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STATUTORY INSTRUMENTS

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**2020 No. 90**

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

PART 3

Amendment of Delegated and Implementing Acts

**Amendment of Commission Delegated Regulation (EU) 907/2014**

**12.**—(1) Commission Delegated Regulation (EU) No. 907/2014 supplementing 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, securities and use of euro, in so far as it relates to the CAP direct payment schemes, is amended as follows.

- (2) Omit Articles 1 and 2.
- (3) Omit Article 5.
- (4) Omit Articles 6 to 10.
- (5) In Article 11—
  - (a) in paragraph 1—
    - (i) for “EAGF” substitute “direct payment support”;
    - (ii) for “Member States which have not adopted the euro” substitute “the relevant authority may choose to express that expenditure in either euro or sterling and”;
    - (iii) omit the words from “For the clearance decisions referred in Articles 51” to the end;
- (6) Omit Articles 12 and 13.
- (7) Omit Article 45.
- (8) Omit Annex 1.
- (9) Omit Annex 5.

**Amendment of Commission Implementing Regulation (EU) 908/2014**

**13.**—(1) Commission Implementing Regulation 908/2014 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, in so far as it relates to the CAP direct payment schemes, is amended as follows.

- (2) Omit Articles 1 to 3.
- (3) In Article 4—
  - (a) in the heading, for “Coordinating body” substitute “Relevant authorities acting jointly”;
  - (b) for paragraph 1 substitute—

- “1. In accordance with Article 7(4) of Regulation (EU) No 1306/2013 the relevant authorities will act jointly on the following:
- (i) operating a monthly early warning and monitoring system;
  - (ii) publishing beneficiary data on a single website;
  - (iii) meeting international commitments;
  - (iv) all of the information set out in Article 7 of Regulation (EU) No 1306/2013.”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
- (i) for “its tasks” substitute “their tasks”;
  - (ii) for “coordinating body” substitute “relevant authorities acting jointly”;
  - (iii) for “national procedures,” substitute “the procedures applying in the constituent nation,”;
- (e) omit paragraphs 4 and 5.
- (4) Omit Articles 5 to 7.
- (5) In Chapter 2, in the title, omit “of the funds”.
- (6) Omit Articles 8 to 10.
- (7) In Article 11—
- (a) in paragraph 1—
    - (i) for “assigned revenue declared” substitute “declared revenue”;
    - (ii) in the second subparagraph, for “EAGF budget” substitute “direct payment support”;
    - (iii) omit the third subparagraph;
  - (b) in paragraph 2, for “assigned revenue” substitute “declared revenue”;
  - (c) in paragraph 3, omit the first subparagraph;
  - (d) in paragraph 5, for “the EAGF” substitute “direct payment support”;
  - (e) omit paragraph 6.
- (8) Omit Articles 13 and 14.
- (9) Omit Articles 24 to 26.
- (10) In Article 27, in paragraph 1, for “Member States” substitute “A relevant authority”.
- (11) In Article 28—
- (a) for “national law”, substitute “the law applying in the constituent nation”;
  - (b) for “Member States” substitute “the relevant authority”;
  - (c) after “payments to be made” insert “under direct payment support and support under the European Agricultural Guarantee Fund and European Agricultural Fund for Rural Development”.
- (12) Omit Articles 29 to 40.
- (13) In Article 41—
- (a) for paragraph 1 substitute—

“1. The relevant authorities may decide to reduce the minimum level of on-the-spot checks in accordance with Article 59(5) of Regulation (EU) No 1306/2013. For the reduced control rate to apply:

- (i) the relevant constituent nation shall conduct an applicable audit that is appropriate in order to deliver an opinion (on the completeness, accuracy and veracity of the annual accounts);
  - (ii) the opinion must validate both that the internal control system is functioning properly and that the error rate for the population concerned was below the materiality threshold of 2.0%;
  - (iii) the opinion must cover at least the two consecutive financial years preceding the year in which the reduced rate is intended to apply.”;
- (b) omit paragraph 2;
- (c) in paragraph 3—
  - (i) omit “or any additional condition provided for in sector-specific legislation”;
  - (ii) for “Member States” substitute “the relevant authority”.
- (14) In Article 57—
  - (a) in paragraph 1, in point (b), for “Funds” substitute “direct payment support”;
  - (b) in paragraph 2, for the words from “expressed” to the end substitute “to be expressed in Sterling.”
  - (c) in paragraph 3, for “Member States” substitute “A relevant authority”.
- (15) In Article 58, for “Member State” substitute “relevant authority”.
- (16) In Article 59, in paragraph 1, omit the words from “That information shall be provided” to the end.
- (17) In Article 60—
  - (a) in the first paragraph, for “the Funds” substitute “direct payment support”;
  - (b) omit the second paragraph.
- (18) Omit Article 61.
- (19) In Article 62—
  - (a) in the heading, for “Cooperation between the Commission and Member States” substitute “The Single Website”;
  - (b) omit paragraphs 1 and 2;
  - (c) for paragraph 3, substitute—
    - “3. The body nominated by the relevant authorities in charge of setting up and maintaining the single website referred to in Article 59(1), shall keep records of the name and address details of that body.”;
  - (d) Omit Article 64 and the sentence which follows it.
- (20) Omit Annexes 1 to 4.

#### **Amendment of Commission Implementing Regulation (EU) 809/2014**

14.—(1) Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) 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, in so far as it relates to the CAP direct payment schemes, is amended as follows.

- (2) In Article 1—
  - (a) in the first paragraph—
    - (i) omit point (a);

- (ii) in point (b), for “Member States”, substitute “relevant authority”;
  - (iii) omit point (g);
  - (iv) in point (m), for “Member States”, substitute “a relevant authority”.
- (3) In Article 2—
- (a) in paragraph 1—
    - (i) for “, within a Member State,” substitute “a relevant authority has”;
    - (ii) after “more than one paying agency” omit “is”;
    - (iii) for “Member State” substitute “relevant authority”;
  - (b) in paragraph 2, for “Member State” substitute “relevant authority”.
  - (c) In Article 3, in paragraph 1, in the second subparagraph, in both places it occurs, for “Member State” substitute “relevant authority”.
  - (d) In Article 5, in the second paragraph, for “Union or national law” substitute “the law applying in the constituent nation”.
- (4) In Article 6(1)—
- (a) for “Member States” substitute “relevant authority”;
  - (b) omit the words from “and with the programmes” to the end.
- (5) In Article 6(2)—
- (a) in point (c), for “point (b)” substitute “point (a)”;
  - (b) in point (f)—
    - (i) for “point (e)” substitute “point (d)”;
    - (ii) omit sub-point (iii) and (iv);
    - (iii) in sub-point (v)—
      - (aa) after “exceed the” insert “share of the”;
      - (bb) for “Article 42(2)” substitute “Article 42(1)”.
- (6) In Article 6(3), omit point (c).
- (7) In Article 7, in paragraph 2, in the second subparagraph—
- (a) for “national law” substitute “the law applying in the constituent nation”;
  - (b) for “national provisions” substitute “those provisions”.
- (8) In Article 8—
- (a) in paragraph 3, in point (a), for “Member States” substitute “relevant authority”;
  - (b) in paragraph 4, in point (b), for “Union rules” substitute “sectoral agricultural legislation”;
  - (c) in paragraph 5—
    - (i) for “Member States”, in the first place it occurs substitute “The relevant authority”;
    - (ii) for “Member States”, in the second place it occurs substitute “the relevant authority”.
- (9) Omit Articles 9 and 10.
- (10) In Article 11—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2—
    - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”;

- (ii) omit “national”;
  - (iii) for “Member State”, in the third place it occurs, substitute “the relevant authority”;
- (c) in paragraph 4, for “Member States” in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”;
- (11) In Article 12, in paragraph 1, for “Member States decide” substitute “the relevant authority decides”.
- (12) In Article 13—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “The relevant authority”;
    - (ii) omit the words from “However, Estonia, Latvia” to “15 June.”;
    - (iii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) omit paragraph 2.
- (13) In Article 14—
  - (a) omit paragraph 3;
  - (b) in paragraph 4, for “Member States” in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”.
- (14) In Article 15, in paragraph 2—
  - (a) in the first subparagraph, omit the words from “, except in the case of” to “year concerned”;
  - (b) in the third subparagraph, for “Member States” substitute “the relevant authority”.
- (15) In Article 17—
  - (a) in paragraph 4, omit “, the single area payment scheme”;
  - (b) in paragraph 7—
    - (i) in point (c), for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph—
      - (aa) for “Member States”, in both places it occurs, substitute “relevant authority”;
      - (bb) omit “national”;
- (16) omit paragraph 8;
- (17) in paragraph 9, for “Titles III, IV and V” substitute “Titles III and IV”.
- (18) Omit Article 19.
- (19) In Article 20—
  - (a) for the first paragraph substitute—

“1. A beneficiary who does not apply for aid under any of the area-related aid schemes but applies for aid under another scheme listed in Annex 1 to Regulation (EU) 1307/2013 shall, if he has agricultural area at his disposal, declare those areas in his aid application form in accordance with Article 17 of this Regulation.”;
  - (b) In the third paragraph, for “Member States” substitute “the relevant authority”.
- (20) In Article 21—
  - (a) in paragraph 1, in point (d), for “Member State” substitute “relevant authority”;
  - (b) in paragraph 3, for “Member States” substitute “A relevant authority”;
  - (c) in paragraph 4—

- (i) in the first subparagraph, for “Member States” substitute “A relevant authority”;
  - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
  - (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (d) in paragraph 5, for “Member States” substitute “A relevant authority”.
- (21) In Article 22—
- (a) in paragraph 1—
    - (i) omit “Article 20.”;
    - (ii) omit “and Article 39”;
    - (iii) for “Member States” substitute “relevant authority”;
    - (iv) omit the second subparagraph;
  - (b) in paragraph 2, for “Member States” substitute “A relevant authority”.
- (22) In Article 23—
- (a) in paragraph 2—
    - (i) after “Article 26(2) of that Regulation”, insert “(as it had effect immediately before exit day)”;
    - (ii) after “Article 26(3) of that Regulation” insert “(as it had effect immediately before exit day)”;
    - (iii) after “Article 26(5) of that Regulation” insert “(as it had effect immediately before exit day)”;
    - (iv) omit the words from “, or the total value of aid received by a beneficiary” to “Article 40(3) of that Regulation”;
  - (b) in paragraph 5, for “Member States” substitute “The relevant authority”.
- (23) In Article 24, in paragraph 2—
- (a) for “Member States” in the first place it occurs, substitute “The relevant authority” and in the second place it occurs, substitute “relevant authority”;
  - (b) for “Union law or laid down in relevant national law” substitute “the law applying in the constituent nation”.
- (24) In Article 26, in paragraph 1, for “Union law” substitute “the law applying in the constituent nation”.
- (25) In Article 27, in the second paragraph, in both places it occurs, for “Member States” substitute “The relevant authority”.
- (26) In Article 28—
- (a) in paragraph 1, in point (b) omit “Union”;
  - (b) in paragraph 2 for “Member States” substitute “a relevant authority”.
- (27) In Article 29—
- (a) in paragraph 1, omit points (f) and (g);
  - (b) in paragraph 3, for “Member State” substitute “a relevant authority”.
- (28) In Article 30, in the first paragraph—
- (a) in point (a)—
    - (i) omit “or the single area payment scheme”;
    - (ii) for “Member States” substitute “The relevant authority”;

- (b) omit point (c);
  - (c) omit points (f) and (h).
- (29) In Article 31—
- (a) in paragraph 1—
    - (i) in point (b), in sub-point (ii), omit “in a Member State”;
    - (ii) in point (c), omit “national or regional”;
    - (iii) in point (d), omit “a regional”;
  - (b) in paragraph 2, omit “or who participate in the small farmers scheme in accordance with Article 61 of that Regulation”.
- (30) In Article 34—
- (a) in paragraph 2—
    - (i) in point (a) of the first subparagraph, for “points (a) to (f) and (h)” substitute “points (a) to (e)”;
    - (ii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) for paragraph 3, substitute—

“3. For the purposes of Article 33, between 20% and 25% of the minimum number of beneficiaries to be subject to on-the-spot checks shall be selected randomly. The remaining number of beneficiaries to be subject to on-the-spot checks shall be selected on the basis of a risk analysis.

For the purposes of Article 33, the random part of the sample may also include either the beneficiaries already randomly selected in accordance with points (a), (b) and (c) of paragraph 2 or the additional beneficiaries selected randomly in accordance with the second subparagraph of Article 26(4) or both. The number of such beneficiaries in the control sample shall not go beyond their proportion in the control population.”;
  - (c) in paragraphs 4 and 4a, for “Articles 30 to 33” substitute “Articles 30, 31 and 33”
  - (d) in paragraph 5, in point (c), for “Member State” substitute “constituent nation”.
- (31) In Article 36—
- (a) in paragraph 2, in the first subparagraph—
    - (i) for “Article 30(a), (b) and (f)” substitute “Article 30(a) and (b)”;
    - (ii) for “Member States” substitute “the relevant authority”;
    - (iii) for “, the single area payment scheme,” substitute “and”;
    - (iv) omit “and the small farmers scheme”;
  - (b) in paragraph 3—
    - (i) in the first subparagraph—
      - (aa) for “Article 30(a), (b) and (f)” substitute “Article 30(a) and (b)”;
      - (bb) for “Member States” substitute “the relevant authority”;
      - (cc) for “, the single area payment scheme,” substitute “and”;
      - (dd) omit “and the small farmers scheme”;
    - (ii) in the second subparagraph, for “Member States”, in both places it occurs, substitute “the relevant authority”;
    - (iii) in the third subparagraph, for “Member States” substitute “the relevant authority”;
  - (c) in paragraphs 4, for “Member States” substitute “the relevant authority”;

- (d) in paragraph 5—
  - (i) for “Member States” substitute “the relevant authority”;
  - (ii) for “Article 30(a), (b) and (f)” substitute “Article 30(a) and (b)”;
- (e) in paragraph 6—
  - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
  - (ii) omit the second subparagraph.
- (32) In Article 37—
  - (a) in paragraph 3—
    - (i) in the first subparagraph, omit “national or regional”;
    - (ii) in the second subparagraph—
      - (aa) omit “a regional”;
      - (bb) for “Member State” substitute “relevant authority”;
    - (iii) in the third subparagraph—
      - (aa) in point (c), for “Member State” substitute “relevant authority”.
- (33) In Article 38—
  - (a) in paragraph 2, for “at Union level” substitute “in the relevant constituent nation”;
  - (b) in paragraph 8, omit “or the single area payment scheme”.
- (34) In Article 40, for “Member State” substitute “relevant authority”.
- (35) In Article 40a, in paragraph 2, in point (b), for “Member State” substitute “relevant authority”.
- (36) Omit Article 40b.
- (37) In Article 41—
  - (a) in paragraph 2—
    - (i) in the first subparagraph, for “Member States make” substitute “the relevant authority makes”;
    - (ii) in the third subparagraph for “Member States” substitute “relevant authority”.
- (38) In Article 42, in paragraph 1—
  - (a) in the second subparagraph—
    - (i) for “Member State” substitute “relevant authority”;
    - (ii) for “Member States” substitute “the relevant authority”;
  - (b) in the third subparagraph, for “Member State” substitute “relevant authority”.
- (39) In Article 43—
  - (a) in paragraph 2, for “Member States make” substitute “the relevant authority makes”;
  - (b) in paragraph 3, for “Member States carry” substitute “the relevant authority carries”.
- (40) In Article 64—
  - (a) in point (a), omit “national”;
  - (b) for point (d), substitute—
    - “(d) ‘areas of cross-compliance’ means any of the three different areas referred to in Article 93(1) of Regulation (EU) No 1306/2013.”.
- (41) In Article 65, in paragraphs 1 and 2, for “Member States”, in both places it occurs, substitute “The relevant authority”.



- (42) In Article 67, in paragraph 2—
- (a) for “Member States” substitute “the relevant authority”;
  - (b) for “Member State” substitute “relevant authority”.
- (43) In Article 68—
- (a) in paragraph 1—
    - (i) for the first subparagraph, substitute—

“1. The competent control authority shall, with regard to the requirements and standards for which it is responsible, carry out on-the-spot checks on at least 1% of the total number of the beneficiaries receiving direct payments and the other beneficiaries referred to in Article 92 of Regulation (EU) No 1306/2013, as it has effect in EU law.”;
    - (ii) in the fourth subparagraph, for “Member States” substitute “the relevant authority.”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member State” substitute “relevant authority”;
  - (c) in paragraph 5, for “Member State” substitute “relevant authority”.
- (44) In Article 69—
- (a) in paragraph 1, in the third subparagraph, for “A Member State” substitute “The relevant authority”;
  - (b) for paragraph 6, substitute—

“6. By way of derogation from Article 68(1), the sample of beneficiaries to be checked on the spot may be selected at the minimum rate of 1% of the beneficiaries receiving direct payments.”.
- (45) In Article 71—
- (a) in paragraph 1, in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
  - (b) in paragraph 2, in the third subparagraph, for “Member States” substitute “relevant authority”;
  - (c) in paragraph 4, for “Member State” substitute “relevant authority”;
  - (d) in paragraph 5, for “Member States” substitute “the relevant authority”.
- (46) In Article 72, in paragraph 4, in the third subparagraph, for “a Member State” substitute “the relevant authority”.
- (47) In Article 73—
- (a) in paragraph 1, in the first subparagraph, for “Member States”, in the first place it occurs, substitute “the relevant authority” and in the second place it occurs, substitute “The relevant authority”;
- (48) Omit Article 76.

#### **Amendment of Commission Delegated Regulation (EU) 640/2014**

**15.**—(1) Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance, in so far as it relates to the direct payment schemes, is amended as follows.

- (2) In Article 2—
- (a) in paragraph 1, in the second subparagraph—
- (i) for point (1) substitute—
- “(1) ‘beneficiary’ means a farmer as defined in Article 4(1)(a) of Regulation (EU) No 1307/2013 and referred to in Article 9 of that Regulation.”
- (ii) in point (2), in sub-point (b)—
- (aa) for “Union legislation” substitute “the law applying in the constituent nation”;
- (bb) omit “by the Member States”;
- (iii) in point (20), omit from the words “, excluding specific measures” to the end;
- (iv) in point (26) for “Member States” substitute “relevant authority”;
- (b) in paragraph 2, in the second subparagraph, for “Member States” substitute “relevant authority”;
- (3) In Article 3, for “national law”, substitute “the law applying in the constituent nation”.
- (4) In Article 5—
- (a) in paragraph 1, in the second subparagraph, for “Member States”, substitute “The relevant authority”;
- (b) in paragraph 2—
- (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
- (ii) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
- (iii) in point (c)—
- (aa) for “Member State” substitute “relevant authority”;
- (bb) for “Member States” substitute “the relevant authority”;
- (iv) for point (d) substitute—
- “(d) determine whether areas naturally kept in a state suitable for grazing or cultivation as referred to in Article 4(1)(c)(iii) of Regulation (EU) No 1307/2013, areas designated by the relevant authority for the regional and/or collective implementation of ecological focus areas in accordance with Article 46(5) and (6) in that regulation and areas covered with permanent grasslands which are environmentally sensitive as referred to in Article 45(1) of that regulation apply.”;
- (c) in paragraph 3, for “Member States” substitute “The relevant authority”;
- (d) in paragraph 5, for “Member State” substitute “relevant authority”.
- (5) In Article 6—
- (a) in paragraph 1—
- (i) in the first subparagraph—
- (aa) for “Member States” substitute “The relevant authority”;
- (bb) omit “and the single area payment scheme”;
- (ii) in the fourth subparagraph, for “Member State” substitute “relevant authority”;
- (b) in paragraph 2—
- (i) for “Member States” substitute “The relevant authority”;

- (ii) for “and provided by the Commission” substitute “by the constituent nations”;
- (c) for paragraph 3 substitute—
  - “3. An assessment report and, where appropriate, the remedial actions and the timetable for their implementation shall be drawn up by the relevant authority by 31 January 2021.”
- (6) In Article 7—
  - (a) in paragraph 1—
    - (i) for “Member State”, substitute “United Kingdom”;
    - (ii) in point (f)—
      - (aa) after “Regulation (EU) No 1307/2013” insert “as it had effect immediately before exit day”;
      - (bb) For “is applied” substitute “was applied”.
  - (b) for paragraph 2, substitute —
    - 2. “Where there is more than one paying agency across the constituent nations, the electronic register may be operated at paying agency level. The relevant authority will ensure that its register is compatible with the registers of the other paying agencies.”.
- (7) In Article 9—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “the relevant authority”;
      - (bb) for “Member State” substitute “relevant authority”;
    - (ii) in the second subparagraph, for “Member States”, substitute “the United Kingdom”;
    - (iii) in the third subparagraph, for “Member State”, substitute “relevant authority”;
  - (b) in paragraph 3—
    - (i) in the second subparagraph—
      - (aa) for “Member States”, substitute “the relevant authority”;
      - (bb) omit “and notified”;
    - (ii) in the third subparagraph, for “Member State”, substitute “relevant authority”.
- (8) In Article 10, in paragraph 1, for “Member States”, substitute “the relevant authority”.
- (9) In Article 11, omit “or the single area payment scheme”.
- (10) In Article 12, in the first paragraph, for the words from the beginning to “No 1182/71, where” substitute “Where”.
- (11) In Article 13—
  - (a) in paragraph 1—
    - (i) in the first subparagraph, for “the Commission on the basis of Article 78(b) of Regulation (EU) No 1306/2013”, substitute “Article 13 of Regulation (EU) No 809/2014”;
    - (ii) in the second subparagraph, for “Member States” substitute “relevant authority”;
  - (b) in paragraph 3, for “the Commission on the basis of Article 78(b) of Regulation (EU) No 1306/2013” substitute “Article 13 of Regulation (EU) No 809/2014”.

(12) In Article 14, in the first paragraph, for “for this purpose by the Commission on the basis of Article 78(b) of Regulation (EU) No 1306/2013”, substitute “by Article 22 of Regulation (EU) No 809/2014”.

(13) In Article 16, omit paragraph 3.

(14) In Article 17—

(a) in paragraph 1, in point (a), omit “or for the purpose of being granted the single area payment”;

(b) omit paragraph 2.

(15) In Article 18—

(a) in paragraph 1—

(i) omit “the small farmers scheme.”;

(ii) omit “, the payment for areas with natural constraints”;

(iii) for “Member State” substitute “relevant authority”;

(iv) omit the second subparagraph;

(b) in paragraph 2—

(i) for “Member State”, in both places it occurs, substitute “relevant authority”;

(ii) omit “, (7)”;

(iii) omit “or the single area payment scheme”;

(c) in paragraph 3—

(i) omit “or the single area payment scheme”;

(ii) for “Member State” substitute “relevant authority”;

(d) omit paragraph 4;

(e) in paragraph 6, in the second subparagraph, for “Titles III, IV and V” substitute “Titles III and IV”.

(16) In Article 19a, for the heading, substitute—

*“Administrative penalties in cases of over-declaration of areas for the basic payment scheme, the re-distributive payment and the young farmers scheme”;*

(a) in paragraph 1—

(i) omit “, 4”;

(ii) omit “and in Title V”.

(17) Omit Article 20.

(18) In Article 23—

(a) in the heading, omit “or the single area payment scheme”;

(b) in paragraph 1, for “Member State”, substitute “relevant authority”;

(c) in paragraph 2—

(i) in the first subparagraph, omit “or the single area payment”;

(ii) in the second subparagraph, omit “or the single area payment scheme”.

(19) In Article 28, for paragraph 3 substitute—

**“3.** In accordance with Article 77(6) of Regulation (EU) No 1306/2013, the administrative penalty calculated in accordance with paragraphs 1 and 2 shall be divided by

4 and limited to 25% of the amount of the greening payment to which the farmer concerned would have been entitled in accordance with Article 23.”.

- (20) In Article 30—
  - (a) in paragraph 2—
    - (i) for “Member State”, substitute “relevant authority”;
    - (ii) omit “by the Commission”;
  - (b) in paragraph 3a, for “Member State” substitute “relevant authority”.
- (21) In Article 31—
  - (a) in paragraph 2, in the fourth subparagraph, in both places it occurs, for “Member States”, substitute “the relevant authority”;
  - (b) in paragraph 3, in the second subparagraph, for “Member State”, substitute “relevant authority”.
- (22) In Article 33—
  - (a) in paragraph 1—
    - (i) for “Member States”, substitute “The relevant authority”;
    - (ii) omit “national”;
  - (b) in paragraph 2—
    - (i) omit “the Commission on the basis of”;
    - (ii) for “Member State”, substitute “relevant authority”;
    - (iii) for “national legislation” substitute “the law applying in the constituent nation”.
- (23) In Article 39, in paragraphs 2 and 3, for “Member State” substitute “relevant authority”.
- (24) In Article 41, omit “by the Commission”.
- (25) Omit Article 44 and the sentence which follows it.

#### **Amendments to the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014**

**16.**—(1) The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(1) are amended as follows.

- (2) In regulation 2—
  - (a) in paragraph (1), for the definition of “direct payments” substitute—

““direct payments” means payments granted under the Direct Payments Regulation;”
  - (b) After paragraph (1A), insert—

“(1B) In these Regulations, references to the Horizontal Delegated Regulation, the Horizontal Implementing Regulation and the Horizontal Regulation are, to the extent that they relate to the direct payments for claim year 2020, references to those Regulations incorporated into domestic law and amended under the Direct Payments to Farmers (Legislative Continuity) Act 2020(2).”.
- (3) In regulation 10(7)(a), after “Commission” insert “, except for matters relating to direct payments for claim year 2020,”
- (4) In regulation 30—

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(1) S.I. 2014/3263, and prospectively amended by S.I. 2019/733; there are other amending instruments but none is relevant.

(2) 2020 c.2

- (a) in the definition of “Pillar 1 decision”—
  - (i) after “the EAGF” insert “and direct payments”;
  - (ii) omit “European”.
- (5) In Regulation 36(2), after “review,” insert “except for matters relating to the direct payments scheme for claim year 2020.”.