

2020 No. 576

AGRICULTURE

**The Direct Payments to Farmers (Amendment) Regulations
2020**

Approved by both Houses of Parliament

Made - - - - 8th June 2020

Laid before Parliament 9th June 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3(1)(a), (7) and (9) of the Direct Payments to Farmers (Legislative Continuity) Act 2020^(a).

Citation and commencement

1. These Regulations may be cited as the Direct Payments to Farmers (Amendment) Regulations 2020 and come into force as soon as they are made.

Amendment of Regulation (EU) No 1306/2013

2.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy^(b) is amended as follows.

(2) In Article 46—

- (a) for the heading substitute “**Powers**”;
- (b) omit paragraph 6.

(3) In Article 50, for the heading substitute “**Powers**”.

(4) In Article 72(1), in the second subparagraph, for “0,3” substitute “0.3 ha”.

(5) In Article 106(3)—

- (a) in the first subparagraph, for the words from “a currency” to the end substitute “sterling, the relevant authority shall convert the amount of aid expressed in euro into sterling on the basis of the average of the exchange rates set by the European Central Bank during the month prior to 1 October 2019.”;
- (b) omit the second subparagraph.

(6) In Article 115A, omit paragraph 2.

^(a) 2020 c.2

^(b) EUR 2013/1306, amended by S.I. No. 2020/90. This Regulation was incorporated into domestic law, in so far as relating to the 2020 CAP direct payment schemes, by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Amendment of Regulation (EU) No 1307/2013

3.—(1) Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(a) is amended as follows.

- (2) In Article 32(1), for “Article 7,” substitute “Article 7 and”.
- (3) In Article 43(9), omit “of financial discipline and”;
- (4) In Article 51(2), at the end insert “, or by both means”.

Amendment of Commission Delegated Regulation (EU) No 639/2014

4.—(1) Commission Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(b) is amended as follows.

- (2) In Article 39—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Member States” substitute “the relevant authority”;
 - (bb) for “Member State” substitute “constituent nation”;
 - (ii) in the second subparagraph—
 - (aa) for “Member State” substitute “constituent nation”;
 - (bb) after the words “average of the” insert “relevant authority’s share of the”;
 - (cc) omit “set out in Annex II to that Regulation”;
 - (dd) omit “or Article 36”;
 - (ee) for “Member States deciding” substitute “Where the relevant authority has decided”;
 - (ff) before the word “may” insert “the relevant authority”;
 - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (3) In Article 49(1)(b), omit “, subject to paragraph 1a of this Article”.
- (4) In Article 53(2), in the second subparagraph, in points (a) and (b), after “Annex I to this Regulation” insert “as it had effect immediately before exit day”.
- (5) In Article 53a—
 - (a) in paragraph 2, after “Annex I to this Regulation” insert “as it had effect immediately before exit day”;
 - (b) in paragraph 3—
 - (i) after “Annex I to this Regulation” insert “as it had effect immediately before exit day”;
 - (ii) after “that Annex” insert “as it had effect immediately before exit day”.

Amendment of Commission Implementing Regulation (EU) No 809/2014

5. In Article 20 of 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

(a) EUR 2013/1307, amended by S.I. 2020/91 and [EITHER PROSPECTIVELY AMENDED OR AMENDED BY DP07]. This Regulation was incorporated into domestic law, in so far as relating to the 2020 CAP direct payment schemes, by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

(b) EUR 2014/639, amended by S.I. 2020/91. This Regulation was incorporated into domestic law, in so far as relating to the 2020 CAP direct payment schemes, by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Council with regard to the integrated administration and control system, rural development measures and cross compliance(a), omit the last subparagraph.

Amendment of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

6. In regulation 34 of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(b), after “Regulation,” insert “as it applies to claim years prior to 2020.”

Amendment of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020

7.—(1) The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020(c) are amended as follows.

- (2) In regulation 9(3), omit sub-paragraph (b).
- (3) In regulation 13(17), omit sub-paragraph (b).
- (4) In regulation 14(31), omit sub-paragraph (c).

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 these Regulations)

These Regulations are made in exercise of the powers conferred by section 3(1)(a) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) (“the 2020 Act”) in order to enable retained EU law governing the CAP direct payment schemes for the claim year 2020 to operate effectively and to address other deficiencies arising from the UK’s withdrawal from the European Union.

These regulations make further amendments, in regulations 2 to 5 to the EU law governing the CAP direct payment schemes that became domestic law at 11:00pm on 31 January 2020 pursuant to the 2020 Act. Regulation 6 amends the domestic regulations made under section 2(2) of the European Communities Act 1972 as they relate to direct payments. Finally regulation 7 corrects errors in previous amending regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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- (a) EUR 2014/809, amended by S.I. 2020/90. This Regulation was incorporated into domestic law, in so far as relating to the 2020 CAP direct payment schemes, by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.
 - (b) S.I. 2014/3263, to which there are amendments not relevant to these Regulations.
 - (c) S.I. 2020/90.

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