

Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

## CHAPTER 5

### COUPLED SUPPORT

#### SECTION 1

#### *Voluntary coupled support*

##### *Article 51*

#### **Definitions**

For the purposes of this Section, ‘coupled support measures’ means measures implementing the voluntary coupled support referred to in Article 52(1) of Regulation (EU) No 1307/2013.

##### *Article 52*

#### **General principles**

1. The regions referred to in Article 52(3) of Regulation (EU) No 1307/2013 shall be defined by the Member States in accordance with objective and non-discriminatory criteria such as the agronomic and socioeconomic characteristics and the regional agricultural potential, or the institutional or administrative structure. Such regions may differ from regions established under other support schemes provided for in Regulation (EU) No 1307/2013.

2. When defining the specific types of farming or specific agricultural sectors referred to in Article 52(3) of Regulation (EU) No 1307/2013, Member States shall take into account in particular the relevant production structures and conditions of the region or sector concerned.

F<sup>13</sup>. .....

#### **Textual Amendments**

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2018/707 of 28 February 2018 amending Delegated Regulation \(EU\) No 639/2014 as regards the eligibility criteria for support for hemp under the basic payment scheme and certain requirements in respect of voluntary coupled support.](#)

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### Article 53

#### Conditions for granting the support

1. Member States shall lay down eligibility criteria for coupled support measures in compliance with the framework set out in Regulation (EU) No 1307/2013 and the conditions laid down in this Regulation.

2. Areas and yields and number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013 shall be fixed by the Member States at regional or sector level. They shall reflect the maximum yields, area cultivated or number of animals reached in the targeted region or sector in at least one year in the period of five years preceding the year of the decision referred to in Article 53(1) of that Regulation.

[<sup>F2</sup>The annual payment shall be expressed as the per unit amount of support. It may be either one of the following amounts, or, when the area or the number of animals eligible for the support does not exceed the area or the number of animals fixed as referred to in the first subparagraph of this paragraph, an amount between them:

- (a) the ratio between the amount fixed for the financing of the measure as notified according to point (3)(i) of Annex I to this Regulation and the area or the number of animals eligible for the support in the year in question;
- (b) the ratio between the amount fixed for the financing of the measure as notified according to point (3)(i) of Annex I to this Regulation and the area or the number of animals fixed as referred to in the first subparagraph of this paragraph.]

[<sup>F3</sup>Without prejudice to Article 52(6) of Regulation (EU) No 1307/2013, for the per unit amount of support referred to in the second subparagraph of this paragraph, Member States may decide to apply modulated per unit amounts in respect of certain categories of farmers or at farm level in order to take into account economies of scale resulting from the size of the production structures in the targeted specific type of farming or specific agricultural sector, or, if the measure targets a region or an entire sector, in the region or sector concerned. Article 67(1) of this Regulation shall apply *mutatis mutandis* to the notification of such decisions.]

3. Where the coupled support measure concerns the oilseeds referred to in the Annex to the Memorandum of Understanding between the European Economic Community and the United States of America on oilseeds within the framework of the GATT, the total of the maximum areas to be supported as notified by the Member States shall not exceed a maximum area for the whole Union for the purpose of ensuring compliance with its international commitments.

Where the maximum area referred to in the first subparagraph is exceeded, the Member States concerned shall adjust the area notified by applying a reduction coefficient resulting from the ratio between the maximum area and the total of the areas notified for the support of those oilseeds referred to in the first subparagraph.

The Commission shall fix the reduction coefficient referred to in the second subparagraph by means of implementing acts adopted without applying the procedure referred to in Article 71(2) or (3) of Regulation (EU) No 1307/2013.

4. Where the coupled support measure concerns bovine animals and/or sheep and goats, Member States shall define as an eligibility condition for the support, the requirements to

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identify and register animals provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council<sup>(1)</sup> or Council Regulation (EC) No 21/2004<sup>(2)</sup> respectively.

[<sup>F4</sup>However, without prejudice to other eligibility conditions, an animal shall also be deemed eligible for support where the identification and registration requirements referred to in the first subparagraph are met by a date to be fixed by the Member State which shall not be later than:

- (a) the first day of the retention period of the animal, where a retention period is applied;
- (b) a date chosen on the basis of objective criteria and consistent with the corresponding measure notified in accordance with Annex I, where no retention period is applied.

By 15 September 2015, Member States shall notify the Commission of the dates referred to in the second subparagraph.]

5. Member States may not grant area-related coupled support for areas that are not eligible areas within the meaning of Article 32(2), (3) and (4) of Regulation (EU) No 1307/2013. Where Member States grant coupled support to hemp, the condition referred to in Article 32(6) of Regulation (EU) No 1307/2013 and in Article 9 of this Regulation shall apply.

#### Textual Amendments

- F2** Substituted by Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017 amending Delegated Regulation (EU) No 639/2014 as regards the control measures relating to the cultivation of hemp, certain provisions on the greening payment, the payment for young farmers in control of a legal person, the calculation of the per unit amount in the framework of voluntary coupled support, the fractions of payment entitlements and certain notification requirements relating to the single area payment scheme and the voluntary coupled support, and amending Annex X to Regulation (EU) No 1307/2013 of the European Parliament and of the Council.
- F3** Substituted by Commission Delegated Regulation (EU) 2018/707 of 28 February 2018 amending Delegated Regulation (EU) No 639/2014 as regards the eligibility criteria for support for hemp under the basic payment scheme and certain requirements in respect of voluntary coupled support.
- F4** Inserted by Commission Delegated Regulation (EU) 2015/1383 of 28 May 2015 amending Delegated Regulation (EU) No 639/2014 as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support under Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

### <sup>F5</sup>Article 53a

#### Transfer of funds between measures

1. Without prejudice to the requirements set out in Chapter I of Title IV of Regulation (EU) No 1307/2013, Member States may decide to use the amounts notified in accordance with point (3)(i) of Annex I to this Regulation for the purpose of financing one or several other support measures under Chapter I of Title IV of Regulation (EU) No 1307/2013 in respect of the same claim year.

A transfer of funds between support measures shall not result in a support measure notified to the Commission pursuant to Article 54 of Regulation (EU) No 1307/2013 and Article 67(1) and (2) of this Regulation becoming void.

[<sup>F3</sup>2. Where the area or the number of animals eligible for support under a voluntary coupled support measure in the claim year concerned equals to or exceeds the area or the number of

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animals referred to in Article 52(6) of Regulation (EU) No 1307/2013 as notified in accordance with point (3)(j) of Annex I to this Regulation, the support measure shall not benefit from a transfer of funds from any other support measure(s).

3. Where the area or the number of animals eligible for support under a voluntary coupled support measure in the claim year concerned is lower compared to the area or the number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013 as notified in accordance with point (3)(j) of Annex I to this Regulation, a transfer of funds shall not result in the per unit amount becoming lower than the ratio between the amount fixed for the financing as notified in accordance with point (3)(i) of that Annex and the area or the number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013.]

4. Where Member States grant coupled support for protein crops while using the possibility provided for in Article 53(3) of Regulation (EU) No 1307/2013, a transfer of funds shall not result in the support available for protein crops to be less than 2 % of the annual national ceiling set out in Annex II to that Regulation.

5. A decision to transfer funds between support measures shall be taken before the date of the first payment or payment of advances to farmers in respect of the voluntary coupled support. However, in respect of transfers from and to measures for which no payment has been made yet, such decision may be taken after that date, but no later than:

- (a) the last day of the month in which the first payment or payment of advances to farmers in respect of the voluntary coupled support is made;
- (b) 30 November where such first payment or payment of advances is made in the period from 16 to 31 October.

6. The competent authority of the Member State intending to take a decision to transfer funds between support measures shall inform farmers of a possible transfer before the date of opening of the application period.]

#### Textual Amendments

- F3** Substituted by [Commission Delegated Regulation \(EU\) 2018/707 of 28 February 2018 amending Delegated Regulation \(EU\) No 639/2014 as regards the eligibility criteria for support for hemp under the basic payment scheme and certain requirements in respect of voluntary coupled support.](#)
- F5** Inserted by [Commission Delegated Regulation \(EU\) 2016/141 of 30 November 2015 amending Delegated Regulation \(EU\) No 639/2014 as regards certain provisions on the payment for young farmers and on voluntary coupled support and derogating from Article 53\(6\) of Regulation \(EU\) No 1307/2013 of the European Parliament and of the Council.](#)

#### Article 54

#### Consistency and cumulation of support

1. For the purposes of Article 52(8) of Regulation (EU) No 1307/2013, measures provided for in Regulation (EU) No 1305/2013 and Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>(3)</sup> shall be considered as ‘other Union measures and policies’.

2. Member States shall ensure consistency between:

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- (a) coupled support measures and measures implemented under other Union measures and policies;
- (b) different coupled support measures;
- (c) coupled support measures and measures funded by state aids.

Member States shall ensure that coupled support measures do not interfere with the proper functioning of other measures mentioned in the first subparagraph.

[<sup>F63</sup> Where support under a certain coupled support measure may also be granted under another coupled support measure, or under a measure implemented under other Union measures and policies, Member States shall ensure that the farmer concerned may receive support aiming at the objective referred to in Article 52(5) of Regulation (EU) No 1307/2013 under only one such measure per sector, region, specific type of farming or specific agricultural sector that is targeted in accordance with Article 52(3) of that Regulation.]

#### Textual Amendments

- F6** Substituted by [Commission Delegated Regulation \(EU\) 2016/141 of 30 November 2015 amending Delegated Regulation \(EU\) No 639/2014 as regards certain provisions on the payment for young farmers and on voluntary coupled support and derogating from Article 53\(6\) of Regulation \(EU\) No 1307/2013 of the European Parliament and of the Council.](#)

### Article 55

#### Criteria for approval by the Commission

1. For the purposes of Article 55(1)(a) of Regulation (EU) No 1307/2013, a lack of alternatives shall exist if:
  - (a) no other production than the production subject to coupled support measure can be carried out in the targeted region or sector or the continuation of such production requires significant changes in the production structures; or
  - (b) conversion towards another production is severely limited due to the unavailability of land or infrastructures adapted to that production, the consecutive significant reduction in the number of holdings, the level of investments needed resulting from the conversion or due to similar reasons.
2. For the purposes of Article 55(1)(b) of Regulation (EU) No 1307/2013, it shall be necessary to provide stable supply to the local processing industry where a suspension or reduction of the production in the targeted region or sector is expected to negatively impact the activity and the related economic viability or employment in downstream enterprises which significantly depend on such production, such as processors of raw material, slaughterhouses or food industries. Such downstream enterprises need to be located in the respective region or need to be significantly reliant on the sector for the continuation of their activity.
3. For the purposes of Article 55(1)(c) of Regulation (EU) No 1307/2013, continuing disturbances on the related market shall exist where farmers in the targeted region or sector are affected by economic losses resulting in particular from occurrence of pollution, contamination or degradation in the quality of the environment related to a specific event of limited geographical scope.

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4. When assessing the level of coupled support resulting from the measures to be approved as notified by the Member State, the Commission shall take into account the level of coupled direct payments granted during at least one year within the reference period 2010-2014 as referred to in Article 53(4) of Regulation (EU) No 1307/2013.

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- (1) Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ([OJ L 204, 11.8.2000, p. 1](#)).
- (2) Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC ([OJ L 5, 9.1.2004, p. 8](#)).
- (3) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/01 and (EC) No 1234/2007 ([OJ L 347, p. 671](#)).

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**Changes and effects yet to be applied to :**

- Regulation coming into force by [2020 c. 2 s. 14](#) (Regulation as it has effect for the claim year 2020 brought into domestic law on exit day by virtue of Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), ss. 1, 4, 9(3))

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex 1 omitted by [S.I. 2019/208 reg. 10](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Annex 1 omitted by [S.I. 2020/91 reg. 16](#)
- Art. 1(c) omitted by [S.I. 2019/208 reg. 4\(1\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 1(c) omitted by [S.I. 2020/91 reg. 10\(1\)](#)
- art. 1(d) omitted by [S.R. 2021/42 reg. 5\(2\)](#)
- Art. 1(d) omitted by [S.I. 2020/1387 reg. 6\(2\)](#)
- Art. 1(d) omitted by [S.I. 2020/1556 reg. 8\(2\)](#)
- Art. 1(f) omitted by [S.I. 2020/1513 reg. 3\(2\)](#)
- Art. 1(g) omitted by [S.I. 2019/208 reg. 4\(1\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 1(g) omitted by [S.I. 2020/91 reg. 10\(1\)](#)
- Art. 1(h) omitted by [S.I. 2019/208 reg. 4\(1\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 1(h) omitted by [S.I. 2020/91 reg. 10\(1\)](#)
- Annex 2 omitted by [S.R. 2021/42 reg. 5\(4\)](#)
- Annex 2 omitted by [S.I. 2020/1387 reg. 6\(4\)](#)
- Annex 2 omitted by [S.I. 2020/1556 reg. 8\(12\)](#)
- Annex 3 title word omitted by [S.I. 2019/208 reg. 11\(a\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Annex 3 title word omitted by [S.I. 2020/91 reg. 17\(a\)](#)
- Annex 3 para. 2.1.1 words substituted by [S.I. 2019/208 reg. 11\(b\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Annex 3 para. 2.2 words substituted by [S.I. 2019/208 reg. 11\(c\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Annex 3 para. 2.1.1 words substituted by [S.I. 2020/91 reg. 17\(b\)](#)
- Annex 3 para. 2.2 words substituted by [S.I. 2020/91 reg. 17\(c\)](#)
- Annex 4 inserted by [S.I. 2019/208 reg. 12](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Annex 4 inserted by [S.I. 2020/91 reg. 18](#)
- Art. 4(1)(a) words substituted by [S.I. 2019/208 reg. 4\(3\)\(a\)\(ii\)\(aa\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))



- Art. 4(1)(a) words substituted by [S.I. 2019/208 reg. 4\(3\)\(a\)\(ii\)\(bb\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 4(1)(a) words substituted by [S.I. 2020/91 reg. 10\(4\)\(a\)\(ii\)\(aa\)](#)
- Art. 4(1)(a) words substituted by [S.I. 2020/91 reg. 10\(4\)\(a\)\(ii\)\(bb\)](#)
- Art. 4(1)(b) words substituted by [S.I. 2019/208 reg. 4\(3\)\(a\)\(iii\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 4(1)(b) words substituted by [S.I. 2020/91 reg. 10\(4\)\(a\)\(iii\)](#)
- Art. 13(2)(b) omitted by [S.I. 2019/208 reg. 4\(10\)\(b\)\(i\)\(cc\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 13(2)(b) omitted by [S.I. 2020/91 reg. 10\(11\)\(b\)\(i\)\(cc\)](#)
- Art. 41(f) omitted by [S.I. 2019/208 reg. 6\(4\)\(a\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 41(f) omitted by [S.I. 2020/91 reg. 12\(3\)\(b\)](#)
- Art. 44(2)(b) words omitted by [S.I. 2020/91 reg. 12\(6\)\(b\)\(ii\)\(bb\)](#)
- Art. 45(12) inserted by [S.S.I. 2022/279 reg. 3\(2\)\(b\)](#)
- Art. 49(1)(a) words omitted by [S.I. 2019/208 reg. 7\(a\)\(i\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 49(1)(a) words omitted by [S.I. 2020/91 reg. 13\(a\)\(i\)](#)
- Art. 49(1)(b) words omitted by [S.I. 2020/576 reg. 4\(3\)](#)
- Art. 49(1)(c) words substituted by [S.I. 2019/208 reg. 7\(a\)\(ii\)\(aa\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 49(1)(c) words substituted by [S.I. 2019/208 reg. 7\(a\)\(ii\)\(bb\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 49(1)(c) words substituted by [S.I. 2020/91 reg. 13\(a\)\(ii\)\(aa\)](#)
- Art. 49(1)(c) words substituted by [S.I. 2020/91 reg. 13\(a\)\(ii\)\(bb\)](#)
- Art. 49(3)(a) word omitted by [S.I. 2020/1556 reg. 8\(9\)](#)
- Art. 49(3)(a) words substituted by [S.I. 2019/208 reg. 7\(c\)\(i\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 49(3)(a) words substituted by [S.I. 2020/91 reg. 13\(c\)\(i\)](#)
- Art. 49(3)(b) words omitted by [S.I. 2019/208 reg. 7\(c\)\(ii\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 49(3)(b) words omitted by [S.I. 2020/91 reg. 13\(c\)\(ii\)](#)
- Art. 53(2)(a) words inserted by [S.I. 2020/576 reg. 4\(4\)](#)
- Art. 53(2)(a) words inserted by [S.I. 2020/1556 reg. 8\(10\)](#)
- Art. 53(2)(b) words inserted by [S.I. 2020/576 reg. 4\(4\)](#)
- Art. 53(2)(b) words inserted by [S.I. 2020/1556 reg. 8\(10\)](#)
- Art. 54(2)(a) word omitted by [S.I. 2019/208 reg. 8\(4\)\(b\)\(ii\)](#) (This effect not applied - S.I. 2019/208 revoked immediately before IP Completion day by virtue of S.I. 2020/1445, regs. 1(2)(b), 24(b))
- Art. 54(2)(a) word omitted by [S.I. 2020/91 reg. 14\(4\)\(b\)\(ii\)](#)