
STATUTORY INSTRUMENTS

2019 No. 207

The Common Agricultural Policy (Direct Payments to Farmers) (Amendment) (EU Exit) Regulations 2019

Amendment of Title 2 (General provisions on direct payments)

4.—(1) For Article 6(1) substitute—

“1. For each year, the national ceiling for the United Kingdom comprising the total value of all allocated payment entitlements, of all national reserves and regional reserves and of all the ceilings calculated in accordance with Articles 42, 47, 51 and 53 is as set out in Annex II.

Where a relevant authority makes a decision under Article 22(2) to increase the amount which represents its share of the basic payment scheme ceiling, the national ceiling set out in Annex II for the United Kingdom for the respective year may be exceeded by the sum of the increases decided pursuant to that Article in respect of that year.”.

(2) Omit Article 6(2).

(3) In Article 7(1)—

(a) for “a Member State”—

(i) in the first place it occurs, substitute “the United Kingdom”;

(ii) in the second place it occurs, substitute “a constituent nation”;

(b) after “higher than”, in the second place it occurs, insert “its share of”;

(c) for “that Member State” substitute “the relevant authority”;

(d) omit the words from “with” to the end.

(4) For Article 7(2) substitute—

“2. For each calendar year, the estimated product of the reduction of payments referred to in Article 11 (which is reflected by the difference between the national ceiling set out in Annex II and the net ceiling set out in Annex III) shall be made available as support for measures under rural development programming financed as part of the core contribution as specified in Article 58(6) of Regulation (EU) No 1305/2013.”.

(5) In Article 9—

(a) in paragraph 1, for “Member States” substitute “the relevant authority”;

(b) in paragraph 2—

(i) for the second subparagraph substitute—

“Nothing in this Regulation prevents the relevant authority from adding to the list in the first subparagraph any other similar non-agricultural businesses or activities or from removing any such additions, provided that any such additions and removals are appropriate and made on the basis of objective and non-discriminatory criteria.”;

(ii) in the third subparagraph, for “Member States” substitute “the relevant authority”;

(c) in paragraph 3, for the words from the beginning to “decide” substitute “Nothing in this Regulation prevents the relevant authority from deciding”;

- (d) in paragraph 3a, for the words from the beginning to “decide” substitute “Nothing in this Regulation prevents the relevant authority from deciding”;
 - (e) for paragraph 4 substitute—
 - “4. Paragraphs 2, 3 and 3a do not apply to farmers who received direct payments for the previous year, if the amount of those direct payments was no more than the amount set by the relevant authority in accordance with this Regulation prior to exit day.”
 - (f) omit paragraph 6;
 - (g) in paragraph 7—
 - (i) for the words from the beginning to “year”, in the first place it occurs, substitute “Nothing in this Regulation prevents the relevant authority from deciding”;
 - (ii) omit the second sentence;
 - (h) for paragraph 8 substitute—
 - “8. The relevant authority may decide to stop applying paragraph 2.”.
- (6) For Article 10 substitute—

“Article 10

Minimum requirements for receiving direct payments

- 1. Subject to paragraph 2, the relevant authority shall not grant direct payments to a farmer where the eligible holding for which direct payments are claimed or due to be granted before the application of Article 63 of Regulation (EU) No 1306/2013 is smaller than the area set in legislation applying to the constituent nation.
 - 2. In the case of farmers receiving the animal-related coupled support referred to in Title IV, the area threshold determined in accordance with paragraph 1 does not apply, but the relevant authority shall not grant direct payments where the total amount of direct payments claimed or due to be granted before the application of Article 63 of Regulation (EU) No 1306/2013 in a given calendar year is less than EUR 100.”.
- (7) In Article 11—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
 - (b) in paragraphs 2 and 5, for “Member States” substitute “the relevant authority”;
 - (c) in paragraph 3—
 - (i) for “a Member State” in both places it occurs, substitute “the relevant authority”;
 - (ii) after “5%”, in both places it occurs, insert “of its share”;
 - (iii) omit “set out in Annex II” in both places it occurs;
 - (iv) for “that Member State” substitute “the relevant authority”;
 - (d) in paragraph 5, for “national law” substitute “the law applying in the constituent nation”;
 - (e) omit paragraph 6.
- (8) For Article 14 substitute—

“Article 14

Flexibility between pillars

- 1. The relevant authority may make available, as additional support for measures under rural development programming, up to 15% of its share of the national ceiling for calendar

year 2019 provided that such a decision was taken and notified to the Commission by 1 August 2018. The amount made available for rural development programming measures under this paragraph shall no longer be available for granting direct payments.

2. The relevant authority may make available, as direct payments, up to 25% of the amount allocated to support for measures under rural development programming as specified in Regulation (EU) No 1305/2013 provided that such a decision was taken and notified to the Commission by 1 August 2018. The amount made available for direct payments under this paragraph shall no longer be available for support measures under rural development programming.”.

(9) Omit Articles 16 to 20.