



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate D. Direct support
D.3. Implementation support, monitoring, IACS and LPIS

**GUIDANCE DOCUMENT ON AID APPLICATIONS AND PAYMENT CLAIMS REFERRED TO IN
ARTICLE 72 OF REGULATION (EU) 1306/2013¹**

CLAIM YEAR 2015 ONWARDS

This document is referred to as "aid applications guidance"

This document provides for guidance on the elaboration of aid applications (direct payments) and payment claims (rural development measures in the scope of IACS) referred to in Article 72 of Regulation (EU) No 1306/2013, Articles 11 to 14 of Regulation (EU) No 640/2014 and Articles 11 to 21 of Regulation (EU) No 809/2014, as well as its Article 22.

The purpose of this note is to give guidance to Member States (MS) on how the legal provisions in reference are best met, it is not to repeat what is in the legislation. In case part of the work related to aid applications and payment claims is contracted out/delegated, it remains the responsibility of the MS that the work is carried out in line with the applicable legislation and to the standard required. Detailed guidelines for the purpose of instructing the contractor are also the responsibility of the individual MS opting for sub-contracting.

This guidance is either derived directly from the mentioned legal provisions or, whilst not expressing straight-forward legal obligations, it constitutes recommendations by the Commission services to the Member States.

It should be emphasised that the considerations contained in this document are without prejudice to any further position taken by the Commission acting as a collegiate body, nor to any future judgement of the European Court of Justice, which alone is competent to hand down legally binding interpretations of Union law.

¹ This guidance document does not prejudice other specific documents for certain rural development measures or cross-compliance obligations to be more restrictive. If this is the case the latter, more specific, would take precedence.

1. INTRODUCTION

In accordance with Article 72 of Regulation (EU) No 1306/2013 in view of receiving payments, beneficiaries shall submit an aid application for direct payments or a payment claim for the relevant area and animal-related rural development measures. For that purpose, in view of facilitating the submission by the beneficiaries and to reduce the risk of errors, Member States shall provide, inter alia through electronic means, pre-established forms based on the areas determined in the previous year as well as graphic material (hereinafter also called "map") indicating the location of those areas.

Among the information to be provided by the beneficiaries in the aid applications and payment claims, the identification of areas, should be done as from 2018 via a GIS-based interface (the geo-spatial aid application - GSAA). The GSAA should be phased-in from 2016 onwards (cf. Art. 17 of Regulation (EU) No 809/2014).

The information of the LPIS, of the aid applications and payment claims of the previous year, as well as results from controls should in particular be used for the pre-established forms which will allow the beneficiaries to fill in his/her application. However, it is recalled that, in any case, the beneficiaries remain responsible for submitting a correct aid application or payment claim.

2. ACRONYMS USED / TERMINOLOGY FOR THE PURPOSE OF THIS DOCUMENT

"Beneficiary": as defined in Article 2(1) of Regulation (EU) No 640/2014

"Aid application", "Area related aid schemes": terminology used in the context of Direct Payment

"Payment claim", "Area related support measures": terminology used in the context of Rural Development

GIS: Geographical Information System

GSAA: Geo-Spatial Aid Application

"Use": as defined in Article 2(1) of Regulation (EU) No 640/2014

"Pre-established information"= information that is given by the competent authority to the beneficiaries in the pre-established forms and graphical material (maps) referred to in Art. 72(3) of Regulation (EU) No 1306/2013.

"Pre-established area"= the area of an agricultural parcel which is pre-printed in the pre-established forms, pre-registered in an electronic application or which is pre-registered in the GSAA system; it corresponds to the declared area of the previous claim year or where relevant to the determined area.

"Calculated area"= in the context of the GSAA, the alphanumerical area given by the GIS tool when drawing a new polygon or when changing the border of an existing polygon; this should be given to the beneficiary when filling in his/her GSAA.

"Declared area"= the area that the beneficiary has declared in his/her aid application or payment claim.

3. SCOPE OF THE SINGLE APPLICATION

The single application should at least cover the aid applications and all relevant information for the following area related aid schemes (direct payments):

- the BPS/SAPS;
- the greening payment;
- the redistributive payment;
- the payment for area with natural constraints;
- the payment for young farmers;
- the area-related voluntary coupled support(s) (VCS);
- the crop-specific payment for cotton;
- the small farmers scheme (SFS).

It is strongly recommended also to cover the payment claims and applications for support for area-related support measures (e.g. AEEM, Natura 2000 payment, etc.), as well as applications for (first) allocation or increase of the value of payment entitlements within the single application to facilitate their filling in and submission by the beneficiaries.

4. AID APPLICATION: AREA RELATED ISSUES

4.1. Reference parcels

Pre-established information:

The pre-established form shall specify the maximum eligible area (MEA) per reference parcel for the relevant direct payment schemes and the rural development measures. Per scheme or measure different eligibility criteria might apply and different reference parcels or reference parcels with several MEAs might exist and should be specified.

The main objective of the pre-established form is to support beneficiaries and to reduce the risk of errors. Therefore, it should be properly explained to the applicant (in the pre-established form or in accompanying information) how the MEA is calculated, e.g. based on measurement of the reference parcel area (which might not be the same as the agricultural parcel) and e.g. the application of a pro-rata.

The corresponding map shall show the boundaries of the reference parcels as referred to in Article 5(1) of Regulation (EU) No 640/2014 preferably in combination with the most recent coloured ortho-photo or, in case the current ortho-imagery extracted from the LPIS is more recent, the later should be used. For the other information mentioned in Article 5(2)(d) it is recommended to also make those areas, including their boundaries, visible on the map (see LPIS guidance document DSCG/2014/33-FINAL) if it does not compromise the readability of the map. Otherwise this information should be provided with the pre-established form.

Action of the beneficiary:

Based on this pre-established graphical material, beneficiaries are expected to declare their agricultural parcels within the limits of the reference parcels. However, in case the MEA is not correct (too big or too small according to the beneficiary) or the beneficiary disagrees with the reference boundaries, the beneficiary should indicate this in his/her single application. Such indications may trigger an update of the reference parcels in the LPIS, to be done by the competent authority taking into account the relevant guidance documents and technical specifications. Note that the need for update should be assessed by the competent authority already for the claim year where the change has been submitted by the beneficiary. It should not wait for the next general update of the LPIS. This is particularly important in 2015 where the reform has implied numerous changes in the LPIS (see LPIS guidance document DSCG/2014/33-FINAL).

4.2. Agricultural parcels: declaration of boundaries and areas

Definition of agricultural parcels given in Art. 67(4) of Regulation (EU) No 1306/2013 is elaborated in section 2.2 of the OTSC guidelines (DSCG/2014/32).

Pre-established information:

The areas and boundaries of the agricultural parcels of the beneficiary, which were declared/determined in the previous year shall be visible on the pre-established map. It is recommended to also show the declared/determined boundaries and areas of other surrounding agricultural parcels which were the previous year declared by other beneficiaries. A clear distinction between the parcels of the beneficiary concerned and the parcels of the other beneficiaries should be made. Where MS, after the final submission of the aid application in the previous year, are informed that specific agricultural parcels, most likely, will be declared by another beneficiary (as an example due to a transfer of a holding in accordance with Article 8 of Regulation (EU) No 809/2014), MS may decide to also include those agricultural parcels in the pre-established information of that other beneficiary.

Action of the beneficiary:

The beneficiary must declare all the agricultural parcels on the holding and areas referred to under Art. 32(2)(b) of Regulation (EU) No1307/2013 (irrespective of whether claiming aid on it or not) as well as non-agricultural land for which support under rural development is claimed. In order to minimise the need for beneficiaries to draw boundaries on the map, the beneficiaries may simply confirm the agricultural parcels from last year when there is no change or only draw the changes/corrections.

4.3. Agricultural parcels: declaration of the uses, EFA, rural development commitments, etc.

4.3.1. General principles

Pre-established information:

Information such as the uses, presence of EFA, greening equivalence, etc. linked to the agricultural parcels determined the previous year should also be pre-established.

Action of the beneficiary:

The beneficiary could then either confirm or adapt the information.

When declaring the uses of the agricultural parcels, beneficiaries may be given the possibility under certain conditions to make a simplified declaration. As an example, beneficiaries having less than 10 hectares of arable land are exempted from EFA and crop diversification. In absence of voluntary coupled support and of areas with grass or other herbaceous forages, such beneficiary does not need to declare the details of the crops. The beneficiaries falling under the exemptions of Art. 44(3)(a) and (b) or 46(4) of Regulation (EU) No1307/2013 could declare only the details of the crops which demonstrate their exemption. However, beneficiaries close to the exemption thresholds for crop diversification could be advised to still declare all their crops or for EFA to still declare the EFAs at their disposal (see OTSC guidelines DSCG/2014/32 sections 2.4.4.3 and 2.4.4.5).

4.3.2. Declaration of permanent grassland: eligibility and greening

Pre-established information:

On the pre-established maps, areas covered with permanent grassland should be made visible including their geo-localised boundaries. For those areas of permanent grassland the following details should be indicated:

- Whether the MEA is established using the pro rata (Art. 10 of Regulation (EU) No 640/2014); all information should be given to the beneficiaries so that they can confirm or change the MEA calculated using the pro-rata;
- Whether it concerns permanent grassland on which established local practices in accordance with Article 7 of Regulation (EU) No 639/2014 are applicable (PG-ELP), where such areas are separately identified in the LPIS (see LPIS guidelines DSCG/2014/33 section 2.2.1);
- Whether it concerns permanent grassland with a ban on conversion or ploughing in accordance with Article 45(1) of Regulation (EU) No 1307/2013 (greening);
- Whether it concerns permanent grassland created due to an individual reconversion obligation in accordance with Article 44(3) of Regulation (EU) No 639/2014 or Article 93(3) of Regulation (EU) No 1306/2013. Since by way of derogation from Article 4(1)(h) of Regulation (EU) No 1307/2013 such permanent grassland is considered to be permanent grassland as from the first day of reconversion and should at least stay permanent grassland for 5 consecutive years (or the remaining number of years to respect that period), it is necessary to follow specifically those areas and indicate the number of years.

It is also recommended to indicate the consecutive number of years for arable land declared as grasses or other herbaceous forage ("temporary grassland") in order to keep track of the moment the "temporary grassland" turns into permanent grassland (which may have an impact on greening requirements).

Action of the beneficiary:

The beneficiary should declare unambiguously his/her permanent grassland, meaning that the agricultural parcels covered with permanent grassland should be declared graphically and alphanumerically.

4.3.3. Declaration of the uses on arable land for crop diversification

Action of the beneficiary:

Regarding crop diversification, for beneficiaries with 10 hectares of arable land or more it is required to indicate the specific crops within each agricultural parcel of arable land in such a way that the classification defined under Art. 44(4) of Regulation (EU) No 1307/2013 is made possible.

The classification under Art. 44(4) is the following:

"For the purposes of this Article, a "crop" means any of the following:

(a) a culture of any of the different genera defined in the botanical classification of crops;

(b) a culture of any of the species in the case of Brassicaceae, Solanaceae, and Cucurbitaceae;

(c) land lying fallow

(d) grasses or other herbaceous forage

Winter crop and spring crop shall be considered to be distinct crops even if they belong to the same genus."

For instance, as vegetables can potentially be classified under points (a) or (b) of this Article, depending of the botanical family of the vegetable, it should be declared as genera if the family is part of point (a) or as species if the family is part of point (b).

As a general principle, for each agricultural parcel, only the crop present in the field during the major part of the "crop diversification period" (defined by MS according to Art. 40(1) of Regulation (EU) No 639/2014) should be declared by beneficiaries in the single application².

Following recital 40 of Regulation (EU) No 639/2014 the "crop diversification period" should be set taking account of the practical timing of crop cultivation activities and the need to allow a simple administration. Moreover, as stated in Article 40 of the same Regulation, the "crop diversification period" shall be the most relevant part of the cultivation period taking account of the traditional cultivation practices in the national context.

Therefore the "crop diversification period" should be based mainly on late spring - summer, as this is the period where the most cultivated crops in Europe are traditionally present. In addition, the length of the period should be limited in order to allow an effective control of the shares. Thus a period of maximum 3 months is recommended³.

² The administrative controls of the applications should include a plausibility check, based on the declaration of those crops, whether the beneficiaries are exempted, whether they fulfil the relevant shares for crop diversification or whether they comply with the CD via an equivalent measure.

³ It is reminded that as a general principle, the OTSC should be performed in the appropriate period in order to sufficiently target the risks related to the obligation (see OTSC guidance for claim year 2015 DSCG/2014/32-FINAL).

Where relevant for EFA and/or specific schemes (e.g. VCS) or support measures, beneficiaries might also be required to declare specifically for those purposes the crop following (or where relevant, preceding) the crop present during the major part of the "crop diversification period".

Certain areas declared as EFA can be counted for the purpose of crop diversification following the table below (other EFAs are to be dealt with under Art. 40(2) of Regulation (EU) No 639/2014 in the context of crop diversification whilst some others are not to be considered for crop diversification):

Type of EFA (not exhaustive)	Uses that can be declared in the aid application	Crop diversification classification (Art. 44(4) of R.1307/2013)
Land laying fallow	Land laying fallow	(c)
Field Margin ⁴	Use on the parcel which the "field margin" is the margin of ⁵	(a), (b), (c) or (d)
Ineligible (for BPS/SAPS) Field Margin	"Other uses" (see Art. 17(9) of R.809/2014)	The area does not count for crop diversification
Buffer Strips ⁴	Use on the parcel which the buffer strip is making a buffer with ⁶	(a), (b), (c) or (d)
Buffer strips of permanent grassland	Permanent grassland	The area does not count for fulfilling the shares of crop diversification
Ineligible (for BPS/SAPS) buffer strips	"Other uses" (see Art. 17(9) of R.809/2014)	The area does not count for crop diversification
Hectares of agro-forestry	Use on the parcel	If arable land: (a), (b), (c) or (d) If permanent

⁴ In the context of EFA, it is expected that a visual distinction exists in cover between the field margin and the parcel to which the field margin is part of / adjacent to in order for the field margin to qualify as EFA. The same applies to buffer strip and strips along forest edges without production.

⁵ Use on the field margin could also be declared by the beneficiary, i.e. land laying fallow (44(4)(c) of R.1307/2013) if the MS opted for such an approach. Administrative burden (declaration, delineation and control of additional uses) should be considered when making such a choice.

⁶ Use on the buffer strip could also be declared by the beneficiary, i.e. land laying fallow (44(4)(c) of R.1307/2013) if the MS opted for such an approach. Administrative burden (declaration, delineation and control of additional uses) should be considered when making such a choice.

		grassland or permanent crops: the area does not count for crop diversification
Strips of eligible ha along forest edges WITH PRODUCTION	Use on the strip	(a), (b) or (d)
	WITHOUT PRODUCTION ⁴ Use on the parcel which the strip is part of ⁷	(a), (b), (c) or (d)
Areas with short rotation coppice	Short rotation coppice	The area does not count for crop diversification
Afforested areas as referred to in Article 32(2)(b)(ii) of R.1307/2013	Afforested areas	The area does not count for crop diversification
Areas with nitrogen fixing crops	The type of the nitrogen fixing crop	(a) or (d) ⁸

Attention is drawn to the provision on landscapes features as referred to in Art. 40(2) of Regulation (EU) No 639/2014 when declaring the area to be taken into account for the calculation of the share (see section 2.4.4.3 of OTSC guidelines DSCG/2014/32: *"For that purpose, farmers have the flexibility to choose to include the bordering landscape features between two crops in one or the other crop area or to distribute it between the 2 with a "logical" approach (e.g. if a pond is located partly on a crop area and partly on another crop area, its area should be distributed to each crop for the proportion which is on each type of crop)"*).

⁷ Use on the strip of eligible ha along forest edges without production could also be declared by the beneficiary, i.e. land laying fallow (44(4)(c) of R.1307/2013) if the MS opted for such an approach. Administrative burden (declaration, delineation and control of additional uses) should be considered when making such a choice.

⁸ Some NFC e.g. alfa alfa or clover could count either as a crop pursuant to letter (a) of Art. 44(4) of Regulation No 1307/2013 or as grass and other herbaceous forage pursuant to letter (d) of the same Article. MS authorities should thus take this into account when verifying the shares for the fulfilment of crop diversification requirements and check whether the requirements are met with the one or the other category. Based on the recent Commission interpretation on the classification of pure leguminous as crops, pure alfalfa and clover should be classified as a crop pursuant to letter (a) of Article 44(4) of Regulation (EU) 1307/2013 and not as grass pursuant to letter (d) of the same Article. Where for the 2015 claim year farmers, acting in good faith, considered pure leguminous crop such as alfalfa as "grasses" further to letter (d) of Article 44(4) of the above mentioned Regulation in respect of fulfilling the crop diversification requirement, those farmers, exceptionally in the claim year 2015, should not face negative consequences.

Finally, the level of details of the uses on the agricultural parcels to be declared in the aid applications also depends on the eligibility criteria defined by MS for the area-related VCS.

4.4. Declaration of individual Ecological Focus Areas

Pre-established information:

Claim year 2015 is the first year when EFAs must be declared. It is recommended to pre-establish as much as possible potential (stable) EFAs on the map in order to help the beneficiaries with their declaration and thus avoid errors.

As from 2016 the EFAs declared/determined in the previous year shall be pre-established (stable and non stable). It is recommended to show also the information and boundaries of the EFAs declared/determined which were the previous year declared by other beneficiaries in the surrounding agricultural parcels. However, the EFAs determined the previous year for the beneficiary in question should be distinguishable from the EFAs declared by other beneficiaries.

Action of the beneficiary:

Beneficiaries shall indicate the location (in or, where applicable adjacent to, the agricultural parcels of arable land), size and type of the EFAs to be declared for the fulfilment of the EFA requirement. The same applies to equivalent practices with EFAs which are listed under Annex IX of Regulation (EU) No 1307/2013.

In case the EFAs concerned are treated with conversion factors the beneficiary should clearly indicate on the map the location (by drawing a line, a dot, an arrow or a cross) and alphanumerically add the relevant information in particular for linear EFAs the length.

Where the conversion factors are not applicable, the EFAs should be declared following the same principles as agricultural parcels (boundaries + areas). It is expected that areas - the ones that are eligible for BPS/SAPS - declared by a beneficiary as qualifying for EFAs are also declared by the same beneficiary for the purpose of BPS/SAPS. In other words, a hedge part of a field which is declared as eligible under BPS/SAPS by a beneficiary cannot be declared by another beneficiary for the purpose of greening (EFA).

As only EFAs declared for the purpose of the fulfilment of the "5% EFA" should be taken into account for the determination of the requirement (see OTSC guidelines, DSCG/2014/32), it should be recommended to the beneficiaries where possible, to declare more EFAs than what is strictly required. This is however without prejudice of the possibility to compensate over-declared and under-declared/non declared EFAs referred to in section 2.4.4.5. of the OTSC guidelines, DSCG/2014/32.

5. GEO-SPATIAL AID-APPLICATION (GSAA)

As regards area-related aid schemes and/or payment claims for area-related support measures, the pre-established form should be provided to the beneficiary in an electronic format and the corresponding map through a software application based on a geographic information system (GIS). The purpose of this GSAA is to prevent errors made by the beneficiary when declaring their agricultural parcels as well as to render administrative cross-checks more efficient.

The GSAA should contain all relevant information available described in section 4 and should provide for as much as possible "guiding alerts" to the beneficiary. Therefore it should, among others, include automated controls and cross-checks, in order to signal to the beneficiary before the definitive submission of the application, possible over-declarations of the areas and/or to inform the beneficiary that based on the information indicated so far he/she does not comply with the eligibility conditions. The objective is to increase the awareness of the beneficiary of the conditions of eligibility and the consequences of the declaration s/he has the intention to submit and convey him/her to adapt his declaration before submitting it definitively. However, in all cases the beneficiary remains responsible for his/her application.

Only for beneficiaries who are not in the position to submit the aid applications via the GSAA system, the competent authority shall provide the beneficiary in accordance with Art. 14 of Regulation (EU) No 809/2014 either with:

- the required technical assistance; or
- the pre-established forms and the corresponding map on paper. In this case, the information received on paper should be transcribed into the geo-spatial aid application form by the competent authority.

5.1. Transitional period

In accordance with Article 17(2) of Regulation (EU) No 809/2014 a phasing-in period until 2018 is foreseen to introduce the GSAA. However, Member States may already introduce a GSAA in 2015 or may already have done so.

The number of beneficiaries to be taken into account for the minimum requirement for the transitional period referred to in Article 17(2) of Regulation (EU) No 809/2014 can include the beneficiaries who fall under paragraph 3 of that Article as long as their application is correctly transposed in the GSAA system by the competent authority, meaning that there is no difference in treatment of such aid applications compared to the ones submitted via the GSAA.

5.2. Spatial declaration of agricultural parcels

The spatial declaration of agricultural parcels should follow the following order:

1. Localise the agricultural parcel on the map:

Indicate on the map the location of the agricultural parcels, either by:

- confirming a pre-established existing agricultural parcel, or;
- changing/correcting the boundaries of the pre-established agricultural parcel, or;
- drawing a complete new agricultural parcel.

It is recommended to use available GIS-tools in such a way that the beneficiary has to draw as few new boundaries as possible. For instance where two pre-established adjacent agricultural parcels need to be declared as one big new agricultural parcel, it should not be necessary to draw new boundaries at all. Another example is where a pre-established agricultural parcel needs to be split into two separate agricultural parcels, only the new boundary between the two agricultural parcels should have to be drawn.

The GSAA system should then calculate the area based on the surface covered by the polygon of the agricultural parcel and display it alphanumerically to the beneficiary ("calculated area").

2. Declare the area:

Based on this "calculated area" the beneficiary should either:

- a) Confirm this calculated area as his/her declared area, or;
- b) Redo step 1 or;
- c) Change the calculated area alphanumerically into the area s/he intends to declare. If the difference between the calculated area and the changed area goes beyond a certain margin, the GSAA system should guide the beneficiary to redo step 1 (draw the new -or change pre-established-boundaries on the map).

As regards the margin, it is recommended to use the single buffer tolerance value. Moreover, Member States may decide not to use the possibility to change alphanumerically the calculated area (under c) at all.

The "calculated area" by the GSAA confirmed by the beneficiary (a) or the area changed within the margin by the beneficiary (c) should be considered as the declared area. This should be clearly indicated by the GSAA meaning that there is no misunderstanding about the declared area.

3. Adding additional information:

The beneficiary should have the possibility to indicate all possible uses, e.g. different crops. The crops of the agricultural parcels should be indicated by

adding that information for each agricultural parcel. In case where different crops, relevant for the different aid schemes, follow each other on the same area (for instance vegetables, or catch crops qualifying for EFA), they should be indicated as well.

All other relevant information should be indicated per agricultural parcel.

Declaration of EFAs as polygons should be performed in a similar way. As regards EFAs where conversion factors apply, the "calculated area" should be calculated by multiplying the conversion factor by the declared length for linear EFAs or in the case of an isolated tree simply be 20 m².

5.3. Automated controls during the submission of an application

The GSAA makes it possible to check a number of conditions during the submission of the application. For example:

- Declaration out of the reference parcel (the requirement referred to in section 4.1 to indicate whether the reference parcel is not correct):

The (spatial) declaration of an agricultural parcel outside the reference parcel should normally not be possible and therefore trigger an alert by the system to the beneficiary. In case s/he wants to bypass, the system should require the beneficiary to indicate the reason why the reference parcel is incorrect or incomplete. The GSAA system should store all such indications of incorrect reference parcels. Based on such indications and taking into account the reasons given by the beneficiary, the need of an update of the reference parcels should be assessed by the competent authority.

- Overlap of areas:

In case of conditions where several beneficiaries are involved (for instance a possible over declaration of the MEA of a reference parcel by several beneficiaries) the GSAA system should inform all the beneficiaries concerned. The provision provided for in Article 29(3) of Regulation (EU) 809/2014 may be taken into account. All the beneficiaries should then be made aware of this possible error and should get the possibility to adapt the application within the regulatory deadlines. When the GSAA has already been submitted definitively, the beneficiary could still amend, under certain conditions, the application without any reduction until the last day of amendments to the single application or payment claim (see Article 15 of Regulation (EU) No 809/2014).

- EFA:

The GSAA system should calculate based on the declared information if the "5% EFA" has been reached.

- Calculation of exemption or shares for greening:

The GSAA system should provide for information to the beneficiaries whether he fulfils the greening requirements based on his/her declaration or whether s/he is exempted. In general where a beneficiary based on his/her declaration seems to be exempted (for instance below 10 hectares of arable land) the check should be done whether the beneficiary has declared alphanumerically less arable land than calculated based on his/her calculated areas of the polygons involved.