
STATUTORY INSTRUMENTS

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 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 in 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.