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► **B****COMMISSION REGULATION (EC) No 2316/1999**

**of 22 October 1999**

**laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops**

(OJ L 280, 30.10.1999, p. 43)

Amended by:

	Official Journal		
	No	page	date
► <b><u>M1</u></b> Commission Regulation (EC) No 1454/2000 of 3 July 2000	L 163	28	4.7.2000
► <b><u>M2</u></b> Commission Regulation (EC) No 2860/2000 of 27 December 2000	L 332	63	28.12.2000
► <b><u>M3</u></b> Commission Regulation (EC) No 556/2001 of 21 March 2001	L 82	13	22.3.2001
► <b><u>M4</u></b> Commission Regulation (EC) No 1157/2001 of 13 June 2001	L 157	8	14.6.2001
► <b><u>M5</u></b> Commission Regulation (EC) No 327/2002 of 21 February 2002	L 51	14	22.2.2002
► <b><u>M6</u></b> Commission Regulation (EC) No 335/2003 of 21 February 2003	L 49	3	22.2.2003
► <b><u>M7</u></b> Commission Regulation (EC) No 1035/2003 of 17 June 2003	L 150	24	18.6.2003
► <b><u>M8</u></b> Commission Regulation (EC) No 206/2004 of 5 February 2004	L 34	33	6.2.2004

Corrected by:

- **C1** Corrigendum, OJ L 328, 23.12.2000, p. 55 (2316/1999)



**COMMISSION REGULATION (EC) No 2316/1999  
of 22 October 1999**

**laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) Regulation (EC) No 1251/1999 replaced the support system for producers of certain arable crops provided for in Council Regulation (EEC) No 1765/92 <sup>(2)</sup>, as last amended by Regulation (EC) No 1624/98 <sup>(3)</sup>. Following the changes entailed by the new system and in view of experience gained, the rules on the application of the area payment system should be harmonised and, where appropriate, simplified. In the interests of clarity, it is appropriate to recast in a single act the provisions of the specific regulations governing the various aspects of that system, that is the following Commission regulations:

Regulation (EEC) No 2467/92 <sup>(4)</sup> as amended by Regulation (EEC) No 3738/92 <sup>(5)</sup>, Regulation (EEC) No 2836/93 <sup>(6)</sup>, as last amended by Regulation (EC) No 1503/97 <sup>(7)</sup>, Regulation (EC) No 762/94 <sup>(8)</sup>, as last amended by Regulation (EC) No 1981/98 <sup>(9)</sup>, Regulation (EC) No 1098/94 <sup>(10)</sup>, as last amended by Regulation (EC) No 1945/1999 <sup>(11)</sup>, Regulation (EC) No 1237/95 <sup>(12)</sup>, as last amended by Regulation (EC) No 2017/97 <sup>(13)</sup>, Regulation (EC) No 658/96 <sup>(14)</sup>, as last amended by Regulation (EC) No 610/1999 <sup>(15)</sup> and Regulation (EC) No 1577/98 <sup>(16)</sup>.

- (2) The area payments provided for in Regulation (EC) No 1251/1999 must be restricted to certain areas to be specified. Only one application for an area payment should be permitted in respect of any parcel cultivated in a given marketing year. Any parcel covered by an 'area' aid application under the common organisation of the market in any other product in respect of the same marketing year cannot qualify under the area payment scheme. Area payments can be granted on crops subsidized under a scheme falling within the Community's structural or environmental policies.
- (3) Article 7 of Regulation (EC) No 1251/1999 defines the land that is eligible for area payments. That Article authorises certain exceptions under the control of the Member States which must not undermine the effectiveness of the arrangements laid down in that Regulation. In order to avoid any such risk, suitable measures should be laid down to keep the total area of eligible

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 1.

<sup>(2)</sup> OJ L 181, 1.7.1992, p. 12.

<sup>(3)</sup> OJ L 210, 28.7.1998, p. 3.

<sup>(4)</sup> OJ L 246, 27.8.1992, p. 11.

<sup>(5)</sup> OJ L 380, 24.12.1992, p. 24.

<sup>(6)</sup> OJ L 260, 19.10.1993, p. 3.

<sup>(7)</sup> OJ L 202, 30.7.1997, p. 48.

<sup>(8)</sup> OJ L 90, 7.4.1994, p. 8.

<sup>(9)</sup> OJ L 256, 19.9.1998, p. 8.

<sup>(10)</sup> OJ L 121, 12.5.1994, p. 12.

<sup>(11)</sup> OJ L 241, 11.9.1999, p. 14.

<sup>(12)</sup> OJ L 121, 1.6.1995, p. 29.

<sup>(13)</sup> OJ L 284, 16.10.1997, p. 36.

<sup>(14)</sup> OJ L 91, 12.4.1996, p. 46.

<sup>(15)</sup> OJ L 75, 20.3.1999, p. 24.

<sup>(16)</sup> OJ L 206, 23.7.1998, p. 17.

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land at the current level and to prevent any appreciable increase therein. To that end, certain multiannual crops should be considered as included among rotating crops. Areas covered by restructuring programmes could also be considered eligible for area payments. It is necessary to define what is meant by restructuring, appreciable increases in agricultural area and the obligation to exchange eligible and ineligible land.

- (4) The sowing of land for the sole purpose of qualifying for area payments should be prevented. Certain conditions relating to the sowing and cultivation of crops must be specified, in particular as regards oilseeds, protein plants, linseed and durum wheat. Local standards must be respected in order to reflect the diversity of agricultural practice within the Community.
- (5) In order to foster the Community's policy of quality improvement, only applicants who have sown seed of specified varieties and qualities should be eligible for area payments in respect of colza and rape seed. For determining eligible varieties, reference should be made for the sake of consistency, simplification and good management, to the Common Catalogue of Varieties of Agricultural Plant Species established by Council Directive 70/457/EEC <sup>(1)</sup>, as last amended by Directive 98/96/EC <sup>(2)</sup>, while for the 2000/01 marketing year, reference should be made to the varieties eligible under the previous scheme for the sake of clarity and to maintain continuity. The Community's glucosinolate and erucic acid standards for colza and rape seed should be clarified and tests should be laid down to measure the glucosinolate and erucic acid content of seed samples. It is necessary to clarify the position regarding variety associations of colza and rape seed and certain other categories of seed. The varieties of sunflower seed which constitute confectionery sunflower seed should be specified.
- (6) The Member States in which maize is not grown traditionally may set a base area for silage grass. It is necessary to define what is meant by silage grass.
- (7) Standards for sweet lupins and tests to determine whether or not a sample of lupins is sweet should be laid down.
- (8) Article 5 of Regulation (EC) No 1251/1999 provides for the granting of a supplement to the area payment to producers of durum wheat in traditional production regions within a maximum guaranteed area for each Member State concerned. That maximum guaranteed area may be distributed among the regions of production. A *de minimis* rule on the size of such production regions should be introduced to prevent their fragmentation and so that the principle of proportionality is complied with in the application of any penalties incurred for overshoots. Areas eligible for the special aid for durum wheat in non-traditional areas have been allocated to certain Member States. The regions of the Member States allocated such areas should be defined. Regulation (EC) No 1251/1999 provides that certified durum wheat seed must be used. Specific measures should be taken to ensure that such seed is used. A minimum quantity and a transitional period over which the quantity of that seed used is to be attained must be set in order to avoid supply difficulties or disturbances on the market in certified seed. In view of the diversity of agricultural practice within the Member States and within regions thereof, the setting of the minimum quantity and the adoption of any transitional measures needed should be left to the Member States concerned.
- (9) Regulation (EC) No 1251/1999 provides *inter alia* for the area payment scheme to apply subject to a system of regional base areas. With a view on the one hand to the transparency needed and on the other to satisfactory management of those areas, the

<sup>(1)</sup> OJ L 225, 12.10.1970, p. 1.

<sup>(2)</sup> OJ L 25, 1.2.1999, p. 27.

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number of hectares eligible under the area payment scheme and the way they are distributed need to be determined for each Member State.

- (10) Article 3 of Regulation (EC) No 1251/1999 allows regionalisation plans to differentiate between irrigated and non-irrigated areas. What is meant by irrigation should be defined. A separate base area may be established for maize. In some Member States, this area may largely concern silage maize. By the nature of silage maize, yields may not be expressed in tonnes per hectare. The yield applicable in this case should therefore be defined. The Member States should be given the opportunity to lay down the yield applicable to silage maize in relation to the yield of comparable arable crops in the region concerned.
- (11) The areas to be taken into account with a view to assessing any overshoot in the base area and the rules for determining the extent of such overshoots should be specified. Where a separate base area is established for maize, irrigated areas or silage grass, special rules must be laid down as regards the areas to be taken into account with a view to calculating any overshoot in the base area in question. The rules for determining any overshoot in the base area must ensure that the base area is complied with in all cases. The way the overshoot is to be calculated in respect of the maximum guaranteed areas for durum wheat should also be specified.
- (12) In order to prevent complicated regionalisation plans resulting in actual yields appreciably in excess of the reference yields, Regulation (EC) No 1251/1999 provides for area payments to be adjusted in the following marketing year in proportion to the overshoot of the average yield resulting from the regionalisation plans. The data necessary for calculating any overshoot of the reference yields must be available in good time. The procedure to be followed for establishing such overshoots should be specified and the reference yields resulting from regionalisation plans as determined in accordance with the criteria laid down in Article 3 of that Regulation should be fixed.
- (13) Pursuant to Article 2 of Regulation (EC) No 1251/1999, eligibility for area payments is conditional on an obligation on the producers concerned to set aside part of the area on their holdings. In order to ensure that such set-aside contributes to better balance on the market, detailed implementing rules capable of ensuring that the scheme has the necessary effectiveness and that it is consistent with the overall system introduced by Regulation (EC) No 1251/1999 should be laid down. To that end, while areas other than those referred to in Article 7 of that Regulation should not be definitively excluded from the scheme, provision should be made for the areas counting as set-aside to be comparable with those counting for the purposes of calculating the regional base area. The scheme's effectiveness may be enhanced if provision is also made for set-aside to apply to unbroken areas of a minimum size. Provisions should also be laid down regarding environmental protection and the maintenance and utilisation of the areas set aside. Regulation (EC) No 1251/1999 exempts from the set-aside obligation producers whose application does not exceed production equivalent to 92 tonnes of cereals. The method for calculating the 92-tonne production limit must be specified. For the sake of clarity, provisions must be laid down for cases where the set-aside obligation is not met.
- (14) The minimum period for which land is to be set aside must extend at least over the growing cycle of the arable crops covered by Regulation (EC) No 1251/1999. However, in order to take certain specific circumstances into account, it should be possible for land set aside to be used before the minimum set-aside period expires.
- (15) Rules should be laid down to ensure that farmers who undertake to set aside certain areas for a period not exceeding five

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marketing years receive a minimum payment. The adjustments and penalties applicable under the scheme should be laid down.

- (16) Council Regulation (EEC) No 3653/90 of 11 December 1990 introducing transitional measures governing the common organisation of the market in cereals and rice in Portugal <sup>(1)</sup>, as amended by Commission Regulation (EC) No 1664/95 <sup>(2)</sup>, provides for direct aid per hectare for certain cereals grown in Portugal during a transitional period. Pursuant to Article 6(4) of Regulation (EC) No 1251/1999, such aid may be taken into account for the purposes of calculating the compensation for compulsory set-aside only.
- (17) Article 8(2) of Regulation (EC) No 1251/1999 requires producers of cereals, oilseeds and protein plants to complete sowing by 31 May at the latest. In certain cases, sowing can be put off until after 31 May because of the climate. The deadline for sowing and for submitting applications should be extended for certain crops in certain regions. However, such extensions should not adversely affect the effectiveness of the support system or undermine the control system introduced by Council Regulation (EEC) No 3508/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 1036/1999 <sup>(4)</sup>.
- (18) In order to ensure that the processing industry receives regular supplies of sweetcorn throughout the marketing year, producers must be able to spread their sowings over a longer period. The final date for sowing sweetcorn should therefore be deferred to 15 June.
- (19) Article 10(7) of Regulation (EC) No 1251/1999 provides that those Member States where there is a risk that the reference area may be substantially exceeded can limit the area in respect of which individual producers may apply for crop-specific oilseeds area payments. That limit must be laid down on the basis of objective criteria and expressed as a percentage of the producer's eligible agricultural area. That limit may vary from one regional base area to another. Producers must be notified of that limit by a given date before oilseed sowing commences. Where any producers' applications for crop-specific oilseeds area payments cover an area in excess of the limit, the area over the limit must be excluded from the application. The area on which area payments for land set aside are payable may need to be reduced accordingly.
- (20) In order to ensure that the area payment system functions properly in respect of any given marketing year, statistical monitoring must be carried out on the application of the system for that year. For the purposes of budget forecasts at Community level, provisional figures must be available by 15 September at the latest of the year in progress. The date by which the definitive rate of any overshoot is to be notified must be fixed. The data serving as the basis for calculating any overshoots in the base areas and in the maximum guaranteed areas for durum wheat and any breakdown of the latter into base sub-areas or regions must be available in good time.
- (21) The scheme provided for by Regulation (EC) No 1251/1999 will apply as from marketing year 2000/01. In order for the producers concerned to be able to sow as well as carry out the possible set-aside and submit their area payment applications for the said marketing year in the knowledge of and in compliance with the rules for the application of the new scheme, the provisions of the present Regulation should enter into force as soon as it is published in the *Official Journal of the European Communities*.

<sup>(1)</sup> OJ L 362, 27.12.1990, p. 28.

<sup>(2)</sup> OJ L 158, 8.7.1995, p. 13.

<sup>(3)</sup> OJ L 355, 5.12.1992, p. 1.

<sup>(4)</sup> OJ L 127, 21.5.1999, p. 4.

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- (22) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

**CHAPTER I**

**Eligibility for area payments**

SECTION I

General provisions

*Article 1*

1. Area payments as provided for in Regulation (EC) No 1251/1999 shall be granted in accordance with the conditions laid down in this Regulation.
2. In a given marketing year, no more than one application for an area payment may be made in respect of any cultivated parcel.
3. No area payment may be granted on any cultivated parcel which is covered in respect of the same marketing year by an application for area-based aid under a scheme financed under Article 1(2)(b) of Council Regulation (EC) No 1258/1999 <sup>(1)</sup> for arable crops other than those covered by Regulation (EC) No 1251/1999.

*Article 2*

1. For the purposes of Article 7 of Regulation (EC) No 1251/1999, the definitions of 'permanent pasture', 'permanent crops', 'multi annual crops' and 'restructuring programme' shall be those set out in Annex I.
2. Land on which aid has been granted under Title I of Council Regulation (EEC) No 2328/91 <sup>(2)</sup> or under Council Regulation (EEC) No 3766/91 <sup>(3)</sup> or, in the case of Finland and Sweden, land set aside under a national set-aside scheme shall be considered eligible for area payments.
3. Areas newly declared eligible by the Member States under a restructuring programme must not exceed the area newly declared ineligible under that programme by more than 5 %. However, the following shall not be taken into account when the abovementioned increase is determined:
  - (a) in the new German *Länder*, 2 500 ha affected by the restructuring of agricultural land in the period from 1 January to 30 June 1992 and planted with arable crops for harvest in 1993;
  - (b) the remaining land covered by plans for the grubbing-up of wine-growing areas for the 1991/92 wine year approved before 31 December 1991 under Council Regulations (EEC) No 1442/88 <sup>(4)</sup> and No 2239/86 <sup>(5)</sup> and carried out within the time limits laid down therein.
4. Pursuant to the third paragraph of Article 7 of Regulation (EC) No 1251/1999, the Member States may not increase their total eligible agricultural area, either temporarily or permanently, by more than 0,1 % of their total base area.

The Member States shall send the Commission an annual list of authorisations issued pursuant to the third paragraph of Article 7 of Regulation (EC) No 1251/1999, specifying the number of farmers, the areas concerned and the reasons.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(2)</sup> OJ L 218, 6.8.1991, p. 1.

<sup>(3)</sup> OJ L 356, 24.12.1991, p. 17.

<sup>(4)</sup> OJ L 132, 28.5.1988, p. 3.

<sup>(5)</sup> OJ L 196, 18.7.1986, p. 1.

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In duly substantiated special cases, the limit laid down in the first subparagraph may be revised in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92 <sup>(1)</sup>.

5. Cases as referred to in the fourth paragraph of Article 7 of Regulation (EC) No 1251/1999 shall be those where producers are able to give relevant, objective reasons for exchanging ineligible land for eligible land on their holdings, provided that the Member State has checked that there are no valid reasons for refusing such exchanges, in particular from the viewpoint of environmental risks. Under no circumstances may exchanges result in any increase in the total area of eligible arable land on the holding. The Member States shall provide for a system for the prior notification and approval of such exchanges.

By 31 May at the latest each year, the Member States shall submit plans to the Commission comprising a list of the criteria on the basis of which exchanges have been approved and evidence to the effect that the total area of eligible land has not increased as a result of such exchanges.

*Article 3*

1. Area payments for arable crops shall be paid solely on areas:
  - (a) located in regions declared by the Member State as climatically and agriculturally suitable for growing arable crops. The Member States shall have the power to decide that any region is not suitable for producing certain arable crops;
  - (b) fully sown in accordance with local standards. Where cereals are sown in a mixture with oilseeds or protein plants, or where oilseeds are sown in a mixture with protein plants, the lowest rate of area payment shall apply;

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- (c) on which the crop is maintained until at least the beginning of flowering under normal growing conditions in accordance with local practice.

Crops of oilseeds, protein plants, linseed, fibre flax and durum wheat must continue to be cultivated under normal growing conditions in accordance with local practice at least until 30 June prior to the marketing year in question, unless they are harvested at full maturity before that date. Protein plants may not be harvested until after the stage of lactic ripeness.

In the case of hemp grown for fibre, so that the checks provided for in Article 5a(2) of Regulation (EC) No 1251/1999 can be made, crops must continue to be cultivated under normal growing conditions in accordance with local practice at least until 10 days after the end of flowering. However, the Member State may authorise hemp grown for fibre to be harvested after flowering has begun but before the end of the 10-day period after flowering, provided the inspectors indicate which representative parts of each plot concerned must continue to be cultivated until ten days after flowering for inspection purposes, in accordance with the procedure laid down in Annex XIII;

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- (d) covered by applications in respect of at least 0,3 ha, each parcel cultivated being larger than the minimum size fixed by the Member State for the region concerned.

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1a Notwithstanding paragraph 1(c), areas fully sown the crops from which, cultivated in accordance with local standards, do not attain the time limits fixed for the various types of crops in that paragraph as a result of exceptional weather conditions recognised by the Member States shall remain eligible for area payments provided that the areas in question are not used for any other purpose up to those time limits.

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

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2. Where any producer's eligible areas are located in more than one region of production, the amount payable shall be determined by the location of each area covered by his application.
3. Member States that treat maize separately in regions where maize is grown principally for silage shall be authorised to apply the yield for a feed grain in that region to all areas under maize in the regions in question.

## SECTION 2

## Special provisions covering certain arable crops

*Article 4***▼M7**

1. The Member States shall apply a quality policy in respect of colza and rape seed by limiting areas eligible for area payments to those sown with certified seed of double-zero (00) varieties of colza and rape seed notified and entered as such in the common catalogue of varieties of agricultural plant species established by Council Directive 2002/53/EC <sup>(1)</sup> prior to any payment. Where a variety is removed from the common catalogue, it shall continue to be eligible until 30 June of the third year following that in which it was included at the latest. Double-zero varieties shall be those producing seed with a maximum glucosinolate content of 25 µmol/g at a moisture content of 9 %, as determined by method EN ISO 9167-1: 1995, and an erucic acid content of not more than 2 % of the total fatty acid content, as determined by method EN ISO 5508: 1995.

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2. By way of derogation from paragraph 1, the Member States may include areas sown with one or more of the following categories of rape and colza seed among those eligible for area payments:
  - (a) certified seed of double zero variety associations the components of which have been notified and entered where appropriate as double zero in the Common Catalogue of Varieties of Agricultural Plant Species;

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- (b) seed harvested from certified seed of double zero varieties grown on the same holding;

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- (c) seed of stocks registered, prior to sowing, for inspection and control and intended to yield a crop for use as breeders', pre-basic, basic or certified seed for sowing, research or testing purposes to determine whether the stock may be added to a Member State's national variety list and, subsequently, to the Common Catalogue as a double zero variety;
- (d) certified seed of the 'Bienvenu' and 'Jet Neuf' varieties covered by a cultivation contract signed prior to sowing by the producer and a buyer specially approved to that end by the competent authority of the Member State, with a view to obtaining seed for the production of oil intended for specified uses in food or feed;
- (e) seed of stocks with an erucic acid content of more than 40 % of the total fatty acid content and covered by a cultivation contract concluded, prior to sowing, with an approved first buyer with a view to obtaining seeds intended for a specified non-food use or for use as seed for sowing to obtain such a crop.

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4. For the 2000/01 marketing year, areas sown with certified seed of varieties and variety associations listed in Annex II to Regulation (EC) No 658/96 shall also be eligible for area payments.

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 1.



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5. For the purposes of Article 10(9) of Regulation (EC) No 1251/1999, varieties of sunflower seed that constitute confectionery sunflower seed shall be as listed in Annex II.

*Article 5*

‘Sweet lupins’ means those varieties of lupins producing seed comprising not more than 5 % bitter seeds. The bitter seed content shall be calculated in accordance with the test set out in Annex III.

*Article 6*

1. For the purposes of the first paragraph of Article 5 of Regulation (EC) No 1251/1999, producers of durum wheat in the zones listed in Annex II to that Regulation shall receive the supplement to the area payment within the maximum guaranteed area set out in Annex III to that Regulation.

For the purposes of Annex II to Regulation (EC) No 1251/1999, Pannonia in Austria shall comprise the zones listed in Annex IV to this Regulation.

2. Where the maximum guaranteed area is distributed among the production zones and production regions as provided for in the third paragraph of Article 5 of Regulation (EC) No 1251/1999, the following provisions shall apply:

- (a) if any production region is less than 500 ha in area, the Member States concerned may join the region in question to an adjacent production region;
- (b) in Italy, account may be taken of the areas traditionally sown to durum wheat and set aside under the five-year scheme from 1993 to 1997;
- (c) by 15 September at the latest of the marketing year preceding that in respect of which the area payment application is made, the Member States concerned shall notify the producers and the Commission of the distribution of the maximum guaranteed area.

3. Special aid as provided for in the fourth paragraph of Article 5 of Regulation (EC) No 1251/1999 shall be granted in the zones listed in Annex V to this Regulation for up to the maximum number of hectares set out in Annex IV to Regulation (EC) No 1251/1999 in respect of any parcel eligible for the payment for areas under arable crops provided for in Article 1 of that Regulation and sown to durum wheat.

4. For the purposes of granting aid for durum wheat as referred to in paragraphs 1 and 3, ‘area’ aid applications as referred to in Article 4 of Commission Regulation (EEC) No 3887/92 <sup>(1)</sup> must contain all information required for identifying parcels sown to durum wheat and must be accompanied by proof that certified seed has been used.

Aid applications in respect of durum wheat shall be valid only where:

- (a) an area payment application is submitted in respect of the same number of hectares under durum wheat;
- (b) seed certified in accordance with Council Directive 66/402/EEC <sup>(2)</sup> is used.

5. The Member States shall fix the minimum quantity of certified seed to be used in accordance with agricultural practice in the Member State concerned.

A transitional period of up to three years commencing on 1 July 1998 may be allowed for the quantity of such seed used to reach the minimum, in accordance with the specific measures notified to the Commission by the Member States by 30 June 1998 at the latest.

<sup>(1)</sup> OJ L 391, 31.12.1992, p. 36.

<sup>(2)</sup> OJ 125, 11.7.1966, p. 2309/66.

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Where a discrepancy is found between the minimum quantity of certified seed fixed by the Member State and the quantity actually used, the area shall be calculated by dividing the total quantity of certified seed for which the producer has furnished proof of use by the minimum quantity per hectare laid down by the Member State for the region of the producer in question. The area thus determined shall be used, after the abovementioned reductions have been made, for calculating the entitlement to the supplement or the special aid.

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6. The supplement to the area payment and the special aid for durum wheat shall be paid at the same time as the area payment.

*Article 7*

1. For the purposes of Article 1(3) of Regulation (EC) No 1251/1999, 'silage grass' means the crop grown on areas mainly sown to herbaceous grasses and harvested green at least once a year with a view to preservation in an enclosed environment by anaerobic fermentation. ►M4 Areas registered for growing grass seed certified in accordance with Directive 66/401/EEC during the marketing year in question shall not qualify for area payments. ◀

2. The provisions of this Regulation, with the exception of the condition relating to flowering in Article 3(1)(c), shall apply to silage grass.

3. Producers in the Member States that make provision for a specific area for silage grass as set out in Annex VI shall be eligible for area payments in respect of silage grass.

**▼M2***Article 7a*

1. For the purposes of Article 5a(1) of Regulation (EC) No 1251/1999, the area payment for flax and hemp grown for fibre is subject to:

- (a) the submission of a copy of the contract or commitment referred to in Article 2(1) of Council Regulation (EC) No 1673/2000 <sup>(1)</sup> by 15 September at the latest after lodging the payment application referred to in Article 8(2) of Regulation (EC) No 1251/1999 or by an earlier date laid down by the Member State; and
- (b) the use of seed of the varieties listed in Annex XII on 15 May preceding the year in respect of which the area payment application is made. In the case of hemp grown for fibre, the seed must also be certified in accordance with Council Directive 69/208/EEC <sup>(2)</sup>.

2. To allow checks on the fibre flax seed and certified seed of hemp grown for fibre used, the 'area' aid application referred to in Article 4 of Regulation (EEC) No 3887/92 must be accompanied by the official labels introduced by Directive 69/208/EEC and in particular Article 10 thereof, or provisions adopted on the basis of that Article, on the packaging of the seed used or, in the case of flax grown for fibre, any other document recognised as equivalent by the Member State concerned, including the certification provided for in Article 14 of that Directive. Where sowing takes place after the deadline for submitting 'area' aid applications, the labels or documents recognised as equivalent shall be submitted by 30 June at the latest following the submission of the application.

Where labels for seed of hemp grown for fibre also have to be submitted to other national authorities, the Member States may provide for those labels to be returned to the farmer once they have been submitted to the authorities responsible for 'area' aid applications.

<sup>(1)</sup> OJ L 193, 29.7.2000, p. 16.

<sup>(2)</sup> OJ L 169, 10.7.1969, p. 3.

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3. For the purposes of granting the area payment for hemp grown for fibre, the 'area' aid application referred to in Article 4 of Commission Regulation (EEC) No 3887/92 must contain:

- (a) all information required for identifying parcels sown to hemp for each variety of hemp sown; and
- (b) information on the quantities of seed used (kg per hectare).

The Member States may fix the minimum sowing rate compatible with good hemp-growing practice. This information shall be sent to the Commission by 15 May 2001 at the latest.

*Article 7b*

1. For the purposes of Article 5a(2) of Regulation (EC) No 1251/1999, the method to be used by the competent authorities of the Member State for determining tetrahydrocannabinol (THC) levels on a percentage of areas under hemp grown for fibre for which payment applications have been made is described in Annex XIII.

The Member States shall send the Commission, by 15 November of the marketing year in question at the latest a report on the THC content findings. The report shall indicate, for each variety:

- (a) for procedure A, indication of the point at which the sample was taken;
- (b) the number of tests carried out;
- (c) the results in terms of THC content, shown separately for each 0,1 %,
- (d) measures taken at national level.

Where the checks show, for a significant number of samples of a given variety, THC contents exceeding that laid down in the second subparagraph of Article 5a(1) of Regulation (EC) No 1251/1999, the Commission may, without prejudice to any other measures it might take, decide in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 to use procedure B for the variety concerned in the course of the following marketing year.

**▼M5**

The varieties of hemp grown for fibre listed in point 2(b) of Annex XII to this Regulation shall be subject to procedure B during the 2002/03 marketing year in all Member States growing those varieties.

**▼M2**

2. Checks on the THC content of the crops grown on at least 30 % of the areas of hemp grown for fibre for which area aid applications have been made must cover at least 30 % of the applications in question and all the varieties of seed used.

Member States shall notify the Commission, by 15 May 2001 at the latest, of the detailed rules and conditions linked to the system of prior approval of crops allowing the minimum percentage of areas of hemp grown for fibre for which area applications have been made on which the THC content is to be checked to be reduced from 30 % to 20 %. Any amendment of these detailed rules or conditions must be notified to the Commission. Where such a system is applied, checks must cover at least 20 % of the applications in question and all the varieties of seed used.

3. Applications to include a variety of hemp on the list given in Annex XII must be accompanied by a report giving the findings of analyses carried out in accordance with procedure B of the method described in Annex XIII and a description of the variety in question.



## CHAPTER II

### Base areas and reference yields

#### SECTION 1

##### General provisions

###### *Article 8*

The base areas as referred to in Articles 2 and 3 of Regulation (EC) No 1251/1999 shall be as set out in Annex VI.

###### *Article 9*

1. Where regionalisation plans provide for different yields for irrigated and non-irrigated land in accordance with Article 3(3) of Regulation (EC) No 1251/1999, the Member States shall lay down rules to determine whether or not areas are irrigated in the course of a marketing year. They shall in particular lay down:

- (a) a list of arable crops on which area payments may be granted at the rate for the irrigated yield;
- (b) a description of the irrigation equipment which the farmer must have at his disposal; such equipment must be commensurate with the area concerned and must allow for the supply of the water needed for the normal development of plants during their growth cycle;
- (c) the relevant irrigation period.

2. Paragraph 1 shall not apply where irrigation is a historical feature linked to the parcels and allows them to be distinguished and listed, like 'regadío' production regions in Spain.

#### SECTION 2

##### Area overshoot

###### *Article 10*

1. For the purposes of determining any overshoots in regional base areas in accordance with Article 2(4) of Regulation (EC) No 1251/1999, the competent authority of the Member State shall take account, on the one hand, of the regional base area fixed in Annex VI and, on the other hand, of the sum of areas covered by applications for area payments submitted in respect of each crop, including the corresponding compulsory set-aside. Any voluntary set-aside shall be included with areas other than irrigated, other than under maize and/or other than under silage grass.

2. The sum of the areas covered by aid applications submitted shall not include areas, or parts thereof, covered by applications that administrative checks show to be clearly unjustified.

Where applicable, the area actually determined during on-the-spot checks pursuant to Article 6 of Regulation (EEC) No 3887/92 shall count.

3. Areas sown to arable crops in accordance with Regulation (EC) No 1251/1999 and used in support of aid applications under Council Regulation (EC) No 1254/1999<sup>(1)</sup> shall be added to the sum of the areas covered by applications submitted, adjusted in accordance with paragraph 2.

4. The overshoot shall be calculated in accordance with the table in Annex VII.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

▼B*Article 11*

1. For the purposes of determining any overshoot in the maximum guaranteed area for durum wheat eligible for the supplement to the area payment, the competent authorities of the Member States shall take account, on the one hand, of the maximum guaranteed area laid down in Annex III to Regulation (EC) No 1251/1999, where applicable distributed among the regions, and, on the other hand, of the sum of the areas covered by applications for the supplement to area payments in respect of durum wheat, adjusted in accordance with Article 10(2) of this Regulation and, where applicable, reduced in accordance with Article 2(4) of Regulation (EC) No 1251/1999.

2. Paragraph 1 shall apply for the purposes of determining any overshoot in the maximum guaranteed areas eligible for the special aid for durum wheat set out in Annex IV to Regulation (EC) No 1251/1999.

*Article 12*

1. Where the areas referred to in Articles 10 and 11 are found to be exceeded, the Member State concerned shall, by 31 October of the marketing year in question, determine the definitive rate of overshoot truncated to two decimal points.

2. The definitive rate of overshoot thus determined shall be used to calculate the proportional reduction in the area eligible for:

- (a) the area payment in accordance with the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999;
- (b) the supplement thereto and the special aid for durum wheat, once the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999 has been applied.

*Article 13*

For the purposes of Article 2(6) of Regulation (EC) No 1251/1999, the Member States shall, by 15 September at the latest of the marketing year in respect of which the area payment is applied for, determine the following and shall notify the Commission thereof:

- (a) the national base area to be subdivided;
- (b) the criteria used by the Member State to establish the sub-base areas;
- (c) the sub-base areas (number, name and size);
- (d) the detailed rules for concentrating measures applicable in case of overshoot.

## SECTION 3

## Overshoot in reference yield

*Article 14*

For the purposes of Article 3(7) of Regulation (EC) No 1251/1999, the summary statements of aid applications and the yields pertaining thereto shall be those forwarded by Member States in accordance with Article 26 of this Regulation.

For that purpose, the reference yields shall be those set out in Annex VIII to this Regulation.

*Article 15*

For the purposes of calculating the average yield resulting from aid applications in respect of a given marketing year, the following procedure shall apply:

- (a) the areas shall firstly be reduced proportionately, where appropriate, in accordance with the first subparagraph of Article 2(4) of Regulation (EC) No 1251/1999;

**▼B**

- (b) the average cereals yield for the region shall be used for areas under oilseeds where payments for the 2000/01 and 2001/02 marketing years are based on the historical regional yields for oilseeds;
- (c) the average cereals yield for non-irrigated land in the region shall be used for areas under arable crops that are declared as forage areas for the purposes of premiums for beef and sheep.

*Article 16*

Before 31 May each year, the Commission shall carry out a comparative examination of the information referred to in Articles 14 and 15 and shall fix the relevant correcting coefficients in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

*Article 17*

The coefficients referred to in Article 16 shall apply to all area payments in the Member State or region in which the base area in question is located, with the exception of the supplement to the area payment and the special aid for durum wheat.

**CHAPTER III****Set-aside****▼M3***Article 18*

'Set-aside' means leaving fallow an area eligible for area payments within the meaning of Article 7 of Regulation (EC) No 1251/1999.

**▼B***Article 19*

1. Areas set aside in accordance with this Chapter must cover a single area at least 0,3 ha in size and at least 20 m wide.

The Member States may accept:

- (a) smaller areas involving whole parcels with permanent boundaries such as walls, hedges or watercourses;
- (b) whole parcels less than 20 m wide in regions where parcels of that size are traditional;
- (c) parcels at least 10 m wide alongside permanent watercourses or lakes and subject to special controls aiming in particular to ensure compliance with environmental objectives. ►M2 In this case, the minimum area referred to in the above subparagraph may be 0.1 ha. ◀

**▼M8**

For the 2004/05 marketing year, Member States may also accept:

- (a) areas at least 10 m wide and covering 0,1 ha;
- (b) for properly justified environmental reasons, areas at least 5 m wide and covering 0,05 ha.

**▼B**

2. Areas set aside must so remain for a period commencing on 15 January at the latest and ending on 31 August at the earliest. However, the Member States shall lay down the conditions under which producers may be authorised to sow seed from 15 July for harvesting in the following year and the conditions to be met in order for grazing to be authorised from 15 July in Member States where transhumance is practised traditionally.

**▼M5**

3. Set-aside areas may not be used for any agricultural production, other than that provided for in Article 6(3) of Regulation (EC) No

**▼M5**

1251/1999, nor put to any agricultural or lucrative use which would be incompatible with growing an arable crop.

**▼B**

4. The Member States shall apply suitable measures compatible with the specific situation of areas set aside in order to ensure they are maintained and the environment is protected. Such measures may also involve green cover; in that case, the measures must ensure that the green cover cannot be used for seed production and that it cannot under any circumstances be used for agricultural purposes before 31 August or, before 15 January thereafter, to produce crops for marketing.

5. Paragraphs 3 and 4 shall not apply to areas set aside or afforested pursuant to Articles 22, 23, 24 and 31 of Regulation (EC) No 1257/1999 and counting for the purposes of compulsory set-aside where such land proves to be incompatible with the environmental or afforestation requirements laid down in those Articles.

*Article 20*

1. For the purposes of Article 6(6) of Regulation (EC) No 1251/1999, the Member States may grant the set-aside payment on a multi-annual basis for a period up to five marketing years.

2. Without prejudice to Article 2(4) of Regulation (EC) No 1251/1999 and to any subsequent increase in the basic amounts fixed in Article 4(3) thereof, producers who undertake to set aside the same parcels for the period referred to in paragraph 1 shall receive the area payment for that period, calculated on the basis of the basic amount and the yields in the regionalisation plan in force at the time of their undertaking.

3. Where producers deliberately go back on their undertakings in their 'area' aid applications before the period referred to in paragraph 1 expires, they must reimburse 5 % of the area payment in respect of the previous marketing year on areas withdrawn from their undertaking, multiplied by the number of years in which they have failed to fulfil their original commitment.

4. Producers who opt for the arrangement provided for in paragraph 2 may go back on their undertakings without incurring the penalty provided for in paragraph 3:

- (a) where they decide to set aside or afforest the areas in question under a scheme provided for in Articles 22, 23, 24 and 31 of Regulation (EC) No 1257/1999;
- (b) in special cases authorised by the Member States and entailing a change in farm structure beyond the producer's control, such as reparaCELLING.

5. Where, as the result of a change in farm structure during the period covered by the undertaking, the area set aside under this Article exceeds the percentage limit laid down by the Member States pursuant to Article 6(5) of Regulation (EC) No 1251/1999 at the time of such undertaking, the areas covered by the undertaking shall be adjusted in accordance with that limit.

*Article 21*

1. Where the declared area set aside is smaller than the area corresponding to the percentage of compulsory set-aside laid down for the marketing year in question, the area on which producers of arable crops subject to the set-aside obligation are eligible for area payments shall be calculated on the basis of the declared set-aside area and the percentages of the various crops, including silage grass; it may not however be reduced to an area less than that required to produce 92 t of cereals as referred to in Article 6(7) of Regulation (EC) No 1251/1999.

2. The cereal production referred to in paragraph 1 shall be calculated on the basis of the yield used for the area payments. If the Member State has chosen to use the historical regional yields for oilseeds, it shall be multiplied by 1,95.

**▼B***Article 22*

In the case of Portugal, in accordance with Article 6(4) of Regulation (EC) No 1251/1999, the area payment for compulsory set-aside shall be increased by the amounts shown in Annex IX. Those amounts shall be financed in accordance with Article 5 of Regulation (EEC) No 3653/90.

*Article 23*

1. 'Area' aid applications as referred to in Regulation (EEC) No 3887/92 shall be broken down by region in accordance with Article 3 of Regulation (EC) No 1251/1999.

2. For each area payment application in a given region of production, there must be a corresponding set-aside declaration in respect of at least the corresponding number of hectares in the same region of production.

3. A derogation from paragraph 2 may be provided for in accordance with objective criteria laid down by the Member State.

4. By way of derogation from paragraph 2, the compulsory set-aside corresponding to an application for area payment submitted may be effected in whole or in part:

- (a) in Spain, in the 'secano' region in the case of holdings situated in 'secano' and 'regadío' production regions;
- (b) in another region of production, provided that the areas to be set aside are located in regions of production adjacent to those in which the cultivated areas are situated.

5. Where paragraphs 3 and 4 are applied, the area to be set aside must be adjusted to take account of the difference between the yields used to calculate the payment in respect of set-aside in the regions concerned. However, the application of this paragraph must not lead to fewer hectares being set aside than the obligation requires.

**▼M4***Article 23a*

1. For the purposes of applying the second indent of Article 6(3) of Regulation (EC) No 1251/1999, 'fodder legume crop' means an area sown with one or more species listed in Annex XIV. Sowing in a mixture with cereals and/or grasses shall be allowed on condition that:

- (a) the area is sown mainly with fodder legumes;
- (b) they cannot be harvested separately.

Where specific regional environmental standards established by the Member States for organic crops set a ceiling on area sown with fodder legumes, the condition concerning areas sown mainly with fodder legumes laid down in (a) shall be met if at least 85 % of the limit fixed by the Member States is complied with.

2. Areas on which fodder legume crops as referred to in paragraph 1 qualify between 15 January and 31 August under the aid scheme provided for in Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder<sup>(1)</sup> shall not qualify for area payments.

<sup>(1)</sup> OJ L 63, 21.3.1995, p. 1.



▼B

**CHAPTER IV**  
**Special provisions**

*Article 24*

By way of derogation from Article 8(2) of Regulation (EC) No 1251/1999, the Member States may defer the final date for sowing to no later than 15 June for the crops listed in Annex X and in the zones, to be defined by the Member States concerned, located in the regions specified in that Annex.

Where the deferment of the final date for sowing concerns all arable crops, the Member States may also put back the closing date for the submission of area payment applications by the producers in the zones concerned to 15 June at the latest or to the final date for sowing, whichever occurs earlier.

*Article 25*

1. The limit provided for in Article 10(7) of Regulation (EC) No 1251/1999 shall be set taking account of the national reference area and the total area of eligible agricultural land and with the objective of avoiding planting on a scale that would result in excessive reductions in the crop-specific oilseeds area payment.

2. The limit and the criteria applied to establish it shall be notified to the Commission at the earliest possible date and by 31 July at the latest of the marketing year prior to that covered by the area payment application.

3. With a view to assessing producers' eligibility for area payments, the competent authorities shall check whether their aid applications fall within the limit laid down. Any land covered by applications for crop-specific oilseeds area payments in excess of the limit shall be disallowed.

4. In cases where disallowance of areas pursuant to paragraph 3 means that the area set aside by a producer exceeds the limit laid down in Article 6(5) of Regulation (EC) No 1251/1999 and applicable in the Member State concerned, the area set aside and covered by the area payment application shall be reduced so that it does not exceed that limit.

5. Any land disallowed under producers' 'area' aid applications pursuant to paragraphs 3 and 4 shall not count for the purposes of Article 2(4) and (6) of Regulation (EC) No 1251/1999.

**CHAPTER V**  
**Final provisions**

*Article 26*

**Notifications**

1. The Member States shall send the Commission the information to be provided in tables as described in Annex XI in the standardised format described therein, by production region, base area and country, in accordance with the following timetable:

- (a) by 15 September of the marketing year in progress: data obtained taking into account controls and checks already carried out;
- (b) by the following 31 October at the latest: definitive data corresponding to those used to calculate the definitive rate of overshoot referred to in Article 12; and
- (c) by the following 15 February at the latest: the final data corresponding to the areas for which aid has actually been paid, after the reductions in area provided for in Article 9 of Regulation (EEC) No 3887/92 have been deducted.

2. Where the areas referred to in Articles 10 and 11 are found to have been exceeded, the Member State concerned shall notify the

**▼B**

Commission of the definitive rate of the overshoot immediately and at the latest by 31 October of the marketing year in progress. The data used to calculate the rate by which a base area is exceeded shall be forwarded using the form in Annex VII.

3. Where the rate of overshoot is distributed in accordance with Article 2(6) and the third paragraph of Article 5 of Regulation (EC) No 1251/1999, the Member State concerned shall notify the Commission of such distribution by 31 October at the latest.

*Article 27*

The Member States shall adopt the measures necessary for the application of this Regulation and shall notify them to the Commission within one month of their adoption or amendment.

*Article 28*

Regulations (EEC) No 2467/92, (EEC) No 2836/93, (EC) No 762/94, (EC) No 1098/94, (EC) No 1237/95, (EC) No 658/96 and (EC) No 1577/98 shall be repealed with effect from 1 July 2000.

References to the repealed regulations shall be construed as references to this Regulation.

*Article 29*

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

It shall apply to the support for producers of certain arable crops in respect of the 2000/01 and following marketing years.

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

**▼B***ANNEX I***(Article 2(1))****DEFINITIONS**1. *Permanent pasture*

Non-rotational land used for grass production (sown or natural) on a permanent basis (five years or longer).

2. *Permanent crops*

Non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests, with the exception of multi-annual crops.

3. *Multiannual crops*

CN code	
0709 10 00	Artichokes
0709 20 00	Asparagus
ex 0709 90 90	Rhubarb
0810 20	Raspberries, blackberries, mulberries and loganberries
0810 30	Black-, white- or redcurrants and gooseberries
0810 40	Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>

4. *Restructuring programme*

Change to the structure and/or eligible area of a holding imposed by the public authorities.

**▼B***ANNEX II***(Article 4(5))****Confectionery sunflower seed varieties**

Agripro 3450  
Agrosur  
Dahlgren D-131 (Toma)  
Dahlgren D-151  
Dahlgren D-171  
Dahlgren D-181  
Dahlgren 954  
Dahlgren D-1950  
Dahlgren D-1998  
Diset  
Hagen Seed SG 9011  
Hagen Seed SG 9054  
Hagen Seed SG 9211  
Interstate (IS)8004  
Kelisur  
Royal Hybrid 381  
Royal Hybrid 2141  
Royal Hybrid 3801  
Royal Hybrid 3831  
Royal Hybrid 4381  
RRC 995  
RRC 2211  
RRC 2232  
RRC 4211  
SIGCO 826  
SIGCO 828  
SIGCO 829  
SIGCO 830  
SIGCO 954  
SIGCO 964  
SIGCO 974  
SIGCO 995  
Toma  
Triumph 660C  
Triumph 505C+  
Triumph 520C  
Triumph 515C  
USDA Hybrid 924

**▼B***ANNEX III***(Article 5)****TEST FOR BITTER LUPINS**

To be performed on a sample of 200 grains taken from a batch of 1 kg from each lot of 20 t maximum.

The test is intended solely to provide qualitative evidence of the presence of bitter grains in the sample. The homogeneity tolerance is 1 grain per 100. Use the Grain-Cut method according to Von Sengbusch (1942), Ivanov and Smirnova (1932) and Eggebrecht (1949). Cut the dry or swollen grains crosswise. Place the half-grains in a sieve and dip in an iodine solution for ten seconds, then rinse under water for five seconds. The cut surfaces of bitter grains turn brown while those low in alkaloids remain yellow.

To prepare the iodine solution, dissolve 14 g of potassium iodate in as little water as possible, add 10 g of iodine and dilute to ►**C1** 1 000 cm<sup>3</sup> ◀. Leave the solution to stand for one week before use. Store in brown bottles. Dilute the stock solution to three to five times its initial volume before using.

▼ **M5***ANNEX IV*

(second subparagraph of Article 6(1))

**ZONES ELIGIBLE FOR THE SUPPLEMENT FOR DURUM WHEAT IN AUSTRIA**

PANNONIA:

1. *Gebiete der Bezirksbauernkammern*

- 2046 Tullnerfeld-Klosterneuburg
- 2054 Baden
- 2062 Bruck/Leitha-Schwechat
- 2089 Baden
- 2101 Gänserndorf
- 2241 Hollabrunn
- 2275 Tullnerfeld-Klosterneuburg
- 2305 Korneuburg
- 2321 Mistelbach
- 2330 Krems/Donau
- 2364 Gänserndorf
- 2399 Mistelbach
- 2402 Mödling
- 2470 Mistelbach
- 2500 Hollabrunn
- 2518 Hollabrunn
- 2551 Bruck/Leitha-Schwechat
- 2577 Korneuburg
- 2585 Tullnerfeld-Klosterneuburg
- 2623 Wr. Neustadt
- 2631 Mistelbach
- 2658 Gänserndorf

2. *Gebiete der Bezirksreferate*

- 3018 Neusiedl/See
- 3026 Eisenstadt
- 3034 Mattersburg
- 3042 Oberpullendorf

3. *Gebiete der Landwirtschaftskammer*

- 1007 Wien



ANNEX V

(Article 6(3))

ZONES ELIGIBLE FOR THE SPECIAL AID FOR DURUM WHEAT

GERMANY:

Kreise und Kreisfreie Städte:

Baden-Württemberg:

Stadt Stuttgart, Ludwigsburg, Rems-Murr-Kreis, Stadt Heilbronn, Heilbronn, Hohenlohekreis, Main-Tauber-Kreis, Stadt Karlsruhe, Karlsruhe, Stadt Baden-Baden, Rastatt, Stadt Heidelberg, Stadt Mannheim, Rhein-Neckar-Kreis, Stadt Pforzheim, Enzkreis, Ortenaukreis.

Bayern:

Stadt Ingolstadt, Dachau, Eichstätt, Freising, Fürstenfeldbrück, Neuburg-Schrobenhausen, Pfaffenhofen a.d.Ilm, Kelheim, Stadt Ansbach, Ansbach, Neustadt-Bad Windsheim, Stadt Aschaffenburg, Aschaffenburg, Bad Kissingen, Rhön-Grabfeld, Haßberge, Kitzingen, Main-Spessart, Stadt Schweinfurt, Schweinfurt, Stadt Würzburg, Würzburg.

Rheinland-Pfalz:

Ahrweiler, Stadt Koblenz, Mayen-Koblenz, Bad Kreuznach, Rhein-Lahn-Kreis, Westerwald-Kreis, Bernkastel-Wittlich, Bitburg-Prüm, Daun, Trier-Saarburg, Stadt Trier, Stadt Frankenthal, Landau i.d.P., Ludwigshafen, Mainz, Neustadt/Weinstr., Speyer, Worms, Alzey-Worms, Bad Dürkheim, Donnersbergkreis, Germersheim, Südl. Weinstraße, Ludwigshafen, Mainz-Bingen.

Hessen:

Stadt Frankfurt/Main, Wiesbaden, Bergstraße, Stadt Darmstadt, Darmstadt-Dieburg, Groß-Gerau, Hochtaunuskreis, Main-Kinzig-Kreis, Main-Taunus-Kreis, Stadt Offenbach, Offenbach, Rheingau-Taunus-Kreis, Wetteraukreis, Lahn-Dill-Kreis, Limburg-Weilburg.

Saarland:

Stadt Saarbrücken, Merzig-Wadern, Neunkirchen, Saarlouis, Sankt Wendel.

Sachsen:

Mittweida, Muldentalkreis.

Sachsen-Anhalt:

Bernburg, Köthen, Burgenlandkreis, Mansfelder Land, Merseburg-Querfurt, Saalkreis, Sangerhausen, Aschersleben-Straßfurt, Halberstadt, Jerichower Land, Quedlinburg, Schönebeck.

Thüringen:

Unstrut-Hainich-Kreis, Kyffhäuserkreis, Gotha, Sömmerda, Hildburghausen, Stadt Weimar, Weimarer Land, Altenburger Land, Stadt Erfurt.

SPAIN

Comarcas agrícolas

Almazán (SO), Bajo Aragón (TE), Campiña (GU), Campo de Gómara (SO), Centro (AB), El Cerrato (P), Hoya de Huesca (HU), La Montaña (A), Las Vegas (M), Logrosán (CC), Monegros (HU), Noroeste (MU), Requena-Utiel (V), Rioja Baja (LO), Segría (L), Sierra Rioja Baja (LO), Sur (VA), Suroeste y Valle de Guadalentín (MU), Trujillo (CC), Urgel (L), Valle de Ayora (V).

FRANCE

Départements

Aisne, Aube, Charente, Charente-Maritime, Cher, Deux-Sèvres, Essonne, Eure, Eure-et-Loir, Indre, Indre-et-Loire, Loir-et-Cher, Loiret, Lot-et-Garonne, Maine-et-Loire, Marne, Nièvre, Orne, Sarthe, Seine-et-Marne, Vendée, Vienne, Yonne, Yvelines.

ITALY

Province

Alessandria, Bologna, Brescia, Cremona, Ferrara, Forlì, Gorizia, Lodi, Mantova, Milano, Modena, Padova, Parma, Pavia, Piacenza, Pordenone, Ravenna, Reggio

▼B

Emilia, Rimini, Rovigo, Torino, Treviso, Udine, Venezia, Vercelli, Verona,  
Vicenza.

UNITED KINGDOM

England.



▼ M2

## ANNEX VI

## (Article 8)

## BASE AREAS

(1 000 ha)

Region	All crops	of which maize	of which silage grass
▼ <u>M6</u> BELGIUM			
Total	489,5		
of which: Flanders-Brussels		96,4	
▼ <u>M2</u> DENMARK	2 018,6		
GERMANY	10 159,4 <sup>(3)</sup>	540,3 <sup>(3)</sup>	
Schleswig-Holstein	506,2		
Hamburg	5,1		
Niedersachsen	1 424,7		
Bremen	1,8		
Nordrhein-Westfalen	948,5		
Rheinland-Pfalz	368,6		
Hessen	461,4		
Baden-Württemberg	735,5	122,1	
Bayern	1 776,0	418,2	
Saarland	36,6		
Berlin	2,9		
Brandenburg	889,6		
Mecklenburg-Vorpommern	968,2		
Sachsen	599,0		
Sachsen-Anhalt	880,9		
Thüringen	554,4		
GREECE	1 491,7	222,1	
SPAIN			
Regadío	1 371,1	403,4	
Secano	7 849,0		
FRANCE			
Total	13 582,1		
Base area for maize		613,8 <sup>(2)</sup>	
Irrigated base area	1 209,7 <sup>(2)</sup>		
IRELAND	345,6	0,2	
▼ <u>M5</u> ITALY	5 801,2	400,8	
▼ <u>M2</u> LUXEMBOURG	42,8		
▼ <u>M5</u> NETHERLANDS	441,7	208,3	

▼ **M2**

(1 000 ha)

Region	All crops	of which maize	of which silage grass
AUSTRIA	1 203,5		
▼ <b>M8</b>			
PORTUGAL			
Azores	9,7		
Madeira			
— Regadio	0,31	0,29	
— Other	0,30		
Continental			
— Regadio	293,4	221,4	
— Other	622,7		
▼ <b>M2</b>			
FINLAND	1 591,5		200,0
SWEDEN	1 737,1		130,0
▼ <b>M5</b>			
UNITED KINGDOM			
England	3 794,6	33,2 <sup>(1)</sup>	
Scotland	551,6		
Northern Ireland	52,9		
Wales	61,4	1,2 <sup>(1)</sup>	
▼ <b>M2</b>			
<sup>(1)</sup> With the exception of sweetcorn.			
<sup>(2)</sup> Including 284 000 ha irrigated maize.			
<sup>(3)</sup> Where Article 2(6) of Regulation (EC) No 1251/1999 is applied.			

▼ **M5**

ANNEX VII

(Article 10(4))

**CALCULATION OF OVERRUN ON BASE AREA ON .../.../....**

Member State:		Product:	All crops	
Base area:			Irrigated	
Set-aside rate:			Non-irrigated	
			Maize	
			Crops other than maize	
			Silage grass	

**Area actually found —  
small producers within  
the meaning of Article  
6(7) of Regulation (EC)  
No 1251/1999**

Cereals	1		ha
Oilseeds	2		ha
Protein plants	3		ha
Linseed	4		ha
Flax grown for fibre	5		ha
Hemp grown for fibre	6		ha
Silage grass	7		ha
Voluntary set-aside	8		ha
Total = 1 + 2 + 3 + 4 + 5 + 6 + 7 + 8	9		ha

**other producers**

Cereals	10		ha
Oilseeds	11		ha
Protein plants	12		ha
Linseed	13		ha
Flax grown for fibre	14		ha
Hemp grown for fibre	15		ha
Silage grass	16		ha
Total crops = 10 + 11 + 12 + 13 + 14 + 15 + 16	17		ha
Voluntary set-aside	18		ha
Compulsory set-aside	19		ha
Total set-aside = 18 + 19	20		ha
Total (crops + set-aside) = 17 + 20	21		ha

▼ M5forage (bovine animals-  
sheep)

Total for products concerned	22	<input type="text"/>	ha
Total for applications = 9 + 21 + 22	23	<input type="text"/>	ha
BASE AREA (*)	24	<input type="text"/>	ha
Any balance from another base area	25	<input type="text"/>	ha
Total base area applicable = 24 + 25	26	<input type="text"/>	ha
Overrun or deficit = 23 - 26	27	<input type="text"/>	ha
Overrun as percentage = $(23/26 - 1,00)$	28	<input type="text"/>	%

(\*) After reduction where Regulation (EC) No 1/2002 is applied.

▼B

## ANNEX VIII

(Article 14, second paragraph)

## REFERENCE YIELDS AS REFERRED TO IN ARTICLE 3(7) OF REGULATION (EC) No 1251/1999

Belgium	6,24
Denmark	5,22
Germany	5,66 <sup>(1)</sup>
— Schleswig-Holstein	6,81
— Hamburg	6,01
— Niedersachsen	5,33
— Bremen	5,34
— Nordrhein-Westfalen	5,81
— Hessen	5,50
— Rheinland-Pfalz	4,78
— Baden-Württemberg	5,48
— Bayern	5,94
— Saarland	4,38
— Berlin	4,52
— Brandenburg	4,54
— Mecklenburg-Vorpommern	5,45
— Sachsen	6,23
— Sachsen-Anhalt	6,14
— Thüringen	6,13
Greece	3,39
Spain	2,9
France	6,02
Ireland	6,08
Italy	3,9
Luxembourg	4,26
Netherlands	6,66
Portugal	2,90
United Kingdom	5,83
Austria	5,27
Sweden	4,02
Finland	2,82

<sup>(1)</sup> Where Article 2(6) of Regulation (EC) No 1251/1999 is applied.

▼B

## ANNEX IX

(Article 22)

## SUPPLEMENT FOR SET-ASIDE IN PORTUGAL

(EUR)

Marketing year	2000/01	2001/02	2002/03
Supplementary payment	9,64	► <u>M4</u> 9,64 ◀	3,41

▼ M2*ANNEX X***(Article 24, first paragraph)**

Latest date for sowing: 15 June

Crop	Member State	Region
All crops	Finland	Whole territory
	Sweden	Whole territory
Sweetcorn Hemp grown for fibre	All Member States	Whole territory

▼ **M4***ANNEX XI***(Article 26(1))****INFORMATION TO BE COMMUNICATED TO THE COMMISSION**

The information is to be presented in the form of a series of tables drawn up in accordance with the model described below:

- a first set of tables giving information at production region level within the meaning of Article 3 of Regulation (EC) No 1251/1999,
- a second set of tables giving information in respect of each base area region within the meaning of Annex VI to this Regulation,
- a single table summarising the information for each Member State.

The tables are to be sent in hard copy and in computerised form.

Formulae for areas:             $5 = 1 + 2 + 3 + 4$   
     $10 = 7 + 8 + 9$   
     $16 = 17 + 18$   
     $21 = 5 + 10 + 11 + 12 + 13 + 14 + 15 + 16 + 20$

*Notes:*

Each table must quote the region in question.

The yield is that used for calculating area payments in accordance with Regulation (EC) No 1251/1999.

The distinction between 'irrigated' and 'non-irrigated' land should only be made in the case of regions containing both. In that case:

(d) = (e) + (f)

(j) = (k) + (l)

Line 1 relates only to durum wheat eligible for the supplement to the area payment provided for in the first paragraph of Article 5 of Regulation (EC) No 1251/1999.

Line 2 relates only to durum wheat eligible for the special aid provided for in the fourth paragraph of Article 5 of Regulation (EC) No 1251/1999.

Line 19 relates only to areas set aside or afforested under Articles 22, 23, 24 and 31 of Regulation No 1257/1999 and counting as arable land set aside under Article 6(8) of Regulation (EC) No 1251/1999.

Line 20 corresponds to the areas referred to in the second subparagraph of Article 2(4) of Regulation (EC) No 1251/1999.

Information must also be forwarded in respect of producers not applying for the per-hectare aid under the support system for certain arable crops (Regulation (EC) No 1251/1999). This information, to be given under 'Other' in columns 'm' and 'n', mainly relates to arable crops declared as forage areas for the purposes of obtaining premiums for the production of beef/veal and sheepmeat.

Line 23 relates to land set aside for the production of non-food crops and on which no payments are made under the rules implementing Article 6(3) of Regulation (EC) No 1251/1999 (e.g. sugarbeet, Jerusalem artichokes and chicory roots).

Line 24 relates to land set aside and used for growing fodder legumes in accordance with the second indent of Article 6(3) of Regulation (EC) No 1251/1999.





▼ **M8**

## ANNEX XII

(Article 7a(1))

**VARIETIES OF FLAX AND HEMP GROWN FOR FIBRE ELIGIBLE  
FOR THE SUPPORT SYSTEM****1. Varieties of flax grown for fibre**

Adélie  
Agatha  
Alba  
Alizée  
Angelin  
Argos  
Ariane  
Artemida  
Aurore  
Belinka  
Bonet  
Caesar Augustus  
Diane  
Diva  
Drakkar  
Electra  
Elise  
Escalina  
Evelin  
Exel  
Hermes  
Ilona  
Jitka  
Jordan  
Kastyciai  
Laura  
Liflax  
Liviola  
Loréa  
Luna  
Marina  
Marylin  
Melina  
Merkur  
Modran  
Nike  
Opaline  
Rosalin  
Selena  
Super

**▼ M8**

Tabor  
 Texa  
 Venica  
 Venus  
 Veralin  
 Viking  
 Viola

**2a. Varieties of hemp grown for fibre**

Carmagnola  
 Beniko  
 Chamaeleon  
 Cs  
 Delta-Llosa  
 Delta 405  
 Dioica 88  
 Epsilon 68  
 Fedora 17  
 Felina 32  
 Ferimon-Férimon  
 Fibranova  
 Fibrimon 24  
 Futura 75  
 Juso 14  
 Red Petiole  
 Santhica 23  
 Santhica 27  
 Uso 31

**2b. Varieties of hemp grown for fibre authorised in the 2004/05 marketing year**

Bialobrzeskie  
 Cannacomp <sup>(1)</sup>  
 Fasamo  
 Felina 34 — Félina 34  
 Fibriko TC  
 Finola  
 Lipko <sup>(1)</sup>  
 Silesia <sup>(2)</sup>  
 Tiborszallasi <sup>(1)</sup>  
 UNIKO-B

<sup>(1)</sup> Limited to Hungary.

<sup>(2)</sup> Limited to Poland.

## ▼M5

## ANNEX XIII

(Article 7b(1))

**COMMUNITY METHOD FOR THE QUANTITATIVE DETERMINATION OF  $\Delta^9$ -THC (TETRAHYDROCANNABINOL) CONTENT IN HEMP VARIETIES**

**1. Subject matter and scope**

This method seeks to determine the  $\Delta^9$ -tetrahydrocannabinol (THC) content of varieties of hemp (*Cannabis sativa* L.). As appropriate, the method involves applying procedure A or B herein described.

The method is based on the quantitative determination of  $\Delta^9$ -THC by gas chromatography (GC) after extraction with a suitable solvent.

1.1. *Procedure A*

Procedure A is used for checks on production as provided for in Article 5a(2) of Regulation (EC) No 1251/1999.

1.2. *Procedure B*

Procedure B is used in cases as referred to in the third subparagraph of Article 7b(1) of this Regulation and for checking that the conditions laid down in the second subparagraph of Article 5a(1) of Regulation (EC) No 1251/1999 are fulfilled with a view to inclusion on the list of varieties of hemp eligible for aid from the 2001/02 marketing year.

**2. Sampling**

Where a Member State uses the possibility provided for in the third paragraph of Article 3(1)(c), at least three distinct parts of the plot, comprising at least 4 000 plants, must be left in the field on the inspector's instructions until at least ten days after flowering has finished so that a sample can be taken.

2.1. *Samples*

— Procedure A: in a standing crop of a given variety of hemp, take a 30 cm part containing at least one female inflorescence of each plant selected. Sampling is to be carried out during the period running from 20 days after the start of flowering to 10 days after the end of flowering, during the day, following a systematic pattern to ensure that the sample is representative of the field but excluding the edges of the crop.

Member States may authorise sampling to be carried out during the period from the start of flowering to 20 days after the start of flowering provided that, for each variety grown, other representative samples are taken in accordance with the above rules during the period from 20 days after the start of flowering to 10 days after the end of flowering.

— Procedure B: in a standing crop of a given variety of hemp, take the upper third of each plant selected. Sampling is to be carried out during the 10 days following the end of flowering, during the day, following a systematic pattern to ensure that the sample is representative of the field but excluding the edges of the crop. In the case of dioecious varieties, only female plants must be taken.

2.2. *Sample size*

- Procedure A: the sample is to comprise parts of 50 plants per field,
- Procedure B: the sample is to comprise parts of 200 plants per field.

Each sample is to be placed in a fabric or paper bag, without crushing it, and sent to the laboratory for analysis.

The Member State may provide for a second sample to be collected for counteranalysis, if required, to be kept either by the producer or by the body responsible for the analysis.

2.3. *Drying and storage of the sample*

Drying of the samples must begin as soon as possible and, in any case, within 48 hours using any method below 70 °C. Samples should be dried to a constant weight and to a moisture content of between 8 % and 13 %.

▼ **M5**

After drying, store the samples without crushing them at below 25 °C in a dark place.

**3. Determination of THC content****3.1. Preparation of the test sample**

Remove stems and seeds over 2 mm in size from the dried samples.

Grind the dried samples to obtain a semi-fine powder (passing through a 1 mm mesh sieve).

The powder may be stored for 10 weeks at below 25 °C in a dark, dry place.

**3.2. Reagents and extraction solution**

Reagents

- $\Delta^9$ -tetrahydrocannabinol, pure for chromatographic purposes,
- squalane, pure for chromatographic purposes, as an internal standard.

Extraction solution

- 35 mg of squalane per 100 ml hexane.

**3.3. Extraction of  $\Delta^9$ -THC**

Weigh 100 mg of the powdered test sample, place in a centrifuge tube and add 5 ml of extraction solution containing the internal standard.

Place in an ultrasound bath and leave for 20 minutes. Centrifuge for five minutes at 3 000 r.p.m. and then remove the supernatant THC solution. Inject the solution into the chromatograph and carry out a quantitative analysis.

**3.4. Gas chromatography****(a) Apparatus**

- gas chromatograph with a flame ionisation detector and a split/split-less injector,
- column allowing good separation of cannabinoids, for example a glass capillary column 25 m long and 0,22 mm in diameter impregnated with a 5 % non-polar phenyl-methyl-siloxane phase.

**(b) Calibration ranges**

At least three points for procedure A and five points for procedure B, including points 0,04 and 0,50 mg/ml  $\Delta^9$ -THC in extraction solution.

**(c) Experimental conditions**

The following conditions are given as an example for the column referred to in (a):

oven temperature:	260 °C
injector temperature:	300 °C
detector temperature:	300 °C

**(d) Injection volume: 1  $\mu$ l****4. Results**

The findings are to be expressed to two decimal places in grams of  $\Delta^9$ -THC per 100 grams of analytical sample dried to constant weight. A tolerance of 0,03 g per 100 g applies.

- Procedure A: one determination per test sample.

However, where the result obtained is above the limit laid down in the second subparagraph of Article 5a(1) of Regulation (EC) No 1251/1999, a second determination must be carried out per analysis sample and the mean value of the two determinations will be taken as the result,

- Procedure B: the result corresponds to the mean value of two determinations per test sample.

▼ M4

## ANNEX XIV

## Fodder legumes as referred to in Article 23a

CN code	
0713 90	<i>Vicia</i> spp. excluding <i>Vicia faba</i> and <i>Vicia sativa</i> , harvested at full maturity <i>Vicia sativa</i> other than harvested at full maturity
ex 1209 29 50	<i>Lupinus</i> spp. other than sweet lupins
ex 1214 90 99	<i>Medicago</i> spp. <i>Trifolium</i> spp. <i>Lathyrus</i> spp. <i>Melilotus</i> spp. <i>Onobrychis</i> spp. <i>Ornithopus sativus</i> <i>Hedysarum coronarium</i> <i>Lotus corniculatus</i> <i>Galega orientalis</i> <i>Trigonella foenum-graecum</i> <i>Vigna sinensis</i>