STATUTORY RULES OF NORTHERN IRELAND

2020 No. 105

AGRICULTURE

The Direct Payments to Farmers (Controls and Checks) (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020

Made - - - -	*19th June 2020*
Coming into operation	*20th July 2020*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by Article 62(2) of 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(**1**), in so far as it relates to direct payment schemes makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Controls and Checks) (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020 and come into operation on the 20th July 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of Regulation 809/2014

2.—(1) Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(**3**) is amended in accordance with paragraphs (2)-(7).

(**1**) EUR 2013/1306, in so far as relating to the direct payment schemes, was incorporated into domestic law with effect from 31 January 2020 (exit day) by the Direct Payment to Farmers (Legislative Continuity) Act 2020 (c. 2). Article 62(2) was amended by regulation 7(4) of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90) the powers are exercisable by the Department of Agriculture, Environment and Rural Affairs (Article 2(1)(k) and (m) EUR 2013/1306 inserted by S.I. 2020/90). There are other amending instruments but none are relevant to these Regulations.

(**2**) 1954 c. 33 (N.I.).

(**3**) EUR 2014/809 in so far as relating to the direct payment schemes, was incorporated into domestic law with effect from 11pm on 31 January 2020 (“exit day”) by the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2) and amended by regulation 14 of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 S.I. 2020/90. There are other amending instruments but none are relevant to these Regulations.

(2) In Article 24(4), at the end insert the subparagraph—

"By way of derogation from the first subparagraph, the competent authority may, fully substitute the physical inspections to be carried out under this Regulation in respect of claim year 2020 by the use of photo-interpretation of satellite or aerial ortho-images or other relevant evidence including evidence provided by the beneficiary, such as geo-tagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority."

(3) In Article 26(4), at the end insert the subparagraph—

"In respect of claim year 2020, checks under this paragraph may be carried out by the use of new technologies, including geo-tagged photos, or other relevant evidence, as well as remote sensing."

(4) After Article 30, insert—

"Article 30a

Control rates for claim year 2020

1. By way of derogation from Article 30, the control samples for on-the-spot checks in respect of claim year 2020 must cover at least:

(a) 1% of all beneficiaries applying for the basic payment scheme;

(b) 3% of all beneficiaries applying for the payment for young farmers."

(5) After Article 31, insert—

"Article 31a

Control rate for the greening payment in claim year 2020

1. By way of derogation from Article 31, the control sample for on-the-spot checks for the greening payment in respect of claim year 2020 is 3% of all beneficiaries required to observe the agricultural practices beneficial for the climate and the environment.

2. The control rate in paragraph 1 must include at least 3% of all beneficiaries having areas covered with permanent grasslands that are environmentally sensitive in areas covered by Council Directive 92/43/EEC or Directive 2009/147/EC of the European Parliament and of the Council and further sensitive areas referred to in Article 45(1) of EUR 2013/1307."

(6) In Article 33a, after paragraph 2, insert the following paragraph—

"**3.** Paragraphs 1 and 2 do not apply in respect of claim year 2020."

(7) In Article 68(1), after the second subparagraph, insert the subparagraph—

"For the purposes of checks in respect of claim year 2020, the first subparagraph applies as if for "1%" there were substituted "0.5%""