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Samir Babali (NaturErhvervstyrelsen)

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. maj 2012 16:54
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: VS: vedr. LDP programændring af 22 Dec 2011
Vedhæftede filer: 040512 Revised Letter of 30 april 2012 submitting revised amendment notification of 22 December 2011 (2).doc

Hej Tue

Du får her revideret brev på baggrund af dine bemærkninger, som vi godt kan tilslutte os. Fsva. din kommentar vedr. ekspertudtalelser (ift. ændringen til 1,5 LU/ha), håber jeg at det besvarer dit spørgsmål.

Ellers må vi vende tilbage til det på mandag, når vore fagpersoner på græsordningerne er tilbage. Men umiddelbart, er det min forståelse, at 214a-programændringen ikke på noget tidspunkt har givet anledning til at vi har vurderet at den skulle medføre en forøget risiko for overgræsning.

At der ikke må ske overgræsning (i.e. tab af plantedække) er en støttebetingelse under ordningen, jf. bekendtgørelse.

Støttemodtageren ved - så at sige - at betingelsen skal overholdes for at kunne modtage støtte. Klausulen vedr. muligheden for at regulere det kvantitative minimumsgræsningstryk (til lavere end 1,5), er netop indsat for at tage højde for de tilfælde, hvor der kan være behov for at regulere til et lavere niveau - så der ikke sker overgræsning, idet vi dog vurderer at det ikke udgør noget generelt problem.

De oprindelige 0,5 lu/ha - kan jeg forstå blev foreslåede ifm. ordningens bekendtgørelse skulle sendes i høring.

Niveauet er herefter blevet kvalificeret og forøget til 1,5 på baggrund af indhentede udtalelser fra agronomer.

Jeg kender ikke nærmere til detaljerne herfor. Men som sagt, hvis yderligere information ønskes, vil jeg forhøre mig nærmere heromkring.

Vh Samir

PS: jeg vender tilbage mht. din forespørgsel vedr. udviklingsprogrammer for landmænd. Som noget andet, ville jeg ved lejlighed høre nærmere omkring jeres forventninger til gennemgang og kvalificering af programmets indikatorer, som skal håndteres ved programændring. Umiddelbart vil vi indstille at vi h

-----Oprindelig meddelelse-----

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu]
Sendt: 3. maj 2012 18:48
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. LDP programændring af 22 Dec 2011

PS! Lige en ekstra kommentar til pkt. 1. Under ordning 213 taler vi ikke om "commitments" men "compensation". Det først ord i den nye formulering skal derfor ændres. Hele afsnittet (med mine forslag til rettelser) bliver derfor:

Compensation [under 213b] may not be combined with commitments under measure 214d for the same agricultural area. When relevant, existing contracts under measure 214d will be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate the contracts in line with Article 46 of Regulation (EC) 1974/2006.

-----Original Message-----

From: FOSDAL Tue Rasmussen (AGRI)

Sent: Thursday, May 03, 2012 6:43 PM
To: 'Samir Babali (NaturErhvervstyrelsen)'
Subject: RE: vedr. LDP programændring af 22 Dec 2011

Hej Samir

Se mine "kommentarer" nedenfor. Sig til, hvis noget er uklart. Vil det være muligt for jer at sende et opdateret brev?

Tue

-----Original Message-----

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]
Sent: Thursday, May 03, 2012 5:59 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: SV: vedr. LDP programændring af 22 Dec 2011

Hej Tue

Her får du mine umiddelbare bemærkninger til de supplerende spørgsmål, se svarene nedenfor.

Vh Samir

-----Oprindelig meddelelse-----

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu]
Sendt: 2. maj 2012 19:53
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. LDP programændring af 22 Dec 2011

Hej Samir

Tak for det. Jeg vil sende nogle passager rundt til relevante kolleger. Imidlertid har jeg selv et par spørgsmål. Jeg tænkte du måske allerede kunne opklare nogle af dem, inden jeg sender det videre. Lad os tales ved i morgen.

Hilsen

Tue

Generelle kommentarer:

1. I afsnittet om "demarcation to measure 214(border strips)" skriver I, at I vil indsætte revisionsklausuler i kontrakterne under denne ordning, men det forekommer mig ikke at være problemet. På nuværende tidspunkt er der snarere tale om, at revisionsklausulerne i eksisterende kontrakter kan blive aktiveret i lyset af de obligatoriske krav under den nye lovgivning. Samtidig bør det sikres, at man ikke kan få kompensation under begge ordninger.

Svar: det er korrekt - jeg foreslår at vi lader afsnittet udgå og erstatter det med følgende tekst istedet:

"Commitments [under 213b] may not be combined with commitments under measure 214d for the same agricultural area. When relevant, rules on revision clauses will be taken into effect, so to ensure that no area receives payments under both measures simultaneously".

Kommentar: Læs artikel 46 i Forordning 1974/2006. Revisionsklausulerne handler om at tilpasse baseline for eksisterende tilsagn til nye obligatoriske krav. En bedre formulering af den sidste sætning vil derfor være: "When relevant, existing contracts under measure 214d will be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate the contracts in line with Article 46 of Regulation (EC) 1974/2006."

2. I forhold til optaget under ordning 214a er spørgsmålet, om I har nogen idé om den mulige baggrund for det manglende optag i de senere år. Vi har forstået, at reduktionen i budgettet afspejler manglende optag, så en gentagelse af dette bidrager ikke nogen ny information.

Svar: Jeg er ikke sikker på at vi har et klart overblik over årsagen/årsagerne til det mindre optag. Det er en frivillig ordning, og der vil altid være usikkerhed om hvorvidt der ansøges på niveau med det forventede. Jeg har kunnet forstå at tallene for 2011 viser et mindreforbrug ift. det forventede.

Kommentar: OK.

3. Under ordning 216b henviser svaret i anden sidste linie til artiklerne 36(a) og 41 i Rådsforordning 1698/2005. Der menes vist artikel 39 og 41.

Svar: der menes "artikel 36 (a)(vi)" (jf. i øvrigt programtekst) - hvis vi er enige, vil jeg rette programteksten til i henhold til det.

Kommentar: Nå ja, selvfølgelig.

4. I forhold til det maksimale græsningstryk under 214a kunne jeg godt savne lidt mere information om, hvordan I vil tjekke og sanktionere overgræsning. I nævner, at nogle habitater ikke bør græsses så tæt, at græsset fremstår som lavt og tæt i august. Men hvordan skal det så fremstå? Det ville være rart at med en lille forklaring i brevet om, hvordan overgræsning tjekkes og sanktioneres.

Svar: Støttebetingelsen går på at arealet skal fremstå som afgræsset med synligt tæt og lavt plantedække.

Fsva. sanktion, kriteriet for og eftersyn ift. overgræsning, er der ikke lagt op til ændringer. Det vil fortsat ske ved fysisk kontrol, hvor kontrollører fagligt vurderer om der ikke er sket overgræsning (dvs. tab eller beskadigelse af plantedække).

Kommentar: efter den nye ændring af programmet kan landmanden afløse den nævnte støttebetingelse med en betingelse om, at der skal have været 1,5 dyreenheder på arealet i perioden. Jeg forstår at det stadig tjekkes at plantedækket ikke er beskadiget. Kan I ikke indføje dette i svaret?

5. I den reviderede tekst har I desuden også lige tredoblet det minimale græsningstryk til 1,5 DE/ha. Hvad er baggrunden for denne ret drastiske stigning?

Svar: Efter vores programændring i dec 2011, og som led i det lovforberedende arbejde til den nye ordning, blev de 0,5 DE/ha ændret til 1,5 DE/ha, bl.a. på baggrund af indhentede anbefalinger fra eksperter. Vi har ændret til 1,5 DE/ha, så det afspejler regelgrundlaget.

Kommentar: Vil det ikke være muligt for jer lige at forklare hvilke eksperter der er tale om og hvad deres udtalelser gik ud på? Jeg går ud fra, at det gik på, at 0,5 DE ikke er nok til at sikre en tilstrækkelig pleje, men det vil være nyttigt at kunne henvise til den konkrete ekspertise I har indhentet, idet vi er ude i en ret markant ændring af betingelserne her i den allersidste fase af programændringsprocessen. Normalt ville jeg sende sådan en ændring i høring...

6. I forhold til ordning 213b og juletræer, er det så rigtigt forstået, at der ikke vil være mulighed for genplantning af nye juletræer efter fældning? Med andre ord, der er kun tale om en overgangsordning, eller hvordan skal det forstås?

Svar: ja - der vil ikke være mulighed for genplantning - vi kan godt præcisere dette i brev + programtekst.

Kommentar: Det vil være godt at få præciseret.

Yderligere I forhold til programteksten:

1. I ordning 213a er der to afsnit med "beneficiaries".

Svar: det retter vi.

Kommentar: fint

2. Det samme er tilfældet for ordning 213b. I dette tilfælde er det kun afsnit nr. 2 der er ændret ifølge vores kommentar.

Svar: det retter vi.

Kommentar: fint

3. I finansieringstabellen har I stadig overført et lille beløb fra akse 2 til akse 3, men er dette ikke overflødigt, når I ikke implementerer den foreslåede ordning under 323?

Svar: ok - vi retter til.

Kommentar: fint

4. I afsnittet om afgrænsning mellem ordning 214a og artikel 68 synes I at sige to ting samtidig:

"The payment under 214a may not be combined with the single payment aid granted under Regulation (EC) No 73/2009 - with the exception of areas that can achieve the single payment regardless they no longer comply with the definition of "eligible" as a result of the implementation of the nature and water directives pursuant to article 34 (2)(b)(i) of Regulation (EC) No 73/2009. Consequently, these areas are excluded from payment under the article 68 pillar I-programme."

Og...

"Support under the Article 68 Programme is only for areas which are eligible for single payment aid pursuant to Regulation (EC) No 73/2009, while support under the RDP-measure is made available for areas that are not subject to an application for single payment aid. Hence the Article 68 Programme and 214a are clearly separated and complementary."

Hvilken formulering er gældende?

Svar: Jeg læser spørgsmålet i jeres brev, som at der efterlyses en beskrivelse af demarkationen mellem LDP græs og artikel 68 programmet generelt, hvorfor afsnit nr. 2 ovenfor er tilføjet. Med den nye snitflade mellem de to græsordninger, forbeholdes art. 68 græsordningen arealer, der er EB berettigede - mens de øvrige arealer, der ikke er EB berettigede, søger pleje til afgræsning under 214 i LDP. Da artikel 68 støtten forudsætter EB berettigelse, følger at arealer der modtager LDP 214-støtte, ikke modtager art. 68-støtte. Fsva. art. 34-arealer (jf. det første afsnit, som ikke er blevet ændret med programændringen), fastslås at sådanne arealer, der modtager EB på baggrund af en undtagelsesbestemmelse, skal søge afgræsningsstøtte under LDP. Vores juridiske fortolkning af art. 34-regelsættet er at denne undtagelsesbestemmelse ikke indbefatter, at art. 34-arealer er berettiget art. 68-støtte, hvorfor vi i vores administration af art. 68-ordningerne, har udelukket art. 34-arealerne for art. 68-støtten.

Kommentar: I så fald vil det måske være bedst at beholde den oprindelige formulering og så blot bekræfte i brevet, at den afgrænsning som findes i programteksten er den gældende afgræsning. I den eksisterende formulering ville jeg dog overveje at slette ordet "consequently," i den sidste sætning, da det jo ikke er som følge af afgræsningen at disse områder er udelukket fra artikel 68 programmet. De er blot ekskluderet. Afsnittet ville så lyde:

"The payment under 214a may not be combined with the single payment aid granted under Regulation (EC) No 73/2009 - with the exception of areas that can achieve the single payment regardless they no longer comply with the definition of "eligible" as a result of the implementation of the nature and water directives pursuant to article 34 (2)(b)(i) of

Regulation (EC) No 73/2009. These areas are excluded from payment under the article 68 pillar I-programme."

-----Original Message-----

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]
Sent: Wednesday, May 02, 2012 1:29 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: vedr. LDP programændring af 22 Dec 2011

Hej Tue

Her følger så "pakken", som du får uformelt for eventuelle bemærkninger.

Vedlagt er:

- svarbrev af 30. april 2012 (udkast)
- revideret RDD programforslag af 22. dec. 2011 med fremhævelsesmarkeringer (indsat med "blå skrift" - for at skelne fra ændringerne fra den 22. dec. 2011, der står anført med "rød skrift".
- modification submission templatene (der er ikke ændret i den for: pleje af græs og de to vedr. vådområder, idet der ikke er lavet substansændringer i programteksten. I brevet svares der på de i jeres brev rejste forhold).
- Bilag 10 og 13 (som er blevet ændret - de øvrige bilag vil indgå i den endelige officielle fremsendelse).

Som sagt sendes "pakken" uofficielt - idet det nok er bedst at vi lige får talt sammen inden den officielle fremsendelse via SFC og interne høring hos jer.

Som du vil kunne se, lægger vi op til at trække 323e tilbage af budgetfinansielle årsager. Der står mere herom i brevet.

Fsva. art. 6.1.a - ændringen, er vi helt indforstået med at vi kun kan lave en ændring om året.

Knud og jeg har drøftet spørgsmålet. Vores ambition er at gennemføre en større ændring af finansieringsplan i 2012.

Det er dog usikkert om vi når at have grundlaget på plads hér til juni. Vi tror mere på at det vil ligge klar til en gang i efteråret. Vi skal lige have koordineret timingen herfor ift. NSTs Natura 2000 skov- programændring, så vi sikrer at de to kan køre samtidigt.

Ring endelig, hvis der er noget vi skal snakke om.

Vh Samir
Tel 25238401

-----Oprindelig meddelelse-----

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu]
Sendt: 1. maj 2012 20:43
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring

Hej samir

Ja det er fint lige at få lejlighed to at se det uformelt inden I sender det officielt. I forhold til de kommende programændringer skal I være opmærksomme på at der kun kan laves én artikel 6.1.a ændring per år. Det vil derfor give mening at lægge de to sammen, da I ellers må vente til efter jul med den anden. Det er i hvert fald den melding jeg har fået hernede.

Hilsen
Tue

From: Samir Babali (NaturErhvervstyrelsen) [SAMB@naturerhverv.dk]
Sent: 01 May 2012 13:04

To: FOSDAL Tue Rasmussen (AGRI)
Subject: vedr. programændring

Hej Tue

Ok til nedenstående. Vi må se om vi når at få ændringen til finansieringsplanen med til næste programændring.

Vi planlægger programændringen vedr. skov i natura 2000 her til juni.

Mht. den igangværende programændring, regner vi med at sende et justeret programændringsforslag meget snart. Formentlig allerede i morgen.

Jeg forestillede mig at sende det til dig pr. mail i første omgang - efterfulgt af officiel fremsendelse til SFC , når vi har haft mulighed for at tale om det justerede forslag. Er det ok ?

Vh Samir
Tel 25238401

Ministry of Food, Agriculture and Fisheries

The Danish Food Industry Agency



European Commission
DG Agriculture - Unit E3
Rue de la Loi 200
B-1049 Bruxelles

The Danish AgriFish Agency
Center for Arealtilskud
Ref. 3621-30-04-12
~~4. May 30. April~~ 2012

Draft

Revised notification of amendment to the Danish Rural Development Programme

The Danish Managing Authority has received the comments from DG AGRI by letter of 22 March 2012 (*Ref. Ares(2012)337345/TF/lvdz/D(2012) 356951*) concerning the amendments to the Danish RDP (CCI: 2007DK06RPO 001) notified to DG AGRI by letter of 22 December 2011. We have the following replies to the comments:

Questions by letter of 22 March 2012:

Measure 213a: Pertinence of the measure for the implementation of the WFD: The measure description should explain the pertinence of the measure for the implementation of the WFD and contain a reference to the relevant point in Article 11.3 or to Article 11.4 of that Directive.

Reply: Additional text has been inserted in the measure description 213a in the RDP amendment proposal. The measure in question is targeted to achieve good ecological status and increased amenity value along for selected sections of up to 4,150 km watercourses, that will be affected by changed maintenance, greater biodiversity and guarantee of the basis for fishing stocks and thereby the regeneration of better fishing waters. The measure is part of the activities that are planned for the Danish implementation of the Water framework directive under article 11.4 of Directive 2000/60/EC. With regard to the baseline conditions, the measure implements art. 11.3 of the Directive.

Reference is made to Annex 3 of the river basin management plans (adopted on 22 December 2011), which lists the national legal statute with relevance for the basic measures implementing the Water framework directive in Denmark (cf. art. 11.3 of the directive). See link, page 211: http://www.naturstyrelsen.dk/NR/rdonlyres/8C2B25F2-8DED-4A14-A66B-74454FC23802/0/1_14_Storebaelt.pdf (taken from the water plan for the area of Storebælt). In annex 3 (7.10), it appears that supplementary measures (cf. art. 11.4 of the directive) regarding specific water areas shall be described in the action plan of the relevant water plan (see table 1.3.1).

Text to section 5.3.5.5 has also been updated as a result of the introduction of the measure.

Areas eligible for support: It should be specified that only utilised agricultural areas (UAA) are eligible and that only farmers can be beneficiaries of this measure (and not other land managers).

Reply: Reference is made to the resubmitted RDP amendment proposal in which the specification has been inserted.

The Danish food Industry Agency

The indicator “total investment volume”: One of the indicators refers to “total investment volume”. This is not a valid indicator, as no investments are involved. The indicator seems in fact to refer to total public spending.

Reply: We agree that the indicator is not relevant, and has been withdrawn from the resubmitted proposal.

The length of watercourses: The text refers to 6,500 km watercourses being affected, but it appears that this was changed in the final version of the water plans.

Reply: This is correct. The figure has been corrected in the resubmitted proposal.

Text adjustments to section 5.3.5.5: Section 5.3.5.5 of the RDP describing the measures dealing with periodical flooding of farmland should be updated in line with the new measure description.

Reply: We agree with the comment. A description of the present measure has now been inserted in section 5.3.5.5 of the RDP proposal.

Measure 213b:

Pertinence of the measure for the implementation of the WFD:

The measure description should explain the pertinence of the measure for the implementation of the WFD and contain a reference to the relevant point in Article 11.3 or to Article 11.4 of that Directive.

Reply: Additional text has been inserted in the measure description in RDP amendment proposal. As part of the Danish implementation of the Water framework directive, Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-, spraying- and fertilizerfree buffer zones along all open streams and ponds more than 100 m² in rural areas. The measure implements article 11.4 of Directive 2000/60/EC. It is foreseen to compensate the extra cost incurred and income foregone for farmers caused by this measure.

Areas eligible for support: It should be specified that only utilised agricultural areas (UAA) are eligible and that only farmers can be beneficiaries of this measure (and not other land managers).

Reply: The specification has been provided in the resubmitted measure description.

Baseline: With regard to the baseline it should be verified that all other EU legislation for the protection of water has been taken into account.

Reply: Reference is made to the resubmitted description text in which additional text has been provided (cf. the section “baseline”). Incidentally, we can inform that the measure is expected to result in additional reduction in N-leaching of 2.500 tons per year as a result of estimated 50.000 hectares being affected by the mandatory requirement. The buffer zones are also expected to lead to a reduction in P-leaching, usage of plant protection products and lead to a general increase in natural amenities in rural areas.

The Danish food Industry Agency

Support rate: It is not clear what is meant by a "fixed annual support rate of up to 349 euros". It should be clarified what the level of the payment is.

Reply: The clarification has been provided with the amended text. Reference is made to the reply underneath for the exact support rates suggested to be provided under the measure.

Differentiation of payments: A single rate has been calculated for all areas without taking into account the previous use of the areas concerned. However, it would be appropriate to consider, if possible, to differentiate the payment. In particular, areas currently kept as grassland would incur a lower income loss than areas used for arable crops.

Reply: We recognize the relevancy of proposing differentiated support rates under the measure, so that compensation levels under the measure take the usage of the areas prior to the conversion to cultivation-free buffer zones into consideration. In accordance with the Commission's comment, a specific support rate is suggested for agricultural areas previously farmed as permanent pasture. The support compensation rate is set to the fixed level of 161 euro pr. ha (i.e. 1.200 DK kr.). For agricultural areas previously farmed with any other arable crop, the compensation rate is set at 282 euro pr. ha. (i.e. 2.100 DK kr.).

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. For your information, we have in the resubmitted proposal specified that support also may be granted to areas with existing perennial crops consisting of Christmas trees, in that the same support requirements applies for these areas as for all other areas eligible for support under the measure (incl. that the areas must be managed by farmers, with no use of fertilisers or plant protection products). Areas established with Christmas trees has recently been introduced in the proposal for national law on mandatory buffer zones to be adopted, as areas for which compensation is foreseen. The legal proposal does not foresee support for reestablishment of Christmas trees, ~~neither is this the case in the resubmitted proposal.~~ Compensation under 213b will therefore not be provided for areas upon which Christmas trees are replanted in the compensation year.

Controls with payments: With regard to the possibility to grant compensation for 1 year and 4 months in one instalment in the first year, controls have to be carried out according to the Regulations in force for the entire period (in this particular case – 1 1/3 year).

Reply: We take note of the comment. The clarification has been inserted in the resubmitted proposal.

Cultivation of energy crops / income loss: It should be explained how permission to cultivate perennial energy crops and previously established other perennial crops on the buffer zones will fit in with (a) the objectives of the measure; and (b) the support calculation. Presumably, the income loss could be lower for areas on which the cultivation of existing crops continues (however more extensively).

The Danish food Industry Agency

Reply: National legislation regarding establishment of mandatory buffer zones is expected to take effect on September 1st 2012 on the basis of Law Act nr. 591 of 14. June 2011 (“Lov om Randzoner”). With the proposed amendment to the Law recently, which is expected to be adopted by the national assembly (2011/LSF 145), the permission to cultivate energy crops in the mandatory buffer zones has been withdrawn. As a result, the measure text has been adjusted, with the possible cultivation of energy crops in the mandatory buffer zones withdrawn from the measure description. If, unexpectedly, the proposal is rejected, and cultivation of energy crops is made permissible in the buffer zones, we would, for your information, reconsider the present text and seek to include areas with energy crops in a forthcoming amendment proposal. In that case, the text will be adjusted, so that it addresses this particular and your other comments on energy crops, cf. beneath.

Environmental objectives and energy crop operations: Since one of the environmental objectives of this measure is the protection of biodiversity and the improvement of ecological connectivity in the rural landscape, it should be explained how these objectives can be achieved given the disturbance for wild fauna linked to the operations to manage perennial energy crops

Reply: Reference is made to the previous reply.

Demarcation to the Article 68 Programme: With regard to the combination of this measure with the Article 68 measure supporting the establishment of energy crops, it should be verified that there is no risk of overcompensation.

Reply: Reference is made to the previous reply.

Demarcation to measure 214d (border strips): The demarcation with regard to existing commitments under measure 214d (border strips) should be clarified. Presumably, existing commitments could be terminated and compensation offered under the new scheme instead, provided they are within the new eligible zones. In any case, any possibility of overlap should be avoided.

Reply: ~~In accordance with article 46 in Commission Regulation (EC) no 1974/2006, revision clauses will be inserted in the agreements made under measure 214d (border strips), regarding areas eligible for support under measure 213b, so to ensure that the agreements are adjusted the baseline requirements and compensation levels proposed under measure 213b, hereunder the mandatory requirements to manage the areas in question as cultivation free buffer zones. Hence, the possibility of overlap and risk of multiple overcompensation will not occur. Clarification on the demarcation between the two measures and reference to revision clauses has been inserted in the description of the measure~~

Reference is made to the resubmitted measure description. It has been inserted in the text, that compensation under 213b may not be combined with commitments under measure 214d for the same agricultural area. When relevant, existing contracts under measure 214d will be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate the contracts in line with Article 46 of Regulation (EC) 1974/2006.