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NOTIFIKAZZJONI TAL-GVERN

Nru. 185

ATT DWAR L-GĦAJNUNA FINANZJARJA LILL-INDUSTRIJI TAL-BIEDJA U TAS-SAJD (KAP. 146)

Applikazzjonijiet għall-Għajnuna f'Żona fit-Termini tar-Regolamenti dwar l-Aġenzija ta' Pagamenti, 2006

1. For the purposes of point 5 (4) of Annex 2 to the Paying Agency Regulation, 2004, published by Legal Notice 126 of 2004, it is hereby declared that Government Notices Nos. 141 and 198 of 2005 shall no longer apply, and that this present Notice sets out the regulations for Area Aid Applications for the current year 2006. It is also notified that Commission Regulation (EC) No. 2419/2001, referred to in the same Legal Notice, is no longer in force and has been repealed by Commission Regulation (EC) No. 796/2004 of 21 April 2004, laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

2. Commission Regulation (EC) No. 1973/2004 of 29 October 2004 lays down detailed rules for the application of Council Regulation (EC) No. 1782/2003 as regards the support schemes provided for in Titles IV and IV(a) of that Regulation and the use of land set aside for the production of raw materials. As set out in the preamble (3) of Regulation (EC) No. 1973/2004, the minimum size of application to area based direct payments in Malta should be fixed at 0.1 ha, and for the years 2005 and 2006, Malta may set the minimum size requirements for set aside areas at less than 0.1 ha in size and 10m wide, according to Article 65 of the same Regulation.

GOVERNMENT NOTICE

No. 185

AGRICULTURE AND FISHERIES INDUSTRIES (FINANCIAL ASSISTANCE) ACT (CAP. 146)

Area Aid Applications in Terms of the Paying Agency Regulations, 2006

3. As regards the eligibility criteria for arable crops area payment, Articles 51 and 52 of Regulation (EC) No. 1973/2004 shall apply.

4. As regards the definition of set-aside land and payments on land voluntarily set-aside, Article 64 and 68 of Regulation (EC) No. 1973/2004 shall apply respectively.

5. A farmer receiving direct payments is obliged to respect the statutory management requirements referred to in Annex III of Council Regulation (EC) No. 1782/2003. For the current year 2006, only the first fifteen of these requirements are obligatory. These entered into force on the 1st of January, 2005 and on 1st January, 2006, and deal with environmental issues, public and animal and plant health, the identification and registration of animals, and the notification of diseases.

6. A farmer receiving direct payments, LFA and Agri-environmental aid is also obliged to maintain all agricultural land in good agricultural and environmental condition, on the basis of Annex IV of Council Regulation (EC) No. 1782/2003, and comply with the Code of Good Agricultural Practices (COGAP).

7. With reference to point 1 of Annex 2 of Legal Notice 126 of 2004, the definition of "arable land" is being replaced thus:

(a) "Arable land" shall mean land cultivated for crop production and land under set-aside, or maintained in good agricultural and environmental condition in accordance with Article 5 of Regulation (EC) No 1782/2003, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover;

(b) "Cross-compliance" means the statutory management requirements (mentioned at point 2 above), and the good agricultural and environmental conditions in accordance with Articles 4 and 5 of Regulation (EC) No. 1782/2003;

(c) "Non-compliance" means any non-compliance with the requirements, obligations and standards set out in the statutory management requirements and the good agricultural and environmental conditions mentioned above.

8. In cases of non-compliance, the reductions and exclusions laid out in Chapter II of Commission Regulation (EC) No. 796/2004 shall apply, depending on the severity of the case as decided by the Dispute Resolution Board, as provided by Article 4 of G.N. 1156 published in the Government Gazette of the 9th November, 2004.

9. A farmer submitting an area aid application is required to declare all areas within his agricultural holding, including those areas which are not used for the purposes of the aid schemes applicable. If the difference between the overall area declared in the area aid application, and the area declared plus the overall area of the parcels not declared is more than 3% of the area declared, the overall amount of direct payments payable to the farmer for the year in question shall be reduced by up to 3% depending on the severity of the omission.

Percentage of omission	**Percentage of reduction to be applied**
1% – ≤30%	1%
>30% – ≤60%	2%
>60%	3%

10. With reference to point 18 of Annex 2 of Legal Notice 126 of 2004, re- transfer of holdings, where a beneficiary transfers all or part of a holding to another person during the period for which a commitment given as a condition for the grant of assistance runs (in relation to rural development measures: LFA, Autochthonous and Organic), the transferee may take over the commitment for the remainder of the period. This is set out in Article 36 of Commission Regulation (EC) No. 817/2004. If the commitment is not taken over, the transferor will have to reimburse the assistance that he has already been granted.

11. Area aid applications shall be accepted by the Delegated Services of the Paying Agency at the National Agricultural Research and Development Centre, Għammieri and at the IACS Office, Ministry for Gozo.

12. The following Aid Schemes shall be applicable, and the closing dates shall be as listed hereunder:

Skema ta' Għajnuna ***Aid Scheme***	**Data ta' l-Għeluq** ***Closing Date***	**Data għaż-Żrigħ** ***Sowing Date***
1. Għajnuna fuq qmuħ, ċereali u magħlef ieħor *1. Arable Aid*	13 ta' April *13th April*	31 ta' Mejju *31st May*
2. Frott u ħxejjex għall-Produzzjoni *2. Fruit and Vegetables for Production*	8 ta' Mejju *8th May*	30 ta' Ġunju *30th June*
3. Frott u Tadam għall-ipproċessar *3. Fruit and Tomatoes for Processing*	8 ta' Mejju *8th May*	30 ta' Ġunju *30th June*
4. Patata *4. Potatoes*	8 ta' Mejju *8th May*	31 ta' Mejju *31st May*
5. Taħwil tad-Dwieli *5. Vine Planting*	31 ta' Lulju *31st July*	Ma tapplikax *Not applicable*
6. Ristrutturar tad-Dwieli *6. Restructuring for Vines*	31 ta' Lulju *31st July*	Ma tapplikax *Not applicable*
7. Għajnuna Addizzjonali fuq id-Dwieli *7. Additional Aid for Vines*	31 ta' Lulju *31st July*	Ma tapplikax *Not applicable*
8. Ħitan tas-Sejjieħ ta' Lqugħ *8. Rubble Walls*	8 ta' Mejju *8th May*	Ma tapplikax *Not applicable*
9. Awtoktoni *9. Autochthonous*	8 ta' Mejju *8th May*	Ma tapplikax *Not applicable*
10. Biedja Organika	31 ta' Lulju	Ma tapplikax

10. Organic	*31st July*	*Not applicable*
11. Żoni Żvantaġġati *11. Less Favoured Area*	8 ta' Mejju *8th May*	Ma tapplikax *Not applicable*
12. Għjnuna *Ad Hoc* għll-bdiewa reġistrati *full-time* *12. Ad Hoc measure for full-time farmers*	8 ta' Mejju *8th May*	Ma tapplikax *Not applicable*

(a) For Arable Aid, applications may be submitted within a period of 25 calendar days from the closing date, that is until the 8th May, 2006, however being subjected to a 1% reduction per working day in the amounts to which the farmer would have been entitled to under the aid scheme in question.

(b) Applications submitted after the closing dates indicated shall be considered inadmissible.

(c) The sow dates listed above are an additional provision which make it possible for claimants to amend their area aid application using Article 15 of Commission Regulation (EC) No. 796/2004 until the sow date of the aid scheme in question, where applicable. Such amendments concern the addition of individual agricultural parcels not yet declared in the area aid application, as set out in the mentioned Article.

(d) Aid applications may also be amended in accordance with Articles 19, 22, 68, 72 and 74 of Commission Regulation (EC) No. 796/2004. Sanctions and penalties applicable through the said Commission Regulation shall apply.

13. The incompatibilities between the declaration of multiple crop surfaces apply as laid out in the relevant Regulations.

14. As regards the Recovery of undue payments, any amounts of EUR 100 or less, not including interest, per farmer and per premium period, shall not be recovered.

Where amounts relating to interest have to be recovered independently from amounts unduly paid, amounts relating to interest of EUR 50 or less shall not be recovered.

15. For all of the above aid schemes, the following Regulations shall apply:

No. 2200/1996, No. 2201/1996, No. 2202/1996, No. 2366/1998, No. 1251/1999, No. 1257/99, No. 493/1999, No. 495/2001, No. 1535/2003, No. 1782/2003, No. 1783/2003, No. 2111/2003, No. 583/2004, No. 795/2004, No. 796/2004, No. 817/2004, No. 864/2004, No. 1973/2004 and No.1974/2004.

1st March, 2006

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