

WORKING DOCUMENT**DELEGATED ACT FOR DIRECT PAYMENTS**

Legal draft of the Articles related to the **scope, definitions and related provisions**

DISCLAIMER

This working document has been prepared by DG AGRI staff in order to facilitate the discussion in the Expert group for direct payments. It has not yet been subject of an inter-service consultation nor revised by the Legal Service

CHAPTER 1**SCOPE, DEFINITIONS AND RELATED PROVISIONS***Article 1**Scope*

This Regulation lays down provisions supplementing certain non-essential elements of Regulation (EU) No [DPR] in relation to:

- (a) the basic payment scheme;
- (b) the single area payment scheme;
- (c) the payment for farmers observing agricultural practices beneficial for the climate and the environment;
- (d) the payment for young farmers commencing their agricultural activity;
- (e) voluntary coupled support;
- (f) the crop-specific payment for cotton;
- (g) notification obligations of Member States.

*Article 2**General principles*

1. Member States shall implement this Regulation in accordance with objective criteria and in such a way as to ensure the equal treatment of farmers and to avoid distortions of the market and of competition.

2. Member States shall ensure that all conditions for support implemented under this Regulation are verifiable and controllable.

*Article 3**Framework for criteria on maintaining the agricultural area in a state suitable for grazing or cultivation*

For the purposes of the second indent of Article 4(1)(c) of Regulation (EU) No [DPR], the criteria to be established by the Member States that farmers are to meet in order to fulfil the obligation to maintain the agricultural area in a state suitable for grazing or cultivation shall require annual activities to be carried out by a farmer. Such criteria shall not be related to the production, rearing or growing of agricultural products.

*Article 4**Framework for minimum activities on agricultural areas naturally kept in a state suitable for grazing or cultivation*

For the purposes of the third indent of Article 4(1)(c) of Regulation (EU) No [DPR], the minimum activities to be established by the Member States that are to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation shall be annual activities to be carried out by a farmer. Such activities shall not be related to the production, rearing or growing of agricultural products.

*Article 5**Predominance of grasses and other herbaceous forage in case of permanent grassland*

For the purposes of Article 4(1)(h) of Regulation (EU) No [DPR], grasses and other herbaceous forage shall be deemed to remain predominant where they cover more than 50% of the eligible area at the level of the agricultural parcel within the meaning of Article 68(4)(a) of Regulation (EU) No [HZR].

*Article 6**Established local practices in case of permanent grassland*

For the purposes of Article 4(1)(h) of Regulation (EU) No [DPR], established local practices shall be:

- (a) management practices for areas for livestock grazing which have already existed in the past, are commonly applied and are adapted to specific local conditions; or
- (b) practices which are important for maintaining habitats listed in Annex I to Council Directive 92/43/EEC¹.

*[Article 7**Notifications]*

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).