

Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005

TITLE III

RURAL DEVELOPMENT SUPPORT

CHAPTER I

Measures

Article 32

Designation of areas facing natural and other specific constraints

1 ^[F1]The relevant authority] shall, on the basis of paragraphs 2, 3 and 4, designate areas eligible for payments provided for in Article 31 under the following categories:

- a mountain areas;
- b areas, other than mountain areas, facing significant natural constraints; and
- c other areas affected by specific constraints.

2 In order to be eligible for payments under Article 31, mountain areas shall be characterized by a considerable limitation of the possibilities for using the land and by an appreciable increase in production costs due to:

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

^{F2} ...

3 In order to be eligible for payments under Article 31, areas, other than mountain areas, shall be considered to be facing significant natural constraints if, at least 60 % of the agricultural area meets at least one of the criteria listed in Annex III at the threshold value indicated.

Compliance with those conditions shall be ensured at the level of local administrative units ("LAU 2" level) or at the level of a clearly delineated local unit which covers a single clear contiguous geographical area with a definable economic and administrative identity.

When delimiting the areas concerned by this paragraph, ^[F3]the relevant authority] shall carry out a fine-tuning exercise, based on objective criteria, with the purpose of excluding areas in which significant natural constraints, referred to in the first subparagraph have been documented but have been overcome by investments or by,

Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, Article 32 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

economic activity, or by evidence of normal land productivity, or in which production methods or farming systems have offset the income loss or added costs referred to in Article 31(1).

4 Areas other than those referred to in paragraphs 2 and 3 shall be eligible for payments under Article 31 if they are affected by specific constraints and if it is necessary for land management to be continued in order to conserve or improve the environment, to maintain the countryside, to preserve the tourist potential of the area or to protect the coastline.

Areas affected by specific constraints shall comprise farming areas within which the natural production conditions are similar and the total extent of which does not exceed 10 % of the area of the [F4constituent nation] concerned.

In addition, areas may also be eligible for payments under this paragraph, where:

- at least 60 % of the agricultural area meets at least two of the criteria listed in Annex III each within a margin of not more than 20 % of the threshold value indicated, or
- at least 60 % of the agricultural area is composed of areas meeting at least one of the criteria listed in Annex III at the threshold value indicated, and areas meeting at least two of the criteria listed in Annex III each within a margin of not more than 20 % of the threshold value indicated.

Compliance with those conditions shall be ensured at LAU2 level or at the level of a clearly delineated local unit which covers a single clear contiguous geographical area with a definable economic and administrative identity. When delimiting areas concerned by this subparagraph, [F5the relevant authority] shall undertake a fine-tuning exercise as described in Article 32(3). Areas considered eligible pursuant to this subparagraph, shall be taken into account for calculating the 10 % limit referred to in the second subparagraph.

[F6[X1By way of derogation, the second subparagraph shall not apply to [F5constituent nations] the entire territory of which was considered as an area facing specific handicaps under Regulations (EC) No 1698/2005 and (EC) No 1257/1999.]]

- 5 [F7The relevant authorities] shall attach to their rural development programmes:
- a the existing or amended delimitation pursuant to paragraphs 2 and 4;
 - b the new delimitation of the areas referred to in paragraph 3.

Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (Official Journal of the European Union L 347 of 20 December 2013).

Textual Amendments

- F1** Words in Art. 32(1) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(17)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 32(2) omitted (31.12.2020) by virtue of The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(17)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 32(3) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(17)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 32(4) substituted (31.12.2020) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/764), regs. 1, 5(17)(d)(i); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: Regulation (EU) No 1305/2013 of the European Parliament and of the Council, Article 32 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F5** Words in Art. 32(4) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(17\)\(d\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 32(4) omitted (W.) (26.3.2021 in so far as it relates to domestic support for rural development) by virtue of [The Agricultural Support \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/400\)](#), regs. 1(2), [7\(27\)](#)
- F7** Words in Art. 32(5) substituted (31.12.2020) by [The Rural Development \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/764\)](#), regs. 1, [5\(17\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 2](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 3](#)
- Regulation power to modify conferred (temp.) by [2020 asp 17 s. 4](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 12(a) omitted by [S.I. 2019/764 reg. 4\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 4(6) omitted immediately before IP completion day by virtue of S.I. 2019/1405, regs. 1(2), 2(2))