COMMISSION REGULATION (EEC) No 3981/89

of 20 December 1989

amending Regulation (EEC) No 1272/88 laying down detailed rules for applying the set-aside incentive scheme for arable land

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures [1] as last amended by Regulation (EEC) No 1609/89 [2], and in particular Article 1a (7) thereof:

Whereas the arable land eligible for aid under the set-aside scheme provided for in Article 2 of Commission Regulation (EEC) No 1272/88 [3] should be defined in greater detail;

Whereas, in cases where land is left fallow in a rotation system, the area of the set-aside plots may be changed each year; whereas annual changes in the percentage of the land covered by the undertaking should therefore be authorized under certain circumstances;

Whereas the afforestation or non-agricultural use of set-aside land may entail major changes to the holding; whereas, in cases where land is farmed by a tenant, provision should be made for the owner to approve such uses;

Whereas the transition from an undertaking to set aside arable land to an undertaking to take early retirement as provided for in Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming [4] should be facilitated under certain circumstances;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Structure and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1272/88 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. For the purpose of this Regulation, arable land means the types of land generally included in a crop rotation system, listed in section D of the Annex to Regulation (EEC) No 571/88 and defined in the Annex to Commission Decision 83/461/EEC, with the exception of land mentioned under points D/15 and 17 (crops under glass) or D/21 (fallow) and of land used for products not subject to a market organization.'

2. The following paragraph is added to Article 3:

'4. Where land left fallaow is included in a rotation system, Member States may permit annual changes in the percentage of the land on the holding covered by the undertaking, provided that:

(a) the change does not exceed 10 % of the average area in respect of which the aid is granted;

(b) the set-aside of an area smaller than the average area is authorized only where the difference can be offset by the set-aside of an area exceeding the average area in a previous year;

(c) the 20 % minimum laid down in paragraph 3 or, in cases where exemption from the co-responsibility levy in the cereals sector is claimed under Article 1a (6) of Regulation (EEC) No 797/85, the 30 % minimum is always observed.'

3. The following subparagraph is added to Article 9 (1):

'In the case of areas farmed by tenants, the Member States may require the owner's consent to afforestation or use for non-agricultural purposes.'

4. The following subparagraph is added to Article 12 (3):

'The beneficiary may terminate the undertaking at any time if he definitively gives up all farming activities in accordance with the first indent of Article 4 (1) of Council Regulation (EEC) No 1096/88 [5].

[5] OJ No L 110, 29. 4. 1988, p. 1.'

Article 2

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

[1] OJ No L 93, 30. 3. 1985, p. 1.
[2] OJ No L 165, 15. 6. 1989, p. 1.
[3] OJ No L 121, 11. 5. 1988, p. 36.
[4] OJ No L 110, 29. 4. 1988, p. 1.

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

Done at Brussels, 20 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission