

Common agricultural policy (CAP): common rules for direct support schemes and certain support schemes for farmers; support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

2007/0177(CNS) - 14/02/2008 - Final act

PURPOSE: to simplify the rules on cross-compliance.

LEGISLATIVE ACT: Council Regulation (EC) N° 146/2008 amending Regulation (EC) N° 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and Regulation (EC) N° 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

CONTENT: the Council adopted a regulation simplifying the cross compliance provisions introduced by Regulation (EC) N° 1782/2003. The regulation provides for certain adjustments to the cross-compliance rules contained in

Regulation (EC) N° 1782/20031, in particular:

- ***de minimis***: in order to reduce the administrative burden, it will be possible for Member States to decide not to apply a reduction or exclusion amounting to EUR 100 or less per farmer and per calendar year, provided that remedial action is taken by the farmer;
- **minor infringements**: a measure of tolerance will be acceptable for minor cases of non-compliance, provided that Member States carry out appropriate follow up until the non-compliance has been remedied;
- **setting of the date for eligibility of land under the SPS ("10 month" rule)**:

In order to ensure that double claims are not made for the same land, Member States will determine an appropriate date which should be no later than the date fixed for amendment of the aid application. Consequently, the obligation for the parcels corresponding to the eligible hectare to be at the farmer's disposal for at least 10 months is repealed;

– **liability**: in the event of transfer of land, farmers who submit an aid application will be held liable vis-à-vis the competent authority with regard to any failure to fulfil the cross-compliance requirements for the calendar year concerned. This rule will not preclude private law arrangements under national legislation between farmers who made the aid application and the person to whom the land was transferred. This provision will apply as from 1 April 2008;

– **phasing-in period for new Member States**: it will be possible for new Member States applying the single area payment scheme to introduce a three year phasing-in period for the compliance with the statutory management requirements.

ENTRY INTO FORCE: 28/02/2008.

APPLICATION: the Regulation shall apply as from 1 January 2008 with the following exceptions: (a) Article 1(1)(a) shall apply as of 1 April 2008; (b) Article 1(4) shall apply as from 1 January 2007.