

COMMISSION REGULATION (EC) No 2930/95

of 18 December 1995

amending Regulation (EC) No 762/94 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 with regard to the set-aside scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 2800/95⁽²⁾, and in particular the second subparagraph of Article 7 (1) and Article 12 thereof,

Whereas, by virtue of its application since its introduction, the set-aside scheme established by Regulation (EEC) No 1765/92 must be considered an instrument for managing arable crop production whose rate is likely to be changed in each marketing year on the basis of the market situation; whereas this has been demonstrated by the fact that the Council has fixed as an exceptional measure in two consecutive marketing years a set-aside rate different to the basic rate;

Whereas, in this context, the detailed rules for applying the set-aside scheme laid down by Commission Regulation (EC) No 762/94⁽³⁾, as last amended by Regulation (EC) No 2015/95⁽⁴⁾, should allow producers to make an annual adjustment to any rate change decided; whereas, as a result, those producers who opted for the scheme provided for in Article 5 of that Regulation should be allowed, should they so wish, to revoke their undertaking without being penalized;

Whereas, however, the guarantee of a minimum rate of compensation in return for setting aside land for a minimum period is an important factor where certain environment measures are concerned; whereas the revocation of undertakings already entered into for land left fallow pursuant to Article 7 (1) of Regulation (EEC) No 1765/92 and for which environmental aid has been granted in addition to the set-aside compensation should not, therefore, be facilitated; whereas for these same reasons, access to the guarantee in respect of such land should be maintained;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.⁽²⁾ OJ No L 291, 6. 12. 1995, p. 1.⁽³⁾ OJ No L 90, 7. 4. 1994, p. 8.⁽⁴⁾ OJ No L 197, 22. 8. 1995, p. 2.

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 762/94 is amended as follows:

1. the following sentence is added to Article 4 (4):

‘However, this provision shall not apply to applications for area-related aid submitted in 1996 for the 1996/97 marketing year’;

2. the following is added to Article 5 (3):

‘(c) by informing the competent authority of it and submitting his application for area-related aid for the 1996/97 marketing year. However, parcels of land that have already benefited under the aid scheme provided for in the second subparagraph of Article 7 (4) of Regulation (EEC) No 1765/92 or Articles 2 (1) (g) and 10 of Regulation (EEC) No 2078/92 shall be excluded from this entitlement.’;

3. the following paragraph 5 is added to Article 5:

‘5. Entitlement pursuant to this Article is limited:

(a) to producers who opted for the scheme provided for in paragraph 1 before the entry into force of Commission Regulation (EC) No 2930/95^(*);

and

(b) producers who withdrew plots of land within the meaning of Article 7 (1) of Regulation (EEC) No 1765/92 and who, in respect of this land, benefit from aid granted pursuant to the second subparagraph of Article 7 (4) of that Regulation or Articles 2 (1) (g) and 10 of Regulation (EEC) No 2078/92.

^(*) OJ No L 307, 20. 12. 1995, p. 8.’*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 18 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission
