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MODIFICATION SUBMISSION TEMPLATE

MANDATORY ESTABLISHMENT OF CULTIVATION FREE BUFFER ZONES

MEMBER STATE: DENMARK

REGION: DENMARK

1. Approved programme:

Rural Development Programme for Denmark, CCI 2007DK06RPO001

2. Legal basis for the modification

Article 6(1) (c) of Regulation (EC) No 1974/2006

3. Reasons and any implementation problems justifying the amendment

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law on Bufferzones) Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-, spraying- and fertiliserfree buffer zones along all open streams and ponds more than 100 m² in rural areas. It is foreseen to compensate the extra cost incurred and income foregone for farmers caused by this measure.

The Danish river basin management plans implementing the EU Water framework directive have been in a public hearing and are expected to be approved before the end of 2011 by the new Danish government.

The support to farmers for establishing mandatory buffer zones is based on article 38 of the Council Regulation (EC) No 1698/2005.

The existing voluntary measure regarding border strips (code 214d) will end in 2011.

4. Description of the amendments proposed

The proposed amendment consists of a description of the new measure "Mandatory establishment of cultivation-free buffer zones (code 213c)" and textual adjustments in chapter 5.2.2.5 "Establishment and management of set-aside border strips (code 214d)". The textual adjustments are made visible with track changes in the revised programme text enclosed.

Within the buffer zones it is as a general rule not permitted to cultivate, spraying and fertilise the area. However, as an exemption to the general rule farmers can establish fertiliser and spraying -free farming of ~~perennial energy crops or~~ permanent pasture in the buffer zone.

Support may only be granted to farmers and to no other land managers.

Two annual support rates are proposed: 161 € per ha to agricultural areas previously farmed as permanent pasture, and 282 € per ha to agricultural areas previously farmed with arable crops

It is foreseen that the farmers apply for the support in 2013 including the period from 1st September 2012 to 31th December 2013. With regard to administrative and on-spot controls, these will be carried out in accordance to the Regulation in force, and so that they cover the entire period of the payment period (in the case of the first payment period, from 1st September 2012 to 31th December 2013).

The 10 meter mandatory cultivation-free buffer zones will in some areas complement an already existing un-cultivated strip of 2 meters along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009. Considering the EU legislation for the protection of water, the 2 meters strips constitutes the only relevant baseline to take into consideration for the present measure. For the existing 2 meters border strips the additional requirement will only be for 8 additional meters and the compensation will only be given for the 8 meters up to the 10 meter requirement.

5. The expected impacts of the amendment

The amendment is due to the Danish implementation of the Water framework directive. The measure implements art. 11.4 of Directive 2000/60/EC.

6 The relationship between the change and the national strategy plan

No change in the national strategy plan is needed.

7 Financial implications of the modification

No implications for the public funding of the programme. Within the programme there will be a reallocation of funds. In the financial table an amount of 24.8 mio € will be shifted from code 214 to code 213b for the financial year 2013.

8 Monitoring Committee

The Monitoring Committee has been notified.