***Changes to legislation:*** *Commission Regulation (EU) 2015/1391 is up to date with all changes known to be in force on or before 13 December 2020. 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*

# Commission Regulation (EU) 2015/1391 of 13 August 2015 amending Regulation (EC) No 1200/2009 implementing Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards livestock unit coefficients and definitions of the characteristics (Text with EEA relevance)

## COMMISSION REGULATION (EU) 2015/1391

## of 13 August 2015

## amending Regulation (EC) No 1200/2009 implementing Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards livestock unit coefficients and definitions of the characteristics

## (Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey on agricultural production methods, and in particular to Articles 7(4) and 11(7) thereof[(1)],

Whereas:

(1) Regulation (EC) No 1166/2008 establishes a framework for the provision of comparable Union statistics on the structure of agricultural holdings and for a survey on agricultural production methods.

(2) Commission Regulation (EU) No 715/2014[(2)] sets out a new list of characteristics to be collected in the farm structure survey 2016. Therefore it is necessary to modify the definitions.

(3) In the interests of comparability, the terms contained in the list of characteristics referred to in recital 2 should be understood and applied in a uniform manner throughout the Union. Therefore it is necessary to modify the definitions of the characteristics to be used for the farm structure survey.

(4) Annex II to Commission Regulation (EC) No 1200/2009[(3)] should be in aligned to the new list of characteristics referred to in recital 2.

(5) Regulation (EC) No 1200/2009 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Agricultural Statistics established by Council Decision 72/279/EEC[(4)],

HAS ADOPTED THIS REGULATION:

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*Article 1*

Annex II to Regulation (EC) No 1200/2009 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 13 August 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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ANNEX

ANNEX II

**Definitions of the characteristics to be used for the Union farm structure surveys[5]**

I. **GENERAL CHARACTERISTICS**

**Location of the holding**

The location of the agricultural holding is defined in Article 2(e) of Regulation (EC) No 1166/2008.

**NUTS 3 region**

The NUTS 3 region (according to Commission Regulation (EU) No 31/2011[6]) in which the holding is located.

**Is the holding in a Less Favoured Area (LFA)?**

Information on LFAs is to be provided in line with Article 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council[7].

L — the holding is in Less Favoured area, other than mountain areas, facing significant natural constraints; or in another area affected by specific constraints.
M — the holding is in less favoured mountainous area.
N — normal area (non-LFA).

**Legal personality of the holding**

The legal personality of the holding depends on the status of the holder.

**Is the holding a common land unit?**

A special "common land agricultural unit" — a virtual entity created for the purposes of data collection and recording, consisting of the utilised agricultural area used by agricultural holdings but not belonging directly to them, i.e. on which common rights apply.

**Is the legal and economic responsibility of the holding assumed by:**

**a natural person who is a sole holder, where the holding is independent?**

A single individual and natural person who is the holder of a holding which is not linked to any holdings of other holders, either by common management or similar arrangements.

If the answer to the previous question is "yes", is this person (the holder) also the manager?

If this person is not the manager, is the manager a member of the holder's family?

If the manager is a member of the holder's family, is the manager the spouse of the holder?

**one or more natural persons who is/are a partner, where the holding is a group holding?**

Partner(s) of a group holding are natural persons owning, renting or otherwise managing together one agricultural holding or managing together their individual holdings as if they were one holding. Such cooperation must be either in conformity with the law or by written agreement.

**a legal person?**

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A legal entity other than a natural person but having the normal rights and duties of an individual, such as the ability to sue or to be sued (a general legal capacity of its own).

**Type of tenure (in relation to the holder) and farming system**

**Utilised agricultural area:**

Utilised agricultural area is the total area taken up by arable land, permanent grassland, permanent crops and kitchen gardens used by the holding, regardless of the type of tenure or of whether it is used as a part of common land.

**For owner farming**

Utilised agricultural area farmed by the holding and which is the property of the holder or farmed by him as usufructuary or heritable long-term leaseholder or under some other equivalent type of tenure.

**For tenant farming**

Utilised agricultural area rented by the holding in return for a fixed rent agreed in advance (in cash, kind or otherwise), and for which there is a (written or oral) tenancy agreement. A utilised agricultural area is allocated to only one holding. If a utilised agricultural area is rented out to more than one holding during the reference year, it is normally allocated to the holding with which it is associated on the survey reference day or which used it for the longest period during the reference year.

**For share farming or other modes**

a) Share-farmed agricultural area is the utilised agricultural area (which may constitute a complete holding) farmed in partnership by the landlord and the sharecropper under a written or oral share-farming contract. The output (either economic or physical) of the share cropped area is shared between the two parties on an agreed basis.

b) Utilised agricultural area used under other modes of tenure is the utilised agricultural area not covered elsewhere under the previous items.

**Common land**

The utilised agricultural area used by the agricultural holding but not belonging directly to it, i.e. on which common rights apply.

**Organic farming**

Agricultural practices according to certain set standards and rules specified in (i) Council Regulation (EC) No 834/2007[8] or, where applicable, in the most recent legislation, and (ii) the corresponding national implementing rules for organic production.

**The total utilised agricultural area of the holding on which organic farming production methods are applied and certified according to national or European Union rules**

That part of the utilised agricultural area of the holding on which the production method applied is fully compliant with the principles of organic production at farm level, as set out in (i) Regulation (EC) No 834/2007 or, where applicable, in the most recent legislation and (ii) the corresponding national implementing rules for certification of organic production.

**The total utilised agricultural area of the holding that is under conversion to organic farming production methods to be certified according to national or European Union rules**

That part of the utilised agricultural area of the holding on which organic farming methods are applied, but where the transitional period necessary to be considered fully compliant with the principles of organic production at farm level as set out in (i) Regulation (EC) No 834/2007 or, where applicable, in the most recent legislation and (ii) the corresponding national implementing rules for certification of organic production has not yet been completed.

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**Area of the holding on which organic farming production methods according to national or European Union rules are either applied and certified or under conversion to be certified**

The utilised agricultural area of the holding on which organic farming production methods are either applied and certified or under conversion to be certified according to certain set standards and rules specified in (i) Regulation (EC) No 834/2007 or, where applicable, in the most recent legislation, and (ii) the corresponding national implementing rules for organic production to be broken down by crop categories.

*The different crop categories for organic production are listed below. Please note that the crops are defined in Section II. Land.*

Cereals for the production of grain (including seed)
Dried pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)
Potatoes (including early potatoes and seed potatoes)
Sugar beet (excluding seed)
Oil seed crops
Fresh vegetables, melons and strawberries
Pasture and meadow, excluding rough grazing
Fruit and berry plantations
Citrus plantations
Olives plantations
Vineyards
Other crops (fibre crops, etc.) including rough grazings

**Organic production methods applied to animal production and certified according to national or European Union rules**

The numbers of animals which are reared on the holding where all or part of the animal production is fully compliant with the principles of organic production at farm level as set out in (i) Regulation (EC) No 834/2007 or, where applicable, in the most recent legislation and (ii) the corresponding national rules for certification of organic production, to be broken down by animal categories.

*Livestock are defined in Section III. Livestock.*

Bovine animals
Pigs
Sheep and goats
Poultry
Other animals

**Destination of the holding's production**
**Household consumes more than 50 % of the value of the final production of the holding**

The household is the family unit to which the holder belongs and in which the household's members share the same living accommodation, pool some, or all, of their income and wealth and consume certain types of goods and services collectively, mainly housing and food.

Final production as referred to under this characteristic follows the definition of usable output in the agricultural economic accounts[9].

**Direct sale to final consumers represents more than 50 % of the total sales of the holding**

Direct sale to final consumer means the sale by the holding of self-produced agricultural products, processed or not, directly to consumers for their own consumption. The percentage