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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1556**

**The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020**

**PART 2**

**Direct Payments: Horizontal Legislation**

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

4.—(1) 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 Council with regard to the integrated administration and control system, rural development measures and cross compliance<sup>(1)</sup>, is amended, in so far as it relates to direct payments, as follows.

- (2) Omit Article 2.
- (3) Omit the second paragraph of Article 4.
- (4) In Article 6—
  - (a) in paragraph 2(f)(v), for “national” substitute “total”;
  - (b) omit paragraph 3(b).
- (5) In Article 14(1), omit point (h).
- (6) In Article 15—
  - (a) omit paragraph 1b;
  - (b) in paragraph 2—
    - (i) in the second subparagraph, for “Member States” substitute “the relevant authority”;
    - (ii) in the third subparagraph, omit the words from “the payment for agricultural practices” to “Regulation (EU) No 1307/2013 or”;
  - (c) omit paragraph 2b;
  - (d) in paragraph 3, omit the second subparagraph.
- (7) In Article 17—
  - (a) omit paragraph 2;
  - (b) in the second subparagraph of paragraph 4, omit the final sentence;
  - (c) for paragraph 5 substitute—

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(1) EUR 2014/809, amended in relation to direct payment schemes by [S.I. 2020/90](#) and 576. EUR 2014/809 is also amended in relation to direct payment schemes in England by [S.I. 2020/510](#) and 575. EUR 2014/809 is also amended prospectively with effect from implementation period completion day by [S.I. 2019/765](#). However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

“5. The beneficiary shall unambiguously identify and declare the area of each agricultural parcel.”;

(d) omit paragraph 6.

(8) Omit Article 18.

(9) In Article 25, omit “and shall not exceed 14 days”.

(10) Omit Article 26(4).

(11) Omit the second and third paragraphs of Article 27.

(12) In Article 29(1)(d), for “(6)” substitute “(4)”.

(13) In the heading of Article 30, omit “other than the payment for agricultural practices beneficial for the climate and environment”.

(14) For Article 30 substitute—

“For area-related aid schemes the control sample for on-the-spot checks carried out each year shall cover at least:

(a) 3% of all beneficiaries applying for the basic payment scheme in accordance with Title III of Regulation (EU) No. 1307/2013 (which includes the redistributive payment, and the payment for young farmers); and

(b) 5% of all beneficiaries applying for area-related payments under voluntary coupled support in accordance with Chapter 1 of Title IV of Regulation (EU) No 1307/2013.”

(15) Omit Article 31.

(16) For Article 33 substitute—

“For animal aid schemes, the control sample for on-the-spot checks carried out each year shall for each of the aid schemes cover at least 5% of all beneficiaries applying for that respective aid scheme.”

(17) Omit Article 33a.

(18) In Article 34—

(a) for paragraph 2 substitute—

“2. For the purposes of Article 30, the sample selection shall ensure that:

(a) a proportion of the control population is selected randomly;

(b) the remaining number of beneficiaries in the control sample is selected on the basis of a risk analysis.”;

(b) omit paragraphs 3, 4 and 4a;

(c) in paragraph 5—

(i) for “shall” substitute “may”;

(ii) in point (d), after “that” insert “may”.

(19) In Article 36—

(a) in paragraph 2—

(i) omit “and (b)”;

(ii) for “3%” substitute “1%”;

(b) in paragraph 3—

(i) omit “and (b)”;

(ii) omit the second, third and fourth subparagraphs;

(c) in paragraph 5—

- (i) for “2, 3 and 4” substitute “2 and 3”;
  - (ii) omit “and (b)”.
- (20) Omit Article 37(3).
- (21) In Article 38—
  - (a) omit the final sentence in paragraph 5;
  - (b) omit paragraph 6;
  - (c) omit paragraph 9;
  - (d) in paragraph 10, omit “or permanent pastures”.
- (22) In Article 39—
  - (a) omit the first sentence of paragraph 2;
  - (b) omit paragraph 3.
- (23) Omit Article 40a.
- (24) In Article 41—
  - (a) omit the final subparagraph of paragraph 1;
  - (b) in the final subparagraph of paragraph 2—
    - (i) omit “or by means of monitoring in accordance with Article 40a,”;
    - (ii) omit “or by monitoring” in both places that it occurs;
    - (iii) omit the final sentence.
- (25) In Article 42(1), in the second subparagraph—
  - (a) omit “at least 50% of”;
  - (b) for “shall”, in both places that it occurs, substitute “may”.
- (26) Omit Article 44.
- (27) In Article 68—
  - (a) in paragraph 1—
    - (i) in the first subparagraph, omit “, as it has effect in EU law”;
    - (ii) omit the second subparagraph;
  - (b) in paragraph 4, for “shall” substitute “may”.
- (28) In Article 69(1), omit the final sentence of the first subparagraph.
- (29) In Article 70—
  - (a) in paragraph 3, omit the words from “or by using” to “equivalent value”;
  - (b) omit paragraph 4.
- (30) Omit Articles 70a and 70b.
- (31) In Article 72—
  - (a) omit the final subparagraph of paragraph 1;
  - (b) in paragraph 2, omit “checked by monitoring in accordance with Article 70a,”;
  - (c) in paragraph 3, omit the final sentence in the first subparagraph;
  - (d) in paragraph 4, omit the second sentence of the first subparagraph.