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EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate E. Rural development programmes I  
Director

Brussels,  
AGRI.E.3/TF (2013) 126952

**Subject: Modification of the Rural Development Programme for Denmark,  
according to Articles 6 § 1 (a) and 6 § 1 (c) of Regulation (EC) 1974/2005**

Dear Mr Bonde,

I hereby refer to the receipt via SFC on 8 November 2012 of a proposal for the modification of the Danish Rural Development Programme 2007-2013 in accordance with Articles 6(1) (a) and 7 and with Articles 6(1) (c) and 9 of Commission Regulation (EC) No 1974/2006.

The Commission services have assessed the modifications proposed as referred to in Article 9 paragraph 6 of Regulation (EC) No 1974 /2006 and have identified elements which do not comply with the relevant provisions of Regulation (EC) No 1698/2005 and Regulation (EC) No 1974/2006. The observations of the Commission services are set out in the Annex.

The proposal in its current format is not considered to be in compliance with the Regulations and should be modified before its resubmission. The six month period for the assessment of the proposed programme modification is suspended until the Commission receives a compliant programme change.

My services are at your disposal for any further clarifications.

Yours sincerely,

*(Signed)*  
Mihail DUMITRU

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## Annex

The following observations and questions have been raised in regard to the proposed programme revision.

### Financial table, general strategy and indicators/targets

1. The transfer from Axis 2 to Axis 1 can be justified as long as the Danish authorities can confirm that this is additional money allocated to environmental measures, and that all the money transferred to Axis 1 will be spent on these environmental measures.
2. Under measure 121, please indicate the particular environmental objectives listed in Article 16a of Regulation (EC) No 1698/2005 to be pursued under the sub-measures which draw on health-check funds. Please specify what types of 'green technologies' are to be supported.
3. Denmark has fallen significantly behind in the implementation of its Axis 2 measures. Please outline the reasons for this and the plans to remedy the situation and possible negative effects on the attainment of environmental objectives.
4. Please provide justification why M114 and M132 will not be activated. Please also explain the activation of measure 133. Support under this measure should concern products covered by the support of the quality schemes referred to in Art. 32 of Reg. (EC) 1698/2005, namely under measure 132 which is not implemented.
5. Denmark proposes significant financial changes to axis 2 measures. In case of M214, M216 and M225 the financial changes are linked to delays in their implementation. What will be the expected effects on the result and impact indicators?
6. In the indicator table for measure 214b the target figures have been reduced significantly with a new target of 83,000 ha to be covered by the measure. However, previously it was indicated that 102,000 ha had already been covered during 2007-2009 and a further 72,000 ha were planned until 2013. The new target therefore seems to be lower than the result already achieved in 2009.

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7. In the indicator tables for measure 214e the target figures have been reduced significantly, including the areas under contract and under successful management, while the target for physical areas under support has not been changed. It is unclear how these figures can be consistent with each other.
8. In the indicator table for measure 216b it appears that the target now is to create wetlands on 2,000 ha of farmland under this measure. However, it is not clear how this figure relates to the operations under measures 214e and 216c respectively, where 214e alone already seems to cover the 2,000 ha.
9. With regard to M216b, the new targets indicate that while the area and number of holdings concerned are to be significantly reduced, the expected volume of investment is expected to increase. What are the reasons for this?
10. With regard to M221 could the Danish authorities indicate some possible reasons for the lower than expected uptake in recent years?
11. In the indicator table for measure 323a there are 25 projects involving land purchases of altogether 100,000 euros. This seems to indicate unrealistically small amounts for each project.
12. In the indicator table for 323c the RDP sets out targets for operations to be financed via axis 4. It is not clear what the purpose is, as these operations would also be covered by similar targets set out in axis 4. Double counting should be avoided.
13. The targets for the number of cooperation projects and cooperating LAGs are different in the description of measures 41 and 421 respectively. In any case, the number of cooperation projects is not a relevant indicator for measure 41 (only 421). In addition, it would be interesting to know what exactly is meant with 'number of cooperating LAGs'. Are all the LAGs participating in a project counted? The indicator should only be about the number of Danish LAGs taking part in cooperation projects.
14. In the text version of the consolidated programme submitted with the modification, some figures have been left out in the financial tables (table 6.2.1). The Commission services have based their analysis on the SFC tables and accompanying explanatory documentation, but for the sake of clarity the programme text should include the complete financial tables.

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## Forestry measures 225 and 277

15. In measure 225 it is assumed that the agreements with forest holders are made per hectare of forest land, but some of the elements are calculated on the basis of other units (number of trees). Please explain the approach to accumulation of commitments and calculation of payment per hectare.
16. According to Article 47.2 of Regulation (EC) No 1698/2005 payments should be fixed between 40 and 200 euros. In the case of "Preservation of up to 10 indigenous trees per ha" it is not clear if there is a possibility to go under the 40 euros/ha/year limit. Such a possibility should be ruled out.
17. In the description of measure 227 the target for total investment volume has been deleted. However, this is one of the common output indicators set out in Annex VIII of Regulation (EC) 1974/2006 and it should therefore be reinserted with an appropriate value.
18. The reference to the state aid decision (SA.33320) is included in the description of the two measures, but it should also be included in table 9b.
19. Under the elements covered by the basic payment in measure 225, please explain in more detail the concept of 'promotion of the characteristic tree species'. Which species are concerned?
20. Concerning the commitment to preserve 10 trees for natural decay, please clarify under what conditions contracts will include this commitment.
21. The natural hydrology of certain areas may be restored. What provisions are in place to ensure that this occurs when necessary?
22. In some cases it may be decided to designate certain forest areas as untouched forest. Please explain in more detail the criteria for designating such forests and how can it be ensured that forests to be protected are in fact protected.
23. In measure 227 some new types of commitments are introduced to promote biodiversity in line with the objectives of Natura2000. Please confirm whether these commitments will apply to designated Natura2000 sites.
24. With regard to the special actions for species living in forests, could the Danish authorities provide some more information about the types of species that are targeted by the measure?

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## Other issues

25. In measure 213 a few words related to soil improvement agents have been deleted from the text in the TC version, but not in the non-TC version of the consolidated text submitted with the programme modification. As this amendment is not described anywhere, it is assumed that this deletion was not intended to be included in the current programme modification.
26. Also concerning measure 213 Denmark is invited to clarify the situation following the recent suspension of the river basin-management plans on procedural grounds by a national complaints tribunal. The Danish authorities are reminded that according to Article 26a of Regulation (EC) No 1974/2006 compensation under this measure shall be provided only for disadvantages related to specific requirements that are in accordance with the programmes of measures of the river basin management plans.
27. Finally, concerning the state aid table, the situation seems to need clarification for a number of the smaller measures. Measure 226 (budget reduced by 0.2 million euros) – the measure does not have a State aid clearance. The Danish authorities should provide such in the form of reference to a decision, a block exempted measure or the *de minimis* Regulation – Reg. 1998/2006. Measure 331 (budget reduced by 0.6 million euros) – the measure does not have a State aid clearance. The Danish authorities should provide such for aid given to beneficiaries which are not primary producers. It should be given in the form of reference to a decision, a block exempted measure or the *de minimis* Regulation – Reg. 1998/2006.

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