

Commission Regulation (EC) No 1360/2005 of 18 August 2005 amending Regulation (EC) No 817/2004 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)

*Article 1*

Regulation (EC) No 817/2004 is amended as follows:

- 1) In Article 21, the following paragraph is added:
3. Where agro-environmental commitments expire before the end of the programming period fixed in Article 42 of Regulation (EC) No 1257/1999, Member States may extend them provided that the last year of the commitment does not start later than 31 December 2006.

The Member States may authorise adaptations to the areas of the holding covered by the commitment to take into account a transfer of a part of the beneficiary's holding to another person during the extension period, provided that those adaptations do not reduce by more than 50 % the area covered by the commitment.

- 2) The first and second paragraphs of Article 36 are replaced by the following:

Where all or part of a holding of the beneficiary is transferred to another person during the period for which a commitment given as a condition for the grant of assistance runs that other person may take over the commitment for the remainder of the period. If the commitment is not taken over, the beneficiary shall reimburse the assistance granted.

Member States, applying the principle of proportionality, may choose not to require such reimbursement in the following cases:

- (a) if a beneficiary who has already honoured a significant part of the commitment concerned definitively ceases agricultural activities and it is not feasible for a successor to take over the commitment;
- (b) if the transfer of a part of the holding of a beneficiary occurs during a period of extension of the commitment in accordance with Article 21(3) and if the transfer does not exceed 50 % of the area covered by the commitment before the extension.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 1360/2005, Article 1.