



European  
Commission

**Active Farmer**  
**Decisions taken by Member States following the entry into  
force of the Omnibus Regulation**

**April 2018**

According to the EU legislation on Direct Payments<sup>1</sup>, only Active Farmers (AF) may be granted support.

Some Member States (MS) raised the concern that the difficulties and the administrative costs of implementing the current AF clause, and in particular the elements relating to the "negative list" of activities or businesses as provided for in Article 9(2) of Regulation (EU) No 1307/2013, have outweighed the benefit of excluding a very limited number of non-active beneficiaries from the direct support schemes. Responding to these concerns the Commission has proposed to modify the rules, which resulted in the Omnibus Regulation<sup>2</sup>.

The new rules provide MS with the following options:

- Discontinue the application of the list of negative activities and the related 3 criteria available for farmers presumed inactive on the basis of this list to demonstrate that they are indeed active farmers<sup>3</sup>;
- Reduce the number of criteria available to farmers presumed inactive in application of the negative list to demonstrate that they are active farmers (from the current 3 criteria to 2 or even 1 criterion)<sup>4</sup>;
- Consider inactive farmers those who are not registered for their agricultural activity in a national fiscal or social security register<sup>5</sup>.

MS had to notify by 31 March 2018 their decisions regarding the possible implementation from claim year 2018 of the new rules of the AF clause. The information notified to the Commission reveals that:

- More than half of MS, namely: **Austria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Sweden, UK-England, UK-Northern Ireland and UK-Scotland** decided to stop implementing the negative list from claim year 2018. Moreover, **Estonia and Finland** will discontinue applying it from claim year 2019.
- **Belgium, Bulgaria, Croatia, Ireland, Malta, Romania, Spain, Slovenia and UK-Wales** will continue applying the principle of the negative list (to be noted that such decision may also be reviewed after 2018). However, **Slovenia and Belgium-Wallonia** decided to reduce the number of criteria available to farmers falling under the negative list to demonstrate that they are active farmers.
- **Greece and the Netherlands**, despite having decided to stop applying the negative list, will continue applying the option to consider active farmers only those farmers whose

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<sup>1</sup> Article 9 of the Regulation (EU) No 1307/2013 of the European Parliament and of the Council

<sup>2</sup> Regulation (EU) No 2017/2393; O.J. L 350, 29.12.2017, p. 15

<sup>3</sup> Article 9(8) of Regulation No 1307/2013

<sup>4</sup> Article 9(7) of Regulation No 1307/2013

<sup>5</sup> Article 9(3)(a) of Regulation No 1307/2013

agricultural activity is not insignificant or whose principal activity or company object consists of exercising an agricultural activity<sup>6</sup>.

- Finally, two MS, namely **Italy and Romania** decided to apply the option to consider inactive those farmers who are not registered for their agricultural activity in a national fiscal or social security register.
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<sup>6</sup> Article 9(3) of Regulation No 1307/2013