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COMMISSION REGULATION (EC) No 141/2004

of 28 January 2004

laying down rules for applying Council Regulation (EC) No 1257/1999 as regards the transitional rural development measures applicable to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

(OJ L 24, 29.1.2004, p. 25)

Amended by:

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and in particular paragraph 3 of Article 2 thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Chapter IXa of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [1] introduced by the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, defines in general terms the conditions under which temporary additional support is to be granted for transitional rural development measures in the new Member States. Implementing rules should be adopted to supplement those conditions and adapt certain rules foreseen by Commission Regulation (EC) No 445/2002 of 26 February 2002 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) [2].

(2) Those rules must conform to the principles of subsidiarity and proportionality and must therefore be limited to what is necessary to achieve the objectives pursued.

(3) Conditions of eligibility for certain transitional measures must therefore be specified and the support ceilings for the specific measures applicable to Malta should be fixed.

(4) To facilitate the establishment of rural development plans comprising those measures, and their examination and approval by the Commission, common rules relating to their structure and content must be laid down on the basis of Article 43 of Regulation (EC) No 1257/1999 in particular.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

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[1] OJ L 160, 26.6.1999, p. 80, Regulation as last amended by the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

[2] OJ L 74, 15.3.2002, p. 1, Regulation as last amended by Regulation (EC) No 963/2003 (OJ L 138, 5.6.2003, p. 32).

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HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

Scope

The present Regulation lays down the implementing rules related to:

(a) the specific rural development measures foreseen in Chapter IXa of Regulation (EC) No 1257/1999 and applicable to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (designated hereafter as 'the new Member States');

(b) programming and evaluation of all rural development measures for the new Member States.

CHAPTER II

SPECIFIC MEASURES APPLICABLE TO THE NEW MEMBER STATES

Article 2

Support for semi-subsistence farms undergoing restructuring

The business plan foreseen in Article 33b(2) of Regulation (EC) No 1257/1999 must be sufficiently detailed to be able to be used to support an application for support for investment in agricultural holdings.

Article 3

Technical assistance

By derogation of Article 39 of Regulation (EC) No 445/2002, rule No 11 of the Annex to Commission Regulation (EC) No 1685/2000 [1] applies to the measure referred to in Article 33e of Regulation (EC) No 1257/1999.

Article 4

Complements to direct payments

Eligibility conditions for granting support under the measure foreseen in Article 33h of Regulation (EC) No 1257/1999 are defined by the Commission decision approving the complementary national direct payment.

CHAPTER III

ADDITIONAL SUPPORT APPLICABLE TO MALTA

Article 5

Complements to State aid in Malta

Eligibility conditions for granting support under the measure foreseen in Article 33i of Regulation (EC) No 1257/1999 are defined within the framework of the Special Market Policy Programme for Maltese Agriculture (SMPPMA) provided for in Annex XI, Chapter 4, Section A, point 1 of the Act of Accession.

[1] OJ L 193, 29.7.2000, p. 39.

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Article 5a

Full-time farmers in Malta

The amount of the payments provided for in the second subparagraph of Article 33j of Regulation (EC) No 1257/1999 shall not exceed the annual ceiling per holding and per annual work unit laid down in Annex I, point A.

CHAPTER IV

DEROGATIONS APPLICABLE TO THE NEW MEMBER STATES

Article 5b

Implementing demanding standards

1. The costs related to investments required to enable a standard to be met, as referred to in Article 33l(2b) of Regulation (EC) No 1257/1999, shall be fixed by the competent public authority in the form of standard costs. These standard costs shall be calculated on the basis of objective criteria permitting determination of the cost of individual activities, taking account of specific local conditions and avoiding any overcompensation.

2. A farmer in receipt of support under Article 33l(2b) of Regulation (EC) No 1257/1999 to meet a norm which is already binding shall remain eligible for the compensatory allowances and agri-environment support referred to in Chapters V and VI respectively of Title II to that Regulation during the investment period, subject to compliance with the other conditions for granting that support and provided that the farmer meets the relevant standard at the end of the investment period.

Article 6

Agri-environment

The annual maximum amount per hectare for the maintenance and preservation of rubble walls in Malta provided for in the second subparagraph of Article 33m(2) of Regulation (EC) No 1257/1999 is indicated in Annex I, point B.

Article 7

Producer groups in Malta

1. Only those producer groups comprising a minimum percentage of the producers in the sector and representing a minimum percentage of the production in the sector shall be eligible for the minimum support provided for in the third subparagraph of Article 33d(3) of Regulation (EC) No 1257/1999.

2. The minimum amount of the support, calculated as a function of the minimum cost necessary to form a small producer group, is indicated in Annex I, point C.

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CHAPTER V

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Article 8

Evaluation

The mid-term evaluation referred to in Articles 56 and 57 of Regulation (EC) No 445/2002 shall not apply to the new Member States during the 2004 to 2006 programming period.

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Article 9

Programming

1. To apply point 8 of Annex II to Regulation (EC) No 445/2002 new Member States will use the indicative overall financial table included in Annex II to this Regulation.

2. In addition to the information foreseen in point 9 of Annex II to Regulation (EC) No 445/2002, the rural development plans provided for in Title III, Chapter II of Regulation (EC) No 1257/1999 contain the information listed in Annex III to this Regulation.

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Article 9a

Applications and checks for the measure implementing of demanding standards

As regards the support under Article 33l(2b) of Regulation (EC) No 1257/1999, checks on applications to join the scheme, as provided for in Article 59 of Regulation (EC) No 445/2002 (or Article 67 of the new Regulation) must permit verification that the investment is necessary to meet the standard in question. Where the application to join the scheme relates to an annual aid amount in excess of EUR 10 000, checks on this application must include an on-the-spot visit.

The checks on applications for payment provided for in Article 59 of Regulation (EC) No 445/2002 (or 67 of the new Regulation), for the support referred to in the first subparagraph of this Article, must permit verification that the investment has been carried out. Where the application for payment relates to an annual aid amount in excess of EUR 10 000, checks on this application must include an on-the-spot visit.

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CHAPTER VI

FINAL PROVISIONS

Article 10

Entry into force

This Regulation shall enter into force on 1 May 2004 subject to the entry into force of the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

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