

---

STATUTORY INSTRUMENTS

---

**2022 No. 765**

**The Rural Development (Amendment)  
(England) Regulations 2022**

**Commission Delegated Regulation (EU) No 640/2014**

9.—(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<sup>(1)</sup>, is amended, insofar as it relates to rural development support measures, as follows.

(2) In Article 4 (force majeure and exceptional circumstances), in paragraph 2, for “fifteen working days” substitute “eight weeks”.

(3) In Article 13 (late submission)—

- (a) in paragraph 1, in the first sub-paragraph, for “shall” substitute “may”;
- (b) in paragraph 2, for “shall”, in the first place it occurs, substitute “may”;
- (c) in paragraph 3, for the first instance of “shall”, substitute “may”.

(4) In Article 19 (administrative penalties in cases of over-declaration)—

(a) for paragraph 1 substitute—

“If, in respect of a crop group as referred to in Article 17(1), the area declared for the purposes of any area-related aid schemes or support measures exceeds or is less than the area determined in accordance with Article 18, the aid shall be calculated on the basis of the area determined”;

(b) omit paragraphs 2 and 3.

(5) In Article 35 (non-compliance with the eligibility criteria other than the size of area or number of animals, commitments or other obligations)—

- (a) in paragraph 1, for “shall” substitute “may”;
- (b) in paragraph 2, for “shall” substitute “may”;
- (c) for paragraph 3, substitute—

“When deciding on the rate of refusal or withdrawal of support following the non-compliance with the commitments or other obligations referred to in paragraph 2, the relevant authority may take account of:—

- the circumstances that led to the non-compliance and whether it was caused by the intentional actions of the beneficiary or due to that person’s recklessness or negligence;
- any steps taken by the beneficiary to report a change of circumstance or notify the Authority of the non-compliance within a reasonable period;
- any failure on the part of the beneficiary to co-operate with an on-the-spot check;

---

(1) EUR 2014/640, as amended by S.I. 2020/1445 and S.I. 2019/765; there are other amending instruments, but none is relevant.

- any past conduct of the beneficiary during the period of the commitment and whether a similar non-compliance has previously occurred;
  - the nature of the non-compliance and whether it has caused widespread or irreparable damage;
  - the extent to which it is desirable, practicable or economic to permit the beneficiary to rectify the non-compliance;
  - the consequences of the non-compliance and whether it renders the purpose of the commitment unachievable within the timescales or finances of the commitment or to the standards agreed when the commitment was undertaken.”;
- (d) in paragraph 4, for “shall” substitute “may”;
- (e) in paragraph 5, for “shall”, in both places it occurs, substitute “may”;
- (f) in paragraph 6, for “shall”, in both places it occurs, substitute “may”.

---

**Commencement Information**

**II** Reg. 9 in force at 28.7.2022, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Rural Development (Amendment) (England) Regulations 2022, Section 9.