
STATUTORY INSTRUMENTS

2020 No. 91

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

[^{F1}PART 2

Amendment of Regulation (EU) 1307/2013

[^{F1}Amendment of Title 3 (Basic payment scheme, single area payment scheme and related payments)

5.—(1) For Article 21 substitute—

“Article 21

Payment entitlements

Support under the basic payment scheme shall be available to farmers who:

- (a) obtain payment entitlements under this Regulation through first allocation pursuant to Article 24 as it had effect immediately before exit day, through allocation from the national reserve or regional reserves pursuant to Article 30 or through transfer pursuant to Article 34, or
- (b) comply with Article 9 and hold unexpired owned or leased-in payment entitlements established under the single payment scheme in accordance with Regulation (EC) No 1782/2003 and with Regulation (EC) No 73/2009.”.

(2) In Article 22—

- (a) for paragraphs 1 to 4 substitute—

“1. The basic payment scheme ceiling for any given year is calculated by deducting from the annual national ceiling set out in Annex II all the ceilings calculated in respect of that year in accordance with Articles 42, 47, 51 and 53.

2. The relevant authority’s share of the basic payment ceiling is the amount which remains for the basic payment scheme in the constituent nation after deducting from the relevant authority’s share of the national ceiling the ceilings set under Articles 42, 47 and 51 and the amount allocated in the constituent nation under Article 53. The relevant authority may increase the amount which represents its share of the basic payment scheme ceiling. That increase may not exceed 3% of the amount which represents its share of the annual national ceiling after deduction of the amount resulting from the application of Article 47(1) for the relevant year.

3. The relevant authority may review the decision under paragraph 2 on an annual basis.

4. The total value of all payment entitlements and the national reserve or regional reserves in the constituent nation must equal its share of the basic payment scheme ceiling. The total value of payment entitlements and national reserves and regional reserves in the

United Kingdom must equal the basic payment scheme ceiling calculated in accordance with paragraph 1.”;

(b) in paragraph 5(1)—

- (i) for the words “for a Member State by the Commission” substitute “calculated”;
- (ii) for the words “that Member State”, in both places it occurs, substitute “the relevant authority”;
- (iii) for “Article 14(1) or (2)” substitute “Article 14”;
- (iv) omit “the second subparagraph of Article 49(1),”.

(3) In Article 23—

(a) in paragraph 1—

- (i) for the first sentence substitute “The relevant authority may apply the basic payment scheme at regional level, provided that it took a decision to do so by 1 August 2014.”;
- (ii) for “they” substitute “the relevant authority”;
- (iii) omit the second subparagraph;

(b) in paragraph 2—

- (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
- (ii) after “divide” insert “its share of”;
- (iii) omit the second subparagraph;

(c) in paragraph 3, for “Member States” substitute “The relevant authority”;

(d) in paragraph 4, for “Member States” substitute “the relevant authority”;

(e) in paragraph 5—

- (i) for “Member States applying paragraph 1” substitute “The relevant authority”;
- (ii) for “them” substitute “the relevant authority”;

(f) omit paragraph 6.

(4) In Article 25—

(a) for paragraphs 1 to 7 substitute—

“1. Subject to paragraphs 2 and 3, for the purposes of this Article the unit value of payment entitlements is calculated by dividing a fixed percentage of the relevant authority’s share of the national ceiling for each relevant year by the number of payment entitlements in 2015 in the constituent nation or, where applicable, at regional level, excluding those allocated from the national reserve or regional reserves in 2015.

The fixed percentage referred to in the first subparagraph is calculated by dividing the relevant authority’s share of the basic payment scheme ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with Article 23(2), as it had effect immediately before exit day for 2015, after applying the linear reduction provided for in paragraph 1 or, where applicable, paragraph 2 of Article 30 by the relevant authority’s share of the national ceiling for 2015.

2. The value of payment entitlements, other than those allocated from the national reserve or regional reserves in 2015, may be differentiated for each relevant year on the basis of their initial unit value calculated in accordance with Article 26 as it had effect immediately before exit day, provided that the decision to differentiate was taken and notified to the Commission by 1 August 2014.

3. All payment entitlements in a constituent nation or, where Article 23 is applied, in a region shall have a uniform unit value unless the relevant authority has applied the derogation in paragraph 4 of this Article, as it had effect immediately before exit day. Where a relevant authority has applied this derogation, the unit value will be calculated in accordance with paragraphs 4 to 7 of this Article as it had effect immediately before exit day.”;
- (b) in paragraph 8, in the first subparagraph after “Article 26” insert “as it had effect immediately before exit day”;
- (c) omit paragraph 9.
- (5) Omit Articles 26 to 28.
- (6) In Article 30—
- (a) for paragraph 1 substitute—
- “1. The relevant authority shall maintain the national reserve or regional reserves established prior to exit day.”;
- (b) omit paragraphs 2 and 3;
- (c) in paragraphs 4 and 6, for “Member States” substitute “The relevant authority”;
- (d) in paragraph 7—
- (i) for “Member States”, in the first place it occurs, substitute “The relevant authority”;
- (ii) in point (e), for “annual national or” substitute “relevant authority’s share of the basic payment scheme ceiling or, where applicable, the”;
- (iii) for “Member States”, in the second place it occurs, substitute “the relevant authority”;
- (e) in paragraph 8—
- (i) in the first subparagraph—
- (aa) for “(a), (b) and (d)” substitute “(a) and (b)”;
- (bb) for “Member States” substitute “the relevant authority”;
- (ii) for the second subparagraph, substitute—
- “The national or regional average value shall be calculated by dividing the relevant authority’s share of the basic payment scheme ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with Article 23(2), for the year of allocation, excluding the amount of the national reserve or regional reserves, by the number of allocated payment entitlements.”;
- (iii) in the third subparagraph—
- (aa) for “Member States” substitute “The relevant authority”;
- (bb) for the words from “national”, in the second place it occurs, to “and” substitute “relevant authority’s share of the basic payment ceiling or, where applicable, the regional ceiling for the basic payment scheme set in accordance with”;
- (f) in paragraph 9, for “Member State”, in both places it occurs, substitute “relevant authority”;
- (g) in paragraph 10, for “Members States” substitute “the relevant authority”;
- (h) in paragraph 11, for the words from “Member States” to the end substitute “this category of farmers must also meet any additional objective and non-discriminatory eligibility

criteria established by the relevant authority prior to exit day as regards appropriate skills, experience or education”.

(7) In Article 31—

(a) in paragraph 1—

(i) omit point (d);

(ii) in point (g)—

(aa) for “Member States consider” substitute “the relevant authority considers”;

(bb) for “Member States”, in the second place it occurs, substitute “a relevant authority”

(b) in paragraph 2—

(i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;

(ii) omit the last sentence.

(8) In Article 32—

(a) in paragraph 1—

(i) for “Member State” substitute “constituent nation”;

(ii) omit “and point (c) of Article 65(2)”;

(b) in paragraph 2—

(i) in point (a), omit the words from “, including” to “scheme,”;

(ii) in point (b), for the words from “any” to “IVA” substitute “any area which gave a right to payments in 2008 under the single payment scheme laid down in Title III”;

(c) in paragraph 3—

(i) in point (b), for “Member States” substitute “the relevant authority”;

(ii) for the second subparagraph substitute “The relevant authority must apply the criteria it has established for the implementation of this paragraph in the constituent nation.”;

(d) in paragraph 5, for “Member States” substitute “the relevant authority”.

(9) In Article 33—

(a) in paragraph 1, for “Member State”—

(i) in the first place it occurs, substitute “relevant authority”;

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

(b) in paragraph 2, for “Member States” substitute “The relevant authority”.

(10) In Article 34—

(a) in paragraph 1, for “Member State”, in both places it occurs, substitute “constituent nation”;

(b) in paragraph 2, for “Member States exercise” substitute “the relevant authority exercises”;

(c) in paragraph 3, for “Member States” substitute “A relevant authority”;

(d) in paragraph 4—

(i) for “Member States” substitute “the relevant authority”;

(ii) for “the general principles of Union law” substitute “retained EU law relating to the common agricultural policy and the objectives of the common agricultural policy set out in Article 39 of the Treaty on the Functioning of the European Union”.

(e) in paragraph 5—

- (i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;
 - (ii) for “national authorities” substitute “relevant authority”;
 - (iii) omit the last sentence.
- (11) In Article 35—
 - (a) in paragraph 1—
 - (i) for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (ii) in point (a)—
 - (aa) insert “and” after “entitlements,”;
 - (bb) omit the words from “, and the application” to the end;
 - (iii) omit points (e) and (f);
 - (b) in paragraph 2, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (c) in paragraph 3, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”.
- (12) Omit Article 36 to 40.
- (13) In Article 41—
 - (a) for paragraphs 1 and 2 substitute—

“1. The relevant authority may grant an annual payment to farmers who are entitled to a payment under the basic payment scheme referred to in Sections 1, 2, 3 and 5 of Chapter 1 (“the redistributive payment”), provided that such a decision was taken and notified to the Commission by 1 August 2019.

2. If the relevant authority applies the basic payment scheme at regional level in accordance with Article 23, it may apply the redistributive payment at regional level.”;
 - (b) in paragraph 3, omit the words from “, or” to the end;
 - (c) in paragraph 4—
 - (i) for “Member States, in both places it occurs, substitute “the relevant authority”;
 - (ii) for “Member State”—
 - (aa) in the first place it occurs, substitute “relevant authority”;
 - (bb) in the second place it occurs, substitute “constituent nation”;
 - (iii) omit “national or regional”;
 - (iv) after “hectare” insert “made by the relevant authority (at regional level where applicable)”;
 - (v) omit the words from “or by” to “Article 36(2)”;
 - (vi) for the words from “or”, in the last place it occurs, to “that” substitute “, or 54 hectares if the”;
 - (d) omit paragraph 5;
 - (e) in paragraph 6—
 - (i) in the first subparagraph—
 - (aa) for “Member States” substitute “relevant authority”;
 - (bb) after “basis” insert “of its share”;

- (cc) omit “set out in Annex II”;
- (dd) omit “or Article 36(2)”;
- (ii) omit the second subparagraph;
- (f) in paragraph 7, for “Member States” substitute “The relevant authority”;
- (g) omit paragraph 8.
- (14) For Article 42 substitute—

“Article 42

Financial provisions

In order to finance the redistributive payment, the relevant authority may decide, by the date referred to in Article 41(1) to use up to 30% of its share of the annual national ceiling.”.

- (15) In Article 43—
 - (a) in paragraphs 5 and 6, for “Member States may decide” substitute “Nothing in this Regulation prevents the relevant authority from deciding”;
 - (b) in paragraph 7, for “Member States” substitute “the relevant authority”;
 - (c) omit paragraph 8;
 - (d) in paragraph 9—
 - (i) for “Member States”, in the first place it occurs, substitute “the relevant authority”;
 - (ii) for “Member State”, in each place it occurs, substitute “constituent nation”;
 - (iii) in the second subparagraph, omit “or Article 36(2)” in both places it occurs;
 - (iv) in the third subparagraph, for “Member States deciding to apply Article 25(2)” substitute “and provided that the decision to derogate was taken and notified to the Commission prior to 15 December 2014, the relevant authority”;
 - (e) in paragraph 12, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (f) omit paragraph 13.
- (16) In Article 44—
 - (a) in paragraph 3, omit point (d);
 - (b) in paragraph 5, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”.
- (17) In Article 45—
 - (a) for paragraph 1 substitute—

“1. Farmers shall not convert or plough permanent grassland situated in areas which, prior to exit day, have been designated by the relevant authority as permanent grasslands which are environmentally sensitive.”;
 - (b) in paragraph 2—
 - (i) for “Member States”—
 - (aa) in the first place it occurs, substitute “The relevant authority”;
 - (bb) in the second place it occurs, substitute “the relevant authority”;
 - (ii) in the first subparagraph, for “a reference ratio to be” substitute “the reference ratio”;
 - (iii) in point (a) of the second subparagraph, omit —

- (aa) “or 2013 in the case of Croatia,”;
 - (bb) “or, in the case of Croatia, 2013”;
 - (iv) for the fifth subparagraph substitute—
 - “The obligation under this paragraph shall apply across the constituent nation.”;
 - (v) omit the sixth subparagraph;
 - (c) in paragraph 3, for the words from “at regional” to “concerned” substitute “in the constituent nation, the relevant authority”.
 - (d) in paragraph 5—
 - (i) for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (ii) omit the words from “rules”, in the last place it occurs, to “2 and 3”;
 - (e) in paragraph 6, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (f) in paragraph 7—
 - (i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;
 - (ii) omit the last sentence.
- (18) In Article 46—
- (a) in paragraph 1 for “Member State” substitute “relevant authority”;
 - (b) in paragraph 2, in the first subparagraph, for the words from the beginning to point (a) substitute “An ecological focus area may include one or more of the following.”;
 - (c) in paragraph 3—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) for “a Member State” substitute “the relevant authority”;
 - (d) in paragraph 5—
 - (i) for “Member States”, in both places it occurs, substitute “The relevant authority”;
 - (ii) omit the last sentence;
 - (e) in paragraph 6—
 - (i) for “Member States”, in both places it occurs, substitute “The relevant authority”;
 - (ii) omit from “In order” to “biodiversity.”;
 - (f) omit paragraphs 7 and 8;
 - (g) in paragraph 9—
 - (i) for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”;
 - (ii) in point (c), for “Commission” substitute “appropriate authority”;
 - (iii) omit points (e) and (f).
- (19) In Article 47—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “the relevant authority”;
 - (ii) after “30%” insert “of its share”;
 - (iii) omit “set out in Annex II”;

- (b) in the first subparagraph of paragraph 2—
 - (i) for “Member States” substitute “The relevant authority;
 - (ii) for “national level” substitute “the same level across the constituent nation”;
- (c) in the second subparagraph of paragraph 2—
 - (i) for the first sentence substitute “Where the relevant authority has applied Article 23, the relevant authority may apply the payment at regional level, provided that a decision to do so was taken and notified to the Commission by 15 December 2014.”;
 - (ii) before “the national” insert “its share of”;
- (d) omit paragraph 3.
- (20) Omit Articles 48 and 49.
- (21) In Article 50—
 - (a) in paragraph 1, for “Member States” substitute “The relevant authority”;
 - (b) for paragraph 3 substitute—

“3. Young farmers applying for the payment under this Article must also meet any objective and non-discriminatory requirements specified by the relevant authority prior to exit day regarding appropriate skills and/or training requirements.”;
 - (c) in paragraph 4, omit the words from “or” to the end;
 - (d) in paragraph 5, for “Member States” substitute “the relevant authority”;
 - (e) in paragraph 6—
 - (i) for “Member States not applying Article 36” substitute “in accordance with the legislation applying in the constituent nation, the relevant authority”;
 - (ii) after “percentage”, in the first place it occurs, insert “of the relevant authority’s share”;
 - (iii) omit “set out in Annex II”;
 - (iv) after “declared” insert “in the constituent nation”;
 - (v) for the last sentence substitute “The fixed percentage shall be equal to the percentage of the relevant authority’s share of the national ceiling which remained for the basic payment scheme in the constituent nation for 2015.”;
 - (f) omit paragraph 7;
 - (g) in paragraph 8—
 - (i) in the first subparagraph—
 - (aa) for “paragraphs 6 and 7” substitute “paragraph 6”;
 - (bb) for “Member States may” substitute “where the legislation applying in the constituent nation so provides, the relevant authority shall”;
 - (cc) omit “national”;
 - (dd) after “hectare” insert “in the constituent nation”;
 - (ee) omit the words from “, or” to “Article 36(2)”;
 - (ii) in the second subparagraph—
 - (aa) omit “national”;
 - (bb) after “hectare” insert “in the constituent nation”;
 - (cc) after “dividing” insert “the relevant authority’s share of”;
 - (dd) omit “set out in Annex II”;

- (ee) after “declared” insert “in the constituent nation”;
- (ff) omit “or Article 36(2)”;
- (h) in paragraph 9—
 - (i) for “Member States shall set a single” substitute “The”;
 - (ii) after “farmer”, in the second place it occurs, insert “is the single maximum limit set by the relevant authority prior to exit day”;
 - (iii) for “Member States”, in the second place it occurs, substitute “The relevant authority”;
 - (iv) for “6, 7 and 8” substitute “6 and 8”;
- (i) omit paragraph 10;
- (j) after paragraph 10 insert—

“10A. Paragraphs 3, 6 and 9 only apply where the decisions to which they refer were taken and notified to the Commission by 31 January 2015.”.
- (k) In paragraph 11, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”.
- (22) In Article 51—
 - (a) for paragraph 1 substitute—

“1. In order to finance the payment for young farmers, the relevant authority shall use a percentage, which shall not be higher than 2% of its share of the annual national ceiling.

Where the relevant authority decided to revise the estimated percentage and this decision was notified to the Commission by 1 August 2019, that revised percentage will have effect for calendar year 2020.”;
 - (b) in paragraph 2—
 - (i) for the words from “Member”, in the first place that it occurs, to “State”, in the second place it occurs, substitute “constituent nation in a particular year exceeds the amount calculated in accordance with paragraph 1, and where that amount is lower than 2% of the relevant authority’s share of the annual national ceiling, the relevant authority”;
 - (ii) omit “or Article 36(2), or by both means”;
 - (c) in paragraph 3—
 - (i) for “Member State” substitute “constituent nation”;
 - (ii) for the words from “ceiling”, in the first place it occurs, to “States” substitute “amount calculated in accordance with paragraph 1, and where that amount is equal to 2% of its share of the annual national ceiling, the relevant authority”;
 - (d) omit paragraph 4.]

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](#))

Commencement Information

- II** Reg. 5 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, Section 5. (See end of Document for details)

Changes to legislation:

There are currently no known outstanding effects for the The Rules for Direct Payments to Farmers (Amendment) Regulations 2020, Section 5.