

WORKING DOCUMENT**DELEGATED ACT FOR INTEGRATED ADMINISTRATION AND CONTROL SYSTEM**

Legal draft of the Articles related to the **Land Parcel Identification System**

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

Whereas:

- (1) Detailed rules are needed with regard to the system for the identification of agricultural parcels to be operated by the Member States in accordance with Article 71 of Regulation (EU) No [...] [HZR]. According to that provision, use has to be made of computerised geographical information system techniques (GIS). It is necessary to clarify which are the basic requirements and quality target the system should meet and which particular information should be available in the GIS to ensure effective administrative cross-checks.
- (2) To allow Member States to identify pro-actively possible weaknesses in the system and to take remedial action when required, the quality of the identification system of agricultural parcels should be annually assessed.
- (3) In order to ensure a proper implementation of the basic payment scheme and related payments as provided for in Title III of Regulation (EU) No [...] [DPR], the Member States should establish an identification and registration system for payment entitlements according to which the payment entitlements have to be traceable and which allows, inter alia, to cross-check areas declared for the purposes of the basic payment scheme with the payment entitlements available to each farmer and between the different payment entitlements as such.
- (4) To allow effective control and to prevent the submission of multiple aid applications to different paying agencies within one Member State, the Member States should provide for a single system to record the identity of farmers submitting aid applications subject to the integrated system.

*Article 1**Identification of agricultural parcels*

1. The identification system for agricultural parcels referred to in Article 71 of Regulation (EU) No [...] [HZR] shall operate at reference parcel level. A reference parcel contains a unit of land representing agricultural area as defined in Article 4(1)(e) of Regulation (EU) No [...] [DPR]. Where appropriate, it shall also include areas as referred to in Article 25(2)(b) of Regulation (EU) No [...] [DPR] and

agricultural land as referred to in Article 29(2) of Regulation (EU) No [...] [RDR]. Member States shall delimit the reference parcel in such a way as to ensure that the reference parcel is measurable, enables the unique and unambiguous localisation of each agricultural parcel annually declared and as a principle, is stable in time.

Member States shall, moreover, ensure that agricultural parcels that are declared are reliably identified. It shall in particular require the aid applications and payment claims to be furnished with particular information or accompanied by documents specified by the competent authority that enable each agricultural parcel to be located and measured.

2. For each reference parcel, Member States shall
 - (a) determine a maximum eligible area for the purpose of the support schemes listed in Annex I of Regulation (EU) No [...] [DPR];
 - (b) determine a maximum eligible area for the purpose of the area-related measures referred to in Article 29, 30, 31 and 32 of Regulation (EU) No [...] [RDR];
 - (c) locate and determine the size of ecological focus areas as listed in Article 32(1) of Regulation (EU) No [...] [DPR]. For that purpose, Member States shall apply the conversion and/or weighting factors set out in Annex VIb of Regulation (EU) No [...] [DPR], where appropriate;
 - (d) determine whether provisions for mountain areas, areas facing significant natural constraints and other areas affected by specific constraints as referred to in Article 33 of Regulation (EU) No [...] [RDR], Natura 2000 areas, areas covered by Directive 2000/60/EC, agricultural land authorised for cotton production according to Article 43 of Regulation (EU) No [...] [DPR], self-maintained areas as referred to in Article 9(1) of Regulation (EU) No [...] [DPR], areas designated by Member States for the regional and/or collective implementation of ecological focus areas in accordance with Articles 32(1ba) and 32(1c) of Regulation (EU) No [...] [DPR], areas which have been notified to the Commission in accordance with Article 17b of Regulation (EU) No [...] [DPR], areas covered with permanent grasslands which are environmentally sensitive in areas covered by Directives 92/43/EEC or 2009/147/EC and further sensitive areas referred to in Article 31(1) of Regulation (EU) No [...] [DPR] and/or areas designated by the Member States in accordance with Article 34 of Regulation (EU) No [...] [DPR] apply.
3. Member States shall ensure that the maximum eligible area per reference parcel as referred to in paragraph 2(a) is correctly quantified within a margin of 2%, which takes into account the outline and condition of the reference parcel. The correct quantification shall be assessed in accordance with Article 2.
4. For the measures referred to in Articles 22(1)(a), 31(a) and 35 of Regulation (EU) No [...] [RDR], the Member States may establish appropriate alternative systems to uniquely identify the land subject to support where that land is covered by forest.

*Article 2**Quality assessment of the identification system for agricultural parcels*

1. Member States shall annually assess the quality of the identification system for agricultural parcels for the purpose of the basic payment scheme and the single area payment scheme as referred to in Title III, Chapter 1 of Regulation (EU) No [...] [DPR]. That assessment shall encompass two conformance classes.

The first conformance class shall cover the following elements in order to assess the quality of the identification system for agricultural parcels:

- (a) the correct quantification of the maximum eligible area;
- (b) the proportion and distribution of reference parcels where the maximum eligible area takes ineligible areas into account or where it does not take agricultural area into account;
- (c) the occurrence of reference parcels with critical defects.

The second conformance class shall cover the following quality elements in order to identify possible weaknesses in the identification system for agricultural parcels:

- (d) the categorisation of reference parcels where the maximum eligible area takes ineligible areas into account, where it does not take agricultural area into account or reveals a critical defect;
- (e) the ratio of declared area in relation to the maximum eligible area inside the reference parcels;
- (f) the percentage of reference parcels which have been subject to change, accumulated over the years;
- (g) the rate of non-compliances determined during on-the-spot checks.

Where the results of the quality assessment reveal deficiencies in the system, the Member State shall take appropriate remedial action.

2. To perform the assessment referred to in the first subparagraph of this paragraph, the Commission shall select and provide the Member States with a sample of reference parcels. Subsequently, Member States shall use data allowing to assess the current situation on the ground.
3. An assessment report and, where appropriate, the remedial actions and the timetable for their implementation shall be sent to the Commission by 31 January following the calendar year in question at the latest.

*Article 3**Identification and registration of payment entitlements*

1. The system for the identification and registration of payment entitlements provided for in Article 72 of Regulation (EU) No [...] [HZR] shall be an electronic register at Member State level and shall, in particular with regard to the cross-checks provided

for in Article 72(1) of Regulation (EU) No [...] [HZR], ensure effective traceability of the payment entitlements as regards the following elements:

- (a) the holder;
 - (b) the annual values;
 - (c) the date of establishment;
 - (d) the date of last activation;
 - (e) the origin, in particular with regard to its attribution, original or national or regional reserve, purchase, lease, inheritance;
 - (f) where Article 18(3) of Regulation (EU) [...] [DPR] is applied, the kind of entitlement, in particular special entitlements provided for in Article 44 of Regulation (EC) No 73/2009, entitlements allocated in accordance with Article 68(1)(c) of Regulation (EC) No 73/2009 and payment entitlements subject to a derogation as provided for in Article 64(2) of Regulation (EC) No 73/2009;
 - (g) where applicable, regional restrictions.
2. Member States in which there is more than one paying agency, may decide to operate the electronic register at paying agency level. In that case, the Member State concerned shall ensure that the different registers are compatible with each other.

Article 4
Identification of beneficiaries

Without prejudice to Article 73(3) of Regulation (EU) No [...] [HZR], the single system to record the identity of each beneficiary provided for by Article 69(1)(f) of that Regulation shall guarantee a unique identification with regard to all aid applications and payment claims or other declarations submitted by the same beneficiary.