

Council Regulation (EC) No 146/2008 of 14 February 2008 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 and Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Article 1

Regulation (EC) No 1782/2003 is hereby amended as follows:

1. Article 6 is amended as follows:

(a) paragraph 1 shall be replaced by the following:

1. Where the statutory management requirements or good agricultural and environmental conditions are not complied with at any time in a given calendar year (hereinafter “the calendar year concerned”), and the non-compliance in question is the result of an act or omission directly attributable to the farmer who submitted the aid application in the calendar year concerned, the total amount of direct payments to be granted, after application of Articles 10 and 11 to that farmer, shall be reduced or cancelled in accordance with the detailed rules laid down under Article 7.

The first subparagraph shall also apply where, the non-compliance in question is the result of an act or omission directly attributable to the person to whom or from whom the agricultural land was transferred.

For the purposes of application of the first and second subparagraphs for the year 2008, the calendar year shall correspond to the period of 1 April to 31 December 2008.

For the purpose of this paragraph “transfer” means any type of transaction whereby the agricultural land ceases to be at the disposal of the transferor.;

(b) the following paragraph shall be added:

3. Notwithstanding paragraph 1 and in accordance with the conditions laid down in the detailed rules referred to in Article 7(1), Member States may decide not to apply a reduction or exclusion amounting to EUR 100 or less per farmer and per calendar year.

Where a Member State decides to make use of the option provided for in the first subparagraph, in the following year the competent authority shall take the actions required to ensure that the farmer remedies the findings of non-compliance concerned. The finding and the remedial action to be taken shall be notified to the farmer.;

2. in Article 7, paragraph 2, the following subparagraphs shall be added:

In duly justified cases Member States may decide that no reduction shall be applied where, given its severity, extent and permanence, a case of non-compliance is to be considered as minor. Cases of non-compliance which constitute a direct risk to public or animal health shall however not be considered as minor.

Unless the farmer has taken immediate remedial action putting an end to the non-compliance found, the competent authority shall take the actions required that may,

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where appropriate, be limited to an administrative check, to ensure that the farmer remedies the findings of non-compliance concerned. The finding of minor non-compliance and the remedial action to be taken shall be notified to the farmer.;

3. in Article 44, paragraph 3, the second sentence shall be replaced by the following:

‘Except in case of *force majeure* or exceptional circumstances, these parcels shall be at the farmer’s disposal on the date fixed by the Member State which shall be no later than the date fixed in that Member State for amendment of the aid application.’;

4. Article 71h shall be replaced by the following:

Article 71h

Grassland

The new 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 71f(1), for hectares of grassland as identified on 30 June 2006 and for any other eligible hectare or alternatively for hectares of permanent pasture as identified on 30 June 2006 and for any other eligible hectare.

However for Bulgaria and Romania the date for identification shall be 1 January 2008.;

5. Article 143b shall be amended as follows:

- (a) in paragraph 5, the following subparagraph shall be added:

Except in case of *force majeure* or exceptional circumstances, the parcels referred to in the first subparagraph shall be at the farmer’s disposal on the date fixed by the Member State which shall be no later than the date fixed in that Member State for amendment of the aid application.;

- (b) in paragraph 6, the third subparagraph shall be replaced by the following:

As from 1 January 2005 and until 31 December 2008 the application of Articles 3, 4, 6, 7 and 9 shall be optional for the new Member States insofar as those provisions relate to statutory management requirements. As from 1 January 2009 a farmer receiving payments under the single area payment scheme in those Member States shall respect the statutory management requirements referred to in Annex III according to the following timetable:

- (a) requirements referred to in point A of Annex III shall apply from 1 January 2009;
- (b) requirements referred to in point B of Annex III shall apply from 1 January 2011;
- (c) requirements referred to in point C of Annex III shall apply from 1 January 2011.

However, for Bulgaria and Romania, the application of Articles 3, 4, 6, 7 and 9 shall be optional until 31 December 2011 insofar as those provisions relate to statutory management requirements. As from 1 January 2012 a farmer receiving payments under the single area payment scheme in

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those Member States shall respect the statutory management requirements referred to in Annex III according to the following timetable:

- (a) requirements referred to in point A of Annex III shall apply from 1 January 2012;
- (b) requirements referred to in point B of Annex III shall apply from 1 January 2014;
- (c) requirements referred to in point C of Annex III shall apply from 1 January 2014.

The new Member States may also apply the option provided for in the third subparagraph where they decide to terminate the application of the single area payment scheme before the end of the period of application provided for in paragraph 9.;

- (c) in paragraph 9, the first sentence shall be replaced by the following:
‘For any new Member State the single area payment scheme shall be available for a period of application until the end of 2010.’;
- (d) paragraphs 10 and 11 shall be deleted;

6. Annex XII shall be amended in accordance with the Annex to this Regulation.

Article 2

In Article 51, paragraph 3, of Regulation (EC) No 1698/2005, the second subparagraph shall be replaced by the following:

The derogation provided for in the first subparagraph shall apply until 31 December 2008. As from 1 January 2009 a farmer receiving payments under the single area payment scheme shall respect the statutory management requirements referred to in Annex III to Regulation (EC) No 1782/2003 according to the following timetable:

- (a) requirements referred to in point A of Annex III shall apply from 1 January 2009;
- (b) requirements referred to in point B of Annex III shall apply from 1 January 2011;
- (c) requirements referred to in point C of Annex III shall apply from 1 January 2011.

However, for Bulgaria and Romania, the application of Articles 3, 4, 6, 7 and 9 of Regulation (EC) No 1782/2003 shall be optional until 31 December 2011 insofar as those provisions relate to statutory management requirements. As from 1 January 2012 a farmer receiving payments under the single area payment scheme shall respect the statutory management requirements referred to in Annex III to Regulation (EC) No 1782/2003 according to the following timetable:

- (a) requirements referred to in point A of Annex III shall apply from 1 January 2012;
- (b) requirements referred to in point B of Annex III shall apply from 1 January 2014;
- (c) requirements referred to in point C of Annex III shall apply from 1 January 2014.

The new Member States may also apply the option provided for in the second subparagraph where they decide to terminate the application of the single area payment scheme before the end of the period of application provided for in Article 143b(9) of Regulation (EC) No 1782/2003.

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Article 3

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

It shall apply as from 1 January 2008 with the following exceptions:

- (a) Article 1(1)(a) shall apply as of 1 April 2008;
- (b) Article 1(4) shall apply as from 1 January 2007.

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

Done at Brussels, 14 February 2008.

For the Council

The President

M. ZVER

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation partial repeal by [EUR 2013/1305](#) Regulation