Commission Regulation (EC) No 2139/2004 of 8 December 2004 adapting and implementing Council Regulation (EEC) No 571/88 and amending Commission Decision 2000/115/EC with a view to the organisation of Community surveys on the structure of agricultural holdings in 2005 and 2007

COMMISSION REGULATION (EC) No 2139/2004

of 8 December 2004

adapting and implementing Council Regulation (EEC) No 571/88 and amending Commission Decision 2000/115/EC with a view to the organisation of Community surveys on the structure of agricultural holdings in 2005 and 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings[(1)], and in particular Article 8(1) and (4) thereof and point 5 of Annex II thereto,

Whereas:

(1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic on 1 May 2004 makes it necessary to amend the list of characteristics set out in Annex I to Regulation (EEC) No 571/88.

(2) The new political goal of achieving a sustainable common agricultural policy calls for more information, especially on rural development.

(3) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)[(2)], all Member States' statistics transmitted to the Commission which are broken down by territorial units should use the NUTS classification. Consequently, for the purposes of surveys on the structure of agricultural holdings (hereinafter referred to as the farm structure surveys), the regions and districts should be defined in accordance with the NUTS classification.

(4) Time limits for the communication of validated individual data from the farm structure surveys should be established by the Commission, taking into account the fact that the timetable for carrying out the survey work differs between Member States.

(5) Both Regulation (EEC) No 571/88 itself and the decision laying down the definitions and explanations relating to that Regulation, namely Commission Decision 2000/115/EC[(3)], 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:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2139/2004. (See end of Document for details)*

Article 1

Annex I to Regulation (EEC) No 571/88 is replaced by the text shown in Annex I to this Regulation.

Article 2

Decision 2000/115/EC is amended as follows:

1. Annex I is amended as shown in Annex II to this Regulation;

2. Annex IV is deleted.

Article 3

1 For the purposes of the farm structure surveys 2005 and 2007, the regions shall be the territorial units NUTS 2 as referred to in Regulation (EC) No 1059/2003.

By way of derogation, for Germany the regions shall be the territorial units NUTS 1 as referred to in that Regulation.

2 For the purposes of the farm structure surveys 2005 and 2007, the districts shall be the territorial units NUTS 3 as referred to in Regulation (EC) No 1059/2003.

By way of derogation, for Germany the districts are the territorial units NUTS 2 as referred to in that Regulation.

3 For the purposes of the farm structure surveys 2005 and 2007, the municipalities shall be the smaller administrative units as referred to in Annex III to Regulation (EC) No 1059/2003. Member States shall provide the municipality for each surveyed holding.

Article 4

The Member States shall communicate validated individual data from the farm structure surveys 2005 and 2007 in accordance with the timetable set out in Annex III to this Regulation.

Article 5

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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 2139/2004. (See end of Document for details)*

ANNEX

‘ANNEX I

LIST OF CHARACTERISTICS FOR 2005 AND 2007[(5)]

Explanatory notes:

— The characteristics marked with the letters “NE” in the Annex are deemed not to exist or to be close to zero in the respective Member States.

— The characteristics marked with the letters “NS” are deemed not to be significant in the respective Member States.

				BE	**CZ**	**DK**	**DE**	**EE**	**EL**	**ES**	**FR**	**IE**	**IT**	**CY**	**LV**	**LT**	**LU**	**HU**	**MT**	**NL**	**AT**	**PL**	**PT**	**SI**	**SK**	**FI**	**SE**	**UK**
A. Geographical situation of the holding																												
1.	code	Survey district																										
(a)	code	Municipality or subsurvey district[a]																										
2.	yes/no	Less-favoured area[a]											NE															
(a)	yes/no	Mountain area[a]					NE						NE	NE	NE			NE										
3.	yes/no	Agricultural areas with environmental restrictions											NE					NE			NE		NE		NE			
B. Legal personality and management of the holding **(on the day of the survey)**																												
1. Is the legal and economic responsibility of the holding assumed by:																												
(a)	yes/no	a natural person																										

a	The provision of information on less-favoured area (A2) and mountain area (A2a) is optional in case the municipality code (A1a) is sent for each holding. In case the municipality code (A1a) is not provided for the holding, the information on less-favoured area (A2) and mountain area (A2a) is obligatory.
b	Voluntary information.
c	Not recorded in the 2007 survey.
d	Belgium, the Netherlands and Austria may include item G/1(c) ‘nuts’ under this heading.
e	Voluntary information.
f	Germany may merge headings 8(c), 8(d) and 8(e).
g	Optional in the 2005 survey. Not recorded in the 2007 survey.
h	Optional for Member States that are able to provide an overall estimate for this characteristic at regional level.

who is a sole holder, where the holding is independent?																										
(b) or more natural persons who is/are a partner, where the holding is a group holding?[b]	yes/no		one	NS		NS	NS	NS		NS	NS				NS	NS			NS	NS	NS		NE		NS	NS
(c) legal person?	yes/no		a																							
2. the answer to question B/1 (a)	yes/no		If																							

a	The provision of information on less-favoured area (A2) and mountain area (A2a) is optional in case the municipality code (A1a) is sent for each holding. In case the municipality code (A1a) is not provided for the holding, the information on less-favoured area (A2) and mountain area (A2a) is obligatory.
b	Voluntary information.
c	Not recorded in the 2007 survey.
d	Belgium, the Netherlands and Austria may include item G/1(c) 'nuts' under this heading.
e	Voluntary information.
f	Germany may merge headings 8(c), 8(d) and 8(e).
g	Optional in the 2005 survey. Not recorded in the 2007 survey.
h	Optional for Member States that are able to provide an overall estimate for this characteristic at regional level.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 2139/2004. (See end of Document for details)*

is “yes”, is the person (the holder) also the manager?																															
(a) the answer to question B/2 is ‘no’, is the manager a member of the holder’s family?	yes/ no	If																													
(b) the answer to question B/2(a) is ‘yes’, is the manager the	yes/ no	If								NS		NS																			

a	The provision of information on less-favoured area (A2) and mountain area (A2a) is optional in case the municipality code (A1a) is sent for each holding. In case the municipality code (A1a) is not provided for the holding, the information on less-favoured area (A2) and mountain area (A2a) is obligatory.
b	Voluntary information.
c	Not recorded in the 2007 survey.
d	Belgium, the Netherlands and Austria may include item G/1(c) ‘nuts’ under this heading.
e	Voluntary information.
f	Germany may merge headings 8(c), 8(d) and 8(e).
g	Optional in the 2005 survey. Not recorded in the 2007 survey.
h	Optional for Member States that are able to provide an overall estimate for this characteristic at regional level.