

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

CHAPTER V

SECURITIES

SECTION 1

Scope, information technology, force majeure

Article 48

Scope

This Chapter shall apply in all cases where the sectoral agricultural legislation provides for a security, whether or not the particular term ‘security’ is used.

F1

Textual Amendments

- F1** Words in [Art. 48](#) 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, **4(23)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 49

e-Administration

Communications, documents and securities may be produced, processed, and managed by using information technology (IT) on condition that the systems applicable are managed under the officially approved quality and security protocols fit for those systems.

If competent authorities cannot access required documents for verification because of differences in IT systems, those documents shall be printed out and certified as genuine by the authority competent for the management of those IT systems (‘the issuing authority’) or by an authority competent for certifying documents as true copy.

Such print-outs may be replaced by an electronic message between the issuing authority and the beneficiary or the competent authority, on condition that the issuing authority provides in an officially approved certification protocol ensuring the genuineness of the message.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 908/2014. 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 50

Force majeure time limits

- 1 This Article shall apply when a specific Regulation refers to it.
- 2 A request for recognition of a case of *force majeure* shall not be admissible if it is received by the competent authority more than 30 calendar days after:
 - a the date on which the operator was informed by the competent authority of the established non-fulfilment of the relevant obligation within the meaning of Article 23(2) of Delegated Regulation (EU) No 907/2014, the expiry of the time limit for the fulfilment of the relevant obligation as referred to in Article 23(3) of that Regulation or the expiry of the time limit for the presentation of the proof for the fulfilment of the relevant obligation as referred to in Article 23(4) of that Regulation;
 - b the closing date for submission of tenders in a third country where the tender is linked to an advanced fixing certificate for export refunds;
- 3 Operators shall, to the competent authority's satisfaction, provide proof of the circumstances which they consider to constitute *force majeure* within 181 calendar days of the expiry of the period in which the obligation had to be fulfilled completely. Operators may be granted further time if they are unable to produce proof within that time limit despite having acted with all due diligence to obtain and forward it.

F²4

Textual Amendments

- F2** [Art. 50\(4\)](#) 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, [4\(24\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

SECTION 2

Form of securities

Article 51

Form

- 1 A security may be given:
 - a as a cash deposit as referred to in Article 19(2) and (3) of Delegated Regulation (EU) No 907/2014; and/or
 - b by providing a guarantor in accordance with Article 21 of Delegated Regulation (EU) No 907/2014.
- 2 At the discretion of the competent authority, a security may be given by:
 - a pledging cash deposits in a bank;

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- b pledging recognised claims against a public body or public funds, which are due and payable and against which no other claim has precedence; and/or
- c pledging collateral negotiable in [^{F3}the constituent nation] concerned provided they are issued or guaranteed by [^{F4}the relevant authority].

3 The competent authority may impose additional terms for accepting securities of the type listed in paragraph 2.

Textual Amendments

- F3** Words in Art. 51(2)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **4(25)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 51(2)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, **4(25)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Article 52

Negotiable collateral

1 Collateral pledged in accordance with point (c) of Article 51(2) shall, at the time the security is given, have a disposable value of at least 115 % of the value of the security required.

2 A competent authority may accept a security as referred to in point (c) of Article 51(2) only if the party offering it undertakes, in writing, either to give an additional security or to replace the original security should the disposable value of the security in question have been for a period of three months below 105 % of the value of the security required. That written undertaking shall not be necessary where [^{F5}national law][^{F5}the law applying in the constituent nation] already so provides. The competent authority shall regularly review the value of such security.

3 The disposable value of a security as referred to in point (c) of Article 51(2) shall be assessed by the competent authority, taking into account any costs of disposal.

4 The disposable value of securities shall be assessed using the last available quotation.

5 The party giving the security shall, at the request of the competent authority, provide proof of its disposable value.

Textual Amendments

- F5** Words in Art. 52(2) substituted (S.) (31.12.2020 except in relation to support for direct payments) by [The Rural Development \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/477\)](#), regs. 1(3), **7(3)**

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Article 53

Replacement and assignment

1 Any form of security may be replaced by another.

However, the agreement of the competent authority shall be required in the following cases:

- a where the original security has been forfeited but not yet realised; or
- b where the replacement security is of a type listed in Article 51(2).

2 A block security may be replaced by another block security on condition that the new block security covers at least that part of the original block security assigned at the time of replacement to ensure fulfilment of one or more obligations still outstanding.

3 As soon as part of a block security is assigned to a particular obligation, the balance of the block security remaining shall be noted.

SECTION 3

Release and forfeiture

Article 54

Partial release

Where specific [^{F6}sectoral agricultural legislation does] not specify a minimum quantity, the competent authority may itself restrict the number of partial releases of any one security and may specify a minimum sum for any such release.

Before releasing all or part of a security the competent authority may require that a written request for release be provided.

In the case of securities covering more than 100 % of the sum required to be secured, that part of the security exceeding 100 % shall be released when the remainder of the sum secured is finally released or forfeited.

Textual Amendments

- F6** Words in [Art. 54](#) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(26\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Article 55

Forfeiture

1 Once the competent authority is aware of circumstances giving rise to forfeiture of the security, in whole or in part, it shall without delay demand the party required to meet the

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obligation to pay the sum forfeited, allowing up to 30 days from the day of receipt of demand for payment.

Where payment has not been made at the end of that period, the competent authority shall:

- a without delay clear any security of the type described in Article 51(1)(a) to the appropriate account;
- b without delay require the guarantor referred to in Article 51(1)(b) to pay, allowing up to 30 days from the day of receipt of demand for payment;
- c without delay take steps to:
 - (i) convert the securities described in Article 51(2)(b) and (c) into money sufficient to recover the sum due;
 - (ii) clear pledged cash deposits referred to in Article 51(2)(a) to its own account.

The competent authority may without delay clear any security of the type described in Article 51(1)(a) to the appropriate account without first requiring the person concerned to effect payment.

2 Without prejudice to paragraph 1,

- a where the decision to forfeit a security is taken but on appeal is subsequently postponed in accordance with [^{F7}the law applying in the constituent nation], the party concerned shall pay interest on the sum actually forfeited over the period starting 30 days from the day of receipt of the demand for payment as referred to in paragraph 1 and ending on the day prior to the payment of the sum actually forfeited;
- b where following the outcome of the appeal procedure the party concerned is asked to pay within 30 days the sum forfeited, for the purposes of calculating interest the [^{F8}relevant authority] may consider payment to be made on the 20th day following the date of such request;
- c the rate of interest applicable is calculated in accordance with [^{F9}the law applying in the constituent nation], but shall in no case be lower than the interest rate applicable in case of recovery of national amounts;
- ^{F10}d
- e [^{F11}A relevant authority] may claim periodically an increase of the security in respect of the interest involved.

^{F12}3

Textual Amendments

- F7** Words in Art. 55(2)(a) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(27\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 55(2)(b) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(27\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 55(2)(c) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(27\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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- F10** Art. 55(2)(d) 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, [4\(27\)\(a\)\(iv\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 55(2)(e) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(27\)\(a\)\(v\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 55(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, [4\(27\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

SECTION 4

Information

Article 56

Information on securities forfeiture, types of securities and guarantors

1 ^{F13}[A relevant authority] shall keep ^{F14}..., for each year, the total number and sum of securities forfeited, whatever stage of the procedure set out in Article 55 has been reached ^{F15}... . That information shall be kept in relation to all securities forfeited for an amount greater than EUR 1 000 and each ^{F16}... provision requiring that a security be given. The information shall cover both sums paid directly by the interested party and sums recovered by realising a security.

- 2 ^{F17}[A relevant authority] shall keep ^{F18}... a list of:
- a the types of institutions authorised to act as guarantors and the requirements laid down in that respect;
 - b the types of security accepted pursuant to Article 51(2) and the requirements laid down in that respect.

Textual Amendments

- F13** Words in Art. 56(1) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\)](#), regs. 1, [4\(28\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 56(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, [4\(28\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 56(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, [4\(28\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Art. 56(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,](#)

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- Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/765), regs. 1, **4(28)(a)(iv)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F17** Words in Art. 56(2) substituted (31.12.2020 in so far as it relates to common organisation of the markets and rural development measures) by [The Common Agricultural Policy \(Financing, Management and Monitoring Supplementary Provisions\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/765\), regs. 1, **4\(28\)\(b\)\(i\)**](#); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 56(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, **4\(28\)\(b\)\(ii\)**](#); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- regulations amended by [S.R. 2021/40 reg. 9\(1\)](#)

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

- Annex 13 para. 2B inserted by [S.S.I. 2023/150 reg. 7\(7\)](#)
- Annex 13 para. 2A inserted by [S.I. 2023/124 reg. 7\(5\)](#)
- Art. 4(1)(i) omitted by [S.I. 2021/400 reg. 5\(2\)\(a\)](#)
- Art. 4(1)(ii) words omitted by [S.I. 2021/400 reg. 5\(2\)\(b\)](#)
- Art. 11(5A) inserted by [S.I. 2023/124 reg. 7\(2\)](#)
- Art. 11(5B) inserted by [S.S.I. 2023/150 reg. 7\(2\)](#)
- Art. 12(3) inserted by [S.I. 2023/124 reg. 7\(3\)](#)
- Art. 12(4) inserted by [S.S.I. 2023/150 reg. 7\(3\)](#)
- Art. 16(1)(b) words omitted by [S.I. 2019/765 reg. 4\(10\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(10) substituted immediately before IP completion day by [S.I. 2019/1405, regs. 1\(2\), 3\(3\)](#))
- Art. 16(1)(b) words substituted by [S.I. 2019/765 reg. 4\(10\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(10) substituted immediately before IP completion day by [S.I. 2019/1405, regs. 1\(2\), 3\(3\)](#))
- Art. 16(3) inserted by [S.I. 2023/124 reg. 7\(3\)](#)
- Art. 16(4) inserted by [S.S.I. 2023/150 reg. 7\(4\)](#)
- Art. 17(2A) inserted by [S.I. 2023/124 reg. 7\(4\)](#)
- Art. 17(2B) inserted by [S.S.I. 2023/150 reg. 7\(5\)](#)
- Art. 18(3) inserted by [S.I. 2023/124 reg. 7\(3\)](#)
- Art. 18(4) inserted by [S.S.I. 2023/150 reg. 7\(6\)](#)
- Art. 47(1)(a) word substituted by [S.I. 2023/816 reg. 7\(3\)\(c\)](#)
- Art. 47(1)(b) word substituted by [S.I. 2023/816 reg. 7\(3\)\(d\)](#)
- Art. 47(1)(c) words substituted by [S.I. 2023/816 reg. 7\(3\)\(e\)](#)
- Art. 64(a) words substituted by [S.I. 2019/765 reg. 4\(35\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(35) substituted immediately before IP completion day by [S.I. 2020/1445, reg. 7\(5\)](#))
- Art. 64(d) words substituted by [S.I. 2019/765 reg. 4\(35\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(35) substituted immediately before IP completion day by [S.I. 2020/1445, reg. 7\(5\)](#))