
STATUTORY INSTRUMENTS

2020 No. 90

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

[^{F1}PART 3

Amendment of Delegated and Implementing Acts

[^{F1}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

“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.]

Textual Amendments

- F1** Regulations revoked (E.) (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 3 para. 1 Table 2** (with Sch. 3 Pt. 2)

Commencement Information

- I1** Reg. 15 comes into force on "exit day", see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020, Section 15.