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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1444/2002

of 24 July 2002

amending Commission Decision 2000/115/EC relating to the definitions of the characteristics, the exceptions to the definitions and the regions and districts regarding the surveys on the structure of agricultural holdings

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], as last amended by Commission Regulation (EC) No 143/2002 [2] and in particular Article 8 (1) thereof,

Whereas:

(1) The results of the Community surveys on the structure of agricultural holdings provided for in Regulation (EEC) No 571/88 can be coherent throughout the European Community only if the terms contained in the list of characteristics are understood and applied in a uniform manner.

(2) Regulation (EC) No 143/2002 has amended the list of survey characteristics in view of the organisation of the Community surveys on the structure of agricultural holdings in 2003, 2005, 2007.

(3) New variables have been added to the list of characteristics and the development of agriculture has made it necessary to revise the definitions of various old variables.

(4) The list of exceptions to the uniform definitions due to the circumstances peculiar to certain Member States needs to be revised.

(5) The delimitation of administrative regions and districts has changed in certain Member States. Consequently the list of regions and districts for the purposes of the Community agricultural structure surveys is revised.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Statistics, set up by Council Decision 72/279/EEC [3],

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Commission Decision 2000/115/EC [4] shall be replaced by Annex I to the present regulation. This Annex contains the Community definitions to be used for Community surveys on the structure of agricultural holdings, together with the relevant explanations and examples.

Article 2

Annex III to Decision 2000/115/EC shall be replaced by Annex II to the present regulation. This annex contains exceptions to the Community definitions due to the circumstances peculiar to certain Member States.

Article 3

The regions and districts for Italy as specified in Annex IV of Decision 2000/115/EC shall be replaced according to Annex III to the present regulation. These regions and districts shall also be applied to the results of the basic survey of 1999/2000.

Article 4

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

It shall apply with respect to the Community surveys on the structure of agricultural holdings for 2003 onwards.

[1] OJ L 56, 2.3.1988, p. 1.
[2] OJ L 24, 26.1.2002, p. 16.
[3] OJ L 179, 7.8.1972, p. 1.
[4] OJ L 38, 12.2.2000, p. 1.

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

Done at Brussels, 24 July 2002.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

ANNEX I

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DEFINITIONS AND EXPLANATIONS APPLICABLE TO THE LIST OF CHARACTERISTICS TO BE USED FOR COMMUNITY SURVEYS ON THE STRUCTURE OF AGRICULTURAL HOLDINGS

(I = definitions, II = explanatory notes)

AGRICULTURAL HOLDING

I. A single unit both technically and economically, which has single management and which produces agricultural products. The holding may also provide other supplementary (non-agricultural) products and services.

II.

1. An agricultural holding is thus defined by the following criteria:

1.1. production of agricultural products

"agricultural products" are taken to be those products listed in Annex II;

1.2. single management

there can be single management even though this is carried out by two or more persons acting jointly;

1.3. a single unit technically and economically

in general this is indicated by a common use of labour and means of production (machinery, buildings or land, etc.).

2. Special cases

2.1. (a) When a holding is for tax or other reasons split up among two or more persons, but still has a single management (one common manager) and it can so be considered to be one economic unit, it is considered as one single holding;

(b) when two or more separate holdings, each having previously been an independent holding, have been integrated in the hands of a single holder, they are considered to be a single holding if they now have a common manager or if they otherwise use the same labour and equipment.

2.2. If a parcel of land has been retained by the former holder when transferring the holding to his successor (heir, tenant, etc.), it is:

(a) included with the successor's holding if the retained land is worked in conjunction with the rest of the holding and if in general the same labour force and means of production as for the rest of the holding are employed;

(b) attributed to the previous holder's holding if normally worked with the labour force and means of production of that holding.

2.3. The following are counted as agricultural holdings if they fulfil the other criteria defining an agricultural holding mentioned above:

(a) bull, boar, ram and billy-goat breeding stations, studs and hatcheries;

(b) the agricultural holdings of research institutes, sanatoria and convalescent homes, religious communities, schools and prisons;

(c) agricultural holdings which form part of industrial enterprises;

(d) common land consisting of pasture, horticultural or other land, if the land is operated as an agricultural holding by the local authority concerned (e.g. by the taking in of other persons' cattle to graze at a certain rate). The following are not considered here:

— common land allotted (C/3);

— common land which has been rented out (C/2).

2.4. The following are not counted as agricultural holdings, unless they have other activities which qualify them for inclusion:

(a) riding stables, racing stables, gallops (i.e. land used for exercising racehorses), if they do not have breeding activities;

(b) kennels;

(c) markets, abattoirs, etc. (without rearing).

2.5. Separate holdings may put resources for one particular farm activity together to form a distinct joint enterprise that is run separately from the holdings behind it (the parent holdings). These enterprises can be, for example, common orchards, common cattle lots, common dairy buildings. It is a case of partial fusion and these joint enterprises are here called "single-product group-holdings". These "single-product group-holdings" are treated as agricultural holdings independent of the "parent" holdings if they mainly use their own factors of production and do not rely mainly on the factors of production of the "parent" holdings.

A. **GEOGRAPHICAL SITUATION OF THE HOLDING**

II. The holding and all the information relating to it is recorded as being in that district and municipality or subsurvey district where the headquarters of the holding is situated (A/1).

The headquarters of the holding is defined according to Member States' documented own rules.

In the case where the holding is only partially located in a certain type of area (for example less-favoured area), it is classified as being within this area if either the greater part of the land belonging to the holding or the headquarters of the holding is located in this area. One of these rules should be chosen and applied for all holdings and for each item A/1 to A/3.

A/1 **Survey district**

I. The geographical situation of each holding is described by a code indicating the country, the region and the survey district.

II. The regions and districts for the purposes of the agricultural structure surveys are listed in Annex IV.

A/1 (a) *Municipality or subsurvey district*

I. The geographical situation is described by a code, indicating the municipality or subsurvey district, which allows an aggregation of the results by different kinds of zones at regional level.

II. The municipality or subsurvey district codes used conform to levels 4 or 5 of the nomenclature of statistical territorial units (NUTS). If these codes cannot be transmitted, the Member State communicates instead, for each holding, the information indicated in characteristics A/2, A/2(a) and A/3.

A/2 **Less-favoured area**

I. Areas designated, on the date of the survey, as less-favoured within the meaning of Articles 18, 19 and 20 of Council Regulation (EC) No 1257/1999 ([1]), (and, where applicable, the most recent legislation), appearing in the Community list of less-favoured agricultural areas as communicated by the Member States in application of said Regulation.

II. Less-favoured areas include mountain areas (A/2(a)), areas affected by specific handicaps, and other less-favoured areas.

A/2 (a) *Mountain area*

I. Areas designated, on the date of the survey, as mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999 (and, where applicable, the most recent legislation) and appearing in the Community list of less-favoured agricultural areas as communicated by Member States in application of said regulation.

A/3 **Agricultural areas with environmental restrictions**

I. Areas designated, on the date of the survey, as agricultural areas with environmental restrictions within the meaning of Article 16 of Regulation (EC) No 1257/1999 (and, where applicable, the most recent legislation).

II. Farmers can receive payments for costs and lost income due to environmental restrictions on their agricultural areas. Those restrictions should be the result of the implementation of limitations on agricultural use based on Community environmental protection rules.

Areas with restrictions that are based only on national or regional rules are excluded.

The areas can be situated in less-favoured areas.

These areas are mainly Natura 2000 areas, i.e. special conservation/protection areas hosting threatened natural habitat types and species (based on Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, pp. 7 to 50).

B. **LEGAL PERSONALITY AND MANAGEMENT OF THE HOLDING (on the day of the survey)**

B/1 and B/2 **The person legally and economically responsible for the holding: the holder**

I. The holder of the holding is that natural person, group of natural persons or the legal person on whose account and in whose name the holding is operated and who is legally and economically responsible for the holding, i.e. who takes the economic risks of the holding. The holder can own the holding outright or rent it or be a hereditary long-term leaseholder or a usufructuary or a trustee.

II. The legal and economic responsibility is defined according to Member States' documented own rules.

The holder may have delegated all or part of power of decision of the normal daily financial and production routines of running of the holding to a manager.

In the case of share farming (see item C/3(a)) the share farmer is shown as holder and not the landlord.

Only the partners on a group holding who take part in the farm work (see L/1 to L/6) on the holding may be considered as being holders.

([1]) OJ L 160, 26.6.1999, p. 80.