

2020 No. 575

AGRICULTURE, ENGLAND

**The Direct Payments to Farmers (Inspections) (Coronavirus)
(England) Regulations 2020**

<i>Made</i>	- - - -	<i>8th June 2020</i>
<i>Laid before Parliament</i>		<i>9th June 2020</i>
<i>Coming into force</i>	- -	<i>30th June 2020</i>

The Secretary of State makes these Regulations under the powers conferred by Article 62(2)(a) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy in so far as it relates to direct payment schemes.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Inspections) (Coronavirus) (England) Regulations 2020 and come into force on 30th June 2020.

(2) These Regulations extend to England and Wales and apply in relation to direct payment schemes in England only.

Amendment of Regulation 809/2014

2.—(1) Commission 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(b) is amended as follows.

(2) In Article 24(4), at the end insert the following sub-paragraph—

“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-tagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority.”.

(3) In Article 26(4), at the end insert the following sub-paragraph—

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- (a) EUR 2013/1306. Article 62 was amended in so far as relating to direct payment schemes by regulation 7(4) of S.I. 2020/90. Regulation (EU) 1306/2013 was incorporated into domestic law with effect from 11pm on 31 January 2020 (“exit day”) in so far as relating to direct payments schemes by the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).
- (b) EUR 2014/809 was amended in so far as relating to direct payment schemes by S.I. 2020/90; there are other amending instruments but none is relevant. Regulation (EU) 809/2014 was incorporated into domestic law with effect from 11pm on 31 January 2020 (“exit day”) in so far as relating to direct payments schemes by the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

“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.”.

(4) After Article 30, insert—

“Article 30a

Control rates for claim year 2020

1. By way of derogation from Article 30, the control samples for on-the-spot checks in respect of claim year 2020 must cover at least:

- (a) 1% of all beneficiaries applying for the basic payment scheme;
- (b) 3% of all beneficiaries applying for the payment for young farmers;
- (c) 10% of all the areas declared for the production of hemp.

2. In applying the control rate set out in point (a) of paragraph 1, priority must be given to areas other than those of permanent grassland and/or permanent crops.”.

(5) After Article 31, insert—

“Article 31a

Control rate for the greening payment in claim year 2020

1. By way of derogation from Article 31, the control sample for on-the-spot checks for the greening payment in respect of claim year 2020 is 3% of all beneficiaries required to observe the agricultural practices beneficial for the climate and the environment.

2. The control rate in paragraph 1 must include at least 3% of all beneficiaries having areas covered with permanent grasslands that are environmentally sensitive in areas covered by Council Directive 92/43/EEC or Directive 2009/147/EC of the European Parliament and of the Council and further sensitive areas referred to in Article 45(1) of EUR 2013/1307.

3. In applying the control rate set out in paragraph 1, priority must be given to areas other than those of permanent grassland and/or permanent crops.”.

(6) In Article 33a, after paragraph 2, insert the following paragraph—

“3. Paragraphs 1 and 2 do not apply in respect of claim year 2020.”.

(7) In Article 68(1), after the second sub-paragraph, insert the following sub-paragraph—

“For the purposes of checks in respect of claim year 2020, the first subparagraph applies as if for “1%” there were substituted “0.5%”.”.

Victoria Prentis

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

8th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission 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 (EUR 2014/809) to reduce inspection requirements for direct payment schemes in England for claim year 2020 in consideration of the situation caused by the coronavirus.

The Regulations allow for substitution of physical checks by use of new technologies and other evidence. The Regulations also reduce the control rate for inspections for the basic payment scheme from 5% to 1%, for young farmer payments from 5% to 3% and for areas declared for

hemp production from 30% to 10%. Inspections for greening are reduced from 5% to 3% and cross-compliance checks from 1% to 0.5%.

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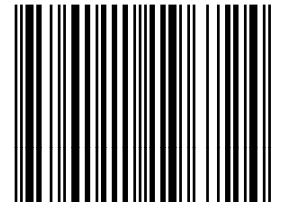
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