

Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (repealed)

## TITLE II

### RURAL DEVELOPMENT MEASURES

#### CHAPTER V

#### LESS-FAVoured AREAS AND AREAS WITH ENVIRONMENTAL RESTRICTIONS

##### *Article 13*

Support for less-favoured areas and areas with environmental restrictions shall contribute to the following objectives.

- (a) *Compensation for naturally less-favoured areas*
- to ensure continued agricultural land use and thereby contribute to the maintenance of a viable rural community,
  - to maintain countryside,
  - to maintain and promote sustainable farming systems which in particular take account of environmental protection requirements.
- (b) *Compensation for areas with environmental restrictions*
- to ensure environmental requirements and safeguard farming in areas with environmental restrictions.

##### *Article 14*

- 1 Farmers in less-favoured areas may be supported by compensatory allowances.
- 2 Compensatory allowances shall be granted per hectare of areas used for agriculture to farmers who:
- farm a minimum area of land to be defined,
  - undertake to pursue their farming activity in a less-favoured area for at least five years from the first payment of a compensatory allowance, and
  - apply usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming.
- 3 Where residues of substances prohibited under Directive 96/22/EC<sup>(1)</sup> or residues of substances authorised under that Directive but used illegally, are detected pursuant to the relevant provisions of Council Directive 96/23/EC<sup>(2)</sup> in an animal belonging to the bovine herd of a producer, or where an unauthorised substance or product, or a substance or product authorised under Directive 96/22/EC but held illegally is found on the producer's holding in any form, the producer shall be excluded from receiving compensatory allowances for the calendar year of that discovery.

*Status: Point in time view as at 01/05/2004.*

*Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1257/1999 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

In the event of a repeated infringement, the length of the exclusion period may, depending on the seriousness of the offence, be extended to five years from the year in which the repeated infringement was discovered.

In the event of obstruction on the part of the owner or holder of the animals when inspections are being carried out and the necessary samples are being taken in application of national residue-monitoring plans, or when the investigations and checks provided for under Directive 96/23/EC are being carried out, the penalties provided for in the first subparagraph shall apply.

#### Article 15

- 1 Compensatory allowances shall be fixed at a level which:
  - is sufficient in making an effective contribution to compensation for existing handicaps, and
  - avoids overcompensation.
- 2 Compensatory allowances shall be duly differentiated, taking into account:
  - the situation and development objectives peculiar to a region,
  - the severity of any permanent natural handicap affecting farming activities,
  - the particular environmental problems to be solved where appropriate,
  - the type of production and, where appropriate, the economic structure of the holding.
- 3 Compensatory allowances shall be fixed between the minimum and maximum amounts set out in the <sup>[F1]</sup>Annex I.

[<sup>F2</sup>Compensatory allowances higher than this maximum amount may be granted provided that the average amount of all compensatory allowances granted at the programming level concerned does not exceed this maximum amount. Member States may, for the purpose of calculating the average amount, present a combination of several regional programmes. However, in cases duly justified by objective circumstances, the average amount may be increased to the maximum average amount set out in the Annex I.]

#### Textual Amendments

- F1** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)
- F2** Substituted by [Council Regulation \(EC\) No 1783/2003 of 29 September 2003 amending Regulation \(EC\) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund \(EAGGF\).](#)

#### Article 16

[<sup>F21</sup> Payments to compensate for costs incurred and income foregone may be made to farmers who are subject to restrictions on agricultural use in areas with environmental restrictions as a result of the implementation of Directives 79/409/EEC<sup>(3)</sup> and 92/43/EEC<sup>(4)</sup>, if and in so far as such payments are necessary to solve the specific problems arising from the implementation of those Directives.]

- 2 Payments shall be fixed at a level which avoids overcompensation; this is especially necessary in the case of payments in less-favoured areas.

*Status: Point in time view as at 01/05/2004.*

*Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1257/1999 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F23</sup> The maximum amount eligible for Community support is laid down in the [<sup>F1</sup>Annex I. This amount may be increased in duly justified cases to take account of specific problems.

A support higher than this maximum amount may be granted during a period not exceeding five years from the date the provision imposing new restrictions becomes mandatory in accordance with Community legislation. This support shall be granted annually on a degressive basis and shall not exceed the amount set out in the Annex I].]

#### Textual Amendments

- F1** Substituted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F2** Substituted by Council Regulation (EC) No 1783/2003 of 29 September 2003 amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF).

#### Article 17

Less-favoured areas shall include:

- mountain areas (Article 18),
- other less-favoured areas (Article 19), and
- areas affected by specific handicaps (Article 20).

#### Article 18

1 Mountain areas shall be those characterised by a considerable limitation of the possibilities for using the land and an appreciable increase in the cost of working it due:

- to the existence, because of altitude, of very difficult climatic conditions, the effect of which is substantially to shorten the growing season,
- at a lower altitude, to the presence over the greater part of the area in question of slopes too steep for the use of machinery or requiring the use of very expensive special equipment, or
- to a combination of these two factors, where the handicap resulting from each taken separately is less acute but the combination of the two gives rise to an equivalent handicap.

2 Areas north of the 62nd Parallel and certain adjacent areas shall be treated in the same way as mountain areas.

#### Article 19

Less-favoured areas which are in danger of abandonment of land-use and where the conservation of the countryside is necessary, shall comprise farming areas which are homogeneous from the point of view of natural production conditions and exhibit all of the following characteristics:

- the presence of land of poor productivity, difficult cultivation and with a limited potential which cannot be increased except at excessive cost, and which is mainly suitable for extensive livestock farming,
- production which results from low productivity of the natural environment which is appreciably lower than the average, with regard to the main indices of economic performance in agriculture,

---

**Status:** Point in time view as at 01/05/2004.

**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1257/1999 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

---

- a low or dwindling population predominantly dependent on agricultural activity, the accelerated decline of which would jeopardise the viability of the area concerned and its continued habitation.

*Article 20*

[<sup>F3</sup>1.] Less-favoured areas may include other areas affected by specific handicaps, in which farming should be continued, where necessary and subject to certain conditions, in order to conserve or improve the environment, maintain the countryside and preserve the tourist potential of the area or in order to protect the coastline.

[<sup>F3</sup>2 Areas referred to in paragraph 1 may not exceed 10 % of the area of the Member State concerned.]

---

**Textual Amendments**

- F3** Inserted by [Council Regulation \(EC\) No 1783/2003 of 29 September 2003 amending Regulation \(EC\) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund \(EAGGF\)](#).

*<sup>F4</sup>Article 21*

---

**Textual Amendments**

- F4** Deleted by [Council Regulation \(EC\) No 1783/2003 of 29 September 2003 amending Regulation \(EC\) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund \(EAGGF\)](#).

---

**Status:** Point in time view as at 01/05/2004.

**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1257/1999 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

---

- (1) [OJ L 125, 23.5.1996, p. 3.](#)
- (2) [OJ L 125, 23.5.1996, p. 10.](#)
- (3) [<sup>F2</sup>[OJ L 103, 25.4.1979, p. 1.](#) Directive as last amended by Regulation (EC) No 807/2003 ([OJ L 122, 6.5.2003, p. 36.](#)).
- (4) [OJ L 206, 22.7.1992, p. 7.](#) Directive as last amended by Directive 97/62/EC ([OJ L 305, 8.11.1997, p. 42.](#)].]

---

#### **Textual Amendments**

- F2** Substituted by [Council Regulation \(EC\) No 1783/2003 of 29 September 2003 amending Regulation \(EC\) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund \(EAGGF\).](#)

**Status:**

Point in time view as at 01/05/2004.

**Changes to legislation:**

There are outstanding changes not yet made to Council Regulation (EC) No 1257/1999 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.