
STATUTORY INSTRUMENTS

2020 No. 91

**The Rules for Direct Payments to
Farmers (Amendment) Regulations 2020**

[^{F1}PART 3

Amendment of Commission Delegated Regulation (EU) 639/2014

Textual Amendments

- F1** Regulations revoked (E.) (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 3 para. 1** Table 2 (with Sch. 3 Pt. 2)

Amendment of Commission Delegated Regulation (EU) 639/2014

9. Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 supplementing the Direct Payments Regulation is amended in accordance with regulations 10 to 18.

Commencement Information

- II** Reg. 9 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with [2018 c. 16, s. 20\(1\)-\(5\)](#)), see reg. 1(2)

Amendment of Chapter 1 (scope and general principles)

- 10.**—(1) Omit Article 1(c), (g) and (h).
(2) In Article 2, for “Member States”, in each place it occurs, substitute “The relevant authority”.
(3) Omit Article 3.
(4) In Article 4—
(a) in paragraph 1—
(i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
(ii) in point (a) —
(aa) for “Member States require” substitute “the relevant authority requires”;
(bb) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
(iii) in point (b), for “Member States set” substitute “the relevant authority sets”;
(b) in paragraph 2, for “Member States” substitute “the relevant authority”.
(5) In Article 5—

- (a) for “Member States”, in the first place it occurs, substitute “relevant authority”;
 - (b) for “Member States”, in the second place it occurs, substitute “the relevant authority”.
- (6) For Article 7 substitute—

“Article 7

Established local practices in case of permanent grassland

For the purposes of Article 4(1)(h) of Regulation (EU) No 1307/2013, established local practices shall be practices for areas for livestock grazing which are traditional in character and are commonly applied on the areas concerned.”.

- (7) In Article 8—
- (a) for “Member States” substitute “the relevant authority”;
 - (b) at the end insert “, provided that such a decision was made and notified to the Commission no later than 31 January 2015”.
- (8) In Article 9—
- (a) in paragraph 1, for the words from “the ‘Common’ to the end substitute “Annex IV”;
 - (b) in paragraph 2, for “Member States” substitute “The relevant authority”;
 - (c) in paragraph 3, for “competent authority of the Member State” substitute “relevant authority”;
 - (d) in paragraph 4, for “Member States” substitute “the relevant authority”;
 - (e) omit paragraph 5;
 - (f) in paragraph 7, in the second subparagraph, for “Member States” substitute “the relevant authority”.
- (9) In Article 11—
- (a) in paragraph 1, in the first subparagraph, omit the words from “, except complementary” to the end;
 - (b) omit paragraph 3.
- (10) In Article 12—
- (a) in paragraph 2—
 - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
 - (ii) in the second subparagraph—
 - (aa) for the words from “national ceiling” to “1307/2013” substitute “relevant authority’s share of the national ceiling”;
 - (bb) for “that Member State” substitute “the constituent nation”;
 - (b) in paragraph 4—
 - (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
 - (ii) in the second subparagraph—
 - (aa) for the words from “national ceiling” to “1307/2013” substitute “ relevant authority’s share of the national ceiling”;
 - (bb) for “that Member State” substitute “the constituent nation”;
 - (c) omit paragraph 5.
- (11) In Article 13—
- (a) in paragraph 1—

- (i) omit the second subparagraph;
- (ii) in the third subparagraph—
 - (aa) for “and second subparagraphs” substitute “subparagraph”;
 - (bb) for “Member States may establish” substitute “the relevant authority may use”;
 - (cc) at the end insert “, provided those criteria were established by the relevant authority prior to exit day”;
- (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
 - (bb) for “methods” substitute “method”;
 - (cc) omit point (b);
 - (ii) omit the second subparagraph;
- (c) in paragraph 3—
 - (i) in the first subparagraph, for “a Member State” substitute “the relevant authority”;
 - (ii) in the second subparagraph, for “Member States” substitute “the relevant authority”;
 - (iii) in the third subparagraph, for “Member States may establish alternative criteria according to which” substitute “the relevant authority may, applying such criteria as the authority established prior to exit day, determine whether”.

Commencement Information

I2 Reg. 10 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment of Chapter 2 (basic payment scheme and single area payment scheme)

- 11.**—(1) Omit Articles 14 and 15.
- (2) Omit Articles 17 to 21.
- (3) In Article 23—
- (a) in paragraph 2, omit “ or 40”;
 - (b) in paragraph 3—
 - (i) for “Member States” substitute “The relevant authority”;
 - (ii) omit “or 40”.
- (4) In Article 24(1)—
- (a) in the second subparagraph, omit “by the Commission”;
 - (b) in the third subparagraph, omit “by the Commission” in both places it occurs.
- (5) In Article 25(2)—
- (a) for “a Member State” substitute “the relevant authority”;
 - (b) for “Member State”, in the second place it occurs, substitute “relevant authority”.
- (6) In Article 26—

- (a) in the first paragraph, for “a Member State” substitute “the relevant authority”;
 - (b) in the second paragraph, for “Member States” substitute “the relevant authority”;
 - (c) at the end insert a new subparagraph—
 - “In this subsection references to “national or regional reserve” are to be construed in accordance with the definitions contained in Article 4 of Regulation (EU) No 1307/2013.”.
- (7) Omit Article 27.
- (8) In Article 28—
- (a) in paragraph 1, omit “by the Commission”;
 - (b) in the third subparagraph of paragraph 2—
 - (i) for “in Member States applying” substitute “if the relevant authority applies”;
 - (ii) omit “in that Member State”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for “In Member States applying” substitute “If the relevant authority applied”;
 - (bb) omit “or (7)”;
 - (cc) after “Regulation (EU) No 1307/2013” insert “as it had effect immediately before exit day”;
 - (ii) in the second and fifth subparagraphs, for “Member States”, in both places it occurs, substitute “the relevant authority”;
 - (iii) in the third subparagraph, after “Regulation” insert “as it had effect immediately before exit day”;
 - (iv) in the fifth subparagraph, after “Regulation (EU) No 1307/2013” insert “as it had effect immediately before exit day”;
 - (v) in the sixth subparagraph, for “Member States” substitute “The relevant authority”.
- (9) In Article 29—
- (a) in paragraph 1, for “Member State” substitute “relevant authority”;
 - (b) in paragraph 4—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “Member State” substitute “relevant authority”.
- (10) In Article 30—
- (a) in paragraph 1, for “Member States” substitute “the relevant authority”;
 - (b) in paragraph 2—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “Member State” substitute “relevant authority”.
- (11) Omit Article 31.
- (12) Omit Articles 34 to 37.

Commencement Information

I3 Reg. 11 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment of Chapter 3 (greening)

- 12.—(1) In Article 38—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
 - (b) omit the second subparagraph of paragraph 2;
 - (c) omit paragraph 3.
- (2) In Article 40—
- (a) in the second subparagraph of paragraph 1, for “Member States” substitute “The relevant authority”;
 - (b) in the third and fourth subparagraphs of paragraph 3, for “Member States”, in each place it occurs, substitute “the relevant authority”.
- (3) In Article 41—
- (a) in first paragraph, omit point (f);
 - (b) omit the second paragraph.
- (4) In Article 42—
- (a) in the first paragraph, for “Member State” substitute “relevant authority”;
 - (b) in the second paragraph, omit the words from “, or in the case” to the end.
- (5) In Article 43—
- (a) in paragraph 1, omit “participating in the small farmer scheme referred to in Title V of Regulation (EU) No 1307/2013, as well”;
 - (b) in paragraph 3—
 - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
 - (ii) omit the words from “a change”, in the second place it occurs, to “scheme”;
 - (iii) for “a Member State” substitute “the relevant authority”;
 - (iv) omit the last sentence.
- (6) In Article 44—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Member States” substitute “The relevant authority”;
 - (bb) for “Member State” substitute “relevant authority”;
 - (ii) in the second subparagraph—
 - (aa) for “Member State”, in the first place it occurs, substitute “relevant authority”;
 - (bb) omit the last sentence;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for “Member State” substitute “relevant authority”;
 - (ii) in the second subparagraph—
 - (aa) for “Member States” substitute “The relevant authority”;
 - (bb) in paragraph (b) omit “, or in 2015 during the preceding three calendar years,”;
 - (iii) in the fourth subparagraph, for “Member States” substitute “the relevant authority”;
 - (c) in paragraph 3—

- (i) in the first subparagraph, for “Member States” substitute “the relevant authority”;
 - (ii) in the second subparagraph—
 - (aa) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
 - (bb) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
 - (iii) in the fourth subparagraph, omit from “, or in the case” to the end;
 - (iv) in the fifth subparagraph, for “Member State” substitute “relevant authority”.
- (7) In Article 45—
- (a) in paragraph 2, in the first subparagraph—
 - (i) after “production”, in the first place it occurs, insert “during the period fixed by the relevant authority”;
 - (ii) omit the second and third sentences;
 - (iii) for “Member States shall set” substitute “the relevant authority must set”;
 - (iv) for “Member States may”, in the second place it occurs, substitute “The relevant authority may”;
 - (b) omit paragraph 3;
 - (c) in paragraph 4—
 - (i) in the second subparagraph—
 - (aa) for “Member States may decide to limit” substitute “Where the legislation applying in the constituent nation so provides,”;
 - (bb) after “features” insert “shall be limited”;
 - (ii) in the fifth subparagraph;
 - (aa) for “Member States may set a” substitute “the”;
 - (bb) at the end of the first sentence insert “is as set by the relevant authority prior to exit day”;
 - (cc) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
 - (iii) in the sixth subparagraph—
 - (aa) for “Member States shall establish” substitute “the”;
 - (bb) after “width” insert “is as established by the relevant authority prior to exit day”;
 - (d) in paragraph 5—
 - (i) in the second subparagraph, for “Member States” substitute “The relevant authority”;
 - (ii) in the third subparagraph, for the first sentence substitute “Nothing in this Article shall prevent the relevant authority from establishing, using any power the relevant authority has, the minimum width of buffer strips and field margins.”;
 - (e) in paragraph 6, omit “or the single area payment scheme”;
 - (f) in paragraph 7—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph, for “Member States decide”, in both places it occurs, substitute “the relevant authority decides”;

- (g) in paragraph 8—
 - (i) for the first sentence substitute “The species that may be used for areas with short rotation coppice with no use of mineral fertiliser or plant protection products or both, are those species which have been selected by the relevant authority prior to exit day, from the list established pursuant to Article 4(2)(c) of Regulation (EU) No 1307/2013, as being the most suitable from an ecological perspective.”;
 - (ii) for “Member States shall also establish the requirements” substitute “The relevant authority must also apply any requirements established by them prior to exit day”;
 - (iii) for “Member States authorise” substitute “the relevant authority authorises”;
 - (h) in paragraph 8a—
 - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
 - (ii) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
 - (i) in paragraph 9, in the second subparagraph—
 - (i) omit “Member States shall set up”;
 - (ii) omit “fix”;
 - (iii) after “place” insert “is as fixed by the relevant authority prior to exit day”;
 - (iv) for “Member States may establish” substitute “Nothing in this Article prevents the relevant authority from establishing, using any power the relevant authority has,”;
 - (j) in paragraph 10—
 - (i) for “Member State”, in the first place it occurs, substitute “relevant authority prior to exit day”;
 - (ii) for “Member State”, in the second place it occurs, substitute “relevant authority”;
 - (iii) for “Member States may establish” substitute “Nothing in this Article prevents the relevant authority from establishing, using any power the relevant authority has,”;
 - (k) in paragraph 10a, in the second subparagraph, for the words from “However” to “allow” substitute “Nothing in this Article prevents the relevant authority, using any power the relevant authority has, from allowing”.
- (8) In Article 46—
- (a) in paragraph 1—
 - (i) for “Member States opting” substitute “Where the relevant authority opts”;
 - (ii) after “Regulation (EU) No 1307/2013” insert “the relevant authority”;
 - (b) in paragraphs 2, 3 and 5, for “Member States” substitute “the relevant authority”;
 - (c) in paragraph 6, for “Member States”—
 - (i) in the first, second and fourth places it occurs, substitute “the relevant authority”;
 - (ii) in the third place it occurs, substitute “The relevant authority”.
- (9) In Article 47—
- (a) in paragraph 1—
 - (i) for “Member States that decide” substitute “Where the relevant authority decides”;
 - (ii) after “Regulation (EU) No 1307/2013,” insert “the relevant authority”;
 - (iii) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
 - (b) in paragraph 2—

- (i) for “Member States that opt” substitute “Where the relevant authority opts”;
 - (ii) for “that opt” substitute “opts”;
 - (iii) after “farmers,” insert “the relevant authority”.
- (10) Omit 48.

Commencement Information

- I4** Reg. 12 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment of Chapter 4 (payment for young farmers)

- 13.** In Article 49—
- (a) in paragraph 1—
 - (i) in point (a), omit “or the single area payment scheme”;
 - (ii) in point (c)—
 - (aa) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
 - (bb) for “Member States have” substitute “the relevant authority has”;
 - (b) omit paragraph 1a;
 - (c) in paragraph 3—
 - (i) in point (a), for “to (10)” substitute “, (5), (6), (8) and (9)”;
 - (ii) in point (b), omit “or single area payment scheme”.

Commencement Information

- I5** Reg. 13 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment of Chapter 5 (coupled support)

- 14.—(1)** In Article 52—
- (a) in paragraph 1, for “shall be defined by the Member States” substitute “are the regions defined by the relevant authority prior to exit day, ”;
 - (b) in paragraph 2, for “Member States” substitute “the relevant authority”.
- (2)** In Article 53—
- (a) in paragraph 1, for the words from “Member States” to “in compliance” substitute “The eligibility criteria for coupled support measures means the criteria defined by the relevant authority”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for “fixed by the Member States” substitute “jointly agreed by the relevant authorities for each constituent nation”;
 - (ii) in the third subparagraph—

- (aa) for “Member States may decide” substitute “the relevant authority may decide, prior to exit day,”
 - (bb) omit the last sentence;
 - (c) omit paragraph 3;
 - (d) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) omit the words from “Member States” to “support,”;
 - (bb) after “respectively” insert “shall apply”;
 - (ii) omit the second subparagraph;
 - (e) in paragraph 5—
 - (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
 - (ii) omit the last sentence.
- (3) In Article 53a—
- (a) in the first subparagraph of paragraph 1—
 - (i) for the words from “Member States” to “this Regulation” substitute “the relevant authority may decide, if jointly agreed by the relevant authorities for each constituent nation, to use the amounts fixed in accordance with Article 53 of Regulation (EU) No 1307/2013”;
 - (ii) for “Regulation (EU) No 1307/2013” substitute “that Regulation”;
 - (b) in the second subparagraph of paragraph 1—
 - (i) after “Commission” insert “before exit day”;
 - (ii) after “Regulation (EU) No 1307/2013” insert “as it existed immediately before exit day”;
 - (iii) after “this Regulation” insert “as it existed immediately before exit day”;
 - (c) in paragraph 4, for “Member States grant” substitute “the relevant authority grants”;
 - (d) in paragraph 6, for “competent authority of the Member State” substitute “relevant authority”.
- (4) In Article 54—
- (a) in paragraph 1, omit “Union”;
 - (b) in paragraph 2—
 - (i) for “Member States”, in both places it occurs, substitute “The relevant authority”;
 - (ii) in point (a), omit “Union”;
 - (c) in paragraph 3—
 - (i) omit “Union”;
 - (ii) for “Member States” substitute “the relevant authority”.
- (5) Omit Articles 55 to 61.

Commencement Information

I6 Reg. 14 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment of Chapter 6 (notifications)

- 15.—(1) Omit Articles 64 to 69, 71, 73 to 77.
- (2) Omit Article 79.

Commencement Information

- 17** Reg. 15 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment to Annex I (content of the information to be submitted to the Commission pursuant to Article 67(1))

- 16. Omit Annex I.

Commencement Information

- 18** Reg. 16 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Amendment to Annex III (union method for the quantitative determination of the A9-tetrahydrocannabinol content in hemp varieties)

- 17. In Annex III—
 - (a) in the title, omit “Union”;
 - (b) in the second paragraph of subparagraph 2.1.1, for “Member States” substitute “The relevant authority”;
 - (c) in the fourth paragraph of subparagraph 2.2, for “Member State” substitute “relevant authority”.

Commencement Information

- 19** Reg. 17 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Insertion of Annex IV (permitted hemp varieties)

- 18. After Annex III insert—

“Annex IV

Permitted Hemp Varieties

Commencement Information

- 110** Reg. 18 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The Rules for Direct Payments to Farmers (Amendment) Regulations 2020, PART 3.