Commission Implementing Regulation (EU) 2020/2086 of 14 December 2020 amending Implementing Regulation (EU) 2020/532 as regards a derogation from Implementing Regulation (EU) No 809/2014 for checks by monitoring relating to aid applications for area-related aid schemes and payment claims for area-related support measures

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2086

of 14 December 2020

amending Implementing Regulation (EU) 2020/532 as regards a derogation from Implementing Regulation (EU) No 809/2014 for checks by monitoring relating to aid applications for area-related aid schemes and payment claims for area-related support measures

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(1)], and in particular points (a) and (b) of the first subparagraph of Article 62(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2020/532[(2)] contains certain derogations from, inter alia, Commission Implementing Regulation (EU) No 809/2014[(3)] as regards certain administrative and on-the-spot checks applicable within the common agricultural policy.

(2) Certain elements of checks by monitoring implemented under Article 40a of Implementing Regulation (EU) No 809/2014 require visits in the field. However, due to movement restrictions put in place to address the pandemic of COVID-19, in the year 2020 Member States may not be in a position to carry out those checks as required by that Article. Therefore it is appropriate to provide for a derogation from certain provisions of that Article.

(3) Implementing Regulation (EU) 2020/532 should therefore be amended accordingly.

(4) As this Regulation provides for an additional derogation from Implementing Regulation (EU) No 809/2014 in respect of claim year 2020 due to the pandemic of COVID-19, it should enter into force on the day of its publication in the *Official Journal of the European Union* and apply retroactively from the same date as Implementing Regulation (EU) 2020/532.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments and the Rural Development Committee,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2086. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

In Implementing Regulation (EU) 2020/532, the following Article 4a is inserted:

Article 4a

By way of derogation from the first sentence of point (c) of the first subparagraph of Article 40a(1) and point (b) of Article 40a(2) of Implementing Regulation (EU) No 809/2014, where due to the measures put in place to address the pandemic of COVID-19 Member States are not in a position to carry out all the checks that require field inspections, the following shall apply in respect of claim year 2020:

(a) the relevant checks relating to the eligibility criteria, commitments and other obligations shall be carried out for at least 3 % of the beneficiaries concerned;

(b) the verifications of tetrahydrocannabinol content in hemp shall be made for at least 10 % of the area.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 20 April 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2020.

For the Commission

The President

Ursula VON DER LEYEN