
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No.

**The Direct Payments to Farmers (Simplifications)
Regulations (Northern Ireland) 2021**

PART 2

**Removal of the payment for agricultural practices
beneficial to the climate and the environment**

Amendment of Regulation (EU) No. 1306/2013

3.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy⁽¹⁾ is amended as follows.

(2) In Article 12—

(a) omit “the agricultural practices beneficial for the climate and the environment laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and”;

(b) for “that Regulation” substitute “Regulation (EU) No 1307/2013”.

(3) In Article 67 (integrated administration and control system – scope and terms used) in paragraph 4(b) omit “the payment for agricultural practices beneficial for the climate and the environment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013;”.

(4) In Article 70, omit paragraph 2.

(5) In Article 77, omit paragraph 6.

Amendment of the Direct Payments Regulation

4.—(1) The Direct Payments Regulation is amended as follows.

(2) In Article 1, omit point (b)(iv).

(3) In Article 22, in paragraph 5, after “as a result of”, insert “the removal of the payment for agricultural practices beneficial for the climate and the environment or”.

(4) After Article 32, insert—
“Article 32A

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.

2. Without prejudice to Directive 2004/35/CE of the European Parliament and of the Council where a farmer has converted or ploughed permanent grassland that is subject to the obligation referred to in paragraph 1 the relevant authority shall provide for the obligation to

(1) EUR 2013/1306 as amended in relation to direct payment schemes by S.I. 2020/90 and 576. EUR 2013/1306 is also amended by S.I. 2019/748 (as amended by S.I. 2019/831), 763 (as amended by S.I. 2019/812), 831 and 1402. However, by virtue of the amendments in The Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020, these amendments do not have effect in relation to direct payment schemes

reconvert the area into permanent grassland and may, on a case by case basis, issue precise instructions to be respected by the farmer concerned on how to reverse the environmental damage caused in order to restore the environmentally sensitive status.

3. The farmer shall be informed without delay after the non-compliance has been established of the obligation to reconvert and of the date before which that obligation is to be complied with. That date shall not be later than the date for the submission of the single application for the following year.

4. By way of derogation from Article 4(1)(h) of Regulation (EU) No 1307/2013, the land reconverted shall be considered as permanent grassland as of the first day of reconversion and be subject to the obligation referred to in paragraph 1.”

(5) In Title III, omit Chapter 3.

(6) In Annex I, in the table, omit the entry relating to “Title III, Chapter 3 of this Regulation” across all three columns.

(7) Omit Annex IX.

(8) Omit Annex X.

Amendment of Commission Delegated Regulation (EU) No 639/2014

5.—(1) Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation(2) is amended as follows.

(2) In Article 1, omit point (d).

(3) Omit Chapter 3.

(4) Omit Annex II.

Amendment of Commission Delegated Regulation (EU) No 640/2014

6.—(1) Commission Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council 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(3), is amended as follows.

(2) In Article 2, in paragraph 1, in sub-paragraph (22) omit “use of area in terms of the type of crop as referred to in Article 44(4) of Regulation (EU) No 1307/2013,”.

(3) In Article 5, in paragraph 2—

(a) omit point (c);

(b) for point (d) substitute—

“(d) determine whether areas covered with permanent grassland which are environmentally sensitive as referred to in Article 32A of Regulation No 1307/2013 apply.”.

(4) In Article 16, in paragraph 1, in the second subparagraph for “Article 28(2)” substitute “Article 18a(2)”.

(2) EUR 2014/639 as amended by [S.I. 2020/91](#) and [576](#).

(3) EUR 2014/640 as amended in relation to direct payment schemes by [S.I. 2020/90](#). EUR 2014/640 is also amended by [S.I. 2019/765](#). However, by virtue of the amendments in The Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020, these amendments do not have effect in relation to direct payment schemes.

(5) Insert Article 18a—

“1. If a non-compliance with Article 32a(1) of Regulation No 1307/2014 has been determined, the area calculated in relation to the basic payment in accordance with Article 18 of this Regulation shall be reduced by the area determined as non-compliant with the requirements of Article 32a(1) of Regulation (EU) No 1307/2013.

2. If a beneficiary does not declare all his permanent grassland which is environmentally sensitive in accordance with Article 32a(1) of Regulation No 1307/2013 and the non-declared area is more than 0,1 ha, the area to be used for the calculation of the basic payment after application of paragraph (1) shall be further reduced by 10 %.”

(6) In Title II, in Chapter IV—

(a) in the title to Section 2, omit “, except the payment for agricultural practices beneficial for the climate and the environment”;

(b) omit Section 3.

Amendment of the Direct Payments Implementing Regulation

7.—(1) The Direct Payments Implementing Regulation is amended as follows.

(2) In Article 1, omit point (c).

(3) Omit Article 11.

Amendment of Commission Implementing Regulation (EU) No 809/2014

8.—(1) Commission Implementing Regulation (EU) No 809/2014 of 17 July 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⁽⁴⁾ is amended as follows.

(2) In Article 15, in paragraph 2, omit the third subparagraph.

(3) In Article 17—

(a) in paragraph 4, in the second subparagraph, omit the final sentence;

(b) in paragraph 5—

(i) in the first subparagraph—

(aa) in the first sentence, omit “and, where applicable, the type, size and location of the ecological focus areas”;

(bb) omit the second sentence;

(ii) in the second subparagraph, in the second sentence, omit “or, where applicable, the size and location of the ecological focus areas”;

(c) omit paragraph 6.

(4) Omit Article 18.

(5) In Article 26, in paragraph 4, omit the second sub-paragraph.

(6) In Article 27, omit from “The relevant authority shall also ensure” to the end of that Article.

(7) Omit Article 31.

(8) Omit Article 31a.

(4) EUR 2014/809 as amended in relation to direct payment schemes by S.I. 2020/90 and 576. EUR 2014/809 is also amended by S.I. 2019/765. However, by virtue of the amendments in The Agriculture (Payments) (Amendment, etc) (EU Exit) Regulations 2020, these amendments do not have effect in relation to direct payment schemes.

- (9) In Article 37, omit paragraph 3.
- (10) In Article 38, omit paragraph 6.
- (11) In Article 39, omit paragraph 3.
- (12) Omit Article 44.

Amendment of the Common Agricultural Policy Basic Payment and Support Schemes Regulation (Northern Ireland) 2015

9.—(1) The Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015~~(5)~~ are amended as follows—

- (2) Omit regulation 18.
- (3) Omit regulation 19.
- (4) Omit regulation 21.
- (5) Omit the Schedule.