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Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 7. maj 2012 11:40
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. LDP programændring af 22 Dec 2011

Hej Samir

Det vil stadig være rart med lidt mere info om de her ekspertudtalelser vedrørende græsningstryk (de 1,5 DE).

Vedrørende juletræer, så synes jeg den foreslåede tekst er lidt tvetydig ("Compensation under 213b will therefore not be provided for areas upon which Christmas trees are replanted in the compensation year"). Er det idéen, at det skulle være muligt at genplante juletræer i randzonen og stadig få støtte i de efterfølgende år? Når I refererer til "eksisterende" beplantninger i programteksten, så forstår jeg det som en slags udfasning, hvor landmanden kan lade eksisterende beplantninger, og ikke som en mulighed for at fortsætte med at plante nyt i al fremtid. Formuleringen i brevet harmonerer ikke rigtig med dette.

Hilsen

Tue

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

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturehverv.dk]
Sent: Monday, May 07, 2012 9:12 AM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. LDP programændring af 22 Dec 2011

Hej Tue

Jeg fik ikke skrevet teksten vedr. demarkation mellem 214a og art. 68 eksplicit ind i brevet, jeg sendte den 4. maj.

Det har jeg gjort i vedhæftede, jf. side 9 - så du kan gå videre med brevet.

Vil du også have selvet programmet - med de aftalte justeringer indsat brevet ?

Vh samir

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

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

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.

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Samir Babali (NaturErhvervstyrelsen)

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 8. maj 2012 18:10
Til: Tue-Rasmussen.FOSDAL@ec.europa.eu
Emne: justeret programtekst og brev
Vedhæftede filer: 080512_ Revision of Danish RDP 2007-2013 amended by notification of 22 Dec 2011 with TCs.docx; 080512 Revised Letter of 30 april 2012 submitting revised amendment notification of 22 December 2011.doc

Hej Tue

Her får du som aftalt revideret program + brev.

Ift. den forrige udgave af brevet, er indsat den efterlyste præcisering vedr. genetablering af juletræer på de obligatoriske randzoner + tilføjelse til teksten vedr. 323e, hvor det fremgår at midlerne afsat til 323e "returneres" til measure code 216. Der henvises til den finansielle tabel.

Ændringerne skulle gerne være indarbejdet i vedlagte justerede programændringsforslag.

Venlig hilsen Samir



Ministry of Food, Agriculture and Fisheries

The Danish Agrifish Agency



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

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

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.

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 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 have recently been introduced in the proposal for national law on mandatory buffer zones to be adopted, as areas for which compensation under 213b is foreseen. The legal proposal does not foresee support for reestablishment of Christmas trees. Compensation under 213b will not be provided if areas are planted with Christmas trees subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

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).

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:

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.

Grazing pressure: With regard to grazing on the areas, it should be clarified how the grazing pressure will be adjusted according to the needs of the areas. It could be recommendable to set limits on the stocking density.

Reply: It appears from the text proposal that if buffer zones are used for grazing, the maximum grazing will be adjusted according to the local conditions and in order to prevent overgrazing of the area and loss or damage of plant cover. The commitment is similar to the way the maximum

grazing pressure is regulated under measure 214a. (Conservation by grazing or cutting on pasture areas).

Heath Check measure: It should be clearly specified in the text that this measure falls under the new challenges referred to in 16a of Regulation (EC) 1698/2005 with a 75 per cent co-financing of public expenditure by the EAFRD. This appears from table 5.3.6 (health check indicators) and indirectly also from table 6.3 (indicative allocation of funds for operations referred to in article 16a) but it should also be explicitly stated in the measure description. In addition, the relevant entry in table 5.3.6 should refer to measure 213 instead of 214.

Reply: The amendment has been provided in the adjusted description of the measure and the relevant entry in table 5.3.6 (Annex 13) in which reference is made to measure 213 (instead of 214).

Measure 214a:

Grazing pressure: A minimum stocking rate of animals is introduced as a means of regulating the grazing pressure on the areas, referring to a minimum level of 0.5 LU/ha. It should be confirmed that the proposed rate refers to the definition in Annex V of Regulation (EC) 1974/2006.

Reply: We can confirm this. Reference to Annex V of Regulation (EC) 1974/2006 has been inserted in the measure description. On this particular issue, for your information, we have in the resubmitted proposal made an adjustment to the minimum grazing pressure from 0.5 to 1.5 LU/ha. Please see our answer below.

Overgrazing: It would be appropriate also to ensure that there is no risk of overgrazing, with negative impact on vegetation, for example by way of a maximum stocking rate.

Reply: The amendment intends to provide more flexibility in regard to the measure's minimum grazing pressure commitment (i.e. areas eligible for support must be grazed or cut back in such a manner that the vegetation is visually dense and low by the 31st August each year). This commitment has shown to be very hard to practice on natural areas with high biodiversity - and for some areas to be in conflict with the biodiversity purpose of the measure. Therefore with the amendment possibility is given to introduce an alternative support obligation concerning the minimum grazing pressure (i.e. a minimum level of 0.5 LU/ha).

The objective of the amendment is to address the specific issue raised by the minimum grazing pressure requirement. Consequently, no changes have been made in regard to the maximum grazing pressure commitment (i.e. stating that the grazing of the area in question must not lead to loss or damage of plant cover). The commitment has therefore been preserved in its existing form in the RDP proposal. Similarly no changes have been suggested in relation to the mode of inspection regarding the meeting of support commitments, which is planned to be carried out in an unaltered way, based on yearly random on-the-spot controls of the area receiving support, by experienced controllers, who shall visually verify regardless of the chosen minimum grazing option, that overgrazing (i.e. loss or damage of plant cover), has, in fact, not occurred on the specific area.

Regarding requirements related to the application of fertilizer to water-saturated, flooded, frozen, or snow covered land, we can inform you that the Ministry of Environment is in the process of implementing legal statutes regarding such requirements in national legislation. A Proposal to ministry order has recently been sent to public hearing. A final legal text is expected to be adopted by August 1, 2012. When adopted, the requirements will be inserted in the RDP and revisions will be made to the baseline conditions or eligibility rules for those RDP measures that would be affected by the new requirements.

In addition to the above, 5 additional cross compliance requirements on plant protection products have recently been introduced with Order No. 244 of 15 March 2012 on cross-compliance, cf. annex 10 (requirements 2A1, 2B1, 2C1, 2D1 and 2D2). These requirements establish standards and rules regarding safe storage, used equipment and location of filling and cleaning of spraying equipment as well as the requirement for personal handling pesticides to be in possession of issued certificate.

These minimum cross compliance requirements on plant protection products are relevant for beneficiaries under the AE measures, cf. axis 2, see art.39, 3 and art.51,1 in Council Regulation 1698/2005, and Annex II, 5.3.2.1, in Commission Regulation 1974/2006. The requirements do however not provide basis for a revision of the compensation level and baseline of any AE measure. Pesticide free farming measures, such as for instance 214c, compensate for losses of income in relation to the requirement of not being able to use plant protection products, besides those which are permitted for organic agricultural production in Denmark. The new requirements will therefore be relevant for all farmers, and do therefore not result in changes regarding compensation level.

Private contribution to measure 114: No explanation is given for the reduction in the expected private contribution to measure 114. In fact, the reduction does not seem to be in line with the stated aid intensity under the measure, which is 50 per cent. According to that aid intensity, the private contribution should actually be increased, not lowered.

Reply: The reduction has been made by mistake. The "Private Expenditure" column should rightfully indicate 567.040 euro as is the case for "Public expenditures". Thereby the "Total cost" increases to 1.134.080 euro (with a state aid intensity of 50 percent). The "EU" column is not affected. The error has now been corrected (see table in chapter 7, "Indicative breakdown of payments").

We hereby re-submit the notification to the Commission with the amendments resulting from the above comments. The amendments have been inserted into the RDP text enclosed with TC visible. Enclosed are also the modification submission templates, some of which have been amended and the annexes, which have been revised:

- Modification submission template for measure 214a on grassing measure
- Modification submission templates for measure 216b on wetlands for P and N

The Danish Agrifish Agency

- Modification submission template for measure 213a for reduced maintenance of stream edges
- Modification submission template for measures 213b for set aside border zones
- Modification submission template for measure 221c First afforestation of agricultural land to establish new public forests
- Annex 10 to the RDP (national implementation of cross compliance requirements)
- Annex 13 (table 5.3.6 –Health Check operations)

Best regards,

Steen Bonde
Head of Unit

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	<u>Total investment volume</u>	<u>approx. EUR 1.3 million</u>
<u>Result</u>	<u>Areas under successful land management and number of km of watercourses with good ecological status, increased amenity value, greater biodiversity, improved living conditions for fish and small animals at the same time as continued opportunities for farming.</u>	<u>The measure will lead to less intensive agricultural production on 6,700 10,000 ha agricultural land due to change in water course management of approx. 1,400 2,100 km watercourse</u>
<u>Impact</u>	<u>Reversal in biodiversity decline (IRENA farmland bird species population index: 106.1 in 2001. Common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>High nature value areas (78,000 ha in 2000, common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>Changes in gross nutrient balance</u>	<u>Reduction in P and N usage (not quantified)None</u>
	<u>Increase in production of renewable energy</u>	<u>None</u>

Additional programme-specific indicators and quantified targets

<u>Effect</u>	<u>Good ecological status of watercourses in question, increased amenity value, greater biodiversity and guarantee of the basis for fishing stocks and thereby the regeneration of better fishing waters.</u>	<u>1400 2100 km watercourse</u>
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5.2.2.1b. Mandatory establishment of cultivation-free buffer zones (Code 213b)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005

Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006

Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213b

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture or perennial energy crops are grown without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be up to 13 kg N per hectare less than on cultivation-free border zones if perennial energy crops are grown in the buffer zone, and 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding bufferzones (code 214d) will end in 2011. The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38

of Council Regulation (EC) No 1698/2005. As an exception to the general requirements farmers can establish fertiliser and spraying -free farming of perennial energy crops or permanent pasture in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas complement an already existing uncultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. The opportunity to grow perennial energy crops in the border strip does not apply to these 2 metre strips, as no soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by NaturErhvervstyrelsen (A new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries; FødevareErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will be carried-out by NaturErhvervstyrelsen.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers or soil improvement agents to the land during the commitment period. The area must be established as grass or set-aside natural area except where the area is cultivated with perennial energy crops or present other perennial crops. The area must not be irrigated.

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

- The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river basin management plans for 23 appointed river valley areas in Denmark have will been adopted nationally in by the end of 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex 5i.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

<u>Support commitments</u>	<u>Baseline commitments</u>
<u>An up to 10 meter buffer zone</u>	<u>The buffer zone areas will where relevant</u>

<u>along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.</u>	<u>compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.</u>
<u>Same</u>	<u>Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009</u>
<u>Same</u>	<u>Border strips must be cut at least once every two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)</u>

Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by NaturErhvervstyrelsen.

Amounts of support

A fixed annual support rate is offered of up to euro 349 per ha per year.

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- 161 € to agricultural areas previously farmed as permanent pasture
- 282 € to agricultural areas previously farmed with arable crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, the one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be paid out together with the single payment premium for the calenderyear. The requirements regarding the bufferzones are applying from 1st September 2012, it is foreseen that the farmers apply for the 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).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support

- The Article 68 measure: “Support for extensive maintenance of pasture areas”
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)
- The Article 68 measure: “Support for establishment of perennial energy crops”

It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.

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.

Compatibility with CAP first pillar measures

The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from NaturErhvervstyrelsen which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 24.8 million euro.

Public expenditure: 24.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

<u>Type of indicator</u>	<u>Indicator</u>	<u>Target 2007-2013</u>
<u>Output</u>	<u>Number of farm holdings and holdings of other land managers receiving support</u>	<u>30,000</u>
	<u>Total area under agri-environmental support</u>	<u>50,000 ha</u>
	<u>Total number of contracts</u>	<u>30,000</u>
	<u>Physical area under agri-environmental support</u>	<u>50,000 ha</u>

	<u>Number of actions related to genetic resources</u>	<u>None</u>
<u>Result</u>	<u>Areas under successful land management</u>	<u>50,000 ha</u>
<u>Impact</u>	<u>Reversal in biodiversity decline (farmland bird species population)</u>	<u>Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)</u>
	<u>Changes in gross nutrient balance</u>	<u>Reduction of up to 160 t P and 2,500 t N per year</u>
	<u>Increase in production of renewable energy</u>	<u>Negligible</u>

Additional programme-specific indicators and quantified targets

None.

5.2.2.2 Conservation by grazing or cutting on pasture and natural areas (Code 214a)

A separate article 68-programme has been submitted to the Commission with partially the same objective as this measure. The demarcation between measures of the two programmes is described in chapter 10.3.

Article (and paragraph) which covers the measure

Articles 36 (a) (iv) and 39 of Council Regulation (EC) No 1698/2005.

Article 27 and point 5.3.2.1.4 of Annex II of Commission Regulation (EC) No 1974/2006.

Rationale for intervention

Agriculture and forestry play an important role in the conservation of natural, environmental and cultural assets and recreational assets in the Danish countryside. The Government has as a high priority objective the aim of reducing the loss of biodiversity in the Danish landscape. The Danish Government in 2009 launched a new Green Growth vision for Danish agriculture, nature and the environment that among others comprises plans for new and improved actions that also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape. These activities include conservation of existing natural areas such as open grasslands, common land, meadows, small biotopes and other semi-cultivated areas. In many of these areas, targeted support to maintain special conservation status will contribute to positive development.

Many high nature value areas are dependent on extensive farming. No farming means overgrowth, while intensive farming can reduce the assets associated with the land. Yearly grazing or cutting of permanent pasture on open land, meadows, common land and moor land may help to preserve these assets. The measure shall contribute to these aims.

Objectives of the measure

The purpose of the support scheme is to ensure yearly grazing or cutting of pasture and natural areas and thereby to protect and improve landscape and biotope conditions, the

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Samir Babali (NaturErhvervstyrelsen)

Frå: Samir Babali (NaturErhvervstyrelsen)
Sendt: 11. juni 2012 12:59
Til: Tue-Rasmussen.FOSDAL@ec.europa.eu
Emne: lidt af hvert

Hej Tue

Tak for et par gode møder i sidste uge både i BRX og i Kbh. Jeg har lidt tekst til dig vedr. de punkter vi er blevet bedt om at følge op på:

- Juletræer under randzoneordningen (art. 38):
Vi har ikke data for den eksakte forekomst af juletræer arealmæssigt i randzonerne. Jf. vedhæftede link: <http://videnskab.dk/miljo-naturvidenskab/juletraeer-pynter-pa-co2-regnskabet>, dyrkes der juletræer i DK på omkring 35.000 hektar. Til sammenligning bliver 2,7 millioner hektar brugt til landbrugsjord. Det svarer til at der dyrkes juletræer på ca. 1,3 % af det samlede landbrugsareal. I realiteten vil andelen dog være noget mindre fsva. randzonerne, da en stor del af juletræsarealerne er placeret i eller i forbindelse med skov, dvs. de indgår i skovarealet og dermed ikke som en andel af landbrugsarealet, idet randzonekompensationen jo kun ydes til landbrugsarealer.
- Opfølgning på kontrolmøde:
 - den nyindført græsningstryk-option under RDP pleje af græs (1,5 SK / ha.), kan kun vælges ifm. indgåelse af nye tilsagn (og ikke for eksisterende). I disse år har vi mange tilsagn, der udløber, hvorfor vi i første omgang, har ladet den gælde for nye tilsagn.
 - ved konstaterede overtrædelser ved fysisk kontrol, informeres ansøger om overtrædelsens karakter og hvilke(n) støttebetingelser, der ikke er overholdt. Ansøgere modtager informationen i høring og har mulighed for at afgive høringssvar.
 - kontrol statistik vedr. art. 68 – græs og EL: det følger (vores ekspert på området er tilbage på onsdag. Der kræver lidt databearbejdning at få udskilt tallene fra 2010 kontrolstatistikken på ordningsniveau. så snart han er tilbage, får du tallene).

Ellers havde jeg to spørgsmål til dig:

- vi er ved afsøge mulighederne for en smidig proces ift. at få godkendt vores programændringsforslag af 22. December 2011, herunder bl.a. randzoneordningen, der har stor politisk bevågenhed. Ændret vandløbsvedligeholdelse volder jo lidt problemer. Kunne én mulighed være at man tog ordningen ud af den igangværende programændring mhp. at sende den ned til jer ved næstkommende notifikation, fx senere i juni. Min forståelse er at så snart vi har sendt programændringsforslaget af 22 dec 2011 ned til jer igen "officiel" (via SFC), har vi mulighed for at sende en ny notifikation (med Ændret vandløbsvedligeholdelse). Det giver selvfølgelig bedst mening, hvis ordningen så ikke igen skal igennem de præliminære høringer hos jer igen.
- vi arbejder som sagt på at ændre finansieringsplanen til RDP. Ambitionen er at få den til at "tælle" som en ændring i 2012, så der også er mulighed for en ændring i 2013. Hvad er afgørende hér for at den "registreres" i 2012 – er det datoen for notifikationen eller for Komitéens beslutning ?

Håber du kan hjælpe. Vi tales ved.
Vh Samir

23

Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 11. juni 2012 13:09
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: lldt af hvert

Hej Samir

Tak for det. Og tak for et godt mode sidste uge.

I forhold til dine to spørgsmål:

1) Det er altid muligt at trække elementer tilbage. Hvis I så inkluderer det i en ny programændring senere, vil det blive genstand for en ny høring, men det er klart, at folk så vil have set den før og vi har forhåbentlig fjernet de knaster, som var der i første runde.

2) Med hensyn til, hvornår I kan sende den næste programændring, så er det lettest, hvis I kan vente, til I har vores godkendelsesbrev for ændringen fra 22. december. Men der er altid en vej omkring det, hvis det bliver nødvendigt for jer at sende den tidligere. Det er kun et spørgsmål om at kunne håndtere det i SFC, som ikke er lavet til at håndtere flere programændringer sideløbende. Men vi har gjort det før, og der er intet i forordningerne, som forhindrer jer i at sende programændringer når som helst I ønsker det, så længe I holder jer til de årlige kvoter.

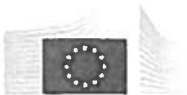
3) Programændringer som er fremsendt i 2012 og anerkendt som er "admissible" (dvs. at de overholder de relevante formkrav), tæller i 2012.

Hilsen

Tue

Tue FOSDAL

Programme Manager



European Commission

DG Agriculture and Rural Development

Unit E.3 Rural Development in Poland, Lithuania and Denmark

L130 06/168

B-1049 Brussels/Belgium

+32 2 296 57 22

tue-rasmussen.fosdal@ec.europa.eu



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From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]

Sent: Monday, June 11, 2012 12:59 PM

To: FOSDAL Tue Rasmussen (AGRI)

Subject: lldt af hvert

Hej Tue

Tak for et par gode møder i sidste uge både i BRX og i Kbh. Jeg har lidt tekst til dig vedr. de punkter vi er blevet bedt om at følge op på:

- Juletræer under randzoneordningen (art. 38):
Vi har ikke data for den eksakte forekomst af juletræer arealmæssigt i randzonerne. Jf. vedhæftede link: <http://videnskab.dk/miljo-naturvidenskab/juletraeer-pynter-pa-co2-regnskabet>, dyrkes der juletræer i DK på omkring 35.000 hektar. Til sammenligning bliver 2,7 millioner hektar brugt til landbrugsjord. Det svarer til at der dyrkes juletræer på ca. 1,3 % af det samlede landbrugsareal. I realiteten vil andelen dog være noget mindre fsva. randzonerne, da en stor del af juletræsarealerne er placeret i eller i forbindelse med skov, dvs. de indgår i skovarealet og dermed ikke som en andel af landbrugsarealet, idet randzonekompensationen jo kun ydes til landbrugsarealer.
- Opfølgning på kontrolmøde:
 - den nyindført græsningstryk-option under RDP pleje af græs (1,5 SK / ha.), kan kun vælges ifm. indgåelse af nye tilsagn (og ikke for eksisterende). I disse år har vi mange tilsagn, der udløber, hvorfor vi i første omgang, har ladet den gælde for nye tilsagn.
 - ved konstaterede overtrædelser ved fysisk kontrol, informeres ansøger om overtrædelsens karakter og hvilke(n) støttebetingelser, der ikke er overholdt. Ansøgere modtager informationen i høring og har mulighed for at afgive høringssvar.
 - kontrol statistik vedr. art. 68 – græs og EL: det følger (vores ekspert på området er tilbage på onsdag. Der kræver lidt databearbejdning at få udskilt tallene fra 2010 kontrolstatistikken på ordningsniveau. så snart han er tilbage, får du tallene).

Ellers havde jeg to spørgsmål til dig:

- vi er ved at søge mulighederne for en smidig proces ift. at få godkendt vores programændringsforslag af 22. December 2011, herunder bl.a. randzoneordningen, der har stor politisk bevågenhed. Ændret vandløbsvedligeholdelse volder jo lidt problemer. Kunne én mulighed være at man tog ordningen ud af den igangværende programændring mhp. at sende den ned til jer ved næstkommende notifikation, fx senere i juni. Min forståelse er at så snart vi har sendt programændringsforslaget af 22 dec 2011 ned til jer igen "officiel" (via SFC), har vi mulighed for at sende en ny notifikation (med Ændret vandløbsvedligeholdelse). Det giver selvfølgelig bedst mening, hvis ordningen så ikke igen skal igennem de præliminære høringer hos jer igen.
- vi arbejder som sagt på at ændre finansieringsplanen til RDP. Ambitionen er at få den til at "tælle" som en ændring i 2012, så der også er mulighed for en ændring i 2013. Hvad er afgørende hér for at den "registreres" i 2012 – er det datoen for notifikationen eller for Komitéens beslutning ?

Håber du kan hjælpe. Vi tales ved.
Vh Samir

24

Samir Babali (NaturErhvervstyrelsen)

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 19. juni 2012 17:32
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: justeret programtekst (sfa. møde vedr. ændret vandløbsvedligeholdelse)
Vedhæftede filer: 190612_ Revision of Danish RDP 2007-2013 amended by notification of 22 Dec 2011 with TCs (2).docx

Hej Tue

Som aftalt:

- vedr. monitorering, se side 188-189.

- Da vi har nationalt har et behov for klarhed omkring støttenedsættelsespraksis, har vi, jf. drøftelserne herom på mødet den 05/06-12 i BRX, derudover skrevet ind at ansøgere kan i yderst konsekvens risikere at blive taget ud af ordningen - med ophør af kompensationen til følge – men at de ikke vil blive underlagt krav om tilbagebetaling. Endvidere at arealer, der udgår af landbrugsmæssig drift, kan opretholde EB via art. 34-regelsættet. Vi talte på mødet om at kontakte jeres søjle 1 folk vedr. sidstnævnte, men måske ville det mest "operationelle" og smidige være at forelægge dem programteksten (frøer for at iværksætte en separat og "løsrevet" proces) ?

- vedr. den tredje sats (50 euro pr. ha), se omformulering af teksten vedr. satsen + nyt afsnit (i direkte forlængelse heraf), se side 190-191.

- tal-henvisningerne (120 cm og 5 dage) er udgået (se i afsnittet i forlængelse af de tre satser).

Herudover vil vi gerne foreslå enkelte mindre justeringer/præciseringer i randzoneteksten (213b):

- side 197: præciseres at "perennial energy crops" indgår under samlebetegnelsen "perennial crops".

- side 199: vi vurderer at vi kan have overset nogle støttekombinationsmuligheder (og har tilføjet 214b og produktionsstøtte til energiafgrøder/ art. 68). Jeg hører gerne om du er enig heri.

- side 200: afsnittet vedr. revisionsklausul er lettere omformuleret. Jeg kan forstå på vore jurister, at kravet om at revidering af tilsagn ved revisionsklausul sfa. ændring i baselinebetingelser gælder for tilsagn udstedt i indeværende programperiode (og ikke for "ældre" tilsagn). Derfor præciseringen.

Vh Samir

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu]

Sendt: 12. juni 2012 13:07

Til: Samir Babali (NaturErhvervstyrelsen)

Emne: opfølgning på mødet sidste tirsdag

Hej Samir

Vi skal også have fulgt op på mødet sidste tirsdag om vandløbsvedligeholdelse. Er vi enige om, at I sender os et forslag til noget tekst?

Der var tre punkter:

(1) sletning af henvisningerne til 120 cm og 5 dage på side 5,

(2) indføjeelse af noget tekst på side 3 om overvågning og revision af modellen for udpegning af støtteberettigede arealer, og

(3) en tekst i forhold til de tre støttesatser, som gør det klart, at der kun er tale om kompensation for arealer, hvor der sker et signifikant indkomsttab som følge af behov for en ændret arealudnyttelse i forbindelse med den reducerede vandløbsvedligeholdelse.

Det sidste punkt er af særlig betydning i forhold til 50 euro satsen for græs, hvor man vel må forvente, at der skal være tale om en betydelig ekstensivering af udnyttelsen i forhold til udgangspunktet, for at der kan være tale om et signifikant indkomsttab.

Punkt nr. 2 var nok det mest komplekse af de tre. De andre kan vel ret let skrives ind, vil jeg tro.

Hilsen

Tue

Tue FOSDAL

Programme Manager



European Commission

DG Agriculture and Rural Development

Unit E.3 Rural Development in Poland, Lithuania and Denmark

L130 06/168
B-1049 Brussels/Belgium
+32 2 296 57 22
tue-rasmussen.fosdal@ec.europa.eu



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Samir Baball (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 20. juni 2012 14:00
Til: Samir Baball (NaturErhvervstyrelsen)
Emne: RE: justeret programtekst (sfa. møde vedr. ændret vandløbsvedligeholdelse)

Hej Samir
Se mine kommentarer nedenfor.
Tue

Tue FOSDAL
Programme Manager



European Commission
DG Agriculture and Rural Development
Unit E.3 Rural Development in Poland, Lithuania and Denmark

L130 06/168
B-1049 Brussels/Belgium
+32 2 296 57 22
tue-rasmussen.fosdal@ec.europa.eu



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From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]
Sent: Tuesday, June 19, 2012 5:32 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: justeret programtekst (sfa. møde vedr. ændret vandløbsvedligeholdelse)

Hej Tue
Som aftalt:

- vedr. monitoring, se side 188-189.

- Da vi har nationalt har et behov for klarhed omkring støttenedsættelsespraksis, har vi, jf. drøftelse herom på mødet den 05/06-12 i BRX, derudover skrevet ind at ansøgere kan i yderst konsekvens risikere at blive taget ud af ordningen - med ophør af kompensationen til følge – men at de ikke vil blive underlagt krav om tilbagebetaling. Jeg vender tilbage om dette.

Endvidere at arealer, der udgår af landbrugsmæssig drift, kan opretholde EB via art. 34-regelsættet. Vi talte på mødet om at kontakte jeres søjle 1 folk vedr. sidstnævnte, men måske ville det mest "operationelle" og smidige være at forelægge dem programteksten (frem for at iværksætte en separat og "løsrevet" proces) ? Det afhænger af, hvor længe I kan vente på at få den her programændring godkendt, for det kræver nok, at vi tager en grundig diskussion med de relevante kolleger. I mellemtiden må godkendelsen jo så vente på, at der kommer en afklaring.

- vedr. den tredje sats (50 euro pr. ha), se omformulering af teksten vedr. satsen + nyt afsnit (i direkte forlængelse heraf), se side 190-191.

Jeg vender tilbage om dette.

- tal-henvisningerne (120 cm og 5 dage) er udgået (se i afsnittet i forlængelse af de tre sætser). Mange tak. Jeg faldt over en anden henvisning til 5 dage nederst på side 188. Kan I ikke også lige slette den.

Herudover vil vi gerne foreslå enkelte mindre justeringer/præciseringer i randzoneteksten (213b):

- side 197: præciseres at "perennial energy crops" indgår under samlebetegnelsen "perennial crops". Jeg forstår, at I nu alligevel åbner mulighed for, at der alligevel kan dyrkes energiafgrøder i randzonerne. Jeg skal så henlede opmærksomheden på, at vi havde nogle kommentarer/spørgsmål om dette i vores brev. Måske kan I først svare på det. Så kan vi diskutere det.

- side 199: vi vurderer at vi kan have overset nogle støttekombinationsmuligheder (og har tilføjet 214b og produktionsstøtte til energiafgrøder/ art. 68). Jeg hører gerne om du er enig heri. Ikke umiddelbart. Produktionsstøtte til energiafgrøder kompenserer for tabet i dækningsgrad som følge af at gå fra normale afgrøder til energiafgrøder. Under randzoneordningen kompenseres der for tabet ved at gå fra normale afgrøder til ingen afgrøder. Da det første nødvendigvis må være en delmængde af det sidste, vil en kombination af de to ordninger medføre, at det samme tab kompenseres to gange. Med hensyn til omlægningsstøtten, mener jeg umiddelbart, det er svært at argumentere for at give omlægningsstøtte til et areal, hvor der allerede er et obligatorisk krav om at henlægge det som ekstensivt naturområde/græs uden brug af pesticider eller gødning. Hvad er jeres argument for, at det skulle kunne lade sig gøre?
- side 200: afsnittet vedr. revisionsklausul er lettere omformuleret. Jeg kan forstå på vore jurister, at kravet om at revidering af tilsagn ved revisionsklausul sfa. ændring i baselinedbetingelser gælder for tilsagn udstedt i indeværende programperiode (og ikke for "ældre" tilsagn). Derfor præciseringen. Jeg er ikke sikker på, hvad du henviser til her. Har vi indsat et krav om revisionsklausul under ordning 213? Det virker ikke umiddelbart særlig relevant. Eftersom der er tale om en årlig kompensation og ikke en flerårig forpligtelse, kan støttebetingelserne ændres uden revision af nogen kontrakt (da der jo ikke er nogen kontrakt)...

Vh Samir

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu]

Sendt: 12. juni 2012 13:07

Til: Samir Babali (NaturErhvervstyrelsen)

Emne: opfølgning på mødet sidste tirsdag

Hej Samir

Vi skal også have fulgt op på mødet sidste tirsdag om vandløbsvedligeholdelse. Er vi enige om, at I sender os et forslag til noget tekst?

Der var tre punkter:

(1) sletning af henvisningerne til 120 cm og 5 dage på side 5,

(2) indføjelser af noget tekst på side 3 om overvågning og revision af modellen for udpegning af støtteberettigede arealer, og

(3) en tekst i forhold til de tre støttesætser, som gør det klart, at der kun er tale om kompensation for arealer, hvor der sker et signifikant indkomsttab som følge af behov for en ændret arealudnyttelse i forbindelse med den reducerede vandløbsvedligeholdelse.

Det sidste punkt er af særlig betydning i forhold til 50 euro sætserne for græs, hvor man vel må forvente, at der skal være tale om en betydelig ekstensivering af udnyttelsen i forhold til udgangspunktet, for at der kan være tale om et signifikant indkomsttab.

Punkt nr. 2 var nok det mest komplekse af de tre. De andre kan vel ret let skrives ind, vil jeg tro.

Hilsen

Tue

Tue FOSDAL

Programme Manager



European Commission

DG Agriculture and Rural Development

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L130 06/168

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26

Samir Babali (NaturErhvervstyrelsen)

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 2. juli 2012 09:20
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programnotifikation
Vedhæftede filer: 300612_ Revision of Danish RDP 2007-2013 amended by notification of 22 Dec 2011 with TCs.docx; 300612 Revised Letter of 30 april 2012 submitting revised amendment notification of 22 December 2011.doc; questlons regarding energy crops _ reply 30 june 2012.doc

Hej Tue

Som aftalt får du her "uofficielt" - revideret programtekst + brev.

Jeg har derudover vedlagt "*questions regarding energy crops*", hvor vi adresserer dit opfølgende spørgsmål vedr. kompensationsniveauet for arealer med energiafgrøder under randzoneordningen

Vh Samir

30. June 2012

Questions and replies in regard to perennial energy crops (213b):

Question:

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).

Reply:

As part of the Danish implementation of the Water Framework Directive, Denmark will implement with binding effect from 1st September 2012, up to 10 meter mandatory cultivation-free buffer zones along watercourses. As an exemption to the general requirement of no cultivation, farmers can establish fertiliser and spraying free permanent pasture in the buffer zone.

If there is an existing perennial crop in the buffer zone, such as for example Christmas trees or energy crops, the recently adopted Danish law on mandatory buffer zone gives permission to maintain the crop on the buffer zone, but not re-establish it. Applicants must, however, commit not to use plant protection products, fertilizer or soil improvement agents to the area in question in order to be eligible for compensation.

An alternative situation consisting of making it compulsory for applicants to cut down their perennial crop vegetation even if they have not yet reach maturity, has not been considered desirable neither politically nor from an environmental perspective, because it would stifle the possibilities to reap the positive environmental effect linked to maintaining the (spraying – and fertiliser-free) perennial crops on the area.

The positive environmental effects of perennial crops, and in particular energy crops, in terms of reducing leaching of nitrogen to ground and surface water has been the subject of extensive research, and the positive effects are well documented.

Research at the Danish Institute of Agricultural Science has shown that the nitrate concentration in the ground water in the root zone of energy crops is well below 50 mg nitrate/litre (11.3 mg nitrate-N/litre), which is the maximum level for nitrate content in drinking water. Some research studies carried out by the same institute has concluded that whereas normal farming on sandy soils generally causes nitrogen leaching from the root zone of approx. 70 kg N/ha/year - perennial crops at the same soil type reduced the annual leaching of nitrogen to 5-30 kg N/ha/year.

Denmark has implemented two support measures related to energy crops in the Article 68 programme.

Allowing for (spraying – and fertiliser-free) perennial energy crops to be maintained on the areas designated to be converted to mandatory buffer zones (as opposed to cutting the vegetation down), will contribute to additional reduction in nutrient leaching in the transitional period following the implementation of the buffer zones - to the overall benefit of the fulfilment of the objectives of measure 213b and water quality improvements of the aquatic environment.

The perennial crops will not be allowed to be re-established, and will therefore with time be phased out from the buffer zones.

In terms of the production area surface, it should be noted, that perennial energy crops account for approx. 7,000 hectares, or 0,3 percent of the total agricultural surface in Denmark (i.e. 2,6 million hectares); and Christmas trees, 35,000 hectares (1,3 percent). Christmas trees are generally established in the vicinity of forests, why the surface accounted for by this type of vegetation relative to the buffer zone area is expected to be even lower.

The identification of which areas are to be subject to the mandatory requirement to convert to buffer zones is still ongoing and is expected to be completed by the month of October 2012.

Regarding support calculation

The support rates proposed under 213b have been suggested on the basis of income loss calculations provided by the University of Copenhagen, cf. Annex 5l.

The University of Copenhagen has estimated that the commitment of not using plant protection products and fertilizers would lead to gross margin losses for energy crop producing areas (i.e. the land rent) situated in the interval from 1.000 DK kr. up to 2.500 DK kr. pr. ha.

According to the University of Copenhagen, the gross margin losses are most likely be situated at the higher end of that interval. The university assesses that, with a compensation rate set at 1.900 DK kr. pr. ha, areas with energy crops can not expect to "break even", and would experience negative gross margins, suggesting that the income loss in most cases is likely to be greater than 1.900 DK kr.

The income loss analysis leads the University of Copenhagen to conclude that the compensation rate to areas with energy crops should not be lower than for cultivation-free areas (i.e. 2.100 DK kr. pr. ha.).

The Danish authorities suggest that the compensation level under 213b for cultivation-free area, should also apply for areas covered with energy crops, i.e. 2.100 DK kr. pr. ha. (282 euro pr. ha.).

Demarcation to the article 68-programme

Denmark provides support to the production of energy crops under the Article 68 programme.

The support measure was introduced in 2012, and compensates farmers for the disadvantages related to the production of energy crops compared to other agricultural crops, including a higher risk for lower than expected production yields and higher operating costs.

213b compensates farmers for the Income losses associated with converting energy crop production to further extensification to the benefit of the water environment. Hence, the Danish authorities do not see a case for providing farmers the possibility to combine the article 68-production support with compensation 213b.

Question:

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:

The principal objective of the measure, cf. the measure sheet text, is to reduce the leaching of nutrients into surface water. Assuming an area of 50,000 hectares mandatory buffer zones, it has been assessed by the University of Aarhus that the gross impact with regard to reduced P-discharge could contribute to a reduction of up to 160 tons per year. As a secondary objective, the buffer zones are expected also to contribute to safeguarding biodiversity and to the improvement of ecological connectivity of the rural landscape.

With regard to perennial energy crops, estimates relating the area covered by the crops in mandatory buffer zones are not available. The process of identifying the location of the mandatory buffer zones area is not yet concluded. However, it should be noted that the total surface covered by energy crops compared to the agricultural surface in Denmark, is indeed, very limited (as previously mentioned, 0,2 pct. of the total agricultural surface).

Furthermore, and as stated above, applicants with energy crops on their buffer zones cannot re-establish the crop, and must commit not to use plant protection products, fertilizer or soil improvement agents on the area. Hence, farming

activities on the buffer zones will be restricted to an absolute minimum – for energy crops, on average once every three years when harvesting.

Imposing a requirement on farmers to cut down their crop plants when entering measure 213b has not been considered desirable, and would deteriorate the achievement of the principal objective of the measure related to Improving the water quality of the aquatic environment.

Question:

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:

The recently adopted Law 145 of 29. March 2012 regarding mandatory buffer zones does not allow for perennial energy crops to be established or re-established in the buffer zones. Hence, there is no basis for providing establishment support to energy crops in the buffer zones, and therefore no risk of overcompensation.

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Ministry of Food, Agriculture and Fisheries

The Danish Agrifish Agency



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

The Danish AgriFish Agency
Center for Arealtilskud
Ref. 3621-30-04-12
~~30. June 15. May~~ 2012

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 (supplementary measure).

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.

Eligibility conditions: Eligibility conditions must be clear and verifiable. For the payment of 165 euros the precise eligible conditions are not clearly defined ('may have to change to spring

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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.

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.

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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 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 have recently been introduced in the proposal for national law on mandatory buffer zones to be adopted, as areas for which compensation under 213b is foreseen. The legal proposal does not foresee support for reestablishment of Christmas trees. Compensation under 213b will not be provided if areas are planted with Christmas trees subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The compensation rate for areas with established perennial crops is suggested set at the same level as for areas previously farmed with arable crops, cf. the reply underneath.

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).

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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:

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, or any other RDP measures issued in the present programming period 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.

Grazing pressure: With regard to grazing on the areas, it should be clarified how the grazing pressure will be adjusted according to the needs of the areas. It could be recommendable to set limits on the stocking density.

Reply: It appears from the text proposal that if buffer zones are used for grazing, the maximum grazing will be adjusted according to the local conditions and in order to prevent overgrazing of the area and loss or damage of plant cover. The commitment is similar to the way the maximum

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grazing pressure is regulated under measure 214a. (Conservation by grazing or cutting on pasture areas).

Heath Check measure: It should be clearly specified in the text that this measure falls under the new challenges referred to in 16a of Regulation (EC) 1698/2005 with a 75 per cent co-financing of public expenditure by the EAFRD. This appears from table 5.3.6 (health check indicators) and indirectly also from table 6.3 (indicative allocation of funds for operations referred to in article 16a) but it should also be explicitly stated in the measure description. In addition, the relevant entry in table 5.3.6 should refer to measure 213 instead of 214.

Reply: The amendment has been provided in the adjusted description of the measure and the relevant entry in table 5.3.6 (Annex 13) in which reference is made to measure 213 (instead of 214).

Measure 214a:

Grazing pressure: A minimum stocking rate of animals is introduced as a means of regulating the grazing pressure on the areas, referring to a minimum level of 0.5 LU/ha. It should be confirmed that the proposed rate refers to the definition in Annex V of Regulation (EC) 1974/2006.

Reply: We can confirm this. Reference to Annex V of Regulation (EC) 1974/2006 has been inserted in the measure description. On this particular issue, for your information, we have in the resubmitted proposal made an adjustment to the minimum grazing pressure from 0.5 to 1.5 LU/ha. Please see our answer below.

Overgrazing: It would be appropriate also to ensure that there is no risk of overgrazing, with negative impact on vegetation, for example by way of a maximum stocking rate.

Reply: The amendment intends to provide more flexibility in regard to the measure's minimum grazing pressure commitment (i.e. areas eligible for support must be grazed or cut back in such a manner that the vegetation is visually dense and low by the 31st August each year). This commitment has shown to be very hard to practice on natural areas with high biodiversity - and for some areas to be in conflict with the biodiversity purpose of the measure. Therefore with the amendment possibility is given to introduce an alternative support obligation concerning the minimum grazing pressure (i.e. a minimum level of 0.5 LU/ha).

The objective of the amendment is to address the specific issue raised by the minimum grazing pressure requirement. Consequently, no changes have been made in regard to the maximum grazing pressure commitment (i.e. stating that the grazing of the area in question must not lead to loss or damage of plant cover). The commitment has therefore been preserved in its existing form in the RDP proposal. Similarly no changes have been suggested in relation to the mode of inspection regarding the meeting of support commitments, which is planned to be carried out in an unaltered way, based on yearly random on-the-spot controls of the area receiving support, by experienced controllers, who shall visually verify regardless of the chosen minimum grazing option, that overgrazing (i.e. loss or damage of plant cover), has, in fact, not occurred on the specific area.

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We hereby re-submit the notification to the Commission with the amendments resulting from the above comments. The amendments have been inserted into the RDP text enclosed with TC visible. Enclosed are also the modification submission templates, some of which have been amended and the annexes, which have been revised:

- Modification submission template for measure 214a on grassing measure
- Modification submission templates for measure 216b on wetlands for P and N
- Modification submission template for measure 213a for reduced maintenance of stream edges
- Modification submission template for measures 213b for set aside border zones
- Modification submission template for measure 221c First afforestation of agricultural land to establish new public forests
- Annex 10 to the RDP (national implementation of cross compliance requirements)
- Annex 13 (table 5.3.6 –Health Check operations)

Best regards,

Steen Bonde
Head of Unit

(29)

Impact	<u>Reversal in biodiversity decline (IRENA farmland bird species population index: 106.1 in 2001. Common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>High nature value areas (78,000 ha in 2000, common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>Changes in gross nutrient balance</u>	<u>Reduction in P and N usage (not quantified)None</u>
	<u>Increase in production of renewable energy</u>	<u>None</u>

Additional programme-specific indicators and quantified targets

Effect	<u>Good ecological status of watercourses in question, increased amenity value, greater biodiversity and guarantee of the basis for fishing stocks and thereby the regeneration of better fishing waters.</u>	<u>1400 2100 km watercourse</u>
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5.2.2.1b. Mandatory establishment of cultivation-free buffer zones (Code 213b)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005

Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006

Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213b

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding

effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture or perennial energy crops are grown without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be up to 13 kg N per hectare less than on cultivation-free border zones if perennial energy crops are grown in the buffer zone, and 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding bufferzones (code 214d) will end in 2011. The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38 of Council Regulation (EC) No 1698/2005. As a exception to the general requirements farmers can establish fertiliser and spraying -free farming of perennial energy crops or permanent pasture in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under

Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. ~~The opportunity to grow perennial energy crops in the border strip does not apply to these 2 metre strips, as~~ No soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by NaturErhvervstyrelsen (A new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries; FødevareErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will be carried-out by NaturErhvervstyrelsen.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers or soil improvement agents to the land during the commitment period. The area must be established

as grass or set-aside natural area except where the area is cultivated with perennial energy crops or present other perennial crops. The area must not be irrigated.

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, perennial energy crops, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

- The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river basin management plans for 23 appointed river valley areas in Denmark have will been adopted nationally in by the end of 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex Si.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

<u>Support commitments</u>	<u>Baseline commitments</u>
<u>An up to 10 meter buffer zone along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.</u>	<u>The buffer zone areas will where relevant compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.</u>
<u>Same</u>	<u>Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009</u>
<u>Same</u>	<u>Border strips must be cut at least once every</u>

	<p>two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)</p>
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Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by NaturErhvervstyrelsen.

Amounts of support

~~A fixed annual support rate is offered of up to euro 349 per ha per year.~~

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- 161 € to agricultural areas previously farmed as permanent pasture
- 282 € to agricultural areas previously farmed with arable crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, the one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be paid out together with the single payment premium for the calenderyear. The requirements regarding the bufferzones are applying from 1st September 2012, it is foreseen that the farmers apply for the 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).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support
- ~~Conversion to organic agricultural production (Code 214b)~~
- The Article 68 measure: "Support for extensive maintenance of pasture areas"
- ~~The Article 68 measure: "Support to production of perennial energy crops"~~
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)
- ~~The Article 68 measure: "Support for establishment of perennial energy crops"~~

It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.

Compensation under 213b may not be combined with measure 214d for the same agricultural area. When relevant, existing contracts issued under 213b as well as under any other RDC measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/ 2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts.

Compatibility with CAP first pillar measures

The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from NaturErhvervstyrelsen which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 24.8 million euro.

Public expenditure: 24.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	<u>Number of farm holdings and holdings of other land managers receiving support</u>	<u>30,000</u>
	<u>Total area under agri-environmental support</u>	<u>50,000 ha</u>
	<u>Total number of contracts</u>	<u>30,000</u>
	<u>Physical area under agri-environmental support</u>	<u>50,000 ha</u>
	<u>Number of actions related to genetic resources</u>	<u>None</u>
Result	<u>Areas under successful land management</u>	<u>50,000 ha</u>
Impact	<u>Reversal in biodiversity decline (farmland bird species population)</u>	<u>Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)</u>

<u>Changes in gross nutrient balance</u>	<u>Reduction of up to 160 t P and 2,500 t N per year</u>
<u>Increase in production of renewable energy</u>	<u>Negligible</u>

Additional programme-specific indicators and quantified targets

None.

5.2.2.2 Conservation by grazing or cutting on pasture and natural areas (Code 214a)

A separate article 68-programme has been submitted to the Commission with partially the same objective as this measure. The demarcation between measures of the two programmes is described in chapter 10.3.

Article (and paragraph) which covers the measure

Articles 36 (a) (iv) and 39 of Council Regulation (EC) No 1698/2005.

Article 27 and point 5.3.2.1.4 of Annex II of Commission Regulation (EC) No 1974/2006.

Rationale for intervention

Agriculture and forestry play an important role in the conservation of natural, environmental and cultural assets and recreational assets in the Danish countryside. The Government has as a high priority objective the aim of reducing the loss of biodiversity in the Danish landscape. The Danish Government in 2009 launched a new Green Growth vision for Danish agriculture, nature and the environment that among others comprises plans for new and improved actions that also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape. These activities include conservation of existing natural areas such as open grasslands, common land, meadows, small biotopes and other semi-cultivated areas. In many of these areas, targeted support to maintain special conservation status will contribute to positive development.

Many high nature value areas are dependent on extensive farming. No farming means overgrowth, while intensive farming can reduce the assets associated with the land. Yearly grazing or cutting of permanent pasture on open land, meadows, common land and moor land may help to preserve these assets. The measure shall contribute to these aims.

Objectives of the measure

The purpose of the support scheme is to ensure yearly grazing or cutting of pasture and natural areas and thereby to protect and improve landscape and biotope conditions, the conditions for flora and fauna and the biodiversity. The areas are existing high nature value agricultural and semi-natural areas and habitats designated by Danish environmental authorities.

Scope and actions

Support is given for the conservation of pasture and semi-natural areas in connection with yearly grazing or cutting. Yearly grazing or cutting of permanent pasture on open land, meadows, common land and moor land may help to preserve such areas of high natural value as light-open areas.

(30)

Samir Babali (NaturErhvervstyrelsen)

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring
Vedhæftede filer: 030712 Revised Letter of 30 april 2012 submitting revised amendment notification of 22 December 2011.doc; 030712 _ Revision of Danish RDP 2007-2013 amended by notification of 22 Dec 2011 with TCs.docx; questions regarding energy crops _ reply 30 June 2012.doc

Hej Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

30. June 2012

Questions and replies in regard to perennial energy crops (213b):

Question:

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).

Reply:

As part of the Danish implementation of the Water Framework Directive, Denmark will implement with binding effect from 1st September 2012, up to 10 meter mandatory cultivation-free buffer zones along watercourses. As an exemption to the general requirement of no cultivation, farmers can establish fertiliser and spraying free permanent pasture in the buffer zone.

If there is an existing perennial crop in the buffer zone, such as for example Christmas trees or energy crops, the recently adopted Danish law on mandatory buffer zone gives permission to maintain the crop on the buffer zone, but not re-establish it. Applicants must, however, commit not to use plant protection products, fertilizer or soil improvement agents to the area in question in order to be eligible for compensation.

An alternative situation consisting of making it compulsory for applicants to cut down their perennial crop vegetation even if they have not yet reach maturity, has not been considered desirable neither politically nor from an environmental perspective, because it would stifle the possibilities to reap the positive environmental effect linked to maintaining the (spraying – and fertiliser-free) perennial crops on the area.

The positive environmental effects of perennial crops, and in particular energy crops, in terms of reducing leaching of nitrogen to ground and surface water has been the subject of extensive research, and the positive effects are well documented.

Research at the Danish Institute of Agricultural Science has shown that the nitrate concentration in the ground water in the root zone of energy crops is well below 50 mg nitrate/litre (11.3 mg nitrate-N/litre), which is the maximum level for nitrate content in drinking water. Some research studies carried out by the same institute has concluded that whereas normal farming on sandy soils generally causes nitrogen leaching from the root zone of approx. 70 kg N/ha/year - perennial crops at the same soil type reduced the annual leaching of nitrogen to 5-30 kg N/ha/year.

Denmark has implemented two support measures related to energy crops in the Article 68 programme.

Allowing for (spraying – and fertiliser-free) perennial energy crops to be maintained on the areas designated to be converted to mandatory buffer zones (as opposed to cutting the vegetation down), will contribute to additional reduction in nutrient leaching in the transitional period following the implementation of the buffer zones - to the overall benefit of the fulfilment of the objectives of measure 213b and water quality improvements of the aquatic environment.

The perennial crops will not be allowed to be re-established, and will therefore with time be phased out from the buffer zones.

In terms of the production area surface, it should be noted, that perennial energy crops account for approx. 7,000 hectares, or 0,3 percent of the total agricultural surface in Denmark (i.e. 2,6 million hectares); and Christmas trees, 35.000 hectares (1,3 percent). Christmas trees are generally established in the vicinity of forests, why the surface accounted for by this type of vegetation relative to the buffer zone area is expected to be even lower.

The identification of which areas are to be subject to the mandatory requirement to convert to buffer zones is still ongoing and is expected to be completed by the month of October 2012.

Regarding support calculation

The support rates proposed under 213b have been suggested on the basis of income loss calculations provided by the University of Copenhagen, cf. Annex 5i.

The University of Copenhagen has estimated that the commitment of not using plant protection products and fertilizers would lead to gross margin losses for energy crop producing areas (i.e. the land rent) situated in the interval from 1.000 DK kr. up to 2.500 DK kr. pr. ha.

According to the University of Copenhagen, the gross margin losses are most likely be situated at the higher end of that interval. The university assesses that, with a compensation rate set at 1.900 DK kr. pr. ha, areas with energy crops can not expect to "break even", and would experience negative gross margins, suggesting that the income loss in most cases is likely to be greater than 1.900 DK kr.

The income loss analysis leads the University of Copenhagen to conclude that the compensation rate to areas with energy crops should not be lower than for cultivation-free areas (i.e. 2.100 DK kr. pr. ha.).

The Danish authorities suggest that the compensation level under 213b for cultivation-free area, should also apply for areas covered with energy crops, i.e. 2.100 DK kr. pr. ha. (282 euro pr. ha.).

Demarcation to the article 68-programme

Denmark provides support to the production of energy crops under the Article 68 programme.

The support measure was introduced in 2012, and compensates farmers for the disadvantages related to the production of energy crops compared to other agricultural crops, including a higher risk for lower than expected production yields and higher operating costs.

213b compensates farmers for the income losses associated with converting energy crop production to further extensification to the benefit of the water environment. Hence, the Danish authorities do not see a case for providing farmers the possibility to combine the article 68-production support with compensation 213b.

Question:

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:

The principal objective of the measure, cf. the measure sheet text, is to reduce the leaching of nutrients into surface water. Assuming an area of 50,000 hectares mandatory buffer zones, it has been assessed by the University of Aarhus that the gross impact with regard to reduced P-discharge could contribute to a reduction of up to 160 tons per year. As a secondary objective, the buffer zones are expected also to contribute to safeguarding biodiversity and to the improvement of ecological connectivity of the rural landscape.

With regard to perennial energy crops, estimates relating the area covered by the crops in mandatory buffer zones are not available. The process of identifying the location of the mandatory buffer zones area is not yet concluded. However, it should be noted that the total surface covered by energy crops compared to the agricultural surface in Denmark, is indeed, very limited (as previously mentioned, 0,2 pct. of the total agricultural surface).

Furthermore, and as stated above, applicants with energy crops on their buffer zones cannot re-establish the crop, and must commit not to use plant protection products, fertilizer or soil improvement agents on the area. Hence, farming

activities on the buffer zones will be restricted to an absolute minimum – for energy crops, on average once every three years when harvesting.

Imposing a requirement on farmers to cut down their crop plants when entering measure 213b has not been considered desirable, and would deteriorate the achievement of the principal objective of the measure related to improving the water quality of the aquatic environment.

Question:

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:

The recently adopted Law 145 of 29. March 2012 regarding mandatory buffer zones does not allow for perennial energy crops to be established or re-established in the buffer zones. Hence, there is no basis for providing establishment support to energy crops in the buffer zones, and therefore no risk of overcompensation.

Ministry of Food, Agriculture and Fisheries

The Danish Agrifish Agency



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

The Danish AgriFish Agency
Center for Arealtilskud
Ref. 3621-30-04-12
~~3. July~~ ~~15. May~~ 2012

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. Please find beneath our replies to the specific comments.

The Danish Managing Authority wish to inform the Commission that the Danish authorities, due to the ongoing process with devising the legal and administrative framework relevant for measure 213a, have decided to await the finalisation of that work before introducing the measure in the RDC. Consequently, measure 213a has been withdrawn from the notification of 22. December 2011, and is not included in the adjusted RDC proposal enclosed to this letter. The same applies for the application regarding the impact assessments, which were suggested financed under the technical assistance envelope.

The Danish authorities intend to reapply for the introduction in the RDC of the area compensation measure and the impact assessments regarding reduced water course maintenance later this autumn. The Danish authority are thankful to the Commission for its assistance and comments so far received regarding the support initiatives.

The decision to withdraw the measures is very recent. The Danish authorities had already prepared their answers to measure 213a and the impact assessments, which were intended to be submitted to the Commission. For your information, the prepared answers have been included in this letter, so to provide the Commission with relevant background information regarding the measures as they have been envisaged implemented up until now.

The information is also submitted with the interest of ensuring a good and swift forthcoming notification process, in that we do recognize that this will also depend on the specific content and information laid forward in the forthcoming notification dealing with the reduced water course maintenance initiative.

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

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.

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.).

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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 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 have recently been introduced in the proposal for national law on mandatory buffer zones to be adopted, as areas for which compensation under 213b is foreseen. The legal proposal does not foresee support for reestablishment of Christmas trees. Compensation under 213b will not be provided if areas are planted with Christmas trees subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The compensation rate for areas with established perennial crops is suggested set at the same level as for areas previously farmed with arable crops, cf. the reply underneath.

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).

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, 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.

Regarding the amended law:

The recent legal amendment to the Law on Buffer Zones was ratified with Law Act nr. 563 of 18. June 2012 (“Lov om ændring af lov om randzoner”). With the law, further restrictions have

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been adopted regarding the ~~the permission to~~ possibility to cultivate energy crops in the mandatory buffer zones. ~~has been withdrawn.~~ The amended law gives permission to maintain the crop on the buffer zone, but not to re-establish it. The use of plant protection products, fertilizer or any other soil improvement agents is not authorized in the buffer zones.

In the resubmitted RDC proposal, the measure text under 213b has been updated to bring it in line with the recently adopted law. Reference is also made to the enclosed annex "Questions and replies in regard to perennial energy crops" of 30. June 2012, which provides more detailed answers to the Commission's questions regarding energy crop operations in the mandatory buffer zones, in view of the recent law amendment.

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 enclosed annex "Questions and replies in regard to perennial energy crops" of 30. June 2012

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 enclosed annex "Questions and replies in regard to perennial energy crops" of 30. June 2012.

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: 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, or any other RDP measures issued in the present programming period 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.

Grazing pressure: With regard to grazing on the areas, it should be clarified how the grazing pressure will be adjusted according to the needs of the areas. It could be recommendable to set limits on the stocking density.

Reply: It appears from the text proposal that if buffer zones are used for grazing, the maximum grazing will be adjusted according to the local conditions and in order to prevent overgrazing of the area and loss or damage of plant cover. The commitment is similar to the way the maximum

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grazing pressure is regulated under measure 214a. (Conservation by grazing or cutting on pasture areas).

Health Check measure: It should be clearly specified in the text that this measure falls under the new challenges referred to in 16a of Regulation (EC) 1698/2005 with a 75 per cent co-financing of public expenditure by the EAFRD. This appears from table 5.3.6 (health check indicators) and indirectly also from table 6.3 (indicative allocation of funds for operations referred to in article 16a) but it should also be explicitly stated in the measure description. In addition, the relevant entry in table 5.3.6 should refer to measure 213 instead of 214.

Reply: The amendment has been provided in the adjusted description of the measure and the relevant entry in table 5.3.6 (Annex 13) in which reference is made to measure 213 (instead of 214).

Measure 214a:

Grazing pressure: A minimum stocking rate of animals is introduced as a means of regulating the grazing pressure on the areas, referring to a minimum level of 0.5 LU/ha. It should be confirmed that the proposed rate refers to the definition in Annex V of Regulation (EC) 1974/2006.

Reply: We can confirm this. Reference to Annex V of Regulation (EC) 1974/2006 has been inserted in the measure description. On this particular issue, for your information, we have in the resubmitted proposal made an adjustment to the minimum grazing pressure from 0.5 to 1.5 LU/ha. Please see our answer below.

Overgrazing: It would be appropriate also to ensure that there is no risk of overgrazing, with negative impact on vegetation, for example by way of a maximum stocking rate.

Reply: The amendment intends to provide more flexibility in regard to the measure's minimum grazing pressure commitment (i.e. areas eligible for support must be grazed or cut back in such a manner that the vegetation is visually dense and low by the 31st August each year). This commitment has shown to be very hard to practice on natural areas with high biodiversity - and for some areas to be in conflict with the biodiversity purpose of the measure. Therefore with the amendment possibility is given to introduce an alternative support obligation concerning the minimum grazing pressure (i.e. a minimum level of 0.5 LU/ha).

The objective of the amendment is to address the specific issue raised by the minimum grazing pressure requirement. Consequently, no changes have been made in regard to the maximum grazing pressure commitment (i.e. stating that the grazing of the area in question must not lead to loss or damage of plant cover). The commitment has therefore been preserved in its existing form in the RDP proposal. Similarly no changes have been suggested in relation to the mode of inspection regarding the meeting of support commitments, which is planned to be carried out in an unaltered way, based on yearly random on-the-spot controls of the area receiving support, by experienced controllers, who shall visually verify regardless of the chosen minimum grazing option, that overgrazing (i.e. loss or damage of plant cover), has, in fact, not occurred on the specific area.

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<http://2.naturerhverv.fvm.dk/vejledning.aspx?ID=22450>).

Regarding requirements related to the application of fertilizer to water-saturated, flooded, frozen, or snow covered land, we can inform you that the Ministry of Environment is in the process of implementing legal statutes regarding such requirements in national legislation. A Proposal to ministry order has recently been sent to public hearing. A final legal text is expected to be adopted by August 1, 2012. When adopted, the requirements will be inserted in the RDP and revisions will be made to the baseline conditions or eligibility rules for those RDP measures that would be affected by the new requirements.

In addition to the above, 5 additional cross compliance requirements on plant protection products have recently been introduced with Order No. 244 of 15 March 2012 on cross-compliance, cf. annex 10 (requirements 2A1, 2B1, 2C1, 2D1 and 2D2). These requirements establish standards and rules regarding safe storage, used equipment and location of filling and cleaning of spraying equipment as well as the requirement for personal handling pesticides to be in possession of issued certificate.

These minimum cross compliance requirements on plant protection products are relevant for beneficiaries under the AE measures, cf. axis 2, see art.39, 3 and art.51,1 in Council Regulation 1698/2005, and Annex II, 5.3.2.1, in Commission Regulation 1974/2006. The requirements do however not provide basis for a revision of the compensation level and baseline of any AE measure. Pesticide free farming measures, such as for instance 214c, compensate for losses of income in relation to the requirement of not being able to use plant protection products, besides those which are permitted for organic agricultural production in Denmark. The new requirements will therefore be relevant for all farmers, and do therefore not result in changes regarding compensation level.

Private contribution to measure 114: No explanation is given for the reduction in the expected private contribution to measure 114. In fact, the reduction does not seem to be in line with the stated aid intensity under the measure, which is 50 per cent. According to that aid intensity, the private contribution should actually be increased, not lowered.

Reply: The reduction has been made by mistake. The "Private Expenditure" column should rightfully indicate 567.040 euro as is the case for "Public expenditures". Thereby the "Total cost" increases to 1.134.080 euro (with a state aid intensity of 50 percent). The "EU" column is not affected. The error has now been corrected (see table in chapter 7, "Indicative breakdown of payments").

We hereby re-submit the notification to the Commission with the amendments resulting from the above comments. The amendments have been inserted into the RDP text enclosed with TC visible. Enclosed are also the modification submission templates, some of which have been amended and the annexes, which have been revised:

The Danish Agrifish Agency

- Modification submission template for measure 214a on grassing measure
- Modification submission templates for measure 216b on wetlands for P and N
- ~~Modification submission template for measure 213a for reduced maintenance of stream edges~~
- Modification submission template for measures 213b for set aside border zones
- Modification submission template for measure 221c First afforestation of agricultural land to establish new public forests
- Annex 10 to the RDP (national implementation of cross compliance requirements)
- Annex 13 (table 5.3.6 –Health Check operations)

Best regards,

Steen Bonde
Head of Unit

<u>Impact</u>	<u>Reversal in biodiversity decline (IRENA farmland bird species population index: 106.1 in 2001. Common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>High nature value areas (78,000 ha in 2000, common objective)</u>	<u>Positive effect (not quantified)</u>
	<u>Changes in gross nutrient balance</u>	<u>Reduction in P and N usage (not quantified)None</u>
	<u>Increase in production of renewable energy</u>	<u>None</u>

Additional programme-specific indicators and quantified targets

<u>Effect</u>	<u>Good ecological status of watercourses in question, increased amenity value, greater biodiversity and guarantee of the basis for fishing stocks and thereby the regeneration of better fishing waters.</u>	<u>1400-2100 km watercourse</u>
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5.2.2.1b. Mandatory establishment of cultivation-free buffer zones (Code 213b)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005

Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006

Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213b

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding

effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture or ~~perennial energy crops are grown~~ without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be up to 13 kg N per hectare less than on cultivation-free border zones if perennial energy crops are grown in the buffer zone, and 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding bufferzones (code 214d) will end in 2011. The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38 of Council Regulation (EC) No 1698/2005. As a exception to the general requirements farmers can establish fertiliser and spraying -free farming of ~~perennial energy crops or permanent pasture~~ in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under

Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. ~~The opportunity to grow perennial energy crops in the border strip does not apply to these 2 metre strips.~~ ~~as n~~No soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by NaturErhvervstyrelsen (A new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries: FødevareErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will be carried-out by NaturErhvervstyrelsen.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers or soil improvement agents to the land during the commitment period. The area must be established

as grass or set-aside natural area except where the area is cultivated with perennial energy crops or present other perennial crops. The area must not be irrigated.

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, perennial energy crops, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

- The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river bassin management plans for 23 appointed river valley areas in Denmark have ~~will~~ been adopted nationally in ~~by the end of~~ 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex 5i.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

<u>Support commitments</u>	<u>Baseline commitments</u>
<u>An up to 10 meter buffer zone along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.</u>	<u>The buffer zone areas will where relevant compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.</u>
<u>Same</u>	<u>Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009</u>
<u>Same</u>	<u>Border strips must be cut at least once every</u>

	two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)
--	--

Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by NaturErhvervstyrelsen.

Amounts of support

A fixed annual support rate is offered of up to euro 349 per ha per year.

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- 161 € to agricultural areas previously farmed as permanent pasture
- 282 € to agricultural areas previously farmed with arable crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, the one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be paid out together with the single payment premium for the calenderyear. The requirements regarding the bufferzones are applying from 1st September 2012, it is foreseen that the farmers apply for the 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).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support
- Conversion to organic agricultural production (Code 214b)
- The Article 68 measure: "Support for extensive maintenance of pasture areas"
- The Article 68 measure: "Support to production of perennial energy crops"
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)
- The Article 68 measure: "Support for establishment of perennial energy crops"

It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.

Compensation under 213b may not be combined with measure 214d for the same agricultural area. When relevant, existing contracts issued under 213b as well as under any other RDC measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/ 2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts.

Compatibility with CAP first pillar measures

The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from NaturErhvervstyrelsen which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 24.8 million euro.

Public expenditure: 24.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	<u>Number of farm holdings and holdings of other land managers receiving support</u>	<u>30,000</u>
	<u>Total area under agri-environmental support</u>	<u>50,000 ha</u>
	<u>Total number of contracts</u>	<u>30,000</u>
	<u>Physical area under agri-environmental support</u>	<u>50,000 ha</u>
	<u>Number of actions related to genetic resources</u>	<u>None</u>
Result	<u>Areas under successful land management</u>	<u>50,000 ha</u>
Impact	<u>Reversal in biodiversity decline (farmland bird species population)</u>	<u>Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)</u>

<u>Changes in gross nutrient balance</u>	<u>Reduction of up to 160 t P and 2,500 t N per year</u>
<u>Increase in production of renewable energy</u>	<u>Negligible</u>

Additional programme-specific indicators and quantified targets

None.

5.2.2.2 Conservation by grazing or cutting on pasture and natural areas (Code 214a)

A separate article 68-programme has been submitted to the Commission with partially the same objective as this measure. The demarcation between measures of the two programmes is described in chapter 10.3.

Article (and paragraph) which covers the measure

Articles 36 (a) (iv) and 39 of Council Regulation (EC) No 1698/2005.

Article 27 and point 5.3.2.1.4 of Annex II of Commission Regulation (EC) No 1974/2006.

Rationale for intervention

Agriculture and forestry play an important role in the conservation of natural, environmental and cultural assets and recreational assets in the Danish countryside. The Government has as a high priority objective the aim of reducing the loss of biodiversity in the Danish landscape. The Danish Government in 2009 launched a new Green Growth vision for Danish agriculture, nature and the environment that among others comprises plans for new and improved actions that also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape. These activities include conservation of existing natural areas such as open grasslands, common land, meadows, small biotopes and other semi-cultivated areas. In many of these areas, targeted support to maintain special conservation status will contribute to positive development.

Many high nature value areas are dependent on extensive farming. No farming means overgrowth, while intensive farming can reduce the assets associated with the land. Yearly grazing or cutting of permanent pasture on open land, meadows, common land and moor land may help to preserve these assets. The measure shall contribute to these aims.

Objectives of the measure

The purpose of the support scheme is to ensure yearly grazing or cutting of pasture and natural areas and thereby to protect and improve landscape and biotope conditions, the conditions for flora and fauna and the biodiversity. The areas are existing high nature value agricultural and semi-natural areas and habitats designated by Danish environmental authorities.

Scope and actions

Support is given for the conservation of pasture and semi-natural areas in connection with yearly grazing or cutting. Yearly grazing or cutting of permanent pasture on open land, meadows, common land and moor land may help to preserve such areas of high natural value as light-open areas.

31

Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 9. juli 2012 11:12
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring

Hej Samir

Her kommer de første småkommentarer:

1. På side 1 i brevet heviser I til RDC, men jeg tror I mener RDP.
2. Har I overvejet at ændrer randzonerne til 213a og så give vandløbsvedligeholdelse nummeret 213b? Det virker lidt underligt at have en ordning 213b, når I endnu ikke har indføjet 213a...

Hilsen

Tue

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]
Sent: Friday, July 06, 2012 4:04 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. programændring

Hej Tue

Det er pr. d.d. nu blevet besluttet at vi tager "ændret vandløbsvedligeholdelse" ud af pakken.

Vh Samir

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring

Hej Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

(32)

Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 9. juli 2012 11:20
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring__

Endnu en:

3. I tabellen på side 178 synes der at mangle lidt info om den nye randszoneordning, som jo kan kombineres med 214a (grazing) og 216 (non-productive investments).

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@naturerhverv.dk]
Sent: Friday, July 06, 2012 4:04 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. programændring

Hej Tue

Det er pr. d.d. nu blevet besluttet at vi tager "ændret vandløbsvedligeholdelse" ud af pakken.

Vh Samir

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring

Hej Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

(33)

Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 9. juli 2012 14:59
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring

Samir
Lige et lille spg her til sidst. Det vedrører 213b, hvor I har to støttesatser:

161 € for areas previously kept as permanent pasture

282 € for areas previously kept with arable crops

Jeg tænker på, om ikke sats nr to er for "arable and permanent crops".

Tue

From: Samir Babali (NaturErhvervstyrelsen) [mailto:SAMB@natureerhverv.dk]
Sent: Friday, July 06, 2012 4:04 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. programændring

Hej Tue

Det er pr. d.d. nu blevet besluttet at vi tager "ændret vandløbsvedligeholdelse" ud af pakken.

Vh Samir

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring

Hej Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 9. juli 2012 11:51
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring_

Endnu et par småting til 213b. Det er mest forslag til redaktionelle rettelser. Sig til, hvis noget er uforståeligt.

1. Side 194...

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be ~~up to 13 kg N per hectare less than on cultivation-free border zones if perennial energy crops are grown in the buffer zone, and 5 kg N per hectare less if permanent pasture is grown.~~

2. Henvisninger til "Naturerhvervstyrelsen" bør erstattes med "the AgriFish Agency".

3. På side 198 virker følgende sætning lidt restriktiv i forhold til det, I skriver andetsteds. Jeg ville slette den sidste del af sætningen således at teksten er konsistent:

Support may also be provided for areas with established perennial crops ~~consisting of Christmas trees.~~

4. Følgende sætning på s. 199 kunne udbygges med en formulering om, at det samme gælder for andre ordninger, hvor baseline berøres som følge af randzonernes indførelse (som I skriver i svarbrevet):

Compensation under 213b may not be combined with measure 214d for the same agricultural area. When relevant, existing contracts issued under 213b as well as under any other RDC measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/ 2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts.

5. Under afsnittet "*Compatibility with CAP first pillar measures*" burde I måske nævne, at artikel 68 ordningen "Support for extensive maintenance of pasture areas" kan kombineres med randzonestøtten. Den er nævnt på siden før, men egentlig er det her, den hører til.

From: Samir Babali (NaturErhvervstyrelsen) [<mailto:SAMB@naturerhverv.dk>]
Sent: Friday, July 06, 2012 4:04 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. programændring

Hej Tue

Det er pr. d.d. nu blevet besluttet at vi tager "ændret vandløbsvedligeholdelse" ud af pakken.

Vh Samir

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring

Høj Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

(34)

Samir Babali (NaturErhvervstyrelsen)

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu
Sendt: 9. juli 2012 15:14
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring

Flint

From: Samir Babali (NaturErhvervstyrelsen) [<mailto:SAMB@naturerhverv.dk>]
Sent: Monday, July 09, 2012 3:01 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: SV: vedr. programændring

Ja, det er korrekt – for god ordens skyld, kan man præcisere dette i selve ordlyden for støttesatsen.
Vh samir

Fra: Tue-Rasmussen.FOSDAL@ec.europa.eu [<mailto:Tue-Rasmussen.FOSDAL@ec.europa.eu>]
Sendt: 9. juli 2012 14:59
Til: Samir Babali (NaturErhvervstyrelsen)
Emne: RE: vedr. programændring

Samir

Lige et lille spg her til sidst. Det vedrører 213b, hvor I har to støttesatser:

161 € for areas previously kept as permanent pasture

282 € for areas previously kept with arable crops

Jeg tænker på, om ikke sats nr to er for "arable and permanent crops".

Tue

From: Samir Babali (NaturErhvervstyrelsen) [<mailto:SAMB@naturerhverv.dk>]
Sent: Friday, July 06, 2012 4:04 PM
To: FOSDAL Tue Rasmussen (AGRI)
Subject: VS: vedr. programændring

Hej Tue

Det er pr. d.d. nu blevet besluttet at vi tager "ændret vandløbsvedligeholdelse" ud af pakken.

Vh Samir

Fra: Samir Babali (NaturErhvervstyrelsen)
Sendt: 4. juli 2012 19:55
Til: 'Tue-Rasmussen.FOSDAL@ec.europa.eu'
Emne: vedr. programændring

Hej Tue

Her følger som aftalt, revideret brev. For god ordens skyld også programmet med justeringerne (sfa. at ændret vandløbsvedligeholdelse tages ud) samt bilaget vedr. energiafgrøderne, som der henvises til i brevet. "Uofficielt" vel og mærke, da jeg afventer endelig formel godkendelse på at tage ændret vandløbsvedligeholdelse ud. Men meget tyder på at det er dér vi ender.

I programmet, er ændringerne indsat i kapitel 5.3.5.5 (sfa. ændret vandløbsvedligeholdelse) taget ud igen. Med undtagelse af omtalen af de nye statslige vandplaner, som vel er relevant information. I kapitel 16 vedr. technical assistance, henvises der ikke længere til "impact assessments".

Jeg vil så småt begynde at samle bilagene + modification templatene.

Vh Samir

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Ministry of Food, Agriculture and Fisheries

The Danish Agrifish Agency



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

The Danish AgriFish Agency
Center for Arealtilskud
Ref. 3621-30-04-12
10. July 2012

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. Please find beneath our replies to the specific comments.

The Danish Managing Authority wish to inform the Commission that the Danish authorities, due to the ongoing process with devising the legal and administrative framework relevant for measure 213a, have decided to await the finalisation of that work before introducing the measure in the RDC. Consequently, measure 213a has been withdrawn from the notification of 22. December 2011, and is not included in the adjusted RDP proposal enclosed to this letter. The same applies for the application regarding the impact assessments, which were suggested financed under the technical assistance envelope.

The Danish authorities intend to reapply for the introduction in the RDP of the area compensation measure and the impact assessments regarding reduced water course maintenance later this autumn. The Danish authority are thankful to the Commission for its assistance and comments so far received regarding the support initiatives.

The decision to withdraw the measures is very recent. The Danish authorities had already prepared their answers to measure 213a and the impact assessments, which were intended to be submitted to the Commission. For your information, the prepared answers have been included in this letter, so to provide the Commission with relevant background information regarding the measures as they have been envisaged implemented up until now.

The information is also submitted with the interest of ensuring a good and swift forthcoming notification process, in that we do recognize that this will also depend on the specific content and information laid forward in the forthcoming notification dealing with the reduced water course maintenance initiative.

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: 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

The Danish Agrifish Agency

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.

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 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 have recently been introduced in the proposal for national law on mandatory buffer zones to be adopted, as areas for which compensation under 213b is foreseen. The legal proposal does not foresee support for reestablishment of Christmas trees. Compensation under 213b will not be provided if areas are planted with Christmas trees subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The compensation rate for areas with established perennial crops is suggested set at the same level as for areas previously farmed with arable crops, cf. the reply underneath.

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).

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, 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.

Regarding the amended law:

The recent legal amendment to the Law on Buffer Zones was ratified with Law Act nr. 563 of 18. June 2012 (“Lov om ændring af lov om randzoner”). With the law, further restrictions have been adopted regarding the possibility to cultivate energy crops in the mandatory buffer zones. The amended law gives permission to maintain the crop on the buffer zone, but not to re-establish it. The use of plant protection products, fertilizer or any other soil improvement agents is not authorized in the buffer zones.

In the resubmitted RDC proposal, the measure text under 213b has been updated to bring it in line with the recently adopted law. Reference is also made to the enclosed annex “Questions and replies in regard to perennial energy crops” of 30. June 2012, which provides more detailed answers to the Commission’s questions regarding energy crop operations in the mandatory buffer zones, in view of the recent law amendment.

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 enclosed annex “Questions and replies in regard to perennial energy crops” of 30. June 2012

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 enclosed annex "Questions and replies in regard to perennial energy crops" of 30. June 2012.

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:

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, or any other RDP measures issued in the present programming period 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.

Grazing pressure: With regard to grazing on the areas, it should be clarified how the grazing pressure will be adjusted according to the needs of the areas. It could be recommendable to set limits on the stocking density.

Reply: It appears from the text proposal that if buffer zones are used for grazing, the maximum grazing will be adjusted according to the local conditions and in order to prevent overgrazing of the area and loss or damage of plant cover. The commitment is similar to the way the maximum grazing pressure is regulated under measure 214a. (Conservation by grazing or cutting on pasture areas).

Heath Check measure: It should be clearly specified in the text that this measure falls under the new challenges referred to in 16a of Regulation (EC) 1698/2005 with a 75 per cent co-financing of public expenditure by the EAFRD. This appears from table 5.3.6 (health check indicators) and indirectly also from table 6.3 (indicative allocation of funds for operations referred to in article 16a) but it should also be explicitly stated in the measure description. In addition, the relevant entry in table 5.3.6 should refer to measure 213 instead of 214.

Reply: The amendment has been provided in the adjusted description of the measure and the relevant entry in table 5.3.6 (Annex 13) in which reference is made to measure 213 (instead of 214).

Measure 214a:

Grazing pressure: A minimum stocking rate of animals is introduced as a means of regulating the grazing pressure on the areas, referring to a minimum level of 0.5 LU/ha. It should be confirmed that the proposed rate refers to the definition in Annex V of Regulation (EC) 1974/2006.

The Danish Agrifish Agency

those which are permitted for organic agricultural production in Denmark. The new requirements will therefore be relevant for all farmers, and do therefore not result in changes regarding compensation level.

Private contribution to measure 114: No explanation is given for the reduction in the expected private contribution to measure 114. In fact, the reduction does not seem to be in line with the stated aid intensity under the measure, which is 50 per cent. According to that aid intensity, the private contribution should actually be increased, not lowered.

Reply: The reduction has been made by mistake. The "Private Expenditure" column should rightfully indicate 567.040 euro as is the case for "Public expenditures". Thereby the "Total cost" increases to 1.134.080 euro (with a state aid intensity of 50 percent). The "EU" column is not affected. The error has now been corrected (see table in chapter 7, "Indicative breakdown of payments").

We hereby re-submit the notification to the Commission with the amendments resulting from the above comments. Enclosed are:

- A revised version of the Danish RDP amended by notification of 22. December 2011 (with visible TCs)
- The revised version (without TCs)
- The note "Questions and replies in regard to perennial energy crops" of 30. June 2012
- The Annexes to the RDP:
 - Annexes 5h, 5i and 6b are new annexes under the RDP
 - The amended Annex 10 on cross compliance with/and without TCs, cf. the reply to "Other Issues"
 - The amended Annex 13 (table 5.3.6 –Health Check operations) with/and without TCs

Best regards,

Steen Bonde
Head of Unit

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5.2.2.1. Mandatory establishment of cultivation-free buffer zones (Code 213)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005

Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006

Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding bufferzones (code 214d) will end in 2011, The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38 of Council Regulation (EC) No 1698/2005. As a exception to the general requirements farmers can establish fertiliser and spraying -free farming of permanent pasture in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. No soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by the AgriFish Agency (a new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries; FødevareErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will also be carried-out by the AgriFish Agency.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers or soil improvement agents to the land during the commitment period. The area must be established as grass or set-aside area

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, perennial energy crops, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river basin management plans for 23 appointed river valley areas in Denmark have been adopted nationally in 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex 5i.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

Support commitments	Baseline commitments
An up to 10 meter buffer zone along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.	The buffer zone areas will where relevant compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.
Same	Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009
Same	Border strips must be cut at least once every two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)

Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by the AgriFish Agency.

Amounts of support

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- 161 € to agricultural areas previously farmed as permanent pasture
- 282 € to agricultural areas previously farmed with arable and perennial crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be payed out together with the single payment premium for the calenderyear. The requirements regarding the bufferzones are applying from 1st September 2012, it is foreseen that the farmers apply for the 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 31st December 2013).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support
- The Article 68 measure: “Support for extensive maintenance of pasture areas”
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)

It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.

Compensation under 213 may not be combined with measure 214d for the same agricultural area. When relevant, existing contracts issued under 213 as well as under any other RDC measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/ 2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts. When relevant, baseline conditions of RDP measures covering areas included under 213 will be adjusted to the baseline conditions of measure 213.

Compatibility with CAP first pillar measures

The commitment may be combined with the article 68 measure “Support for extensive maintenance of pasture areas”. The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from the AgriFish Agency which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 24.8 million euro.

Public expenditure: 24.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	Number of farm holdings and holdings of other land managers receiving support	30,000
	Total area under agri-environmental support	50,000 ha
	Total number of contracts	30,000
	Physical area under agri-environmental support	50,000 ha
	Number of actions related to genetic resources	None
Result	Areas under successful land management	50,000 ha
Impact	Reversal in biodiversity decline (farmland bird species population)	Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)
	Changes in gross nutrient balance	Reduction of up to 160 t P and 2,500 t N per year
	Increase in production of renewable energy	Negligible

Additional programme-specific indicators and quantified targets

None.

5.2.2.2 Conservation by grazing or cutting on pasture and natural areas (Code 214a)

A separate article 68-programme has been submitted to the Commission with partially the same objective as this measure. The demarcation between measures of the two programmes is described in chapter 10.3.

Article (and paragraph) which covers the measure

Articles 36 (a) (iv) and 39 of Council Regulation (EC) No 1698/2005.

Article 27 and point 5.3.2.1.4 of Annex II of Commission Regulation (EC) No 1974/2006.

Rationale for intervention

Agriculture and forestry play an important role in the conservation of natural, environmental and cultural assets and recreational assets in the Danish countryside. The Government has as a high priority objective the aim of reducing the loss of biodiversity in the Danish landscape. The Danish Government in 2009 launched a new Green Growth vision for Danish agriculture, nature and the environment that among others comprises plans for new and improved actions that also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape. These activities include conservation of existing natural areas such as open grasslands, common land, meadows, small biotopes and other semi-

Annex 5h. Calculating income foregone and additional costs resulting from the mandatory establishment of non-cultivated buffer zones along lakes and open watercourses

23. maj 2011

Københavns Universitet
Fødevarerøkonomisk Institut
 Faggruppe for miljø og naturressourcer
 Brian H. Jacobsen

Beregning af indkomsttab ved etablering af obligatoriske randzoner

Direktoratet Fødevarer og Erhverv (FERV) har den 17. marts 2011 udbedt sig en beregning af indkomsttabet for forskellige jordtyper under forskellige situationer i relation til etablering af obligatoriske randzoner (jf. lovforslag L 158). Analysen er en opdatering af den vurdering, der er foretaget i FOI notat af 24. juni 2008 om indkomsttab ved miljøgræs, braklagte randzoner og vådområder. Det er således de samme grundprincipper omkring opgørelse af indkomsttab der er anvendt.

Med udgangspunkt i den fremsatte lov fremgår det, at randzonen skal være langs alle vandløb og søer over 100 m² (Folketinget, 2011). Randzonerne skal som udgangspunkt være 10 meter brede og vil omfatte ca. 2,2% af landbrugsarealet eller ca. 50.000 ha. Disse arealer modtager enkeltbetalingsstøtte. Udover dette vil randzonerne omfatte en del ikke-tilskudsberettigede arealer i randzonerne. På de fremtidige randzonearealer må der ikke tildeles gødning eller pesticider, men arealet kan anvendes til ekstensiv afgræsning, energiafgrøder og eller som vedvarende græs.

Såfremt arealet med randzoner udgør mere end 5% på den enkelte bedrift, er det muligt at ansøge om at få reduceret randzonebredden på bedriften så grænsen på 5% ikke overskrides. Dette sker ved at reducere randzonebredden.

Der er foretaget 4 analyser fordelt på den fremtidige anvendelse af randzonerne:

1. Arealet dyrkes ikke
2. Der dyrkes flerårige energiafgrøder uden anvendelse af gødning og pesticider
3. Der dyrkes vedvarende græs uden anvendelse af gødning og pesticider
4. Der sker opretholdelse og udnyttelse af flerårige kulturer i en begrænset periode

Beregningen er baseret på den forventede indtjening i årene 2008-2010, idet de skal være baserede på 3 års gennemsnit, som det fremgår af kommissions krav til dokumentation for ordninger under

landdistriktsprogrammet. De støtteberettigede arealer er alene arealer der er omfattede af enkeltbetalingsordningen og omfatter således ikke naturarealer m.m.

Beregningsforudsætninger

Beregningerne gennemføres med de realiserede priser for 2008-2010 som opgjort af Dansk Landbrugs-rådgivning jf. Budgetkalkuler for 2009-2010 (Dansk Landbrugsrådgivning, 2008-10). Priserne er nærmere angivet i tabel 1.

I forhold til prisniveauet i det tidligere notat fra 2008 (Jacobsen og Nissen, 2008) så har priserne været lave i 2009, men højere i 2008 og 2010, selvom de ikke er så høje, som de var i 2007. Opgørelsen viser også, at såfremt priserne fra 2007-2010 (5 år) bruges, så er gennemsnittet kun lidt højere nemlig 110 kr./hkg for byg, i stedet for 105 kr./hkg for perioden 2008-2010. De priser, der indgår i budgetkalkulerne for 2011, er lavere end for 2010, men de vurderes i dag at blive højere, hvilket afspejler den øgede usikkerhed om kornpriserne.

Priserne på sukkerroer har i perioden ikke udvist et fald som tidligere frygtet, men samlet betyder det dog, at specialafgrøderne ikke helt giver den merindkomst som de gjorde tidligere. Som det fremgår, har prisen på kvælstof været høj i 2008-2009, og det har påvirket indtjeningen.

Tabel 1. Priser i dyrkningsåret 2008-10

	Enhed	2008	2009	2010	Gns.
Byg	kr/hkg	115	77	122	105
Hvede (foder)	kr/hkg	110	79	122	104
Raps	kr/hkg	280	194	260	245
Sukkerroer (inkl. fragtgodtgørelse)	kr/hkg	25,5	25,2	27,1	26
Industrikartofler ¹⁾	kr/hkg	53	47	44	48
Frøgræs (rajgræs og rødsvingel)	kr/kg	710	575	580	622
Grovfoder	kr/FE	1,1	1,15	1,1	1,12
Græs fra vedvarende græsmarker	kr/FE	0,8	0,85	0,8	0,82
Kvælstof	kr/kg	10,0	8,0	5,3	7,8

i. Prisen for industrikartofler inkluderer efterbetaling.

Kilde: Dansk Landbrugsrådgivning, 2008-10.

Der benyttes en intern pris på grovfoder på 1,12 kr. pr. FE, svarende til den interne pris benyttet som gennemsnit for 2008-10. Prisen på græs fra afgræsning på vedvarende græsarealer er sat til en intern pris på 0,82 kr. pr. FE. Den lavere pris på græs fra vedvarende græsarealer sammenlignet med andet grovfoder skyldes, at foderværdien for græs fra ekstensivt dyrkede vedvarende græsarealer er lav, og at der er begrænset efterspørgsel efter græs til afgræsning fra vedvarende græsarealer.

1. Indkomsttab på randzoner der ikke dyrkes

Analysen her baseres på et typisk sædskifte på ler og sandjord på henholdsvis en kvæg og en svine/plante bedrift. I forhold til tidligere analyser fra 2008 er udbyttet for vårbyg reduceret med 1 hk/ha, mens det er øget tilsvarende for vinterbyg og hvede.

Randzoner vurderes at have et lavere udbytte end det gennemsnitlige markudbytte, idet randzoner ofte i) anvendes som forager (forpløjning), ii) påvirkes af hegn og andre beplantninger, som konkurrerer om lys, vand og næringsstoffer, og iii) er vandlidende langs vandløb og søer. (Abildtrup, 2005). Derfor er udbyttet i randzonerne som et forsigtigt skøn fastsat 10% lavere end i standardkalkulerne (se tabel 2.). Endvidere regnes med et lavere udbytte som følge af restriktioner på pesticidanvendelsen langs målsatte vandløb og søer. En række pesticider må nemlig ikke benyttes inden for en afstand på 2, 10 eller 20 meter fra vandløb. Dette reducerer yderligere indkomsttabet på arealer nær målsatte vandløb. Det kommenteres fra erhvervet, at der i en række tilfælde ikke er lavere udbytte i randzonerne, men omvendt at ukrudtstrykket stiger i kanten af de nye omdriftsarealer, hvorfor det faktiske indkomsttab svarer til tabet i første kolonne i tabel 2.

Afstandskrav på 2 m fra vandløb og søer antages ikke at have dyrkningsmæssige konsekvenser, da de første 2 meter fra vandløb og søer udgøres af dyrkningsfrie bræmmer. Der vil dog i nogle få tilfælde, f.eks. ved bekæmpelse af bjørneklo, kunne opstå en meromkostning ved ophør med sprøjtning af dyrkningsfrie bræmmer. Ingen insekticider er godkendt til anvendelse i de ti første meter fra målsatte vandløb og søer. Kun et begrænset antal fungicider er tilladt de første 10 meter fra vandløb og søer. Det vurderes, at denne restriktion begrænser en optimal beskyttelse mod svampesygdomme med 25 pct.

Tabel 2. Udbytte i udgangssituationen før etablering af sprøjte- og gødningsfrie randzoner på plante- og svinebedrifter

Areal før		Normal	Randzone (90% udbytte)	Randzone nær målsatte vandløb
Jordtype	Afgrøder			
Sandjord	Vårbyg	38	34	33
	Vinterbyg	49	44	43
	Vinterraps	25	21	20
	Vinterhvede (1. års)	53	48	46
	Vinterhvede (2. års)	49	44	42
Lerjord	Vårbyg	57	51	48
	Vinterbyg	72	65	63
	Vinterraps	36	32	31
	Vinterhvede (1. års)	89	80	76
	Vinterhvede (2. års)	80	72	68

Kilde: Videncenteret for landbrug 2008-2010 og egne beregninger .

Indkomsttab omfatter alene udbyttetabet (afgrøde og halm), selvom der også kan være mindre reduktioner i stykomkostninger.

I beregningen her indgår ikke ekstra omkostninger til pudsning eller slåning hvert andet år for at sikre at det fremstår i landbrugseget og dermed er kvalificeret til at modtage enkeltbetalingsstøtte.

Det vurderes, at der for standardsædskifterne ikke vil være problemer med ukrudtsbekæmpelsen med de tilladte midler langs vandløb og søer. Dette gælder dog ikke for sukkerroer, hvor det normalt ikke vil være muligt at gennemføre en effektiv ukrudtsbekæmpelse med de tilladte midler (Abildtrup, 2005). Ved massive forekomster af flyvehavre kan der endvidere opstå en mindre meromkostning til lugning, idet sprøjtemidlerne mod flyvehavre har afstandskrav på 10 m. Kun et begrænset antal pesticider er omfattet af afstandskravet på 20 m fra vandløb og søer.

Generelt vurderes afstandskravene ikke at have store økonomiske konsekvenser for dyrkningen i 10-20 meters afstand fra vandløb og søer. Der vil således her være tale om gennemsnitlig indtjening som angivet i tabel 2 og 3. Indkomsttabet ved udlægning af sprøjte- og gødningsfrie randzoner på vedvarende græsarealer antages at svare til indkomsttabet ved overgang til miljøvenlig drift af vedvarende græsarealer.

Det kan nævnes at indtjeningstab på sandjord er baseret på udbytte uden vanding. Typisk vil der med vanding opnås udbytter, der nærmer sig udbytter på lerjord. De faste omkostninger til vanding er i budgetkalkulerne angivet til 1.360 kr. pr. ha. Dertil kommer de variable omkostninger på ca. 600 kr. pr. ha. (vårbyg). Hvis etablering af randzoner opfattes som en marginal ændring, så vil de faste omkostninger ved vanding skulle bæres af det resterende areal, da de faste omkostninger ikke falder bort på kort sigt. Såfremt denne betragtning anlægges og kun de variable omkostninger til vanding fratrækkes, så er indtjeningstab på vandet sandjord kun lidt lavere end tabet på lerjord.

Tabel 3. Indtjening fra arealer langs vandløb og søer inden omlægning til randzone. (2008-10 priser)

Areal før		Alm. omdrift	Alm. randzone	Randzone nær målsatte vandløb
Jordtype	Bedrift	Kr/ha	Kr/ha	Kr/ha
Sandjord				
	Plante/svin	111	-596	-851
	Plante/svin med højeværdiafg.	119	-718	-1022
	Kvæg	476	-320	-560
	Vedvarende græs (kvægbedrifter) (1.800 FE)	-100	-100	-100
	Ekstensiv græsarealer (1.200 FE) (kvæg)	0	0	0
Lerjord				
	Plante/svin	2.317	1263	761
	Plante/svin med højeværdiafgrøder	2.527	1417	856
	Kvæg	1.801	946	704
	Vedvarende græs (kvægbedrifter) (2.200 FE)	500	500	500
	Ekstensiv græsarealer (1.800 FE) (kvæg)	0	0	0

Kilde: Egne beregninger baseret på budgetkalkuler 2008-10.

Indkomsttab omfatter alene udbyttetabet (afgrøde og halm), selvom der kan være mindre reduktioner i stykkomkostninger.

Indkomst på sandjord er ikke baseret på vanding

Højværdiafgrøder på sandjord er fabrikskartofler (4%) og frøgræs (2%), mens det på lerjord er sukkerroer (7%) og frøgræs (10%).

De vedvarende græsarealer tilføres ikke pesticider i udgangssituationen, men gødning. Omkostninger udgør ca. 1.800 kr. pr. ha. Indtjeningen på mindre græsarealer vil typisk være negativ.

I de fleste tilfælde vil dyrkningen af højværdiafgrøder, i det omfang det er muligt, flytte fra randzonen og til andre dele af bedriften. For bedrifter med stor husdyrtæthed kan en randzone betyde en ændring i hidtidige aftaler og ændret transportafstand for husdyrgødning. For nogle bedrifter kan meromkostningerne være ret betydelige. Dette søges indregnet som en del af harmoniværdien.

Det fremgår af den realiserede indtjening, at der er betydelig variation i indtjening over årene og mellem afgrøder (Danmarks Statistik, 2010). Det fremgår således, at jordrenten for kornproduktionen i 2008 og 2009 var negativ når der indregnes fuld aflønning af alle faktorer. Analysen viser også, at indtjeningen på den 1/3 der har den højeste indtjening er noget højere end gennemsnittet.

Ser man nærmere på de forpagtningsafgifter der betales, så fremgår de af tabel 4, både med og uden enkeltbetalingsstøtte. Som det fremgår, er forpagtningsafgiften relativ ensartet over hele landet svarende til ca. 4.000 kr. pr. ha. Til dette kan dog tilføjes, at afgiften siden 2009 i Sønderjylland har været stigende grundet muligheden for dyrkning af majs til eksport til Tyskland. Omvendt er den i andre egne faldet lidt grundet faldende husdyrintensitet og faldende indtjening. Krav om etablering af randzoner vil dog automatisk øge prisen på harmoniareal, da det reducerer udbuddet.

Tabel 4. Forpagtningsafgift i forskellige landsdele for 2009

	Sjælland	Fyn	Syddjylland	Østjylland	Vestjylland	Nordjylland	Hele landet
Forpagtningsafgift	4.198	4.429	3.894	3.877	3.761	3.975	3.957
Forpagtningsafgift minus enkeltbetaling*	1.948	2.179	1.644	1.627	1.511	1.725	1.707

* Enkelbetaling = 2.250 kr./ha.

Forpagtningsafgift er beregnet som afgift divideret med forpagtet areal.

Kilde: Danmarks Statistik (2010) og Håndbog for driftsplanlægning (2010).

Danmarks statistik har i samarbejde med Fødevarøkonomisk Institut set nærmere på sammenhængen mellem forpagtningsafgiften og husdyrintensiteten, idet den betalte forpagtningsafgift også indeholder betaling for muligheden for at have en husdyrproduktion. Som det fremgår af tabel 5, så kan forpagtningsafgiften i kommuner med under 1,0 DE/ha beregnes til det som er angivet i de første 4 kolonner. Det rene afkast fra jord på sandjord er således noget lavere end på lerjord. (Danmarks statistik, 2010).

I kommuner med en husdyrintensitet over 1,0 hæves afgiften med 1.949 kr. pr. DE over 1,0 DE/ha. Det betyder, at den øgede forpagtningsafgift i en kommune med 1,3 DE/ha er $0,3 * 1.949 = 584$ kr.

pr. ha. Tab grundet reduceret harmoniareal forventes at ligge mellem 0-980 kr. pr. ha baseret på en husdyrintensitet fra 1,0 til 1,5 (antaget maksimum).

I enkelte egne kan omkostningen ved gylleaftaler være højere end angivet, da disse aftales med kortere varsel. Erhvervet har således argumenteret for, at der i nogle egne kan forekomme meromkostninger i relation til harmoniareal på op til 1.500 kr. pr. ha. Det vurderes at omfanget af disse i dag er relativt begrænset, idet husdyrintensiteten har været svagt faldende de seneste år.

Tabel 5. Nettoforpagtningsafgift for landbrugsjord af forskellig bonitet - kr. pr. ha - samt stigningen i afgiften ved husdyrtæthed ud over 1,00 dyreenhed pr. ha i kommunen

	Kommuner med under 1,00 dyreenhed pr. ha landbrugsjord				Merafgift ved husdyrtæthed over 1,00.
	Lerjord	Fint sand	Groft sand	Anden jord	
2009	1.893	1.240	1.045	278	1.949

Anm: Merafgiften beregnes som husdyrtæthed i kommunen minus 1 gange med 1.949 kr.
Forpagtningsafgiften er minus enkeltbetalingsstøtte.
Kilde: Danmark Statistik (2010).

Det vil tage lidt tid at tilpasse kapaciteten til det mindre areal, der er tilbage efter at randzonearealet er taget ud, men omvendt kan der være andre forhold, der også indvirker på dette, fx jordkøb eller forsinkelse i køb af nye maskiner. Strukturudviklingen betyder, at heltidsbedrifterne fra 2005 til 2009 blev ca. 6% større pr. år svarende til en stigning fra 114 til 150 ha (Danmarks Statistik, 2010). I den sammenhæng vil en justering af arealet på 2-5% højest svare til strukturudviklingens effekt i et år.

Dog kan arealer, grundet udlægning til randzoner få en form, der kan være mere arbejdskrævende pr. ha. Dette kan øge omkostningerne, men det vil variere meget fra bedrift til bedrift. Maskin- og arbejdsomkostninger udgør i dag i alt ca. 3.500 – 4.500 kr. pr. ha. En del af denne omkostning falder ikke bort med det samme så der kan på kort sigt være en omkostning på 1.000 - 1.500 kr. pr. ha der udtages, men som nævnt ovenfor vil tilpasningen ske relativt hurtig.

For svinebedrifter vil randzoner betyde at der er behov for at købe lidt mere korn og prisen her vil være højere end omkostningen ved at producere eget korn. Der er således forhold der kan tale for et højere tab i en kortere periode indtil der kan forpagtes et erstatningsareal.

I loven er marskarealer undtaget, ligesom afvandingskanaler der ligner på marskarealer, måske kan undtages. Det vurderes, at disse arealer kan blive ramt uforholdsmæssigt hårdt, idet det resterende areal bliver meget smalt.

Det antages, at fremtidige randzoner langs de vandløb, der nu frilægges, også skal indgå, men dette er ikke angivet særskilt i loven. Det er på nuværende tidspunkt usikkert om der frilægges ca. 970 km vandløb, som indgår i de foreløbige vandplaner. Disse arealer forventes kompenseret med

udgangspunkt i standardtakster, som anvendt ved køb af arealer til veje, men dette antages kun at dække de områder, hvor vandløbet skal løbe (Pers komm, NST). Dernæst skal der gives kompensation til de nye randzoner, der kan omfatte op til 2.000 ha.

Der foreligger ikke en egentlig opdeling af randzonearealet på omdrift og ekstensivt græs, men Carl Bro har i 2008 analyseret arealerne nær vandløb og søer. Deres analyse indikerer, at en stor del af arealet langs vandløb ikke dyrkes, ligesom nogle arealer dyrkes ekstensivt og i nogle tilfælde uden brug af pesticider.

Som det fremgår, er indkomsten fra vedvarende græs og lavt ydende græsarealer i udgangspunktet noget lavere end den gennemsnitlige indkomst. Indtjeningen fra disse arealer vil således være noget mindre end for almindelige omdriftsarealer. Indkomsten ved pleje ved afgræsning var således mellem +200 og - 7.000 kr., pr. ha i 2008 alt efter areal m.m. (Jacobsen og Nissen, 2008) og nye beregninger (Dubgaard et al., 2011) synes at understøtte dette. Et skift til helårsafgræsning kan måske reducere tabet.

Det vurderes samlet, at indkomsttabet typisk vil ligge mellem 0 - 2.500 kr. pr. ha, dog således at der vil være bedrifter og marker, hvor tabet vil være højere end de 2.500 kr. pr. ha grundet den valgte lokalitet eller produktion. Intervallet er som angivet beregnet på et typisk lerjord og sandjordssædskifte. Der vil omvendt være bedrifter, der ikke op når fx det målsatte udbytte i gennemsnit, ligesom den økonomiske gevinst på græsarealer vil være begrænset.

Harmonitabet er beregnet til 0 - 980 kr. pr. ha alt efter husdyrintensitet i området. Hvorfor det samlede tab er opgjort til 0 - 3.480 kr. pr. ha.

Det skal nævnes, at ca. 60% af arealet er vurderet som lerjord og 40% som sandjord (Jensen et al., 2009). Endelig kan det noteres, at der i omstillingsfasen vil være meromkostninger i form af problemer med at leje/købe alternative arealer til samme pris, ligesom der i en overgangsfase vil være behov for at tilpasse eksempelvis maskinkapaciteten. Meromkostningerne ved dette er svære at anslå, ligesom ulemper ved ændret arrondering er svære at beregne. Disse forhold indikere at tabet vil være i den høje ende af det angivne indkomstinterval.

Estimatet på 0 - 3.480 kr. pr. ha adskiller sig således ikke signifikant fra det tidligere estimat der lå mellem 0 og 3.250 kr. pr. ha.

2. Dyrkning af flerårige energiafgrøder uden anvendelse af gødning og pesticider

I dette tilfælde antages det, at der på randzonearealerne og på arealer op til randzonearealet dyrkes energiafgrøder uden anvendelse af gødning og pesticider. Der er der stor usikkerhed om udbyttet fra energiafgrøder uden brug af pesticider og gødning. Etablering uden brug af herbicider må antages at

kræve en anden form for ukrudtsbekæmpelse i tilgift til den normale mekaniske ukrudtsbekæmpelse i etableringsåret.

Det Jordbrugsvidenskabelige Fakultet har kun få erfaringer med hvordan manglende gødnings – og pesticidtildelelse vil påvirke udbyttet, og grundlaget er derfor meget usikkert. Erfaringer fra forsøg i Sverige indikerer, at udbyttet falder fra 7,5 tons TS per år /ha ved 100 kg N til 5 tons TS/ha ved 0 kg N pr. ha, dette svarer til en reduktion på 33% (Aronsson, 2007). Dette reducerer her salgsværdien med 1.800 – 3.141 kr. pr. ha., men gødningsomkostningerne reduceres også med ca. 500-600 kr. for gødningen og ca. 150-200 kr. pr. ha for udbringningen. Ved en lavere pilepris som i Sverige, er det således typisk ikke økonomisk fordelagtigt at tildele gødning. Omvendt anfører Agrotech (Søren Ugilt), at der i Danmark med de nye sorter er en større effekt af gødning, hvorfor det er relevant at give gødning. Endvidere er etableringsfasen utrolig vigtig, idet for meget ukrudt i de første 2 år kan have en kraftig negativ påvirkning på udbyttet.

Uden brug af pesticider og gødning, vil omkostninger til gødning falde bort, hvorimod der vil være øgede omkostninger til mekanisk ukrudtsbekæmpelse. Det skønnes, at dette samlet vil reducere de dyrkningsmæssige omkostninger med ca. 500 kr. pr. år. (Jacobsen og Dubgaard, 2010, samt svar til miljøudvalget nr. 13 i 2010). Da dyrkningen her sker i tilknytning til andre arealer med energiafgrøder antages det at maskinomkostninger er på normalt niveau.

Det skønnes, at der netto kan være et fald i indtjeningen på 1.000 – 2.500 kr. pr. ha i forhold til den jordrente, der er beregnet, men vurderingen er meget usikker. Som det fremgår af tabel 6, så indikere det, at der kun reelt på lerjord (og måske god sandjord) vil være interesse i at dyrke energiafgrøder i randzonerne. Der synes ikke belæg for det overskud ved dyrkning af energiafgrøder uden gødning og pesticider på 0 – 1.900 kr. pr. ha som anført i bestillingen.

Det kan nævnes, at forbruget af gødning normalt er opgjort til 225 kg N pr. ha i år 2, 5, 8, 11, 14 og 20. Sprøjtning omfatter en Roundup behandling i år 0 og ukrudtsbekæmpelse i år 1, 2, 5, 8, 11, 14, 17 og 20. Behandlingshyppigheden er som angivet ca. 0,5 enheder pr. ha, hvilket er lavere end ved normal omdrift.

Tabel 6. Jordrente ved dyrkning af energiafgrøder på omdriftsarealer og i randzoner i 2009 (kr. pr. ha)

Jordtype	Energiafgrøder	Energiafgrøde i randzoneareal
Lerjord	3.466	2.400 – 1.000
Fugtig marginaljord	2.208	1.200 - - 300
God sandjord	950	-5+ -1.550
Dårlig sandjord	- 313	-1.300 - -2.800

Kilde Baseret på Dubgaard et al. (2009) og egne beregninger

Bem I randzoneareal tildeles ikke pesticider og gødning hvorfor indtægten skønnes at falde med 1.000 – 2.500 kr. pr.

ha. I beregningen indgår ikke værdien af etableringsstøtte, som er implementeret efterfølgende.

Der er efterfølgende implementeret en ordning, der giver mulighed for etableringsstøtte ved etablering af energiafgrøder. Støtten udgør et engangsbeløb på 3.200 kr. pr. ha. Set over en 20-årig produktionsperiode så forbedre dette indtjeningen med ca. 230 kr. pr. ha pr. år.

Med en kombineret dyrkning i og uden for randzoner, så kan noget af pilearealet tildeles gødning og pesticider, mens andre dele af arealet ikke kan tildeles gødning og pesticider. Dette vil komplicere den daglige drift. Det vil dog fortsat ikke være sandsynligt, at der dyrkes energiafgrøder på alm. lerjord og det er derfor ikke så sandsynligt at bedrifter på lerjord, vil dyrke energiafgrøder i randzonen. En anden overvejelse her er også at energiafgrøder låser produktionen i op til 23 år. Grundlæggende vil det betyde, at dyrkning af energiafgrøder på randzonearealer vil være begrænset.

Indkomsttabet ved at gå fra omdrift til dyrkning af energiafgrøder i randzoner vil således typisk være større end ved braklægning af arealet.

Der er således ikke meget der tyder på, at dyrkning af energiafgrøder giver en indkomst, der gør at kompensationen skal være lavere end når arealet ikke dyrkes.

3. Dyrkning af vedvarende græs uden anvendelse af gødning og pesticider

Dyrkning af vedvarende græs uden brug af gødning og pesticider forventes at have et relativt lavt udbytte på omkring 1.200 - 2.200 FE. pr. ha. alt efter jordtype (budgetkalkule 2011). Med en pris på 0,82 øre pr. FE så er indtægten 980 - 1.804 kr. pr. ha. Da der som udgangspunkt bliver tale om permanente græsarealer, så sker der ikke en omlægning af arealet, og det antages at udbyttet vil falde over tid.

Såfremt arealerne afgræsses vil det give et tab, der som angivet kan være så højt som 7.000 kr. pr. ha., hvorimod høslæt kan koste 600 – 1.200 kr. pr. ha. (se også Dubgaard et al., 2011). Nogle bedrifter kan opnå en mindre økonomisk gevinst ved at forpagte arealer ud til afgræsning, men prisen her vil typisk være begrænset, når enkeltbetalingstilskud fratrækkes i forpagtningslejen.

For arealer, der før denne ordnings ikrafttræden har været ekstensive græsarealer med anvendelse af gødning og som nu omlægges til græsarealer uden gødningstildeling vil indkomsttabet være mindre end angivet ovenfor.

Der er således ikke meget der tyder på, at dyrkning af vedvarende græs / afgræsning af randzonearealet giver en indkomst, der gør at kompensationen skal være lavere end når arealet ikke dyrkes.

4. Opretholdelse og udnyttelse af flerårige kulturer

Det er angivet, at det er muligt at forsætte dyrkningen af flerårige kulturer som fx juletræer, frugtbuske, frugttræer o. lign i randzoner. For at opnå tilskud må disse kulturer, imidlertid ikke tilføres gødning eller pesticider. Der kan ansøges om at disse kulturer fortsat må tildeles gødning og pesticider indtil udløb af den nuværende rotation. I den situation kan der ikke modtages støtte for etablering af randzonearealer.

Ved genetablering er kravet at arealet dyrkes uden gødning og pesticider eller slet ikke dyrkes. På arealer hvor der i dag dyrkes kulturer, vil afkastet ofte være højere end for normale arealer i omdrift, men risikoen kan også være højere. Når disse overgår til at være randzoner, vil lodsejere omplacere dyrkningen således, at der ikke længere dyrkes i randzonerne. Såfremt den nye kultur kan plantes på en anden lokalitet behøver det således ikke at medfører et større indkomstab end for den alternative afgrøde/kultur, men hvor det ikke er muligt, vil der være tale om et indkomstab i forhold til udgangssituationen.

Opgørelser viser, at indtjeningen ved fugt og bær i 2008 overstiger jordrenten fra frugt og bær jordrenten i korn, mens det i 2009 er omvendt. Der er altså også her en betydelig variation fra år til år.

Der vil i en række situationer være et indkomstab der svarer til andre arealer i omdrift, men der kan være situationer, hvor tabet også på sigt bliver større end for andre arealer i omdrift fordi den nye lokalitet giver ringere vækstbetingelser. Det synes svært entydigt at afgøre om kulturer der fastholdes i randzoner, men ikke længere tildeles gødning og pesticider, vil have et tab, der er større eller mindre end for omdriftsarealer, der ikke længere dyrkes. Det forventes, at de fleste kulturer vil blive dyrket som hidtil med dispensation indtil der skal ske en omplantning.

5. Opsummering

I tabel 7 er der søgt angivet de resultater som analysen giver anledning til. Det er ikke for alle muligheder let at give et entydigt estimat. Der synes ikke at være entydigt belæg for en mindre sats baseret på den fremtidige anvendelse i form af ekstensiv afgræsning, energiafgrøder eller flerårige kulturer. Hvis der laves en sådan opdeling, vil det fremme et skift til braklægning på bekostning af en alternativ anvendelse.

Tabel 7. Indkomstab ved forskellig anvendelse af randzonearealer (kr/ha)

Dyrkning efter \ dyrkning før	Omdriftsareal	Ekstensiv dyrket græsareal	Flerårige kulturer
Ingen dyrkning	0 – 3.480	0 – 1.000 ¹⁾ (måske negativ indtjening i udgangspunkt)	Tab kan være højere eller lavere end for omdriftsarealer
Energiafgrøder	Indtjening fra energiafgrøder vil ofte være negativ	Indtjening ofte negativ	--
Vedvarende græs	Tab er som hvis det ikke dyrkes	Tabet er mindre end hvis omdrift er udgangspunkt	--

Ekstensiv græsarealer omfatter arealer der modtager enkeltbetalingsstøtte, men hvor udbytte er relativt lavt (under ca. 4.000 FE/ha).

Det synes mere afgørende, at fastslå hvordan arealerne anvendes idag, således at randzone-kompensationen svarer til indtjeningspotentialet i dag. Specielt vil de arealer, der dyrkes relativt ekstensivt i dag (vedvarende græs, permanent græs og andre arealer med lavt udbytte) have et indtjeningspotentiale der ligger under det, som er angivet for omdriftsarealer. Omvendt vil der være omdriftsarealer, hvor afkastet er højere end det angivne interval. Det kan dog overvejes blot at anvende en sats da der også i forslaget er stor forskel på indkomsttabet på ler- og sandjord. Der kan dog være administrative forhold, der gør det svært at adskille ekstensive og intensive græsarealer.

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Videnscenteret for landbrug (2010). Budgetkalkuler 2008-2010.

Supplement to Annex 5h/ Memo on Act on Buffer Zones

Ministeriet for Fødevarer, Landbrug og Fiskeri

13.oktober 2011

Lov om randzoner

Lov om randzoner er et led i den danske gennemførelse af vandrammedirektivet.

Med loven udlægges der dyrknings-, gødsknings- og sprøjtefrie randzoner langs alle vandløb og søer større end 100 m² i landzone.

Randzonerne vil blive udlagt i en bredde af indtil 10 m, idet den endelige bredde fastsættes ved bekendtgørelse, når den igangværende kortlægning af de omfattede vandløbsstrækninger er afsluttet. Det samlede landbrugsareal, der pålægges randzoneforpligtelse, forudsættes at udgøre ca. 50.000 ha.

Udlægget af randzonerne forventes at have en væsentlig effekt på vandmiljøet, idet randzonerne forventes at resultere i en reduktion af nitratbelastningen på op til 2550 tons og af fosforbelastningen på op til 160 tons.

Samtidigt indebærer udlægget af randzonerne en reduktion af pesticidpåvirkningen af vandløbene og søerne, ligesom randzonerne i sig selv vil udgøre et væsentligt nyt naturelement i det åbne land.

Undtaget fra randzoneudlægget er arealer, der anvendes til skov, have, park eller lignende, samt ikke målsatte vandløb i marskområder m.v. Fødevareministeren vil endvidere konkret kunne undtage arealer, hvor udlægget af randzoner vil ramme enkelte lodsejere uforholdsmæssigt hårdt, f.eks. på arealer med særlige højværdiafgrøder, væksthuse, forsøgsanlæg eller lignende.

Loven tillader, at der i randzonerne dyrkes vedvarende græs eller, at der i tilknytning til tilsvarende plantninger uden for randzonen etableres flerårige energiafgrøder med visse nærmere angivne plantearter.

Loven indeholder en reduktionsbestemmelse, således at der ikke udlægges randzoner svarende til mere end 5 % af det samlede areal af en given bedrift. Herved sikres, at enkeltlodsejere ikke belastes urimeligt hårdt af rådighedsindskrænkningen.

Loven forudsættes ledsaget af en kompensationsordning finansieret under Landdistriktsprogrammet.

(39)

Ref. Ares(2012)888727 - 20/07/2012



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Director General

Brussels,
E.3 TF/lvdz (2012) 1018214

Subject: Modification of the Rural Development Programme for Denmark, notified to the Commission on 22 December 2011 in accordance with Articles 6(1)(c) and 9 of Regulation (EC) 1974/2006

Reference: CCI: 2007 DK 06 RPO 001

Dear Mr Bonde,

I hereby refer to the receipt of a proposal for the modification of the Danish Rural Development Programme for 2007-2013 via SFC on 22 December 2011 in accordance with Article 6 paragraph 1 (c) and 9 of Regulation (EC) No 1974 /2006. A revised version taking into account the observations of the Commission services was submitted on 12 July 2012. The amendments concern:

- New measure on cultivation free buffer zones (213)
- Amendment of measure on grazing or cutting of pastures (214)
- Amendment of measure on construction of wetlands (216)
- New measure on public afforestation of agricultural land (221)

The Commission services have assessed the modifications proposed as referred to in Article 9 paragraph 6 of Regulation (EC) No 1974 /2006. The modifications are coherent with the relevant version of the national strategy plan and comply with the provisions of Regulation (EC) No 1698/2005 and Regulation (EC) No 1974/2006. The proposal is hereby accepted.

Yours sincerely,

Pour le Directeur Général empêché
Loretta DORMAL MARINO
Directeur Général Adjoint

José Manuel SILVA RODRIGUEZ

Ministeriet for Fødevarer, Landbrug og Fiskeri
NaturErhvervsstyrelsen
Center for Arealtilskud – Bæredygtighed
Att.: Enhedschef Steen BONDE
Nyropsgade 30
1780 KØBENHAVN V
DANEMARK

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Ministry of Food, Agriculture and Fisheries

The Danish AgriFish Agency



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

Center for Agricultural Subsidies /
The Danish AgriFish Agency
Ref. 32001-011112
8. November 2012

Notification of amendment to the Danish Rural Development Programme of November 8, 2012 (pursuant to Article 6 (1)(c) of Regulation 1974/2006)

The Danish Managing Authority hereby wishes to notify specific amendments to the Danish RDP (CCI: 2007DK06RPO001). The attached modification is being submitted in accordance with Articles 6(1)(c) of Commission Regulation (EC) No 1974/2006.

Enclosed are modification submission templates for:

- New measure "Payments to farmers in connection with the implementation of the Water Framework Directive, Directive 2000/60/EC" (213b)
- Investments in animal housing systems to promote production methods that improve animal welfare (121)
- Improving efficiency of processes and technologies and development of quality products in food production (124).
- Non-productive investments (low lying agricultural farm land) (see template for relevant measure codes)
- First afforestation of agricultural land (221a)
- Development of insect screen technology for use in poultry farms to improve food safety (124)
- Repurchase option to original owner (state acquisition of land) (216c and 323a)

- adjustment of text in chapter 16 regarding Technical Assistance operations
- adjustment of text in chapter 10.3 regarding demarcation to the Article 68 Programme (cf. Regulation 73/2009)
- adjustment of text in chapter 11 regarding authorities involved in the administration of the RDP
- minor text adjustment concerning the demarcation between the compensation measure to mandatory buffer zones (213a) and other RDP measures

The amendment regarding "*Improving efficiency of processes and technologies and development of quality products in food production (124)*" shall contribute to provide additional scope to the efforts made to achieve the objectives put forward by the "Health Check", with emphasis put on innovative activities resulting in the development of sustainable production methods, in particular in the field of organic production.

The Danish authorities apply for the projects concerned by the above amendment to be included in the list of operations referred to in Article 16a as operations to meet the challenges put for-

The Danish food Industry Agency

ward in the "Health Check". These projects are to support the effects listed in Annex II to Regulation (EC) No 1698/2005 (regarding article 29 of the regulation), which relates the Health Check priorities mentioned in Article 16a of the regulation. The projects do not introduce additional potential effects not listed in that Annex. The modification is therefore submitted in accordance with Articles 6(1)(c) of Commission Regulation (EC) No 1974/2006.

As back ground information for compensation measure 213b, the University of Copenhagen has provided a memo relating incomes foregone for farmers as a result of reduced watercourse maintenance (Annex 5j). The compensation measure has previously been submitted to the Commission, then withdrawn, and is now presented again to the Commission in the context of the present notification.

Minor modifications have been made to the National Strategy Plan following this notification. Reference is made to the modification submission templates, in which the amendments made to the NSP are specified.

The text amendments described in the modification templates have been inserted into the RDP as well as in the NSP with TCs visible.

The present notification of amendment to the Danish RDP (of November 8, 2012) follows another programme notification sent yesterday to the Commission (November 7, 2012), and which was submitted in accordance with Article 6(1)(a) of Commission Regulation (EC) 1974/2006.

The split into two notifications has been done in the interest of ensuring a timely notification process. The present notification (of November 8, 2012) is not submitted in accordance with Article 6(1)(a) of Commission Regulation (EC) No 1974/2006, and not subject to the decision delays that apply to that article. The geographic unit in DG AGRI has been informed of the two notifications, that are to be examined by the Commission in parallel, and We are grateful that this arrangement could be made, so that We may foresee a timely notification and implementation of the programme amendments.

Enclosed to the each notifications are the corresponding programme versions of November 7 and 8, 2012, dealing respectively with the amendments presented in each of the two notifications. The programme version of November 8, 2012 operates with the financial and indicator plan presently in force, approved by the Commission on July 20, 2012, whereas the amended financial plan subject to the procedure described in Article 6 (1)(a) in Regulation 1974/2006 and its implications for indicator levels are presented in the version of November 7,2012. The two programme versions are therefore mutually consistent and complementary without inconsistencies or undesirable overlaps occurring between the two notifications.

All modifications made to the NSP as a result of the two notifications are gathered in the version of the NSP enclosed the notification of November 7, 2012. The full set of annexes, including annex 5j regarding compensation following reduced watercourse maintenance, was also submitted with that notification.

Best regards,

The Danish food Industry Agency

Steen Bonde
Head of Unit

Enclosed:

- Modification submission templates, cf. the above listed modifications
- Revised version of the Danish RDP amended by notification of 8. November 2012 (with visible TCs and without visible TCs)

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MODIFICATION SUBMISSION TEMPLATE

Text adjustments regarding demarcation between the measures implementing the Water Framework Directive

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

Minor text adjustments have been inserted to ensure that the demarcation described in the programme between support measures implementing the Water Framework Directive is brought up to date, following the recent introduction in the RDP of the area compensation schemes related to mandatory buffer zones (213a) and reduced watercourse maintenance (213b).

The text precisions underline the importance attributed by the Managing Authorities to ensure clear demarcations in the face of a decoupling of initiatives complementing one another, in the implementation of the Water Framework Directive.

4. Description of the amendments proposed

Textual adjustments are proposed in chapter 5.2.2. The individual measures – Axis 2 as well as chapter 5.2.2.1a. Mandatory establishment of cultivation-free buffer zones (Code 213a). Text has also been inserted under measure sheets 214b, 214c, 214d and 214e.

The introduction of 213a has a number of administrative consequences for the MA, one of which consisting of reviewing existing agri-environmental contracts offered under other RDP measures to areas now eligible for support under 213a. In accordance with Article 46 of Regulation (EC) 1974/2006, such contracts will be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts for the relevant areas.

In the measure sheet text regarding 214b, 214c and 214d, it has been specified (with inserted text) that areas subject to contracts under these measures, and eligible for compensation under 213a (Compensation for mandatory buffer zones), will cease to receive payments under 214b, 214c or 214d in the event of compensation being granted under 213 a (and the 214b, 214c or 214d-contracts not being terminated for the area in question). The provision is put in place to avoid overcompensation for similar commitments under more than one measure.

In the measure sheet text regarding 214a and 214e, it is specified with inserted text (in the list of measure combination possibilities) that the payments under 214a and 214e may be combined with compensation under 213a.

In measure sheet 214a, the text (in the section “financing”) has also been slightly adjusted and brought up to date with more recent hectare figures regarding the measure implementation.

The regulation on mandatory buffer zones entered into effect on September 1, 2012. As a transitional arrangement, area-support contracts to acceptance of wetland, restoration of natural hydrological conditions and maintaining of changed drainage of agricultural land contracts (214e) issued before February 1, 2013, have for the entire duration of the contract period, been exempted from the national regulation regarding obligatory buffer zones, cf. Order nr. 867 of 29. August 2012.

Contracts under 214e are subject to commitments that are similar to those under the 213a. It is estimated that the exempted contracts cover a quite limited area (100-200 ha.). These areas are not eligible for compensation under 213a and will remain unchanged for the remaining of the remaining of the contract period.

For 214e-contracts issued after February 1, 2013 to areas in which a part of the designated project area should happen to be located within the area covered by regulation regarding mandatory buffer zones (and thus eligible for compensation under 213a), the payment provided under 214e will be adjusted so that double grants for similar commitments is avoided.

The Danish authorities are in the process of devising national regulation in which the support condition commitments and support rates for future 214e contracts (issued after February 1, 2013) affected by the mandatory buffer zone regulation, will be specified. The orders are soon to be sent in public hearing. When adopted, the fixed support rates and the commitment conditions that the support is provided for, will be inserted in the programme.

The above provisions are put in to place in order to avoid that no overcompensation is provided to any areas, when the area is subject by the mandatory regulation on buffer zones.

In measure sheet 213a, reference to “soil improvement agents” has been erased. In national legislation regarding buffer zones, the beneficiary must commit not to use no plant protection products or fertilisers. A ban against soil improvement agents is not mentioned specifically in the legislation. This has no consequences for the calculation of support rates. For the sake of clarity and consistence with the regulation, reference to “soil improvement agents” has been erased in the text.

5. The expected impacts of the amendment

The modification are of an editorial character and in order to bring the programme up to date, following the recent introduction in the RDP of the area compensation schemes related to mandatory buffer zones (213a) and reduced watercourse maintenance (213b).

6 The relationship between the change and the national strategy plan

No changes in the national strategy plan are foreseen as a result of the amendments.

7 Financial implications of the modification

No implications for the public funding of the programme.

8 Monitoring Committee

The modification is minor. The Monitoring Committee has therefore not been consulted.

(42)

5.2.2.1a. Mandatory establishment of cultivation-free buffer zones (Code 213a)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005
Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006
Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding bufferzones (code 214d) will end in 2011. The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38 of Council Regulation (EC) No 1698/2005. As an exception to the general requirements farmers can establish fertiliser and spraying-free farming of permanent pasture in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas complement an already existing uncultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. No soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by the AgriFish Agency (a new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries; FødevareErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will also be carried-out by the AgriFish Agency.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers or soil improvement agents to the land during the commitment period. The area must be established as grass or set-aside area

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, perennial energy crops, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river basin management plans for 23 appointed river valley areas in Denmark have been adopted nationally in 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex 5i.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

Support commitments	Baseline commitments
An up to 10 meter buffer zone along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.	The buffer zone areas will where relevant compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.
Same	Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009
Same	Border strips must be cut at least once every two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)

Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by the AgriFish Agency.

Amounts of support

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- + 161 € to agricultural areas previously farmed as permanent pasture
- + 282 € to agricultural areas previously farmed with arable and perennial crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be payed out together with the single payment premium for the calenderyear. The requirements regarding the bufferzones are applying from 1st September 2012, it is foreseen that the farmers apply for the 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

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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 31st December 2013).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support
- The Article 68 measure: "Support for extensive maintenance of pasture areas"
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)
- Conservation supplement payments for grazing, cutting and set-aside (Code 216e)
- other RDP area-based measures, that provide support to areas affected by the national regulation on buffer zones, and where the compensation level is set on the basis of baseline conditions that include the baseline conditions that apply to the mandatory buffer zones (as defined under the present measure 213a).

As a transitional arrangement, area-support contracts to acceptance of wetland, restoration of natural hydrological conditions and maintaining of changed drainage of agricultural land contracts (214e) issued before February 1, 2013, have for the entire duration of the contract period, been exempted from the national regulation regarding obligatory buffer zones, cf. Order nr. 867 of 29. August 2012, and are therefore not eligible for compensation under 213a. These contracts and payments will therefore continue unaltered.

For 214e-contracts issued after February 1, 2013 involving areas covered by the regulation on mandatory buffer zones (and thus eligible for support under 213a), the payment provided under 214e will be adjusted so that any risk of overcompensation in the event of combination of support measures, is avoided.

~~It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.~~

Compensation under 213a may not be combined with payments under measure 214d for the same agricultural area. When relevant, existing contracts issued under 213a as well as under any other RDP measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts.

~~When relevant, baseline conditions of RDP measures covering areas included under 213 will be adjusted to the baseline conditions of measure 213.~~

Compatibility with CAP first pillar measures

The commitment may be combined with the article 68 measure "Support for extensive maintenance of pasture areas". The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation

No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the Implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from the AgriFish Agency which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 24.8 million euro.

Public expenditure: 24.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	Number of farm holdings and holdings of other land managers receiving support	30,000
	Total area under agri-environmental support	50,000 ha
	Total number of contracts	30,000
	Physical area under agri-environmental support	50,000 ha
	Number of actions related to genetic resources	None
Result	Areas under successful land management	50,000 ha
Impact	Reversal in biodiversity decline (farmland bird species population)	Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)
	Changes in gross nutrient balance	Reduction of up to 160 t P and 2,500 t N per year
	Increase in production of renewable energy	Negligible

Additional programme-specific indicators and quantified targets

None.

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Ministry of Food, Agriculture and Fisheries

The Danish AgriFish Agency

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

Center for Agricultural Subsidies /
The Danish AgriFish Agency
Ref. 32001-071112
7. November 2012

Notification of amendment to the Danish Rural Development Programme of November 7, 2012 (pursuant to Article 6 (1)(a) and 6 (1)(c) of Regulation 1974/2006)

The Danish Managing Authority hereby wishes to notify specific amendments to the Danish RDP (CCI: 2007DK06RPO001).

The attached modification is being submitted in accordance with Articles 6(1)(a) and 7 of Commission Regulation (EC) 1974/2006, and Articles 6(1)(c) and 9 of Commission Regulation (EC) No 1974/2006. The Managing Authority understands that as the modification contains elements submitted in accordance with Article 6(1)(a) of Commission Regulation (EC) No 1974/2006, the six month delay provided for in Article 7 will apply to the modification.

Enclosed are modification submission templates for:

- Revision of the RDP financial plan
- Forest-environment payments (code 225)
- Non productive investments, forestry (227)

As back ground information for the revised financial plan, you will find enclosed a memo describing in further detail the amendments made to the financial plan. The Monitoring Committee was submitted the amendment on October 10,2012 and has approved it.

The National Strategy Plan has been adjusted so that it reflects the amendments made to the RDP financial plan and its strategic priorities for the RDP in the remaining of the programming period

As back ground information for measure 225 and 227, you will find enclosed an expert statement regarding the Natura 2000 compensation schemes (Annex 6c). The Monitoring Committee has approved the amendment.

The amendments described in the modification templates have been inserted into the RDP text enclosed with TCs visible.

Best regards,

Steen Bonde
Head of Unit

The Danish food Industry Agency

Enclosed:

- Modification submission templates for the Revision of the RDP financial plan, Forest-environment payments (code 225) and Non productive investments, forestry (227)
- Revised version of the Danish RDP amended by notification of 7. November 2012 (with visible TCs / and without visible TCs)
- Separate measure sheets for 225 and 227 (with TCs visible – relating the specific amendments made to the measures).
- Revised National Strategy Plan
- Memo describing the amendments made to the Financial Plan of 31.October 2012 (incl. annex /excel file with table 6.2 from the programme).
- The full set of annexes to the programmes (incl. “Expert statement regarding the Natura 2000 compensation schemes”, which is a new annex to the programme, Annex 6c).

are necessary as no payments made pursuant to Regulation (EC) No 1257/1999 will be declared under the Rural Development Programme 2007-13.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	Number of farm holdings receiving support	700
	Total area under support	27000 hectares
Result	Area under successful land management	27000 hectares
Impact	Area under successful land management	27000 hectares

Additional programme-specific indicators and quantified targets

None.

5.2.2.1. Mandatory establishment of cultivation-free buffer zones (Code 213)

Article (and paragraph) which covers the measure

Articles 36(a)(iii) and 38 of Regulation (EC) No 1698/2005
 Point 5.3.2.1.5 of Annex II to Regulation (EC) No 1974/2006
 Article 16a of Regulation (EC) 1698/2005 (cf. new challenges/Health Check measure)

Code of the measure

213

Implementation of the Water Framework Directive

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.

Rationale for intervention

In order to implement the WFD successfully it has been decided also to apply mandatory obligations for management of farmland and to offer support to compensate for costs incurred and income foregone for farmers resulting from implementing the Water Framework Directive (2000/60/EC) pursuant to art 38 in REG 1698/2005.

As part of the Danish implementation of the Water framework directive and pursuant to Act no. 591 of 14th June 2011 (Law of Bufferzones) Denmark will implement, with binding effect from 1st of September 2012, an up to 10 m mandatory cultivation-free buffer zones along all open streams and ponds more than 100 m² in non-urban zones. It is foreseen to compensate the extra cost incurred and income foregone by a farmer caused by this measure. The measure is foreseen to have a positive impact on the aquatic environment by reducing the phosphorous and pesticides emissions and leaching of nitrate caused by agriculture.

Objectives of the measure

The purpose of the support scheme is to compensate the establishment of non-cultivated buffer zones along lakes and open watercourses in non-urban zones in order to reduce the leaching of Phosphorus, Nitrate and pesticides into surface water. The buffer zones will also contribute to safeguard biodiversity and improve ecological connectivity of the rural landscape.

It has been estimated that the mandatory buffer zone measure comprises approximately 50,000 hectares divided between approximately 30,000 beneficiaries. It has been assessed by the University of Aarhus that the gross impact with regard to a reduced P-discharge could contribute to a reduction up to 160 tonnes per year

The requirement of no cultivation within the buffer zone will not apply if managed as permanent pasture without the use of fertilisers and pesticides.

The University of Aarhus has assessed the impact with regard to reduced N-discharge at 2,500 tonnes of N. The reduced N leaching is expected to be 5 kg N per hectare less if permanent pasture is grown.

Scope and actions

Area payment is offered as compensation for the mandatory establishment of cultivation-free buffer zones. The cultivation-free buffer zones must be established on farmable land along all open watercourses and lakes in excess of 100 m² in non-urban zones. Support is given as an annual area subsidy with a fixed support rate.

The existing voluntary measure regarding buffer zones (code 214d) will end in 2011, The requirements of no use of pesticides, fertiliser and cultivation-free buffer zones will be mandatory and statutory as part of the Danish implementation of the Water framework directive. Farmers are expected to be compensated with support in accordance to Article 38 of Council Regulation (EC) No 1698/2005. As an exception to the general requirements farmers can establish fertiliser and spraying-free farming of permanent pasture in the buffer zone.

The obligations are well beyond the national minimum rules concerning the management and conservation of pasture and natural areas. For land covered by support under the single payment scheme, the obligations will extend beyond the conditions concerning good agricultural and environmental condition, cf. Commission Regulation (EC) No 73/2009.

The cultivation-free buffer zones will in some areas complement an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009. For the existing 2 metre border strips the additional requirement will only be for 8 additional metres and the compensation will only be given for the 8 metres up to the 10 metre requirement.

In accordance with section 69 of the Danish Watercourse Act, the provision on 2 metre non-cultivated strips along all natural or high priority watercourses as well as lakes larger than 100 m² applies. No soil preparation or cultivation is allowed in these areas.

It is expected that the compensation to farmers can be applied for in 2013 for the establishment of mandatory buffer zones going back to September 1st 2012. In 2013 it is

foreseen that the payment to farmers will cover the period 1st september 2012 to 31st december 2013.

Priority criteria

All applicants shall be offered the support. No priority criteria are needed. Adequate funding will be allocated for at least 50,000 ha.

Beneficiaries

Support may only be granted to farmers and not to other land managers. Only utilised agricultural areas (UAA) are eligible for compensation.

Administration

The support scheme will be paid out by the AgriFish Agency (a new body replacing 3 previous Danish public bodies under the Ministry of Food, Agriculture and Fisheries; FødevarerErhverv, Plantedirektoratet and Fiskeridirektoratet). The on-the spot control will also be carried-out by the AgriFish Agency.

Confirmation that the cross-compliance requirements are identical to those provided for by Regulation (EC) No 73/2009

The cross-compliance requirements, which set out the basic conditions for receiving single farm payment support under Council Regulation (EC) No 73/2009, form the basis for the establishment of further obligations for which compensation is paid.

Support is only given for obligations which extend beyond these mandatory obligations.

Description and justification of the different types of commitments, based on their expected environmental impact in relation to environmental needs and priorities

Beneficiaries can combine payments of support under this measure and single farm payment support in accordance with Council Regulation (EC) No 73/2009. The payments of support cover only those commitments going beyond the baseline standards established pursuant to that regulation.

The beneficiary must commit to not add plant protection products, fertilisers ~~or soil improvement agents~~ to the land during the commitment period. The area must be established as grass or set-aside area

If the bufferzone is used for grazing, the maximum grazing pressure is indirectly regulated through the measure as the grazing pressure must be adjusted according to the conditions and in order to prevent overgrazing of the area and loss or damage of plant cover.

If there is an existing perennial crops as for example christmas trees, perennial energy crops, orchards etc in the buffer zone, it is possible to maintain this crop, but not to reestablish it. Compensation will not be provided if areas are planted with perennial crops subsequent to the date fixed, where the Law on Mandatory Buffer Zones goes into application (expected to take effect on September 1, 2012).

The beneficiary must commit to use no plant protection products, fertilisers or soil improvement agents to the land. In some special cases it is foreseen, that the minister can make an exemption from the general rule. If this is the case, there will be no support for the area in question.

The measure is expected to lead to improvement of the aquatic environment and natural conditions by reducing Phosphorus and Nitrogen leaching and erosion from the buffer zones to the aquatic environment and by banning the use of plant protection products in the bufferzones. The buffer zones will also help to safeguard biodiversity and improve ecological state of the rural landscape.

The areas designated to implement Directive 2000/60/EEC and the obligations for farmers resulting from the corresponding national/regional management provisions

In order to implement the Water Framework directive, river basin management plans for 23 appointed river valley areas in Denmark have been adopted nationally in 2011. Eligible areas for support under the measures are designated pursuant to these plans.

Description of the methodology and the agronomic assumptions used as reference point for the calculations justifying additional costs and income foregone resulting from the disadvantages in the area concerned related to the implementation of Directives 79/409/EEC and 92/43/EEC

The level of support has been established on the basis of calculated income losses accrued from the obligations.

The reference level for calculating income foregone and additional costs resulting from the commitments are the relevant standards and requirements referred to in Article 39(3) of Council Regulation (EC) No 1698/2005. The payments cover only those commitments going beyond the baseline standards established pursuant to Regulation (EC) No 73/2009.

The proposed support rates apply to all farms and are based on the average data for historic yields which can be differentiated by soil type (clay or sandy soil) and production type (grass, extensive pasture, crops, pigs, cattle). The support does not contain compensation for transaction costs. Further explanation of the calculation requirements is given in annex 5i.

Baseline

The mandatory buffer zones implement art. 11.4 of Directive 2000/60/EC. 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.

According to Executive Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on

direct support for farmers according to the single farm payments scheme, the following mandatory obligations exist:

Plant cover on non-cultivated agricultural land: Uncultivated areas must be covered with plant cover. Conditions are made concerning timing for establishment, the use of seeds and after-sowing.

Maintenance of uncultivated areas: Uncultivated agricultural land must be cut at least once every two years in July or August, while permanent pasture must be cut at least once a year in July or August. In the case of permanent pasture, mowing can be replaced by grazing. The plant cover on uncultivated agricultural areas must not be cut in the period 1 May to 30 June. The areas must not be utilised in a way that destroys or removes the plant cover. No plant protection products must be used on the area except for products used for selective prevention of certain aggressive weeds on the condition that the remaining plant cover is not damaged and is not given fertiliser or artificial irrigation.

The calculation of support is based on income-foregone related to establishing the cultivation-free buffer zones or for establishing the buffer zones with permanent grass or perennial energy crops with no use of fertilisers and plant protection products.

Support commitments and baseline

Support commitments	Baseline commitments
An up to 10 meter buffer zone along lakes and open water courses in non-urban zones must be established and maintained as cultivation free and without any use of fertilisation or plant protection products.	The buffer zone areas will where relevant compliment an already existing un-cultivated strip of 2 metres along lakes and open water courses pursuant to the baseline under Regulation (EC) 73/2009.
Same	Obligations concerning the plant cover on border strip pursuant to Regulation 73/2009
Same	Border strips must be cut at least once every two years (Order No 1362 of 19 December 2008 on cross-compliance, with changes pursuant to Order No 239 of 27 March 2009 and Order No 253 of 31 March 2009 on direct support for farmers according to the single farm payments scheme)

Control

The respect of the support conditions shall be controlled through on-the-spot control and through administrative control by the AgriFish Agency.

Amounts of support

As compensation for the mandatory requirements of establishing cultivation-, spraying- and fertiliser-free buffer zones, the following two annual support rates per ha are provided:

- 161 € to agricultural areas previously farmed as permanent pasture
- 282 € to agricultural areas previously farmed with arable and perennial crops

Support is only offered for areas eligible to the single payment aid granted under Regulation (EC) No 73/2009. Support may also be provided for areas with established perennial crops consisting of Christmas trees. While the measure is considered to be very significant and comparable with a permanent conservation, one of the two support rates exceeds the normal maximum rate of euro 200 per ha per year. The annual support is expected to be paid out together with the single payment premium for the calendar year. The requirements regarding the buffer zones are applying from 1st September 2012, it is foreseen that the farmers apply for the support in 2013 including the period from 1st September 2012 to 31st 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 31st December 2013).

Combinations of support

Support under this measure can be combined with the following measures in the program.

- Non-productive investments in connection with protection of environment, nature and animal welfare
- Island support
- The Article 68 measure: "Support for extensive maintenance of pasture areas"
- Conservation by grazing or cutting on pasture and natural areas (Code 214a)

It cannot be combined with other types of area support in the programme, and there will be controls to prevent double support regarding these schemes via the coordinated administrative control of common application forms for area payments under LDP and the single payment scheme.

Compensation under 213 may not be combined with measure 214d for the same agricultural area. When relevant, existing contracts issued under 213 as well as under any other RDC measure during the present RDP programming period will – in accordance with Article 46 of Regulation (EC) 1974/2006 - be revised to reflect the new baseline for areas covered by the mandatory buffer zones, and the beneficiaries will be offered to terminate their contracts. When relevant, baseline conditions of RDP measures covering areas included under 213 will be adjusted to the baseline conditions of measure 213.

Compatibility with CAP first pillar measures

The commitment may be combined with the article 68 measure "Support for extensive maintenance of pasture areas". The commitment may not be combined with commitments made for the same agricultural production pursuant to the measures implemented under common market organisations and the direct support schemes listed in Annex I to Regulation No 1974/2006. The payment can be combined with the single payment aid granted under Regulation (EC) No 73/2009.

Evidence as referred to in Article 48(2) of the implementing rules allowing the Commission to check consistency and plausibility of the calculations

The Institute of Food and Resource Economics at the University of Copenhagen has provided the data and calculations used as the basis for setting support rates. The research institution is functionally independent from the AgriFish Agency which is responsible for the calculations. The institution represents the necessary expertise to assist in this task.

Financing

Total cost: 15,424.8 million euro.

Public expenditure: 15,424.8 million euro.

Transition arrangements

This measure is not similar to activity co-financed under the Rural Development Programme 2000-2006. No transition arrangements are necessary.

Quantified targets for EU common indicators

Type of indicator	Indicator	Target 2007-2013
Output	Number of farm holdings and holdings of other land managers receiving support	30,000
	Total area under agri-environmental support	50,000 ha
	Total number of contracts	30,000
	Physical area under agri-environmental support	50,000 ha
	Number of actions related to genetic resources	None
Result	Areas under successful land management	50,000 ha
Impact	Reversal in biodiversity decline (farmland bird species population)	Maintain index level for breeding bird population (IRENA population index for 18 breeds of birds on agricultural land: 106.1 in 2001. Common objective)
	Changes in gross nutrient balance	Reduction of up to 160 t P and 2,500 t N per year
	Increase in production of renewable energy	Negligible

Additional programme-specific indicators and quantified targets

None.

5.2.2.2 Conservation by grazing or cutting on pasture and natural areas (Code 214a)

NaturErhvervstyrelsen
CFA/CFI
31. oktober 2012

Forelæggelse af ændret finansieringsplan for Kommissionen.

Notatet er lettere udbygget under afsnittet bemærkninger på foranstaltningsniveau i forhold til forelæggelsesnotatet af 10. oktober for Udvalget for et Levende Land. Udvalget havde ingen substantielle bemærkninger til notatet.

Baggrund

I henhold til EU-forordningsgrundlaget for landdistriktsprogrammet skal ændringer af finansieringsplanen i programmet, der medfører flytning af mere end 1 pct. af EU-budgettet til programmet – svarende til ca. 43 mio. kr. - mellem programmets akser godkendes af Kommissionen ved komiteprocedure, dvs. forelægges Landdistriktskomiteen.

Ændring af programmet, der kræver komiteprocedure kan kun forelægges Kommissionen éen gang årligt. Danmark har ikke udnyttet denne mulighed i 2012. Seneste tidspunkt for at foretage ændring af finansieringstabellen, der indebærer flytning mellem programmets akser på over 1 pct. er med det nuværende forordningsgrundlag i 2013, hvor fremsendelse skal ske til Kommissionen senest 30. juni 2013. Fremdriften af udbetalingerne i forhold til den gældende finansieringsplan er et fast punkt på Udvalgets møder – og en central del af overvågningen af programmet.

Finansieringsplanen er bindende på aksniveau (Akse 1, 2, 3, 4 og 5), dvs. der ikke kan ske EU-refusion for udbetalinger, der på aksniveau ligger udover den godkendte finansieringsplan. Finansieringsplanen er derimod ikke bindende på foranstaltningsniveau (measure codes), dvs. det er muligt at have over/underforbrug på foranstaltningsniveau, så længe det sker inden for aksebudgettet.

Den nuværende finansieringsplan blev senest grundlæggende ændret og godkendt af Kommissionen ved den omfattende ændring af landdistriktsprogrammet i forbindelse med udmøntning af Health Check - midlerne (i alt 922 mio. kr.) i slutningen af 2009. Efterfølgende er der sket mindre ændringer i forbindelse med de løbende programændringer – men ikke ændringer, der har krævet komiteprocedure. Grundlaget var den tidligere regerings Grøn Vækst-aftale og indbudgetteret udmøntning af de nye foranstaltninger.

Det er vigtigt, at finansieringsplanen så vidt muligt afspejler de forventede samlede udbetalinger i programperioden på foranstaltningsniveau, og dermed giver et retvisende billede af den forventede aktivitet under programmet. Fødevarerministeriet vurderer nu, på baggrund af udbetalingsstatus, udestående tilsagn og forventede nye tilsagn i 2012 og 2013, at der er behov for og et rimeligt sikkert grundlag for at ændre finansieringsplanen, så den så vidt muligt afspejler de forventede udbetalinger frem

mod programmets afslutning i 2015. Det forventes dog, at der også vil blive behov for at ændre finansieringsplanen i 2013.

Grundlaget for ændret finansieringsplan

Grundlaget og forudsætningerne for den reviderede finansieringsplan er følgende:

1. De faktiske udbetalinger under de respektive foranstaltninger (measurecodes) i finansieringstabellen frem til udgangen af 2. kvartal 2012. Dvs. de faktiske udbetalinger, som Udvalget løbende er blevet orienteret om – relateret til den eksisterende finansieringsplan.
2. De udestående tilsagn pr. 1. juli 2012 og de forventede udbetalinger heraf i resten af programperioden.
3. Den forventede tilsagnsgivning i 2012 pba. status for ansøgningsrunderne under de enkelte tilskudsordninger ultimo september 2012, og de forventede udbetalinger heraf i resten af programperioden, og
4. Den budgetterede tilsagnsgivning i 2013, jf. bl.a. det fremlagte finanslovsforslag 2013, og de forventede udbetalinger heraf i resten af programperioden.

Indlagte forudsætninger er overordnet, at alle 2014 udbetalingerne og for Health Check-delen af programmet også en betydelig del af 2015 udbetalingerne er forudsat anvendt til udfyldning af den samlede EU-ramme på 577,9 mio. € - hvoraf 123,8 mio. € er Health Check-rammen. Baseret på erfaringerne er indlagt forudsætninger om annulleringer af tilsagn for de enkelte tilskudsordninger. At der er foretaget en fuldstændig gennemgang af alle foranstaltninger/measurecodes betyder, at alle budgetposter er ændrede – hvoraf en del blot skyldes nye og mere sikre skøn pga. programperiodens afslutning nærmer sig.

Ændring af finansieringsplan på aksniveau

På baggrund af ovenstående forudsætninger resulterer beregninger og estimater ændringer i finansieringsplanen på aksniveau vist i tabel 1. I tabel 2 er vist de detaljerede ændringer på foranstaltnings/measurecodeniveau, inkl. en kort forklaring på merforbrug/mindreforbrug.

	NY fin. plan	Eks. fin. plan	Forskel mio. €	Forskel mio. DKK
Akse 1 Forbedring af konkurrenceevne	182,6	133,6	49,0	365,2
Akse 2 Forbedring af miljøet og landskabet	280,8	320,7	(39,9)	(297,2)
Akse 3 Livskvaliteten i landdistrikter og diversificering	26,0	38,4	(12,4)	(92,1)
Akse 4 - LEADER-metoden	65,3	62,1	3,2	24,2
Teknisk bistand	23,1	23,1	-	-
I alt TOTAL	577,9	577,9		

Der flyttes 49,0 mio. € til akse 1, svarende til 8,5 pct. af den samlede EU-ramme. Akse 1 bliver dermed forøget til 31,6 pct. af budgettet.

Der flyttes 39,9 mio. € fra akse 2 svarende til 6,9 pct. af den samlede EU-ramme til akse 1. Akse 2 bliver dermed formindsket til 48,6 pct. af EU-rammen på 577,9 mio. €.

Der flyttes i alt 12,4 mio. € fra akse 3 svarende til 2,1 pct. af den samlede EU-ramme. Heraf flyttes 9,1 mio. € til akse 1 og 3,2 mio. € til akse 4. Akse 3 bliver derved 4,5 pct. og akse 4 i alt 11,3 pct. Se vedlagte bilag tabel 6.2.c med den nye fordeling på aksenniveau mv. i forhold til den gældende finansieringsplan.

De forordningsmæssige minimumskrav på aksenniveau er stadig overholdt. Specifikt for Akse 3 foranstaltninger skal disse udgøre 10 pct. af budgettet. Det er opfyldt ved, at de 26,0 mio. € på akse 3 suppleres med 52,7 mio. € (code 413) af akse 4 budgettet, der gennemføres via akse 3 foranstaltninger. Dermed bliver det samlede akse 3 budget på 78,7 mio. € svarende til 13,6 pct.

Overordnede bemærkninger til ændringerne

Flytningerne vedrører i betydeligt omfang modulationsmidlerne, dvs. de yderligere 123.758.000. € tildelt DK, jf. art. 69(5a) i RFO 1698/2005. Det nu forventede mindreforbrug af Modulationsmidlerne under akse 2 modsvares af et tilsvarende merforbrug under modulationsordningerne under akse 1 (measurecode 121 M), miljøteknologiordningen samt 0,8 mio. € overført til akse 3 (code 323M).

Uanset flytningen af i alt 39,9 mio. € fra akse 2, er det ikke udtryk for, at miljø- og naturindsatsen under programmet som sådan er nedprioriteret. Den nødvendige flytning sker på grund af, at en række større miljørettede foranstaltninger, der skal understøtte vand- og naturplanerne, er blevet iværksat og indfaset senere og med i visse tilfælde en ændret fordeling på measurecodes end oprindeligt forudsat og indbudgetteret i finansieringsplanen ultimo 2009. Det påvirker især code 216 M Ikke produktive investeringer og code 214M. Miljøvenligt Landbrug. Det gælder randzonekompensationsordningen (code 213 M), der først er iværksat i 2012/2013, og med et nu lavere budget, Natura 2000-projektordninger (code 216M og code 214M), ændret vandløbsvedligeholdelse (code 213), fosforvådområder (P-ådale)(code 216M og 214M) og Natura 2000-skovordning (code 225). Vådområdeindsatsen med etablering af vådområder (kommunale og statslige under code 216M og 214M) er et vigtigt element i landdistriktsprogrammet. Reduktionen af LDP-budgettet hertil (især kode 216M) skyldes ikke, at målsætningerne frem til 2015 er ændrede, men at den faktiske gennemførelse af projekterne og udbetaling af tilskudsmidlerne, herunder køb og salg af projektjord, vil ske senere end tidligere forudsat. Konsekvensen er, at færre udbetalinger under disse ordninger falder i indeværende programperiode i forhold til det budgetterede, hvilket den reviderede finansieringstabel bl.a. afspejler.

Den faktiske udmøntning af ”280 mio. kr. puljen” sker i 2012 og 2013 på baggrund af de godkendte regionsprogrammer og den heraf afledte indikative fordeling af EU-midlerne på regionsprogrammer og de tilskudsordninger (measurecodes), der implementerer denne regionale indsats. Oprindeligt var ”280 mio. kr. puljen” forudsat udmøntet fra 2010-2013 og budgetmæssig placeret under akse 2 og 3. Indsatsen gennemføres nu i 2012 og 2013 og med en ændret indikativ fordeling af 280 mio. kr. puljen. Ca. 50 pct. under akse 4 (akse 3 foranstaltninger via LAG) og ca. 25 pct. på

hhv. akse 1 og akse 2. Det medfører flytning af de betydelige midler, der i finansieringsplanen var reserveret under akse 3.

Den yderligere tildeling af midler til akse 1 skyldes især

- 1) Yderligere EU-midler afsat til projekter med anden offentlig medfinansiering (measurecode 111 uddannelse og information og 124 samarbejdsprojekter) i 2011-2013.
- 2) Væsentlig forøget nationalt budget til miljøteknologiordningen og investeringsstøtte økologer (measurecode 121M) i 2011, 2012 og 2013.
- 3) Øget indsats under Økologifremmeordningen i 2012 og 2013 (measurecode 111 og 133), herunder eksportfremme og omstilling af offentlige køkkener.

Tabel 2 Finansieringsplan EU-midler fordelt på foranstaltningsniveau

		NY fin. plan	Eks. fin. plan	Forskel mio. €	Forskel mio. DKK	Health check mio. € M
111 Uddannelse og information	111	46,9	34,2	12,6	94,2	0,0
112 Etablering af unge landbrugere	112	3,8	3,8	0,0	-0,1	0,0
113 Førtilspension	113	0,2	0,2	-0,1	-0,7	0,0
114 Anvendelse af rådgivningstjenester	114	0,0	0,3	-0,3	-2,1	0,0
	121O	17,9	19,5	-1,6	-12,2	0,0
	121M	68,2	29,2	39,0	290,7	68,2
121 Modernisering af landbrugsbedrifter	121	86,1	48,7	37,4	278,5	0,0
123 Forøgelse af land- og skovbrugsprodukters værdi	123	19,1	25,9	-6,8	-50,8	0,0
124 Samarbejde om udvikling af nye produkter, processer og teknologier	124	18,6	8,3	10,2	76,3	0,0
	124O	17,3	8,3	9,0	66,7	0,0
	124M	1,3	0,0	1,3	9,6	1,3
125 Forbedring og udvikling af infrastruktur	125	1,3	1,7	-0,4	-2,7	0,0
126 Genopbygning af landbrugsproduktionspotentiale	126	0,0	0,0	0,0	0,0	0,0
132 Landbrugeres deltagelse i ordninger for fødevarekvalitet	132	0,0	0,4	-0,4	-3,3	0,0
133 Støtte til producentsammenslutninger til informations- og markedsføringsaktiviteter	133	6,7	9,9	-3,3	-24,3	0,0
Total akse 1		182,6	133,6	49,0	365,2	69,5
	Akse 2					
212 Betalinger til landmænd i ugunstigt stillede områder	212	6,3	6,4	-0,1	-0,8	0,0
	213O	0,8	0,7	0,1	0,8	0,0
	213M	11,6	18,6	-7,0	-52,3	11,6
213 Natura 2000 Betalinger	213	12,4	19,3	-6,9	-51,5	0,0
	214O	157,4	143,1	14,2	106,2	0,0
	214M	6,6	17,0	-10,4	-77,4	6,6
214 Betalinger for miljøvenligt landbrug	214	164,0	160,1	3,9	28,7	0,0
	216O	20,3	25,2	-4,9	-36,6	0,0
	216M	35,2	59,0	-23,7	-176,9	35,2
216 Støtte til ikke-produktionsfremmende investeringer	216	55,5	84,1	-28,7	-213,6	0,0
221 Første skovrejsning på landbrugsarealer	221	31,5	34,5	-3,0	-22,2	0,0
225 Betalinger for miljøvenligt skovbrug	225	0,7	5,2	-4,5	-33,6	0,0

226 Genetablering af potentialet i skovbruget	226	3,8	4,0	-0,2	-1,2	0,0
227 støtte til ikke-produktionsfremmende investeringer	227	6,7	7,1	-0,4	-3,1	0,0
Total akse 2		280,8	320,7	-39,9	-297,2	53,4
	Akse 3					
311 Diversificering til ikke-landbrugsaktiviteter	311	2,7	4,5	-1,8	-13,1	0,0
313 Fremme af turismen	313	2,2	2,3	-0,2	-1,3	0,0
321 Basale tjenester for økonomi og befolkning	321	13,0	19,0	-6,0	-44,7	0,0
322 Fornyelse og udvikling af landsbyer	322	3,8	4,3	-0,6	-4,3	0,0
	323O	2,3	6,3	-4,1	-30,4	0,0
	323M	0,9	0,0	0,9	6,4	0,9
323 Bevarelse og opgradering af natur- og kulturarv	323	3,2	6,4	-3,2	-23,9	0,0
331 Uddannelses- og informationsforanstaltning	331	1,2	1,9	-0,6	-4,8	0,0
341 Kompetenceudviklings- og informationsforanstaltning mhp. lokale strategier	341	0,0	0,0	0,0	0,0	0,0
Total akse 3		26,0	38,4	-12,4	-92,1	0,9
	Axis 4					
411 Konkurrenceevne	411	1,2	5,8	-4,5	-33,9	0,0
413 Livskvalitet/diversificering	413	52,6	43,8	8,8	65,6	0,0
421 transnationalt interregionalt samarbejde	421	0,1	0,1	0,0	0,0	0,0
431 Driftsudgifter lokale aktionsgrupper	431	11,4	12,4	-1,0	-7,5	0,0
Total akse 4		65,3	62,1	3,2	24,2	0,0
511 Teknisk bistand	511	23,1	23,1	0,0	0,0	0,0
TOTAL		577,9	577,9	0,0	0,0	123,8

Bemærkninger på foranstaltningsniveau

Korte bemærkninger til ændringerne for de enkelte foranstaltninger/measurecodes. Generelt er udbetalingerne under de enkelte foranstaltninger påvirket positivt af indregning af udbetalinge frem til og med 2014/2015 og negativt af de indlagte annulleringsforudsætninger.

111 Information og uddannelse - merforbrug

- Øget budget i 2011-2013 til aktiviteter medfinansieret af fondsmidler
- Udmøntning af "280 mio. kr. EU-pulje" i 2012 og 2013
- Øget budget i 2012 og 2013 til informationsaktiviteter økologi

Under kode 111 støttes bl.a. demonstration, uddannelse og udbredelse af videnskabelig viden om eksempelvis miljøforbedrende og produktionseffektiverende tiltag i primærproduktionen og produktion af kvalitetsfødevarer, herunder økologiske produkter. Støtte til uddannelse og demonstration skal bl.a. bidrage til at udbrede viden og kendskab i primærproduktionen og fødevarerektoren om nye effektive processer, teknologier og produktudviklingsmuligheder.

Overordnede bidrager indsatserne til anvendelse af nye dyrkningsmuligheder management- og ressourceløsninger, samt forskellige andre miljø og arbejds effektive indsatser og at øge udbuddet af samt produktionen af kvalitetsfødevarer, Indsatserne bidrager derudover også til at der skabe større incitament for primærproduktionen til at omlægge til økologi, da der skabes basis for en større afsætning.

Som led i målsætningen om at fremme økologien i Danmark, herunder for at understøtte målsætningen om, at det økologiske landbrugsareal mindst fordobles i 2020, vil budgetforøgelsen bl.a. blive anvendt til en styrket informationsindsats vedr. økologiske fødevarer – og dermed bidrage til udledning af færre næringsstoffer og plantebeskyttelsesmidler til vandmiljøet samt større biodiversitet.

Budgettet for foranstaltningen øges fra 34,2 mio. euro til 46,9 mio. euro.

112 Etablering af unge jordbrugere

- Minimal tilpasning til afløb (LDP-program 2000-2006)

113 Førtidspension

- Minimal tilpasning til afløb (LDP-program 2000-2006)

114 Anvendelse af rådgivningstjeneste

- Budget fjernet – hjemmel forventes ikke anvendt

121M Modernisering af jordbrugsbedrifter (Health Check) merforbrug

- Øget budget miljøteknologiordning i 2011-2013
- Ny investeringsstøtteordning økologer 2011-2013
- Udbetalinger frem til ca. medio 2015.

Følgende indsatsområder støttes under 121: reduktion af emission af ammoniak, lugt, CO₂, pesticidforbrug samt tab af næringsstoffer i forbindelse med fodring og håndtering af husdyrgødning. Herudover er der et særskilt indsatsområde for reduktion af energi-, vand- og pesticidforbrug samt næringsstoffer i gartnerisektoren. Der er under 121 en særskilt økologiindsats, hvor teknologier målrettet det økologiske jordbrug støttes. Overordnet er der en meget stor miljøgevinst ved at støtte teknologier, der falder ind under de nævnte indsatsområder, f.eks. højteknologiske præcisionssprøjter, som doserer pesticider i nøje afmålte mængder eller forsuring af gylle, der dels forhindrer ammoniakfrigivelse og dels forbedrer gødningsværdien.

Miljøgevinsterne er færre drivhusgasser, mindre lugt, mindre forurening af vandmiljøet, både vandløb, fjorde og drikkevand, og der er afledte gevinster i form af mere biodiversitet (økologiske dyrkningsformer og generelt lavere pesticidforbrug i det konventionelle jordbrug). Investeringer i ny teknologi og processer er ofte omkostningstungt. Muligheden for at yde investeringsstøtte i de nyeste teknologier på markedet kan medvirke til at reducere barriererne forbundet med overgangen til produktionsvilkår, der tager større hensyn til miljø- og klimapåvirkninger.

Budgettet for foranstaltningen øges fra 48,7 mio. euro til 86,1 mio. euro med henblik på øgede investeringer i grønne teknologier som både øger produktiviteten og medfører en positiv effekt for natur, miljø og klima på bedriftsniveau og generelt for primærerhvervet.

121 Modernisering af jordbrugsbedrifter (Ordinært program) – mindreforbrug

- Annulleringer forbedringsordningen (LDP 2000-2006)
- Biogasindsats senere end budgetteret – færre gårdinvesteringer

123 Forøgelse af landbrugsprodukters værdi - mindreforbrug

- Færre tilsagn 2010-2012 under fødevarerforarbejdningsordningen forklares
- Annulleringer tilsagn strukturprojektordningen (LDP-program 2000-2006)

124 Samarbejde om udvikling af nye processer, produkter mv. - merforbrug

- Øget budget i 2011-2013 til aktiviteter medfinansieret af fondsmidler
- Demonstrationsprojekter biomasseløsninger 2011-2013 som nyt indsatsområde
- Budget øget pga. genåbning af erhvervsudviklingsordningen i 2013

Under foranstaltningen ydes støtte til samarbejdsprojekter under indsatsområder som ”miljøeffektive indsats”, hvor udviklingsprojekter med miljø- og klimaforbedrende effekter støttes, herunder energireducerende tiltag samt dyrkningstiltag, der skal reducere miljøpåvirkninger og CO₂-udledningen.

Udviklingen af effektive processer og teknologier til løsning af miljø- og klimaproblemer udgør i stigende grad en væsentlig konkurrenceparameter, som der stilles krav om af nutidens forbrugere.

Der ydes ligeledes under foranstaltning støtte til udvikling af effektive produktionsmetoder i fødevarerektoren. Som led i udmøntningen af den Økologiske Handlingsplan 2020, tilføres foranstaltningen i 2013 yderligere midler til udvikling og anvendelse af nye processer, teknologier og produkter, der fremmer bæredygtighed og økologi inden for fødevarerektoren og i primærproduktionen (jf. programændringen vedr. styrket indsats for udvikling af produkter, processer og teknologi med fokus på bæredygtighed og økologi i fødevarerektoren).

Som led i en styrkelse af klimaforbedrende indsats, vil indsatsen omkring udvikling – og demonstrationsprojekter vedrørende udvikling af skræddersyede biomasseløsninger blive yderligere prioriteret i 2013

Budgettet for foranstaltningen øges fra 34,2 mio. euro til 46,9 mio. euro. som led i en yderligere miljøfokusering af Landdistriktsprogrammets akse 1 med henblik på øgede investeringer i grønne teknologier som både øger produktiviteten og medfører en positiv effekt for natur, miljø og klima på bedriftsniveau og generelt for primærproduktionen.

125 Forbedring og udvikling af infrastruktur – mindreforbrug

- Annulleringer (LDP-program 2000-2006)
- Jordfordelingsindsats lavbundsjorder 2013

126 Genopbygning af landbrugsproduktionspotentialer

- Budget fjernet – hjemmel forventes ikke anvendt.

132 Landbrugerens deltagelse i ordninger for fødevarer kvalitet

- Budget fjernet – hjemmel forventes ikke anvendt.

133 Støtte til produktionssammenslutninger - mindreforbrug

- Mindre andel af tilsagn under bl.a. ”Økologifremmeordningen” udmøntet under 133 – men i stedet under 111.

212 Betalinger til landmænd i ugunstigt stillede områder (Ø-støtte)

- Tilpasning til faktisk afløb – ingen aktivitetsændringer
- 213M Natura 2000-betalinger mv (Health Check)– mindreforbrug
- Obligatoriske randzoner. Endelig tilskudssats/ha randszoneareal mindre end budgetteret. og først igangsat med kompensation beregnet fra 1. september 2012.
- 213O Natura 2000-betalinger mv.
- Nyt skøn for reduceret vandløbsvedligeholdelse.
- 214O Betalinger for miljøvenligt jordbrug – merforbrug
- Betalinger frem til og med 2014 nu inkluderet for de flerårige betalinger til miljøvenligt jordbrug, herunder de udestående 20-årige forpligtelser.
- 214M Betalinger for miljøvenligt jordbrug (Health Check) – mindreforbrug
- Færre ha. end budgetteret omlagt til økologi 2010-2013
 - Kompensation for randzoner (213 M) var oprindelig budgetteret under 214 M.
 - Lodsejerkompensation (20 – årige betalinger) under a) Etablering af Vådområder (kvælstof), b) Fosforvådområder (P-ådale) og c) Natura 2000 sker i betydeligt omfang senere end oprindelig forudsat, og kommer derfor i mindre omfang til at trække udbetalinger i indeværende programperiode.
- 216 O Støtte til ikke produktionsfremmende investeringer - mindreforbrug
- Annulleringer af vådområdetilsagn (LDP 2000-2006)
 - Mindre andel af budgettet til Natur- om miljøprojektordningen udmøntes under denne foranstaltning
- 216 M Støtte til ikke produktionsfremmende investeringer - mindreforbrug
- Ordningerne a) Etablering af kommunale vådområder (kvælstof), b) Etablering af fosforvådområder (P-ådale) og c) Natura 2000 – projekter til bl.a. rydning og hegning mv. er implementeret senere og i langsommere tempo end forventet i 2009. Det medfører i meget betydeligt omfang udbetalinger til anlægs- og projektudgifter i øvrigt samt køb og salg af projektjord.
- 221 Første skovrejsning på landbrugsjord – mindreforbrug
- Nyt skøn, herunder pba. færre tilsagn end forventet i 2011 og 2012.
- 225 Betalinger for miljøvenligt skovbrug - mindreforbrug
- Ordning først iværksat 2012/2013
- 226 Genetablering af produktionspotentiale i skovbruget
- Nyt skøn (LDP-program 2000-2006)
- 227 Støtte til ikke produktionsfremmende investeringer i skove
- Nyt skøn
- 311 Diversificering til ikke landbrugsaktiviteter - mindreforbrug
- Annulleringer (LDP-program 2000-2006)
 - Biogasindsats implementeret senere end budgetteret

313 Fremme af turismen

- Afsluttet - Annulleringer (LDP-program 2000-2006)

321 Basale tjenester for økonomi og befolkning i landdistrikterne - mindreforbrug

- Mindre andel af ”280 mio. kr. EU-puljen” end oprindelig budgetteret udmøntes her
- Biogasindsats implementeret senere end budgetteret
- Færre udbetalinger under børn og unge – ordningen pga. annulleringer og ingen budget i 2012 og 2013.

322 Fornyelse og udviklings af landsbyer mv.

- Nyt skøn

323O Bevarelse og opgradering af natur- og kulturarv - mindreforbrug.

- Mindre andel af ”280 mio. kr. EU-puljen” end oprindelig budgetteret udmøntes her

323 M Bevarelse og opgradering af natur- og kulturarv – merforbrug

- En større del af Natura 2000 projektordningen vedrørende rydning og hegning mv. sker på naturarealer, der er placeret under code323M

331 Uddannelses- og informationsforanstaltninger - mindreforbrug

- Nyt skøn pga. udestående forpligtelser

411 Konkurrenceevne - mindreforbrug

- Mindre andel af LAG-projekter end oprindelig budgetteret udmøntes her, men i stedet under 431

413 Livskvalitet/diversificering - merforbrug

- Større andel af ”280 mio. kr. EU-puljen” end oprindelig budgetteret udmøntes her
- Større andel af LAG-projekter end oprindelig budgetteret udmøntes her mod oprindelig 411

421 Transnationalt samarbejde

- Marginalt nyt skøn

431 Driftsudgifter lokale aktionsgrupper - mindreforbrug

- Nyt skøn på baggrund af udestående tilsagn. Annulleringer og konvertering af del af driftsramme til projekter.

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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate E. Rural development programmes I
Director

Brussels,
Agri/e.3(2012) 1563143

Subject: Assessment of Admissibility of a proposal to amend the programme according to Articles 6 § 1 (a) and 6 § 1 (c) of Regulation (EC) 1974/2005

**Reference: Rural Development Programme 2007-2013 (EAFRD) for Denmark
CCI 2007 DK 06 RPO 001**

Dear Mr Bonde,

I hereby acknowledge receipt of a proposal for modification of the rural development programme for Denmark for the programming period 2007-2013 received via SFC on 8 November 2012 in accordance with Articles 6(1) (a) and 7 of Commission Regulation (EC) No 1974/2006 and with Articles 6(1) (c) and 9 of Commission Regulation (EC) No 1974/2006.

The amendment request was submitted in accordance with Article 6(1) (a) and Article 6(1) (c) of Commission Regulation (EC) No 1974/2006. As the modification introduced in SFC2007 contains elements submitted in accordance with Article 6(1)(a) of Commission Regulation (EC) No 1974/2006, the six month period provided for in Article 7 will apply to the entire modification. The Commission services will assess the compliance of the proposed amendment with Council Regulation (EC) No 1698/2005, Commission Regulation (EC) No 1974/2006 and with the National Strategy Plan for Rural Development 2007-2013. The elements submitted in accordance with Article 6(1) (a) will be approved by Decision of the Commission; the elements submitted in accordance with Article 6(1) (c) will be accepted by separate letter. Where necessary, comments and/or a request for additional information on the amendment will be sent to your authorities without delay.

Should you wish any elements of the modification submitted in accordance with Article 6(1) (c) to be dealt with under the procedure set out in Article 9 (four month period), a new separate submission under Articles 6(1) (c) and 9 would be necessary.

Yours sincerely,

(signed)
Mihail DUMITRU

Ministeriet for Fødevarer, Landbrug og Fiskeri
NaturErhvervsstyrelsen
Center for Arealtilskud – Bæredygtighed
Att.: Enhedschef Steen BONDE
Nyropsgade 30
1780 KØBENHAVN V
DANEMARK