

**COMMISSION REGULATION (EC) No 2715/94  
of 8 November 1994**

**laying down specific rules on compensatory payments for certain irrigated arable crops**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by Regulation (EC) No 920/94 <sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to Council Regulation (EC) No 231/94 of 24 January 1994 amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops <sup>(3)</sup>, and in particular Article 2 thereof,

Whereas Article 3 of Regulation (EEC) No 1765/92 allows regionalization plans to differentiate between irrigated and non-irrigated areas;

Whereas in order to prevent irrigated areas being extended, provision has been made for the establishment of a maximum area fixed by production region eligible for compensatory payments on the basis of the yield obtained in the irrigated areas; whereas detailed rules for the establishment of such areas should be laid down, in particular as regards the definition of 'irrigation';

Whereas, if in a region both the base area and the ceiling fixed for the irrigated areas are exceeded simultaneously, provision should be made so that only whichever adjustment reduces the compensatory payments more is applied;

Whereas as a result of the timing of the amendments to Regulation (EEC) No 1765/92 by Regulation (EC) No 231/94 relating to irrigated land, it was not possible for implementing rules to be introduced before producers had sown crops in respect of the 1994/95 marketing year; whereas the application of all the rules and sanctions contained in Regulation (EEC) No 1765/92 would, in the circumstances, be inappropriate for the 1994/95 marketing year; whereas specific measures are therefore necessary to facilitate the transition from the system established under Commission Regulation (EEC) No 1113/93 <sup>(4)</sup> to the new system;

Whereas this Regulation replaces Regulation (EEC) No 1113/93 in laying down as provisional, specific rules on

compensatory payment for certain irrigated arable crops; whereas that Regulation should therefore be repealed;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the marketing years 1995/96 and thereafter, the compensatory payments on the basis of 'irrigated' yield referred to in the fifth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92 shall be granted in accordance with the provisions of Articles 2 to 6 of this Regulation.

*Article 2*

The ceilings referred to in the fifth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92 shall be as set out in the Annex to this Regulation.

*Article 3*

Should both the ceiling as set out in the Annex to this Regulation and a base area as defined in Article 2 (2) of Regulation (EEC) No 1765/92 be exceeded simultaneously, only the higher of the two reductions provided for, respectively, in the first indent of Article 2 (6) of that Regulation and in the first sentence of the sixth subparagraph of Article 3 (1) thereof shall be made.

The first paragraph shall apply without prejudice to the second indent of Article 2 (6) or to the second sentence of the sixth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92.

*Article 4*

In the case of oilseeds, Member States shall, for the calculation of the regional reference amount referred to in Article 5 (1) (c) of Regulation (EEC) No 1765/92, be under the obligation to apply in respect of each region the same method for irrigated crops as for non-irrigated crops.

*Article 5*

1. Member States shall set rules for determining whether an area is irrigated in the course of a crop year. Those rules shall include:

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 106, 27. 4. 1994, p. 14.

<sup>(3)</sup> OJ No L 30, 3. 2. 1994, p. 2.

<sup>(4)</sup> OJ No L 113, 7. 5. 1993, p. 14.

- the drawing-up of a list of arable crops for which compensatory payment at the irrigated yield rate may be granted,
- a description of the irrigation equipment that the farmer must hold; this must be commensurate with the area concerned and allow for the supply of sufficient water to ensure the normal development of the plant during its growing cycle,
- the fixing of the irrigation period to be taken into account.

2. In the 'area' aid applications, producers shall separate irrigated and non-irrigated areas. Member States shall check that applications for irrigated payment satisfy the rules set out in paragraph 1. Should they not do so, the penalties laid down in Commission Regulation (EEC) No 3887/92<sup>(1)</sup> shall be applied according to the area concerned.

#### *Article 6*

In regions where this Regulation applies:

- (a) the question as to whether a producer qualifies as a 'small producer' within the meaning of Article 8 of Regulation (EEC) No 1765/92 shall be determined on the basis of the content of his 'area' application as a whole and of the irrigated and non-irrigated yields;
- (b) compensatory payments for arable crops under the general or the simplified scheme shall be made on the basis of the irrigated yield for the corresponding areas, and of the non-irrigated yield for other areas;
- (c) compensatory payments for set-aside land shall be made on the basis of,
  - the average yield for the region, for the marketing year 1994/95,

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 November 1994.

- the non-irrigated yield for the region, for the marketing year 1995/96 and thereafter.

#### *Article 7*

For the 1994/95 marketing year the compensatory payments on the basis of the 'irrigated' yield shall be made in accordance with the provisions of Articles 2 to 8 of this Regulation. Article 3 (1) of Regulation (EEC) No 1765/92, save for the fifth subparagraph thereof, shall not apply for the 1994/95 marketing year.

Article 3 (6) of Regulation (EEC) No 1765/92 shall not apply for the 1994/95 marketing year in so far as any increase in the average yield results from the indication of newly irrigated areas in the ceiling referred to in the fifth subparagraph of Article 3 (1) of that Regulation.

#### *Article 8*

1. If the area for which compensatory payment is sought on the basis of a specific irrigated yield exceeds the ceiling set out in the Annex, the compensatory payments at the rate for the irrigated yield shall be proportionately reduced for the region in question.

2. Should both the ceiling as set out in the Annex and a base area as defined in Article 2 of Regulation (EEC) No 1765/92 be exceeded on the same occasion, only the higher of the two reductions provided for shall be made.

#### *Article 9*

Regulation (EEC) No 1113/93 is hereby repealed.

#### *Article 10*

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from the 1994/95 marketing year.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 391, 31. 12. 1992, p. 36.

## ANNEX

## GREECE

*(in hectares)*

Zone I	218 002
Zone II	4 057

## FRANCE

*(in hectares)*

Region	Ceiling irrigated Total	Maize	Other cereals	Soya
Ain	16 615			5 000
Aisne	750			0
Allier A	5 155			283
Allier B	6 333			419
Alpes-de-Haute-Provence	7 223			1 117
Ardèche	2 830			123
Ariège	14 926			2 176
Aude A	9 032			1 797
Aude B	784			50
Aveyron	5 193			10
Cantal	1 397			0
Charente	28 874			55
Charente-Maritime	69 973			30
Cher	25 944			287
Côte-d'Or	1 200			1 200
Drôme	24 946			1 600
Eure-et-Loir	50 293			367
Gard	1 539			193
Haute-Garonne	54 883			8 550
Gers	76 526			9 500
Hérault	1 850			112
Indre	16 287			113
Indre-et-Loire	17 291			175
Isère	16 043			1 400
Jura B	3 818			543
Loir-et-Cher	25 905			150
Loire	7 496			0
Haute-Loire A	520			0
Haute-Loire B	449			0
Haute-Loire C	100			0
Loire-Atlantique	8 078			0
Loiret	48 009			342
Lot A	1 919			178
Lot B	5 801			137
Lot-et-Garonne	59 685			7 200
Maine-et-Loire	27 597			218
Mayenne	2 490			9
Nièvre	6 066			400
Puy-de-Dôme A	6 625			100
Puy-de-Dôme B	430			0
Pyrénées-Orientales	254			19

*(in hectares)*

Region	Ceiling irrigated Total	Maize	Other cereals	Soya
Rhône	6 992			648
Haute-Saône	977			977
Saône-et-Loire	532			136
Saône-et-Loire	2 959			757
Sarthe	24 295			77
Haute-Savoie	608			13
Seine-et-Marne	190			190
Deux-Sèvres	26 855			69
Somme	250			0
Tarn	23 299			5 859
Tarn-et-Garonne	43 330			6 200
Var	2 072			337
Vendée	45 875			25
Vienne	36 377			76
Vaucluse	1 102			102
Yonne	3 820			320
Hautes-Alpes	80	0		80
Bouches-du-Rhône	553	0		553
Dordogne A	30 387	26 796	3 177	539
Gironde A	35 738	35 400		440
Landes	105 475	103 318		2 805
Pyrénées-Atlantiques	22 150	19 608		3 306
Hautes-Pyrénées	30 034	28 677		1 765
Bas-Rhin	17 373	16 835		700
Haut-Rhin	41 181	39 620		2 030
Savoie	375	299		98