



Direct Payments to Farmers (Legislative Continuity) Act 2020

2020 CHAPTER 2

Incorporation of Direct Payments Regulation etc

1 Incorporation of EU legislation governing the CAP direct payment schemes

- (1) On exit day the EU legislation governing the 2020 CAP direct payment schemes becomes part of domestic law.
- (2) In subsection (1), “the EU legislation governing the 2020 CAP direct payment schemes” means the EU legislation listed in subsection (3)—
 - (a) as it has effect in EU law immediately before exit day for the claim year 2020, and
 - (b) ignoring for this purpose the disapplication of any of its provisions in the United Kingdom by the EU withdrawal agreement.
- (3) The EU legislation mentioned in subsection (2) is—
 - (a) the Direct Payments Regulation, apart from article 13;
 - (b) Commission Delegated [Regulation \(EU\) No 639/2014](#) of 11 March 2014 supplementing the Direct Payments Regulation;
 - (c) Commission Implementing [Regulation \(EU\) No 641/2014](#) of 16 June 2014 laying down rules for the application of the Direct Payments Regulation;
 - (d) in so far as relating to the CAP direct payment schemes—
 - (i) the Horizontal Regulation;
 - (ii) Commission Delegated [Regulation \(EU\) No 907/2014](#) of 11 March 2014 supplementing the Horizontal Regulation with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro;
 - (iii) Commission Implementing [Regulation \(EU\) No 908/2014](#) of 6 August 2014 laying down rules for the application of the Horizontal Regulation with regard to paying agencies and other bodies, financial

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management, clearance of accounts, rules on checks, securities and transparency;

- (iv) Commission Implementing [Regulation \(EU\) No 809/2014](#) of 17 July 2014 laying down rules for the application of the Horizontal Regulation with regard to the integrated administration and control system, rural development measures and cross compliance;
 - (v) Commission Delegated [Regulation \(EU\) No 640/2014](#) of 11 March 2014 supplementing the Horizontal Regulation 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.
- (4) This section brings that EU legislation into domestic law only in the form of the English language version of that legislation, but this does not affect the use of other language versions for the purposes of interpretation.
- (5) This section does not affect any rights, powers, liabilities, obligations, restrictions or other matters arising in relation to the CAP direct payment schemes for the claim year 2019 or earlier claim years.
- (6) But for the purposes of any rights, powers, liabilities, obligations, restrictions or other matters arising in relation to the CAP direct payment schemes for the claim year 2020, that EU legislation is to be treated as if it had formed part of domestic law from the beginning of 2020.
- (7) In this Act—
- “CAP direct payment schemes” means the support schemes under the Direct Payments Regulation;
 - “claim year” means a period of 12 months beginning with 1 January (and “claim year”, followed by a year, means the period of 12 months beginning with 1 January in that year);
 - the “Direct Payments Regulation” means [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy;
 - the “Horizontal Regulation” means [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy.

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