

Good Agricultural and Environmental Conditions, Detailed Procedure for the Fulfillment of the Commitment to Maintain Permanent Pasture, Bases and Procedure for the Transfer of the Commitment to Maintain Permanent Pasture and Detailed Procedure for the Application of the Measures Necessary for the Maintenance of Permanent Pasture

Passed 09.03.2009 No 33

This Regulation is established on the basis of Section 12 (5) and Section 45⁴ (2) of the European Union Common Agricultural Policy Implementation Act, Article 6 of Commission Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ No L 30, 31.01.2009, p. 16-99) and in compliance with Article 50a with Commission Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ No L 277, 21.12.2005, p. 1-40).

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application

This Regulation establishes good agriculture and environmental conditions being the requirements for cross-compliance, specific procedure for the obligation of permanent pasture area preservation, bases and procedure for the transfer of obligation for pasture area maintenance and a specific procedure for the implementation of measures necessary for the maintenance of permanent pasture.

Chapter 2 GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITIONS

§ 2. Soil protection against erosion

(1) At least 30% of agricultural land held by an applicant located in Haanja, Otepää, Valgjärve, Vastseliina and Misso rural municipality should be under winter plant cover. Agricultural crops and stubble on agricultural land from 1 November until 31 March are considered as winter plant cover.

(2) On areas of over 10% slope, adequate agrotechnical methods, such as cultivation of land across the slope, establishment of permanent grassland, cultivation of grasses, usage of organic fertilizers under § 26¹ of the Water Act, minimized soil preparation, establishment of protection strips on hillsides or on the shores of water bodies or other soil erosion preventing activities should be used to prevent erosion.

§ 3. Preservation of soil organic matter

(1) It is not allowed to burn dead grass, hay and straw on agricultural land.

(2)) At the latest by 15 June of the year of applying, the applicant shall prepare a successive cropping or crop rotation plan, which should be available for on-the-spot checks within five years after preparation. The plan should include at least the successive cropping data indicated in Annex I or the crop rotation model plan data indicated in Annex II.

(3) The successive cropping or crop rotation plan specified in Subsection (2) is not obligatory in case of agricultural land used for permanent grassland, fruit crops and berries or medicinal plants or herbs or in case of a field smaller than 0,3 ha.

§ 4. Preservation of soil structure

Land cultivation operations on agricultural land are based on soil resistance to cultivation. A field must be cultivated during the period when the machinery used will not leave traces deeper than cultivation depth. Ruts deeper than 30 cm are not allowed on agricultural land.

§ 5. Minimal level of maintenance works on agricultural land

(1) Activities carried out on agricultural land are entered to the field book pursuant to Section 26¹ (7) of the Water Act.

(2) The grasslands established before the year of applying must be mowed or grazed at least once before 31 July. By 31 July, the mown grass must be gathered up or chopped. On grassland used as a pasture, the stocking rate has to ensure the result similar to mowing. In case of an insufficient result, grassland will be mown once more. It should be possible to establish the performance of the above mentioned activities visually on the whole area indicated in application.

(3) In case of a grassland used as cover crop and up to two years old, those requirements provided by Subsection (2) will not be applied to the cultivation of hayseed and grasses as energy crops in the year of ploughing in.

(4) The requirement provided by Subsection (2) has to be fulfilled by 20 of August, the latest in case of natural object placed under protection pursuant to Sections 10 and 11 or the Nature Conservation Act.

(5) In case the grass mown will not be gathered up by 31 July, chopping is allowed from 1 July.

(6) Agricultural land is under agricultural crops sown or planted by 15 June, using the agrotechnical measures in compliance with local standards and avoiding weed invasion, or it is kept under black fallow from 15 June.

(7) Wild oat control measures provided by Chapter 6 of the Rural Development and Agricultural Market Regulation Act have to be followed on agricultural land.

(8) Agricultural land for which no support is applied should be maintained, with agrotechnical methods excluding wide spread of undesirable vegetation and enabling the use of the land concerned for agricultural activities without any additional costs during the next vegetation period.

(9) Permanent pasture in Saare, Hiiu, Lääne or Pärnu county, where trees and junipers are grown and which comply with the requirements provided by Article 30 of Commission Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ No L 141, 30.04.2004, p. 18-58), are in good agricultural condition.

Chapter 3

PERMANENT PASTURE AREA MAINTENANCE, TRANSFER OF COMMITMENT, CHANGE OF APPLICATION AND IMPLEMENTATION OF MEASURES NECESSARY FOR THE MAINTENANCE OF PERMANENT PASTURE

§ 6. Preservation of permanent grassland

(1) Permanent pasture is pasture specified in Article 2 (2) of Commission Regulation (EC) No 796/2004.

(2) Applicant preserves the area of permanent pasture marked in the application for area based aid of the previous calendar year to the year of applicant submission.

(3) Field, which is located on such an agricultural parcel entered to the registry, where no field located on the parcel has been subject to area based aid application since 2004 and which was used as permanent pasture in 2003, is regarded as permanent pasture.

§ 7. Transfer of permanent grassland obligation

When the land use and permanent pasture preservation commitment are transferred to another agricultural producer, the receiver preserves the area of permanent pasture in the extent prescribed in the application. When the permanent pasture preservation commitment is transferred to another agricultural producer, the transferor and receiver both fill out an application on the delivery and receipt of permanent pasture commitment specified in Annex 2 of the Government of the Republic Regulation No 162 from 30 April 2004 on Statutes of the Registry of Agricultural Support and Agricultural Parcels. The transferor shall send a copy of the application to the Agricultural Registers and Information Board (ARIB) within 15 days.

§ 8. Converting the permanent pasture and implementing measures necessary for the maintenance of permanent pasture

(1) If the ratio of permanent pastures of all applicants has decreased more than 5% in comparison with the area of agricultural land held by the applicants and marked in the application for area related aid in 2005, agricultural producers will be informed by ARIB, the latest by 31 December that, in order to decrease or convert permanent pasture during the next calendar year, a permanent pasture application pursuant Article 4 (1) of Commission Regulation (EC) No 796/2004 has to be submitted to ARIB by 1 February.

(2) ARIB reviews the application on the decrease or conversion of permanent pasture specified in Subsection (1) and decides on its satisfaction by 1 April. The application is satisfied, on the basis of the principle of equal treatment of applicants and the commitment to preserve a necessary area of permanent pasture on national level.

(3) If the ratio of permanent pastures of all applicants has decreased more than 5% in comparison with the area of agricultural land held by the applicants and marked in the application for area related aid in 2005, agricultural producer shall reestablish permanent pasture pursuant to Article 4 (2) of Commission Regulation (EC) No 796/2004 and on a scale designated by ARIB.

(4) ARIB shall notify the agricultural producer on the commitment specified in Subsection (3) by 1 April of the calendar year succeeding the year of area related aid application submission. The commitment of establishing permanent pasture in hectares is designated to the individual producers based on permanent pasture hectares, which intended usage has been changed since the beginning of a 24 month time period preceding the date of area related aid application submission, on the basis of the principle of equal treatment of applicants and the commitment to preserve a necessary area of permanent pasture on national level.

Chapter 4 IMPLEMENTING PROVISIONS

§ 9. Implementing provision

Chapters 2 and 3 of the Regulation of the Minister of Agriculture No 30 of 10 April 2008 on the Requirements for Obtaining Single Area Payment and Complementary National Direct Payment for Arable Crops and Hayseed, Procedure for Application for Payment and Processing of Applications (RTL 2008, 31, 453) are repealed.

**Minister Helir-Valdor SEEDER Secretary
General Ants NOOT**

Annex I to the Minister of Agriculture Regulation No 33 from 9 March 2009 «Good agricultural and environmental conditions, detailed procedure for the fulfillment of the commitment to maintain permanent pasture, bases and procedure for the transfer of the commitment to maintain permanent pasture and detailed procedure for the application of the measures necessary for the maintenance of permanent pasture.»

SUCCESSIVE CROPPING PLAN

Name of the enterprise:
First and last name of the producer:

No	Number of agricultural parcel												Field number	Field area (ha)	1. year arable crop	2. year arable crop	3. year arable crop	4. year arable crop	5. year arable crop
1.																			
2.																			
3.																			
4.																			
5.																			
6.																			
7.																			
8.																			
9.																			
10.																			
11.																			
12.																			

Secretary General Ants NOOT

Annex II to the Minister of Agriculture Regulation No 33 from 9 March 2009 «Good agricultural and environmental conditions, detailed procedure for the fulfillment of the commitment to maintain permanent pasture, bases and procedure for the transfer of the commitment to maintain permanent pasture and detailed procedure for the application of the measures necessary for the maintenance of permanent pasture.»

CROP ROTATION PLAN

Name of the enterprise:

First and last name of the producer:

1. Crop rotation

I	
II	
III	
IV	
V	
VI	
(VII)	
(VIII)	

I	
II	
III	
IV	
V	
VI	
(VII)	
(VIII)	

2. Crop rotation I

Field number	Area, ha	Arable crops					
		Preculture	20.....	20.....	20.....	20.....	20.....

3. Crop rotation II

Field number	Area, ha	Arable crops					
		Preculture	20.....	20.....	20.....	20.....	20.....

4. Grassland surface improvement or renewal plan (grasslands, where crop rotation is not implemented)

Field number*	Area, ha	Year and month of the planned renewal of land surface improvement

Field number*	Area, ha	Year and month of the planned renewal of land surface improvement

1. crop rotation is an overview on the timely and allocative rotation of crops during a crop rotation period
2. and 3. – rotation of crops on fields in the crop rotation plan by years, area at least 0,1 ha preciseness
4. – grasslands, which are planned to be renewed or, which land surface improved

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