WORKING DOCUMENT
DELEGATED ACT FOR DIRECT PAYMENTS

Legal draft of the Articles related to the **crop specific payment for cotton**

**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.

**Article 1**

*Authorisation of agricultural land for cotton production*  
*(ex Article 24 of Commission Regulation 1121/2009)*

Member States shall establish objective criteria on the basis of which land is authorised pursuant to Article 43(2) of Regulation (EU) No [DPR].

Those criteria shall be based on one or more of the following:

(a) the agricultural economy of those regions where cotton is a major crop;

(b) the soil and climate in the areas in question;

(c) the management of irrigation water;

(d) rotation systems and cultivation methods likely to respect the environment.

**Article 2**

*Approval of varieties for sowing*  
*(ex Article 25 of Commission Regulation 1121/2009)*

For the purposes of Article 43(2) of Regulation (EU) No [DPR], Member States shall approve the varieties registered in the ‘Common Catalogue of Varieties of Agricultural Plant Species’ provided for in [Council] Directive 2002/53/EC[^1] that are adapted to market needs.

Article 3
Eligibility requirements
(ex Article 26 of Commission Regulation 1121/2009)

Sowing the areas referred to in Article 43(1) of Regulation (EU) No [DPR] shall be done by achieving a minimum plant density, to be fixed by the Member State concerned on the basis of the soil and weather conditions and specific regional characteristics, where appropriate.

Article 4
Agronomic practices
(ex Article 27 of Commission Regulation 1121/2009)

Member States may establish specific rules on the agronomic practices needed to maintain and harvest the crops under normal growing conditions.

Article 5
Approval of inter-branch organisations
(ex Article 28 of Commission Regulation 1121/2009)

1. Before 31 December each year, Member States shall approve for the following year any inter-branch organisation referred to in Article 45(1) of Regulation (EU) No [DPR] that applies to become such an approved organisation and which:
   (a) covers a total area of at least 4000 ha as established by the Member State;
   (b) meets the authorisation criteria laid down in Article 2 of [DSCG/2013/15];
   (c) includes at least one ginning undertaking; and
   (d) has adopted internal operating rules, in particular on membership conditions and fees, in accordance with national and Union rules.

2. Where it is found that an approved inter-branch organisation does not respect the criteria for approval provided for in paragraph 1, the Member State shall withdraw the approval unless the non-respect of the criteria concerned is remedied within a reasonable period of time. Where it is planned to withdraw the approval, the Member State shall notify that intention to the inter-branch organisation, together with the reasons for the withdrawal. The Member State shall allow the inter-branch organisation to submit its observations within a specified period.

Farmers who are members of an approved inter-branch organisation whose approval is withdrawn in accordance with the first subparagraph of this paragraph shall lose their right to the increase of the aid provided for in Article 46(2) of Regulation (EU) No [DPR].
Article 6
Producers’ obligations
(ex Article 29 of Commission Regulation 1121/2009)

1. A producer shall not be a member of more than one approved inter-branch organisation referred to in Article 45(1) of Regulation (EU) No [DPR].

2. A producer who is a member of an approved inter-branch organisation shall deliver his cotton only to a ginner belonging to that same organisation.

3. The participation of producers in an approved inter-branch organisation shall be the result of voluntary membership.