COMMISSION REGULATION (EEC) No 2834/93

of 15 October 1993

laying down transitional measures for the management of base areas in the new German *Länder*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops (1), as last amended by Regulation (EEC) No 1552/93 (2), and in particular Article 16 thereof,

Whereas Article 2 (6) of Regulation (EEC) No 1765/92 provides for a reduction in the area eligible for compensatory payments and special set-aside without compensation where the sum of the areas for which aid is claimed by producers exceeds the regional base area;

Whereas a base area was fixed for each German *Land;* whereas, in each of the new German *Länder,* areas for which aid applications were submitted in 1993/94 exceed the respective base area by levels ranging from 1,20 % in Brandenburg to 16,83 for Mecklenburg-Western Pomerania; whereas the average overrun in the five new *Länder* is 9,76 %;

Whereas the change from the planned economy existing in the new *Länder* before unification to a market economy has been carried out practically without a transitional period; whereas, therefore, implementation of the reform comes at a time when agricultural production structures are in the process of change; whereas this situation and the loss of traditional markets in the countries of eastern Europe led to a significant and unforeseen fall in livestock production and a reduction in the areas previously used for fodder production when Regulation (EEC) No 1765/92 was adopted;

Whereas, given this situation, a solution must be found which will not allow the strictness of the existing legislation to cause the failure of the restructuring of the agricultural sector in the new *Länder* but which does not increase the base area which is a key element in the reform of arable farming; whereas a transitional measure, gradually introducing the penalties provided for in Article 2 (6) of Regulation (EEC) No 1765/92, would appear to be most appropriate measure in the circumtances; whereas this measure should only be applied for the 1993/94, 1994/95 and 1995/96 marketing years;

Whereas, however, the measures provided for in this Regulation should not be applied where the base area is exceeded by only a small margin; whereas, therefore, a minimum overrun threshold should be established and discrimination between producers in the new *Länder* should be avoided;

Whereas the relevant management committees have not delivered opinions within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 2 (6) of Regulation (EEC) No 1765/92 where the base area in the *Länder* of Berlin, Brandenburg Mecklenburg-West Pomerania, Saxony, Saxony-Anhalt and Thuringia is exceeded by more than 1 %, the proportionate reduction in the areas eligible for compensatory payments and the special set-aside shall be 10, 20 and 50 % for the 1993/94, 1994/95 and 1995/96 marketing years respectively and 100 % from the 1996/97 marketing year.

However, application of the above paragraph shall not result in a proportionate reduction in the areas eligible for compensatory payments and the special set-aside of less than 1 %.

Article 2

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

It shall apply with effect from the 1993/94 marketing year.

(1) OJ No L 181, 1. 7. 1992, p. 12.
(2) OJ No L 154, 25. 6. 1993, p. 19.

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

Done at Brussels, 15 October 1993.

For the Commission
René STEICHEN
Member of the Commission