of photo-interpretation of satellite or aerial ortho-images or other relevant evidence including evidence provided by the beneficiary, such as geo-

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tagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority.]]^{F5}By way of derogation from the first subparagraph, the competent authority may, fully substitute the physical inspections to be carried out under this Regulation in respect of claim year 2020 by the use of photo-interpretation of satellite or aerial ortho-images or other relevant evidence including evidence provided by the beneficiary, such as geo-tagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority.]]^{F6}By way of derogation from the first sub-paragraph, no physical inspection is required in respect of claim year 2020. The competent authority will draw a definitive conclusion from the use of photo-interpretation of satellite or aerial ortho-images or other relevant evidence including such evidence provided by the beneficiary at the request of the competent authority.]]

5. This Chapter shall apply to all checks carried out under this Regulation and without prejudice to specific rules provided for in Title IV and V. Paragraph 3 shall however not apply to Title V.

Textual Amendments

- F1** Words in Art. 24(2) 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(23)(a)**
- F2** Words in Art. 24(2) 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(23)(b)**
- F3** 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](#).
- F4** Words in Art. 24(4) inserted (E.) (30.6.2020) by [The Direct Payments to Farmers \(Inspections\) \(Coronavirus\) \(England\) Regulations 2020 \(S.I. 2020/575\)](#), regs. 1(1), **2(2)**
- F5** Words in Art. 24(4) inserted (N.I.) (20.7.2020) by [The Direct Payments to Farmers \(Controls and Checks\) \(Amendment\) \(Coronavirus\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/105\)](#), regs. 1(1), **2(2)**
- F6** Words in Art. 24(4) inserted (S.) (30.9.2020) by [The Direct Payments to Farmers \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/244\)](#), regs. 1(1), **2(2)**

Modifications etc. (not altering text)

- C1** [Art. 24\(4\)](#) 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(a)**

Article 25

Announcement of on-the-spot checks

On-the-spot checks may be announced provided that it does not interfere with their purpose or effectiveness. Any announcement shall be strictly limited to the minimum time period necessary and shall not exceed 14 days.

[^{F7}However, for on-the-spot checks concerning livestock aid applications or payment claims under animal-related support measures or commitments notified in accordance with Article 14a(5), the announcement shall not exceed 48 hours, except in duly justified cases. Furthermore, where the legislation applicable to the acts and standards relevant

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to cross-compliance requires the on-the-spot check to be unannounced, those rules shall also apply in the case of on-the-spot checks related to cross-compliance.]

Textual Amendments

- F7** 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.](#)

Article 26

Timing of on-the-spot checks

1. Where appropriate, on-the-spot checks provided for in this Regulation shall be carried out at the same time as any other checks provided for in [^{F8}Union law][^{F8}the law applying in the constituent nation].

2. For the purpose of rural development measures in the scope of the integrated system, the on-the-spot checks shall be spread over the year on the basis of an analysis of the risks presented by the different commitments under each measure.

[^{F9}The on-the-spot checks on commitments notified in accordance with Article 14a(5) shall be carried out within the time limits that ensure an effective verification of the commitment notified.]

3. On-the-spot checks shall verify compliance with all eligibility criteria, commitments and other obligations of those aid schemes or support measures for which a beneficiary has been selected in accordance with Article 34.

The duration of on-the-spot checks shall be strictly limited to the minimum time period necessary.

4. Where certain eligibility criteria, commitments and other obligations can only be checked during a specific time period, the on-the-spot checks may require additional visits at a later date. In such a case, the on-the-spot checks shall be coordinated in such a way to limit the number and the duration of such visits to one beneficiary to the minimum required. Where appropriate, such visits may also be carried out by way of remote sensing in accordance with Article 40.

Where additional visits relating to land laying fallow, field margins, buffer strips, strips of eligible hectares along forest edges, catch crops and/or green cover declared as ecological focus area are required, the number of those additional visits shall for 50 % of the cases concern the same beneficiary, selected on a risk based basis, and for the remaining 50 % of the cases different additionally selected beneficiaries. The different additional beneficiaries shall be selected randomly from all beneficiaries having land laying fallow, field margins, buffer strips, strips of eligible hectares along forest edges, catch crops and/or green cover declared as ecological focus area and such visits may be limited to the areas declared as land laying fallow, field margins, buffer strips, strips of eligible hectares along forest edges, catch crops and/or green cover.

Where additional visits are required, Article 25 shall apply to each additional visit.

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[^{F10}In respect of claim year 2020, checks under this paragraph may be carried out by the use of new technologies, including geo-tagged photos, or other relevant evidence, as well as remote sensing.][^{F11}In respect of claim year 2020, the requirement for additional visits under this paragraph may be met by the use of new technologies or other relevant evidence.]

Textual Amendments

- F8** Words in Art. 26(1) 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(24)**
- F9** 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](#).
- F10** Words in Art. 26(4) inserted (E.) (30.6.2020) by [The Direct Payments to Farmers \(Inspections\) \(Coronavirus\) \(England\) Regulations 2020 \(S.I. 2020/575\)](#), regs. 1(1), **2(3)**; and words in Art. 26(4) inserted (N.I.) (20.7.2020) by [The Direct Payments to Farmers \(Controls and Checks\) \(Amendment\) \(Coronavirus\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/105\)](#), regs. 1(1), **2(3)**
- F11** Words in Art. 26(4) inserted (S.) (30.9.2020) by [The Direct Payments to Farmers \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/244\)](#), regs. 1(1), **2(3)**

Modifications etc. (not altering text)

- C2** Art. 26(4) 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(b)**

Article 27

Cross-notification of results of checks

Where applicable, administrative and on-the-spot checks on eligibility shall take into account suspected cases of non-compliance reported by other services, bodies or organisations.

[^{F12}[^{F13}Member States][^{F13}The relevant authority] shall ensure that all relevant findings made in the framework of the checks on compliance with the eligibility criteria, commitments and other obligations in respect of the schemes listed in Annex I to Regulation (EU) No 1307/2013, requirements and standards relevant for cross-compliance, and/or support under rural development measures in the scope of the integrated system are cross-notified to the relevant competent authority in charge of granting the corresponding payment. [^{F13}Member States][^{F13}The relevant authority] shall also ensure that public or private certification authorities referred to in Article 38 of Delegated Regulation (EU) No 639/2014 notify the competent authority in charge of granting the payment for agricultural practices beneficial for the climate and the environment of any finding relevant for the correct granting of such payment to beneficiaries who opted for fulfilling their obligations through the equivalence by certification.]

Where the administrative or on-the-spot checks in relation to rural development measures in the scope of the integrated system cover equivalent practices as referred to in Article 43(3) of Regulation (EU) No 1307/2013, the results of such checks shall be

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cross-notified for follow-up in respect of granting the payment for agricultural practices beneficial for the climate and the environment.

Textual Amendments

- F12** Substituted by [Commission Implementing Regulation \(EU\) 2019/1804 of 28 October 2019 amending Implementing Regulation \(EU\) No 809/2014 as regards amendments of aid applications or payment claims, checks in the integrated administration and control system and the control system in relation to cross compliance.](#)
- F13** Words in Art. 27 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(25)**

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