

Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (repealed)

TITLE III

SINGLE PAYMENT SCHEME

CHAPTER 5

REGIONAL AND OPTIONAL IMPLEMENTATION

Section 1

Regional implementation

Article 58

Regional allocation of the ceiling referred to in Article 41

1 A Member State may decide, by 1 August 2004 at the latest, to apply the single payment scheme provided for in Chapters 1 to 4 at regional level under the conditions laid down in this Section.

2 Member States shall define the regions according to objective criteria.

Member States with less than three million eligible hectares may be considered as one single region.

3 The Member State shall subdivide the ceiling referred to in Article 41 between the regions according to objective criteria.

Article 59

Regionalisation of the single payment scheme

1 In duly justified cases and according to objective criteria the Member State may divide the total amount of the regional ceiling established under Article 58 or part of it between all the farmers whose holdings are located in the region concerned, including those who do not meet the eligibility criterion referred to in Article 33.

2 In this case of division of the total amount of the regional ceiling, farmers shall receive entitlements, whose unit value is calculated by dividing the regional ceiling established under Article 58 by the number of eligible hectares, within the meaning of Article 44(2), established at regional level.

Status: Point in time view as at 01/01/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2003 (repealed), Section 1. (See end of Document for details)

3 In case of partial division of the total amount of the regional ceiling, farmers shall receive entitlements whose unit value is calculated by dividing the corresponding part of the regional ceiling established under Article 58 by the number of eligible hectares, within the meaning of Article 44(2), established at regional level.

In case the farmer is also entitled to receive entitlements calculated on the remaining part of the regional ceiling, the regional unit value of each of his entitlements, except for set-aside entitlements, shall be increased by an amount corresponding to the reference amount divided by the number his entitlements established in accordance with paragraph 4.

Articles 48 and 49 shall apply *mutatis mutandis*.

4 The number of entitlements per farmer shall be equal to the number of hectares he declares in accordance with Article 44(2) the first year of application of the single payment scheme, except in case of force majeure or exceptional circumstances within the meaning of Article 40(4).

Article 60

Use of the land

[^{F1} Where a Member State makes use of the option provided for in Article 59, farmers may, by way of derogation from Article 51(b) and (c) and in accordance with this Article, also use the parcels declared in accordance with Article 44(3) for the production of products referred to in Article 1(2) of Regulation (EC) No 2200/96 or in Article 1(2) of Regulation (EC) No 2201/96 and of potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93 of this Regulation, except crops referred to in Article 51(a).]

2 The Member State shall establish the number of hectares that may be used according to paragraph 1 of this Article by subdividing, according to objective criteria, the average of the number of hectares that were used for the production of the products referred to in paragraph 1 at national level during the three-year period 2000-2002 amongst the regions defined pursuant to Article 58(2). The average number of hectares at national level and the number of hectares at regional level shall be fixed by the Commission in accordance with the procedure referred to in Article 144(2) on the basis of the data communicated by the Member State.

3 Within the limit established according to paragraph 2 for the region concerned, a farmer shall be allowed to make use of the option referred to in paragraph 1:

- a within the limit of the number of hectares that he used for the production of the products referred to in paragraph 1 in 2003;
- b in case of application, *mutatis mutandis*, of Articles 40 and 42(4), within the limit of a number of hectares to be established according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions.

4 Within the limit of the number of hectares that remain available after application of paragraph 3, farmers shall be allowed to produce the products referred to in paragraph 1 on a number of hectares other than the number of hectares falling under paragraph 3 within the limit of a number of hectares used for the production of the products referred to in paragraph 1 in 2004 and/or 2005, whereby priority shall be given to the farmers who produced the products already in 2004 within the limit of the number of hectares used in 2004.

Status: Point in time view as at 01/01/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2003 (repealed), Section 1. (See end of Document for details)

In case of application of Article 71, 2004 and 2005 shall be replaced by, respectively, the year previous to the year of application of the single payment scheme and the year of application itself.

5 In order to establish the individual limits referred to in paragraphs 3 and 4, the Member State shall use the farmer's individual data, where available, or any other evidence at its satisfaction provided by the farmer.

6 The number of hectares for which the authorisation has been established according to paragraphs 3 and 4 of this Article, shall in no case exceed the number of eligible hectares as defined in Article 44(2) declared in the first year of application of the single payment scheme.

7 The authorisation shall be used, within the region concerned, with the corresponding payment entitlement.

[^{F28} Where a Member State decides to use the derogation in the second subparagraph of Article 51, it may also decide, by 1 November 2007, to apply paragraphs 1 to 7 of this Article for the same period. Paragraphs 1 to 7 of this Article shall not apply in any other case.]

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2012/2006 of 19 December 2006 amending and correcting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).
- F2** Substituted by Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96.

Article 61

Grassland

In case of application of Article 59, Member States may also, according to objective criteria, fix, within the regional ceiling or part of it, different per unit values of entitlements to be allocated to farmers referred to in Article 59(1), for hectares under grassland at the date provided for the area aid applications for 2003 and for any other eligible hectare or alternatively for hectares under permanent pasture at the date provided for the area aid applications for 2003 and for any other eligible hectare.

Article 62

Dairy premium and additional payments

By way of derogation from Article 47(2), Member State may decide that the amounts resulting from dairy premiums and additional payments, provided for in Articles 95 and 96^{X1}, shall be included at national or regional level, in part or in full, in the single payment scheme] starting from 2005. Entitlements established under this paragraph shall be modified accordingly.

Status: Point in time view as at 01/01/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2003 (repealed), Section 1. (See end of Document for details)

The reference amount for those payments shall be equal to the amounts to be granted according to Articles 95 and 96 calculated on the basis of the individual reference quantity for milk available on the holding on 31 March of the year of inclusion, in part or in full, of those payments in the single payment scheme.

Articles 48 to 50 shall apply mutatis mutandis.

Editorial Information

X1 Substituted by [Corrigendum to Council Regulation \(EC\) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations \(EEC\) No 2019/93, \(EC\) No 1452/2001, \(EC\) No 1453/2001, \(EC\) No 1454/2001, \(EC\) No 1868/94, \(EC\) No 1251/1999, \(EC\) No 1254/1999, \(EC\) No 1673/2000, \(EEC\) No 2358/71 and \(EC\) No 2529/2001 \(Official Journal of the European Union L 270 of 21 October 2003\)](#).

Article 63

Conditions for the entitlements established under this section

1 In case of application of Article 59, entitlements established under this section may only be transferred or used within the same region or between regions where the entitlements per hectare are the same.

2 In case of application of Article 59, by way of derogation from Article 53, any farmer in the region concerned shall receive set-aside entitlements.

The number of set-aside entitlements is established by multiplying a farmer's eligible land within the meaning of Article 54(2) declared in the first year of application of the single payment scheme with a set-aside rate.

The set aside rate is calculated by multiplying the basic rate of compulsory set-aside of 10 % by the proportion, in the region concerned, between the land for which arable crops area payments referred to in Annex VI have been granted in the reference period and the eligible land within the meaning of Article 54(2) in the reference period.

The value of the set-aside entitlements shall be the regional value for payment entitlements as established according to Article 59(2) or, as the case may be, Article 59(3) first subparagraph.

Those farmers shall not receive set-aside entitlements who declare less than a number of hectares within the meaning of Article 54(2) which would be needed to produce a number of tonnes equal to 92 tonnes of cereals as defined in Annex IX on the basis of the yields determined according to the regionalisation plan applicable in the region concerned in the year before the year of application of the single payment scheme divided by the proportion referred to in the third subparagraph of paragraph 2 of this Article.

3 By way of derogation from Articles 43(4) and 49(3), Member States may also decide, by 1 August 2004 at the latest, and [X¹acting in compliance with the general principles of Community law,] that entitlements established under this section shall be subject to progressive modifications according to pre-established steps and objective criteria.

Status: Point in time view as at 01/01/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2003 (repealed), Section 1. (See end of Document for details)

[^{F3}However, with regard to the inclusion of the sugar beet, cane and chicory payments component in the single payment scheme, Members States may decide by 30 April 2006, to apply the derogation provided for in the first subparagraph.]

[^{F4}With regard to the inclusion of the fruit and vegetables, ware potatoes and nurseries payments component in the single payment scheme, Members States may decide, by 1 April 2008, to apply the derogation provided for in the first subparagraph.]

4 Save as otherwise provided for in this Section, the other provisions of this Title shall apply.

Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EC\) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations \(EEC\) No 2019/93, \(EC\) No 1452/2001, \(EC\) No 1453/2001, \(EC\) No 1454/2001, \(EC\) No 1868/94, \(EC\) No 1251/1999, \(EC\) No 1254/1999, \(EC\) No 1673/2000, \(EEC\) No 2358/71 and \(EC\) No 2529/2001 \(Official Journal of the European Union L 270 of 21 October 2003\).](#)

Textual Amendments

- F3** Inserted by [Council Regulation \(EC\) No 319/2006 of 20 February 2006 amending Regulation \(EC\) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.](#)
- F4** Inserted by [Council Regulation \(EC\) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations \(EEC\) No 827/68, \(EC\) No 2200/96, \(EC\) No 2201/96, \(EC\) No 2826/2000, \(EC\) No 1782/2003 and \(EC\) No 318/2006 and repealing Regulation \(EC\) No 2202/96.](#)

Status:

Point in time view as at 01/01/2008.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 1782/2003 (repealed), Section 1.