URADNI LIST

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311. Regulation on direct payments under the CAP Strategic Plan 2023-2027, page 995.

Based on Articles 10 and 11a of the Agriculture Act (Official Gazette of the Republic of Slovenia, Nos. 45/08, 57/12, 90/12 – ZdZPVHVVR, 26/14, 32/15, 27/17, 22/18, 86/21 – Supreme Court decision, 123/21, 44/22 and 130/22 – ZPOmK-2), the Government of the Republic of Slovenia hereby issues

REGULATION

on direct payments under the Common Agricultural Policy Strategic Plan 2023-2027

I. GENERAL PROVISIONS

Article 1

(content of the regulation)

This Regulation establishes direct payments, namely the basic income support for sustainability, the complementary redistributive income support for sustainability, the complementary income support for young farmers, the scheme for climate and the environment and animal welfare and the coupled income support from the CAP Strategic Plan 2023-2027 approved by Commission

Implementing Decision No. C(2022) 7574 of 28. 10. 2022 approving the CAP Strategic Plan 2023-2027 for Slovenia for Union support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development (hereinafter referred to as the CAP Strategic Plan 2023-2027) for the implementation of:

1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 1301/2013 966/2012 (OJ L 193, 30.7.2018, p. 1), as last amended by Regulation (EU, Euratom) 2022/2434 of the European Parliament and of the Council of 6 December 2022 amending Regulation (EU, Euratom) 2018/1046 as regards the establishment of a diversified funding strategy for the general borrowing method (OJ L 319, 13.12.2022, p. 1), (hereinafter referred to as: Regulation 2018/1046/EU);

2. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 laying down rules on support for strategic plans drawn up by Member States under the common agricultural policy (CAP Strategic Plans) financed by the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1), as last amended by Commission Delegated Regulation (EU) 2022/648 of 15 February 2022 amending Annex XI to Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the amount of Union support for types of interventions for rural development in the financial year 2023 (OJ L 119, 21.4.2022, p. 1), (hereinafter: Regulation 2021/2115/EU);

3. Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 1), as last amended by Commission Delegated Regulation (EU) 2022/1408 of 16 June 2022 amending Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the payment of advances for certain measures and support measures provided for in Regulations (EU) 2021/2115 and (EU) No 1308/2013 of the European Parliament and of the Council (OJ L 216 of 19.8.2022, p. 1), (hereinafter referred to as: Regulation 2021/2116/EU);

4. Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and the electronic system for the secure exchange of information (OJ L 458, 22.12.2021, p. 463; hereinafter: Implementing Regulation 2021/2289/EU);

5. Commission Implementing Regulation (EU) 2021/2290 of 21 December 2021 laying down rules on the methods for calculating the common output and result indicators referred to in Annex I to Regulation (EU) 2021/2115 of the European Parliament and of the Council laying down rules on support for strategic plans drawn up by Member States under the common agricultural policy (CAP Strategic Plans) financed by the European Agricultural Guarantee Fund (EAGF) and the European

Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 458, 22.12.2021, p. 486; hereinafter: Implementing Regulation 2021/2290/EU);

6. Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of interventions to be established by Member States in their CAP Strategic Plans for the period 2023-2027 pursuant to that Regulation and rules on the share for the good agricultural and environmental condition (GAEC) standard 1 (OJ L 20, 31.1.2022, p. 52; hereinafter: Delegated Regulation 2022/126/EU);

7. Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system of the common agricultural policy and the application and calculation of administrative penalties relating to cross-compliance (OJ L 183, 8.7.2022, p. 12; hereinafter: Delegated Regulation 2022/1172/EU);

8. Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the integrated administration and control system under the common agricultural policy (OJ L 183, 8.7.2022, p. 23; hereinafter: Implementing Regulation 2022/1173/EU).

Article 2

(meaning of terms)

The terms used in this Regulation have the following meanings:

1. for areas:

a) mountain area is a mountain area as defined by the regulations governing the classification of agricultural holdings in areas with limited opportunities for agricultural activity,

b) an area with limited factors is an area with limited factors as defined by the rules governing the classification of agricultural holdings in areas with limited opportunities for agricultural activity;

2. the agricultural activity is in accordance with the second paragraph of Article 4 of Regulation 2021/2115/EU:

a) production, raising or growing of agricultural products, including harvesting, milking, grazing, animal breeding and animal husbandry, or

b) maintaining the agricultural area in a condition suitable for grazing or cultivation, without preparatory measures going beyond the use of normal agricultural methods and machinery, namely:

– any agrotechnical measure that prevents weed seeding; agrotechnical measures include at least shallow tillage or mowing of arable land before the plants seed in the case of arable land,

– mowing at least once a year by 15 October of the current year and pruning of perennial plants in a way that preserves their production potential in the case of permanent plantations,

– mowing at least once a year by 15 October of the current year, in the case of permanent grassland, or at least once by 15 October of the following year, in the case of permanent grassland, important for the conservation of qualifying grassland habitat types and qualifying species of Natura 2000 areas and the conservation of grasslands that are species-diverse and diverse, which is considered permanent grassland for which, in accordance with the regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan of the Common Agricultural Policy 2023-2027, the intervention "Agri-environment-climate payments Biodiversity and landscape" is applied in the current year within the framework of the operations "Special grassland habitats", "Butterfly grassland habitats", "Beds", "Wet grassland habitats", "Conservation of wetlands and fens", "Dry karst grasslands and pastures", "Bird habitats of wet extensive grasslands" and "Conservation of dry grasslands" and the intervention "Natura 2000 payments" and the intervention "Testing nature conservation measures in protected areas" and wetlands and peatlands, specified in the standard DKOP 2 of the regulation governing conditionality;

3. agricultural area in accordance with the third paragraph of Article 4 of Regulation 2021/2115/EU means an area used as arable land, permanent grassland or permanent cropland, including agroforestry systems on areas. Agroforestry systems on areas mean agricultural area on which up to 50 individual wild forest trees or shrubs grow per hectare or an area with more than 50 individual wild forest trees or shrubs per hectare, which is recorded in the records of actual use of agricultural and forest land as 1800 - agricultural area overgrown with forest trees;

4. arable land referred to in the previous point means agricultural area cultivated for the purpose of producing agricultural crops, or areas available for producing agricultural crops but uncultivated, including areas under fallow, in accordance with Articles 31 and 70 of Regulation 2021/2115/EU or standard DGOP 8 in Annex III to Regulation 2021/2115/EU, regardless of whether it is land under greenhouses or with fixed or movable protection. If the production is carried out without hindrance, up to 50 trees per hectare may be included in the eligible area, which may be individual or in a row within the cultivated parcels or on the boundaries between parcels, such as hedges and tree avenues. Arable land is registered in the Register of Agricultural Holdings (hereinafter: RKG) as GERK with the following types of use: 1100 - field, 1131 - temporary meadow, 1150 - field for snail farming, 1161 - hop field in transition, 1170 - strawberries in the field, 1190 - greenhouse, 1192 - greenhouse with fruit plants, only when intended for strawberry production, 1610 - agricultural land in preparation;

5. permanent plantation referred to in point 3 of this Article means an agricultural area with a plantation of plants that are not included in a crop rotation and are not permanent grassland, which has been on the same land for at least five years and produces multiple crops, including nurseries and fast-growing stumps, if within the area of orchards there are up to and including 50 individual self-sown forest trees per hectare, which may be individual or in a row within cultivated plots or on the borders between plots, such as hedges and tree avenues. Intensive orchards are not considered an agroforestry system. The permanent plantation is registered in the RKG as GERK with the

following types of use: 1160 - hop field, 1180 - permanent plants on arable land, 1192 - greenhouse with fruit plants, except for the production of strawberries, 1211 - vineyard, 1212 - lemon grove, 1221 - intensive orchard, 1222 - extensive orchard, if it does not meet the condition from point b) of the third paragraph of Article 22 of the Rules on the Register of Agricultural Holdings (Official Gazette of the Republic of Slovenia, No. 7/23), 1230 - olive grove, 1240 - other permanent plantations, except those on which there are fast-growing stumps that do not meet the conditions from the second indent of this point. In this case, as:

– nurseries, excluding forest tree plantations, take into account the following areas of young woody (woody) plants in the open air that are grown for transplanting: reed beds and nurseries, fruit and berry nurseries, ornamental tree nurseries, forest nurseries, excluding forest nurseries in the forest for the farm's own needs, and seedlings of trees and shrubs for planting in gardens, parks, along roads and on riverbanks (for example hedges, roses and other ornamental shrubs, ornamental conifers), always including their rootstocks and seedlings,

– fast-growing stumpage is considered to be willow (Salix spp.) and poplar (Populus spp.), for which the longest rotation period is five years and the minimum density is 3,333 trees per hectare of agricultural land;

6. Permanent grassland referred to in point 3 of this Article means agricultural land used for growing grasses or other green forage plants naturally (self-sown) or by sowing (sown) and which has not been included in the crop rotation of the agricultural holding for at least five years. Other species, such as shrubs or trees, which can be used for grazing, may also be present on it, provided that grasses and other green forage plants continue to dominate. If production is carried out without hindrance, up to 50 individual forest trees per hectare or the same number of trees with a canopy cover of less than 75% may be included in the eligible area, excluding fruit trees. The area covered with grassland on which individual forest trees grow shall be grazed or mowed regularly, at least once a year, in accordance with the definition for maintenance. Permanent grassland also includes permanent grassland with scattered ineligible elements, such as shrubs or trees that are not landscape features for the purpose of conditionality or that represent forest trees above the permitted 50 forest trees, and rocks, stones, taking into account that grasses and other green forage plants continue to dominate. The area is determined using a proportional system of reducing ineligible elements by 0–50% in proportion to the share of these elements in the eligible area. Permanent grassland is registered in the RKG as GERK with the following types of use: 1222 – extensive orchard, if it meets the condition from point b) of the third paragraph of Article 22 of the Rules on the Register of Agricultural Holdings (Official Gazette of the Republic of Slovenia, No. 7/23), 1300 – permanent meadow, 1320 – grassland with scattered ineligible features. In this case:

– the grasses or other green forage plants referred to in the previous paragraph of this point are, in accordance with the second subparagraph of point c) of the third paragraph of Article 4 of Regulation 2021/2115/EU, grasses, unless they are intended for the production of seeds, grass-clover mixtures and clover-grass mixtures and other green forage plants which traditionally grow on natural pastures or are usually contained in seed mixtures for pastures or meadows, regardless of whether they are used for grazing or not,

– for the purpose of monitoring the crop rotation referred to in this point and point 5 of this article, the main crop and the crop present after the main crop in the current year shall be taken into account;

7. eligible hectare:

a) eligible hectare in accordance with point 4(a) of Article 4 of Regulation 2021/2115/EU is any agricultural area of the holding which is used for agricultural activities or which, where the area is also used for non-agricultural activities of the holder of the agricultural holding, is used for a non-agricultural activity during the growing season for a period not exceeding 30 days in the current year, or the agricultural area of the holding which is also used for non-agricultural activities despite being used for more than 30 days may be considered eligible if the holder of the agricultural holding demonstrates that the agricultural activities can be carried out without being significantly hampered by the intensity, nature, duration and timing of the non-agricultural activities. This occasional non-agricultural use must be limited in time and must not cause the destruction of the vegetation cover, except in the case where the destruction of the vegetation cover is the result of the preparation of the land for the improvement of the agricultural activity, or jeopardise compliance with good agricultural and environmental conditions on the agricultural area. Agricultural use is permitted every other year, as specified in the third indent of point 2 under b) of this article,

b) eligible hectare shall also include landscape features on all types of agricultural land, except permanent grassland with scattered ineligible features, which shall not exceed 100 m2 or be 2 m wide. In the case of basic income support for sustainability, complementary redistributive income support for sustainability and complementary income support for young farmers, any area of the holding which has landscape features subject to a maintenance obligation under standard DGOP 8 of the Regulation governing cross-compliance and any area of the holding which is used to achieve the minimum share of arable land set aside for non-productive areas and features, including uncultivated land, under standard DGOP 8 of the Regulation governing cross-compliance shall also be considered eligible hectare, in accordance with point 4(b) of Article 4 of Regulation 2021/2115/EU,

c) the area on which hemp is grown shall be considered as an eligible hectare in accordance with point 4(c) of Article 4 of Regulation 2021/2115/EU only if the tetrahydrocannabinol content of the hemp varieties used does not exceed 0.3%. Furthermore, the area on which hemp or poppy seeds are processed shall be considered as an eligible hectare if the holder of the agricultural holding has obtained a permit for the cultivation of hemp or a permit for the cultivation of poppy seeds in accordance with the regulation governing the conditions for obtaining a permit for the cultivation of hemp or poppy seeds,

d) areas are considered eligible hectares if they meet the definition of an eligible hectare throughout the calendar year, except in cases of force majeure or exceptional circumstances,

d) the eligible hectare is at the disposal of the holder of the agricultural holding, who is registered in the RKG as the holder of the agricultural holding and has the right to use it in accordance with the law governing agriculture;

8. Climate and environmental schemes (hereinafter referred to as: SEPs) are schemes for the climate, environment and animal welfare referred to in Article 31 of Regulation 2021/2115/EU.

Article 3

(annual national ceiling for direct payments and indicative financial allocation for individual direct payments interventions)

(1) The annual national ceiling set out in Annex IX to Regulation 2021/2115/EU shall be divided into the following indicative annual financial allocations, in accordance with Article 101 of Regulation 2021/2115/EU and the CAP Strategic Plan 2023-2027:

– for basic income support for sustainability before the application of the fifth paragraph of Article 17 of Regulation 2021/2115/EU up to EUR 82,890,238.77;

– in accordance with the first and second paragraphs of Article 98 and the second subparagraph of the first paragraph of Article 29 of Regulation 2021/2115/EU for complementary redistributive income support for sustainability up to EUR 6,576,502.60 or, after application of the fifth paragraph of Article 17 of Regulation 2021/2115/EU, up to EUR 7,774,811.11;

– in accordance with the first paragraph of Article 95 of Regulation 2021/2115/EU for complementary income support for young farmers up to EUR 1,972,950.43;

– in accordance with the first and second paragraphs of Article 97 of Regulation 2021/2115/EU for support for TSOs up to EUR 20,360,852.05;

– in accordance with the first and third paragraphs of Article 96 of Regulation 2021/2115/EU for conditional income support up to EUR 19,729,507.80.

(2) For individual direct payment interventions referred to in the first paragraph of this Article, the funds, except in the case of the use of advances referred to in point (a) of the second paragraph of Article 44 of Regulation 2021/2116/EU, shall be paid from 1 January of the current year to 30 June following the year in which the single application is submitted in accordance with the regulation governing the implementation of agricultural policy interventions for the year in which the single application is submitted. The funds shall be paid in two instalments.

(3) Except for coupled income support, the total amount of funds paid for each direct payment intervention shall differ from the amounts in the first paragraph of this Article when point (a) of the third paragraph of Article 101 of Regulation 2021/2115/EU is applied.

(4) If the total amount for TSO and coupled income support referred to in the first paragraph of this Article is not exceeded, the total amount of funds paid for individual TSO schemes referred to in Article 23 of this Regulation or coupled income support referred to in Article 37 of this Regulation may differ from the total amounts determined for an individual scheme or coupled income support, if point (a) of the third paragraph of Article 101 of Regulation 2021/2115/EU is applied and if the impact in terms of units identified for an individual coupled income support intervention exceeds or falls short of the planned impact from the CAP Strategic Plan 2023-2027.

Article 4

(planned unit amounts for direct payment interventions)

(1) In accordance with the second paragraph of Article 102 of Regulation 2021/2115/EU, a planned unit amount and maximum and minimum planned unit amounts shall be determined for all types of interventions in the form of direct payments.

(2) The realised amount per unit may be lower than the planned amount per unit or the minimum planned amount per unit, where such an amount is set to ensure that the annual financial envelope for direct payments for Slovenia set out in Annex IX to Regulation 2021/2115/EU is respected. The realised amount per unit shall be equal to the maximum planned amount per unit where the realised effects in terms of the units identified do not reach the planned effects.

(3) In the case of TSO intervention, the maximum planned amount per unit shall be calculated in accordance with point (b) of the seventh paragraph of Article 31 of Regulation 2021/2115/EU and shall be equal to the maximum amount calculated in accordance with the model calculation based on additional costs and income foregone due to the assumed obligations, except in the case of schemes referred to in points 8 and 9 of Article 23 of this Regulation, where the maximum planned amount shall be calculated in accordance with point (a) of the seventh paragraph of Article 31 of Regulation 2021/2115/EU.

Article 5

(applicant for direct payments)

(1) The applicant for direct payments is the holder of the agricultural holding.

(2) In accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, the holder of the agricultural holding shall submit a single application with requests for:

1. basic income support for sustainability – ODPT from Article 9 of this Regulation;

2. supplementary redistributive income support for sustainability – DPDPT from Article 11 of this Regulation;

3. supplementary income support for young farmers – MK from Article 13 of this Regulation;

4. support for the extensive grassland scheme – EKST from Article 24 of this Regulation;

5. support for the traditional grassland use scheme – TRT from Article 25 of this Regulation;

6. support for the scheme for fertilizing with organic fertilizers with low emissions into the air – NIZI from Article 26 of this regulation;

7. support for the scheme of additives for the reduction of ammonia and GHG emissions – INHIBIT and KRMDOD from Article 27 of this Regulation;

8. support for the scheme for subsequent crops and under-crops – NPP from Article 28 of this Regulation;

9. support for the scheme for greening arable land over the winter – ZEL from Article 29 of this regulation;

10. support for the conservation tillage scheme – KONZ from Article 30 of this regulation;

11. support for the scheme of patching unsown land for the field skylark – POŠK from Article 31 of this regulation;

12. support for the Priba nest protection scheme – VGP from Article 32 of this regulation;

13. support for the scheme for the use of only organic fertilizers to provide nitrogen in permanent crops – OGNTN from Article 33 of this Regulation;

14. support for the scheme for the preservation of biodiversity in permanent plantations – BIORAZTN from Article 34 of this regulation.

15. coupled income support for small livestock farming, Article 38 of this Regulation;

16. coupled income support for cattle breeding referred to in Article 39 of this Regulation;

17. coupled income support for suckler cows referred to in Article 40 of this Regulation;

18. coupled income support for milk in mountain areas referred to in Article 41 of this Regulation;

19. coupled income support for protein crops referred to in Article 42 of this Regulation.

Article 6

(general conditions for eligibility for direct payments)

(1) Direct payments shall be received by an investor who:

– carries out agricultural activity in accordance with point 2 of Article 2 of this Regulation;

– declare on the single application at least 1 ha of eligible hectares of agricultural holding area in accordance with the first paragraph of Article 18 of Regulation 2021/2115/EU, whereby the minimum established eligible area of the agricultural parcel, as defined in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, is at least 0.1 ha and

– meets the condition of being an active farmer and the conditions from individual direct payment interventions that they claim on the summary application.

(2) Notwithstanding the second indent of the previous paragraph, the holder of the agricultural holding who applies for support for small livestock referred to in Article 38 of this Regulation, support for cattle referred to in Article 39 of this Regulation, support for suckler cows referred to in Article 40 of this Regulation or support for milk in mountain areas referred to in Article 41 of this Regulation and does not meet the condition referred to in the second indent of the previous paragraph shall be entitled, in accordance with the second paragraph of Article 18 of Regulation 2021/2115/EU, to the

total amount of direct payments to be paid to him in a given calendar year before the application of administrative sanctions referred to in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, namely at least EUR 100.

(3) An agricultural holding holder shall be considered an active farmer if his approved amount of direct payments for the previous year, after taking into account sanctions, amounted to less than 5,000 euros.

(4) An agricultural holding holder whose approved amount of direct payments for the previous year amounted to more than EUR 5,000 in direct payments may also be considered an active farmer if he carries out at least a minimum level of agricultural activity, which is proven by one of the following criteria:

– mandatory inclusion in pension, disability and health insurance as a farmer,

– the livestock density on his agricultural holding is at least 0.2 heads of large animals (hereinafter referred to as: LU) per hectare of utilised agricultural land,

– arable land or permanent crops represent more than half of the agricultural area on the agricultural holding,

– the income of the holder of the agricultural holding from agricultural activities represents at least one third of the income of the holder of the agricultural holding from non-agricultural activities,

– owns agricultural machinery or has made a payment for agricultural services,

– demonstrates a significant contribution to environmental protection in the form of the inclusion of the majority of the agricultural holding's area in the interventions agri-environment-climate payments - natural resources, agri-environment-climate payments - biodiversity and landscape and organic farming, biotic plant protection, local variety operations within the intervention local breeds and varieties, and biotic plant protection interventions or Natura 2000 payments from the regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan for the Common Agricultural Policy 2023-2027.

(5) In order to meet the criterion referred to in the first indent of the previous paragraph, the mandatory inclusion of the holder of the agricultural holding in pension, disability and health insurance as a farmer from 1 January to 30 November of the current year shall be taken into account.

(6) In order to meet the criteria referred to in the second indent of the fourth paragraph of this Article, the calculation of the burden shall take into account data on the number of cattle taken by the Agency from the Central Register of Cattle (hereinafter referred to as: CRG) as of 1 February of the current year and on four representatively selected dates determined by the Agency and published on its website, but not earlier than two weeks after their determination. For other farm animals, the Agency shall take into account data on the number of individual species and categories as of 1 February of the current year from the Register of Farm Animals, as set out in the regulations governing the register of farm animal owners (hereinafter referred to as: the register of farm animals). For small animals, additional data on the number of small animals taken by the Agency from the

Central Register of Small Animals (hereinafter referred to as: CRD) as of four representatively selected dates determined by the Agency and published on its website, but not earlier than two weeks after their determination. For fattening pigs and poultry raised in rotations, the calculation of the stocking rate takes into account data on the average number of animals in the rotation and the total number of days of all rotations from the livestock records.

(7) Notwithstanding the previous paragraph, for a mountain pasture or a common pasture, the data on the number of animals of individual species and categories when the animals are grazing shall be taken into account for the fulfilment of the criterion referred to in the second indent of the fourth paragraph of this Article, from the "Record of the movement of animals to pasture on a mountain pasture or common pasture" from the regulation regulating the implementation of agricultural policy interventions for the year of submission of the single application, as of 1 July and in accordance with the data from the CRG and CRD. During the period when the animals are grazing on a mountain pasture or a common pasture on another agricultural holding, for the calculation of the burden for the criterion referred to in the second indent of the fourth paragraph of this Article, it shall be taken into account that these animals reduce the number of animals on the basic agricultural holding referred to in the sixth paragraph of this Article. For the calculation of the burden for other direct payment interventions, it shall be taken into account that these animals do not reduce the number of animals on the basic agricultural holding referred to in the sixth paragraph of this Article.

(8) The burden referred to in the second indent of the fourth paragraph of this Article shall be calculated in the manner specified in Annex 2, which is an integral part of this Regulation. The entire agricultural area of the agricultural holding that meets the conditions referred to in the second indent of the first paragraph of this Article shall be taken into account.

(9) To meet the criterion referred to in the third indent of the fourth paragraph of this Article, the main crop declared by the holder of the agricultural holding on the geospatial form in accordance with the regulation governing the implementation of agricultural policy measures for the year of submission of the single application shall be taken into account.

(10) In order to meet the criterion referred to in the fourth indent of the fourth paragraph of this Article, the profit and loss account from the annual report or audited annual report or issued invoices and other accounting records for determining the total annual revenue and annual revenue from agricultural activity in the last accounting year shall be taken into account. In addition to the evidence referred to in the previous sentence of this paragraph, the holder of the agricultural holding shall also complete the form Total value of revenue from agricultural activity and non-agricultural activity, which is an integral part of this Regulation as Annex 3.

(11) For the purposes of the criterion referred to in the fourth indent of the fourth paragraph of this Article, income from agricultural activities shall be that received by the holder on his agricultural holding from agricultural activity within the meaning of point 2 of Article 2 of this Regulation, including Union support under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) and any national aid granted for agricultural activities. The income of an agricultural holding from the processing of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union (Consolidated version of the Treaty

on the Functioning of the European Union, OJ C 202 of 7 June 2016, p. 47) shall be considered as income from agricultural activities, provided that the processed products remain the property of the holder of the agricultural holding and that the processing results in another agricultural product listed in Annex I to the Treaty on the Functioning of the European Union (Consolidated version of the Treaty on the Functioning of the European Union, OJ C 202 of 7 June 2016, p. 47). All other income shall be treated as income from non-agricultural activities.

(12) In order to meet the criterion on ownership of agricultural machinery from the fifth indent of the fourth paragraph of this Article, it shall be taken into account if the holder of the agricultural holding is the owner of a wheeled tractor for at least 30 days in the period from 1 January to 30 June of the current year and is at the same time entered in the register of registered vehicles, which is kept in accordance with the law governing motor vehicles.

(13) The Agency shall, ex officio, verify compliance with the criteria referred to in the previous paragraph in the following manner:

a) by 15 July of the current year, send a list of agricultural holdings with the connecting symbol EMŠO or, in the case of agricultural holdings of legal entities and sole proprietors, with the connecting symbol registration number to the Ministry of Infrastructure (hereinafter referred to as: MZI);

b) The Ministry of Health shall submit to the Agency, by 1 September of the current year, data from the register of registered vehicles on the ownership of wheeled tractor vehicles and the period of registration of these vehicles.

(14) In order to meet the criterion on payment for agricultural services referred to in the fifth indent of the fourth paragraph of this Article, the invoice of the provider for the agricultural service provided shall be taken into account. The agricultural service must also have been provided on at least 50% of the agricultural areas of the agricultural holding and for this purpose the holder of the agricultural holding must keep data on payment for agricultural services on the form Record of agricultural services provided, which is an integral part of this Regulation as Annex 4.

(15) Invoices issued in the period from 1 January to 15 October of the current year, inclusive, in accordance with the law governing value added tax, shall be considered as the provider's invoice for the service provided from the previous paragraph.

(16) In order to meet the criterion referred to in the sixth indent of the fourth paragraph of this Article, the inclusion of at least 50% of the agricultural holding's area in the listed interventions shall be taken into account. In doing so, the status of applications on the geospatial form on the last day specified for amendments and withdrawals of applications in accordance with the regulation determining the implementation of agricultural policy interventions for the year of submission of the single application shall be taken into account.

(17) The percentage referred to in the previous paragraph may be achieved by summing several interventions listed in the sixth indent of the fourth paragraph of this Article, but not on the same surface.

(18) The Agency shall verify compliance with the criteria referred to in the first, second, third and sixth indents of the fourth paragraph of this Article ex officio.

(19) The holder of an agricultural holding who demonstrates the minimum level of agricultural activity referred to in the fourth indent of the fourth paragraph of this Article or by performing an agricultural service referred to in the fifth indent of the fourth paragraph of this Article shall send evidence of meeting these criteria to the Agency by 31 December of the current year.

Article 7

(amount of direct payments for the previous year for an active farmer)

(1) The amount of direct payments referred to in the third and fourth paragraphs of the previous Article is the approved amount of direct payments to which the holder of the agricultural holding was entitled in accordance with this Regulation and Regulation 2021/2115/EU or, if the previous year referred to in the third and fourth paragraphs of this Article is 2022, to which he was entitled in accordance with the Regulation governing the direct payment schemes for the period 2014-2020 and Regulation 1307/2013/EU, after taking into account administrative sanctions.

(2) In the event that the transfer of the entire agricultural holding was carried out between the previous year referred to in the previous paragraph and the current year in accordance with the law governing agriculture and the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, the approved amount of direct payments for the current holder of the agricultural holding shall be the information on the approved amount of direct payments after taking into account the administrative sanctions of the previous holder of the agricultural holding in the previous year.

(3) If the holder of the agricultural holding has not submitted an application for direct payments in the previous year, his total amount of direct payments referred to in the third and fourth paragraphs of the previous article shall be determined by multiplying the number of administratively verified areas, which in accordance with the second indent of the first paragraph of the previous article have an area of at least 0.1 ha, on the geospatial form on the last day set for amendments and withdrawals of applications in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, by the national average of direct support payments per hectare for the previous year.

(4) The national average direct support payment per hectare referred to in the previous paragraph of this Article shall be determined by dividing the national ceiling set out in Annex IX to Regulation 2021/2115/EU for the previous year or in Annex II to Regulation 1307/2013/EU, if the previous year is 2022, by the total number of all eligible hectares for the previous year, which, in accordance with the second indent of the first paragraph of the previous Article, have an area of at least 0.1 ha.

Article 8

(control system)

(1) The Agency of the Republic of Slovenia for Agricultural Markets and Rural Development (hereinafter referred to as the Agency) shall, in accordance with Article 60 of Regulation 2021/2116/EU and Article 36 of Regulation 2018/1046/EU, establish a control system, the purpose of which is to grant support to beneficiaries who meet the conditions for support under direct payments under this Regulation, to sanction those who violate the rules and to recover amounts unduly granted.

(2) The control system referred to in the previous paragraph shall consist of administrative check procedures, on-the-spot check procedures and other checks which enable the establishment of all facts and circumstances relevant for the decision on direct payments. The Agency shall use the integrated system referred to in Articles 65 and 66 of Regulation 2021/2116/EU to verify compliance with the general and specific conditions for granting support under direct payments and the facts and circumstances relevant for the imposition of administrative sanctions. The Agency shall also establish the factual situation by means of other evidence, in accordance with the provisions of this Regulation.

II. BASIC INCOME SUPPORT FOR SUSTAINABILITY

Article 9

(basic income support for sustainability)

(1) The basic income support for sustainability shall be granted as a single payment each year for each eligible hectare referred to in point 7 of Article 2 of this Regulation, which the holder of the agricultural holding has declared in the single application for the year of submission of the single application and which is entered in the RKG on the date set as the last date for submission of the single application in accordance with the regulation governing the implementation of agricultural policy measures for the year of submission of the single application.

(2) The determined area of eligible hectares of the agricultural holding referred to in the previous paragraph shall be at least 1 ha, whereby the minimum determined eligible area of an agricultural parcel, as defined in accordance with the regulation governing the implementation of agricultural policy measures for the year of submission of the single application, shall be at least 0.1 ha.

(3) The planned unit amount is EUR 184.20 per ha, the minimum planned unit amount is EUR 168.00 per ha and the maximum planned unit amount is EUR 200.00 per ha.

(4) The realised amount per unit shall be calculated each year by multiplying the total number of hectares eligible for income support for sustainability by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial allocation referred to in the first indent of the first paragraph of Article 3 of this Regulation is exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 10

(gradual reduction of payments)

In accordance with the second subparagraph of the second paragraph of Article 17 of Regulation 2021/2115/EU, the holder of an agricultural holding who is approved for basic income support for sustainability for the year of submission of the single application after the application of administrative sanctions under the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application for more than EUR 60,000 shall have this amount reduced in tranches as follows:

– in a tranche of more than 60,000 up to and including 160,000 euros by 35%.

– in a tranche of more than 160,000 to 260,000 euros inclusive by 45%.

– in a tranche of more than 260,000 to 360,000 euros inclusive by 55%.

– in a tranche of more than 360,000 euros for 65%.

III. SUPPLEMENTARY REDISTRIBUTIONAL INCOME SUPPORT FOR SUSTAINABILITY

Article 11

(conditions)

(1) Supplementary redistributive income support for sustainability shall be granted per eligible hectare for the first 8.2 ha of land to agricultural holdings eligible for payment under the basic income support referred to in Article 9 of this Regulation.

(2) In order to achieve the 8.2 ha of areas referred to in the previous paragraph, the established eligible hectares of the agricultural holding holder for income support for sustainability that are not subject to administrative sanctions from the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application shall be taken into account. Eligible hectares that are subject to administrative sanctions shall be taken into account only if the limit of 8.2 ha is not met by hectares without administrative sanctions.

(3) The planned unit amount is EUR 27.38 per ha, the minimum planned unit amount is EUR 21.90 per ha and the maximum planned unit amount is EUR 35.59 per ha.

(4) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the supplementary redistributive income support for sustainability, taking into account the limit referred to in the first paragraph of this Article and the reallocation of funds after the application of the fifth paragraph of Article 17 of Regulation 2021/2115/EU, by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative allocated financial resources referred to in the second indent of the first paragraph of Article 3 of this Regulation are exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

IV. SUPPLEMENTARY INCOME SUPPORT FOR YOUNG FARMERS

Article 12

(definition of a young farmer)

(1) A young farmer, in accordance with the sixth paragraph of Article 4 of Regulation 2021/2115/EU, is a natural or legal person who is the head of an agricultural holding, is not older than 40 years of age and has the necessary knowledge and skills to carry out agricultural activities, which is considered to be at least three years of work experience on an agricultural holding.

(2) The following shall be considered the head of the agricultural holding referred to in the previous point of this Article:

a) in the case of an agricultural holding holder who is a legal person, a partner in a sole proprietorship who is also the manager of that sole proprietorship;

b) in the case of an agricultural holding holder who is a natural person, he is a sole proprietor (sp) registered in accordance with the Companies Act (Official Gazette of the Republic of Slovenia, No. 65/09 - official consolidated text, 33/11, 91/11, 32/12, 57/12, 44/13 - US ruling, 82/13, 55/15, 15/17, 22/19 - ZPosS, 158/20 - ZIntPK-C and 18/21), (hereinafter referred to as: ZGD-1), or a natural person who is the holder of a farm in accordance with the law governing agriculture.

(3) The following shall be considered as work experience on an agricultural holding referred to in the first paragraph of this Article:

1. at least three years of participation in compulsory or voluntary pension, disability and health insurance as a farmer in accordance with Article 17 or the fifth paragraph of Article 25 of the Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia, No. 48/22 – official consolidated text; hereinafter referred to as: ZPIZ-2) and point 7 of the first paragraph in conjunction with the first indent of the fourth paragraph of Article 15 of the Health Care and Health Insurance Act (Official Gazette of the Republic of Slovenia, No. 72/06 – official consolidated text, 114/06 – ZUTPG, 91/07, 76/08, 62/10 – ZUPJS, 87/11, 40/12 – ZUJF, 21/13 – ZUTD-A, 91/13, 99/13 – ZUPJS-C, 99/13 – ZSVarPre-C, 111/13 – ZMEPIZ-1, 95/14 – ZUJF-C, 47/15 – ZZSDT, 61/17 – ZUPŠ, 64/17 – ZZDej-K, 36/19, 189/20 – ZFRO, 51/21, 159/21, 196/21 – ZDOsk, 15/22, 43/22, 100/22 – ZNUZSZS and 141/22 – ZNUNBZ; hereinafter referred to as: ZZVZZ). This is defined by the insurance basis codes 051, 052 or 007, but in the case of 007, together with 064 or 065, and also the listed codes, 051, 052 and 007, in combination with code 072, or

2. membership in an agricultural holding, which is determined based on data in the RKG, or

3. experience in carrying out agricultural activities, which the young farmer demonstrates by:

– a statement by a natural person who, at the time of acquiring the young farmer's experience, was the head of the agricultural holding on which the young farmer acquired this experience. This statement may only be made by a person who has been registered in the RKG as the head of the agricultural holding for at least three years. The form "Declaration of acquired work experience in agricultural activity on an agricultural holding" is an integral part of this regulation as Annex 1;

– notwithstanding the previous indent, in the event of the death of a natural person who was the holder of the agricultural holding during the period of acquiring the young farmer's experience, the declaration may be made by the new holder who becomes such in accordance with the law governing agriculture, if the new holder is not a young farmer, or by the person who was a co-owner of the agricultural holding in question during the period of acquiring the experience, if the co-owner is not a young farmer.

Article 13

(young farmers)

(1) The supplementary income support for young farmers is an annual flat-rate payment per eligible hectare granted to young farmers who are eligible for the income payment for sustainability referred to in Article 9 of this Regulation, in the same number of eligible hectares as for the basic income support for sustainability, and who are not older than 40 years of age in the year of the first submission of the application for the supplementary income support for young farmers and who, in accordance with Article 30 of Regulation 2021/2115/EU, are setting up an agricultural holding for the first time as its holder in the year of the first submission of the application for the supplementary income support for young farmers or have set it up in the five years preceding the first submission of the application for the supplementary income support for young farmers referred to in this Article.

(2) The first establishment of an agricultural holding referred to in the previous paragraph of this Article shall be deemed to be the first entry of a natural person as the holder of the agricultural holding in the RKG, who is the head of the agricultural holding in accordance with the second paragraph of the previous Article of this Regulation, or, in the case of a legal person, the first entry as the sole shareholder and at the same time the manager of a company in the form of a legal person with one shareholder in the court register.

(3) The deed of incorporation as required by the law governing companies shall be considered as appropriate evidence for legal entities referred to in the previous paragraph.

(4) If the agricultural holding is organised in the form of a sole proprietorship or in the form of a natural person, the first registration of a natural person who is a sole proprietorship or a natural person as the holder of the agricultural holding in the RKG shall be considered the first establishment of the agricultural holding referred to in the second paragraph of Article 30 of Regulation 2021/2115/EU.

(5) The Agency shall verify compliance with the conditions referred to in points 1 and 2 of the third paragraph of the previous article on the day of submission of the application for supplementary income support for young farmers.

(6) If, after the verification referred to in the previous paragraph, the holder of the agricultural holding does not meet the conditions referred to in points 1 or 2 of the third paragraph of the previous Article of this Regulation, he must send the Agency a statement referred to in the first indent of point 3 of the third paragraph of the previous Article. In the case of application of the second

indent of point 3 of the third paragraph of the previous Article, proof of co-ownership must be sent in addition to the statement.

(7) The young farmer payment shall be granted to a young farmer for a maximum of five years. This period shall be reduced by the number of years that have elapsed between the year of first establishment referred to in the first paragraph of this Article and the first submission of the application for supplementary income support for young farmers.

(8) Notwithstanding the second paragraph of this Article, the holder of the agricultural holding shall not be entitled to the payment for young farmers if one of the previous holders of the agricultural holding or the holder himself, in the case of legal persons, has already received the payment for young farmers in accordance with the Regulation on direct payment schemes or the complementary income support for young farmers in accordance with this Regulation.

(9) The previous paragraph shall not be taken into account in the event that one of the previous holders of the agricultural holding who received support has died.

(10) Notwithstanding the second paragraph of this Article, a legal person is not entitled to the payment for young farmers if it has previously been entered in the court register as a majority shareholder in another company engaged in agriculture.

(11) Beneficiaries who do not complete the maximum five-year period of eligibility for the payment for young farmers by 2027 shall, in accordance with the third paragraph of Article 30 of Regulation 2021/2115/EU, lose their eligibility for the complementary income support for young farmers as of 1 January 2028.

(12) The maximum number of hectares per agricultural holding for which income support for young farmers is paid is 90 ha.

(13) The planned unit amount is EUR 78.91 per ha, the minimum planned unit amount is EUR 59.33 per ha and the maximum planned unit amount is EUR 98.64 per ha.

(14) The realised amount per unit shall be calculated each year by multiplying the total number of hectares eligible for the income payment for young farmers, taking into account the limit referred to in the eleventh paragraph of this Article, by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial allocation referred to in the third indent of the first paragraph of Article 3 of this Regulation is exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

V. CLIMATE AND ENVIRONMENT SCHEME (SOPO) INTERVENTION

Section 1 GENERAL PROVISIONS

Article 14

(purpose of intervention)

The purpose of the SOPO intervention is to strike a balance between the need for food production and climate and environmental protection, and to encourage agricultural land owners to manage agricultural land in a way that reduces the environmental impacts of farming and contributes to climate change mitigation and adaptation.

Article 15

(beneficiaries)

(1) Beneficiaries of payments for TSO intervention are agricultural holdings that, in accordance with Article 31 of Regulation 2021/2115/EU, voluntarily participate in the implementation of one or more TSO intervention schemes and meet the obligations during the duration of the requirements on the eligible hectare or GVŽ on an annual basis and at the same time meet the general conditions for direct payments referred to in Article 6 of this Regulation and, in the case of schemes referred to in points 8 and 9 of Article 23 of this Regulation, are entitled to basic income support for sustainability.

(2) Notwithstanding the previous paragraph, an area attributed to a mountain pasture or common pasture shall not be considered an eligible hectare for TSO intervention.

Article 16

(declaration of eligible hectares and area size)

(1) For the schemes referred to in Article 23 of this Regulation, the eligible hectares shall be those declared by the holder of the agricultural holding in the single application for the year of submission of the single application and entered in the RKG on the date set as the last date for submission of the single application in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application.

(2) The minimum area of an agricultural parcel, which is determined by the regulation regulating the implementation of agricultural policy interventions for the year of submission of a collective application for the implementation of an individual scheme within the framework of the TSO intervention, is 0.1 ha, and at least 0.3 ha of agricultural land must be included in an individual scheme within the framework of the TSO intervention on an agricultural holding, except for the scheme referred to in point 8 of Article 23 of this regulation, where at least 0.1 ha of agricultural land may be included in the scheme on an agricultural holding.

Article 17

(rejection of the request)

(1) If, in the case of the TSO intervention schemes referred to in this Regulation, which must be implemented on an agricultural parcel with an area of at least 0.1 ha, the holder of the agricultural holding submits an application for a smaller agricultural parcel, as determined by the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, the application for this agricultural parcel shall be rejected and it shall be deemed

not to be an over-application, and the administrative sanctions referred to in the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application shall not be applied.

(2) If the holder of the agricultural holding submits an application for less area for the TSO intervention schemes referred to in this Regulation, which must be implemented on an agricultural holding with an area of at least 0.3 ha, except for the scheme referred to in point 8 of Article 23 of this Regulation in accordance with the second paragraph of Article 16 of this Regulation, the application for this area shall be rejected and it shall be deemed not to be an over-declaration, and the administrative sanctions referred to in the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application shall not be applied.

Article 18

(records)

(1) When implementing the TSO intervention, the agricultural holding operator must keep records of all work tasks carried out under the schemes referred to in Article 23 of this Regulation on the work task record forms available on the websites of the ministry responsible for agriculture (hereinafter referred to as: the ministry).

(2) The records of work tasks referred to in the previous paragraph of this Article include records of work tasks for:

– arable land for schemes referred to in points 5, 6 and 7 of Article 23 of this Regulation;

– intensive orchards, olive groves and vineyards for the schemes referred to in point 11 of Article 23 of this Regulation;

– permanent grassland for the schemes referred to in points 1 and 2 of Article 23 of this Regulation;

– for animals for the scheme referred to in point 4 of Article 23 of this Regulation.

(3) The holder of the agricultural holding shall keep records referred to in the second paragraph of this Article for those areas on which he must implement the requirements of the individual TSO scheme for which he submits an application.

(4) The records referred to in the first paragraph of this Article and the records referred to in the third and sixth paragraphs of Article 22 of this Regulation shall be kept on prescribed forms in printed form or as a document in electronic form in Excel or another equivalent spreadsheet editor.

(5) Notwithstanding the provision of the previous paragraph, keeping records in electronic form that does not significantly differ in content and structure from the electronic form referred to in the previous paragraph shall also be considered as meeting the conditions referred to in the first paragraph of this Article, which means that printing a document or exporting this data from the

records is comparable to printing a document or exporting data from the records referred to in the previous paragraph.

(6) The records referred to in the first paragraph of this Article of this Regulation and the records referred to in the third and sixth paragraphs of Article 22 of this Regulation shall be verified by on-site inspection and, if necessary, by other administrative inspections.

Article 19

(combinations)

(1) Several TSO intervention schemes from this Regulation may be implemented on the same area.

(2) The combinations referred to in the previous paragraph are set out in Annex 6, which forms an integral part of this Regulation.

(3) Notwithstanding the previous paragraph, a technical tolerance of 1 are shall be taken into account for the schemes referred to in points 5 and 6 of Article 23 when overlapping.

(4) Combinations of the TSO intervention with agri-environment-climate payments interventions and organic farming in accordance with the Regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan for the Common Agricultural Policy 2023-2027 are set out in the Regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan for the Common Agricultural Policy 2023-2027.

(5) Agricultural operators included in the TSO intervention under this Regulation may also obtain payments for OMD, biotic protection, local breeds and also, except in the case of the scheme referred to in point 1 of Article 23 of this Regulation, Natura 2000 payments from the Regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan for the Common Agricultural Policy 2023-2027 and animal welfare from the Regulation governing animal welfare intervention.

Article 20

(graphic records)

(1) For the purposes of carrying out administrative checks on the TSO intervention referred to in this Regulation, the following shall be used in digital graphic form in accordance with the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application:

1. graphic record of areas for maximum three-time, two-time use of grassland or Natura 2000 areas where the scheme may not be implemented (hereinafter: record TRT_2x - record of areas for maximum two-time traditional use of grassland and record TRT_3x - record of areas for maximum

three-time traditional use of grassland and TRT_Natura 2000 - record of Natura 2000 areas where the TRT scheme is not implemented);

2. record of the area of occurrence of the field lark, which includes the areas of Goričko, Pomurska ravan, Drava-Ptujsko-Središko polje, Ljubljana Basin, Krško-Brežiško polje and Ljubljana Marshes (hereinafter referred to as: the record of Unsown Soil for the Field Lark);

3. record of the area of occurrence of the common woodpecker, which includes the areas of the Drava-Ptuj-Središko polje and the Ljubljana Marshes (hereinafter referred to as: the record of the Protection of Common Woodpecker Nests);

4. record of Priba nests, which includes the areas of Drava-Ptuj-Središko polje and Ljubljana Marshes (hereinafter referred to as: Priba nest record);

5. record of the narrowest water protection areas – state level – VVO_I_DR (hereinafter: VVO_I_DR record).

6. peatland register, within the framework of DGOP 2 from the regulation governing conditionality from 2024 onwards.

(2) The graphic record of TRT – maximum two-time use of grassland, TRT – maximum three-time use of grassland and Natura 2000 from point 1 of the previous paragraph shall be prepared by the ministry in cooperation with the Slovenian Institute for Nature Conservation, which shall approve the record.

(3) The records referred to in the previous paragraph are contained in Annex 7, which is an integral part of this Regulation.

(4) The records referred to in points 2 and 3 of the first paragraph of this Article shall be prepared by the contractor for the census of the field lark and the common lark and shall be certified by the Institute of the Republic of Slovenia for Nature Conservation.

(5) The records referred to in the previous paragraph are in Annex 8, which is an integral part of this Regulation.

(6) The records referred to in point 4 of the first paragraph of this Article shall be prepared by the contractor of the public contract for the census of the nests of the common tern and shall be available in July of the current year on the website of the Ministry. During the preparation of the records, the contractor shall report the findings on the nests of the common tern found to the Agency no later than within two working days, by reporting the x,y coordinates of the nest.

(7) The Agency shall, within two working days of receiving the coordinates of the nest referred to in the previous paragraph, notify the Agricultural Advisory Service from the area where the GERK with the nest is located of the nest found. The Agricultural Advisory Service shall, within two working days, notify the holder of the agricultural holding where the GERK with the nest is located of the nest and, together with the ornithologist of the public procurement contractor referred to in the previous paragraph, provide advice to the holder of the agricultural holding regarding the implementation of the results-based scheme for the protection of the nests of the Pribe.

(8) The records referred to in point 5 of the first paragraph of this Article shall be submitted to the Ministry by the Water Directorate (hereinafter referred to as: VVO_1_DR).

(9) Each GERK shall be checked to see whether it is located in the area listed in points 1, 2, 3 and 6 of the first paragraph of this Article with an area of at least 10 are. In this case, the entire GERK shall be considered to be located within the area of the records.

(10) When stating the area of a layer from the VVO_I_DR record, the actual area in the layer or the cross-section area is shown, whereby the cross-section area between the GERK and this layer must be at least 1 are.

(11) The records referred to in the first paragraph of this Article can be accessed on the Ministry's website.

(12) The records referred to in the first paragraph of this Article shall be submitted to the Agency by the Ministry.

Article 21

(conditionality)

If, on the basis of an administrative or on-the-spot check, it is established that the conditionality requirements, which constitute an essential element for the implementation of an individual SMP scheme, are not met on the area for which payment is claimed for the implementation of an individual scheme referred to in Article 23 of this Regulation, the holder of the agricultural holding shall not be entitled to payment for that scheme for the entire area, except in cases specified in the catalogue of administrative sanctions contained in Annex 10, which is an integral part of this Regulation.

Article 22

(minimum requirements for the use of fertilizers and plant protection products)

(1) Agricultural operators claiming support for TSO intervention under this Regulation for schemes that have requirements linked to the use of fertilisers and plant protection products must comply with the minimum requirements for the use of fertilisers and plant protection products.

(2) The minimum requirements for the use of fertilizers referred to in the previous paragraph shall be kept in the records of the use of organic and mineral fertilizers, which the holder of the agricultural holding must keep for the areas included in the individual SOPO scheme and which must show at least the quantity and type of organic and mineral fertilizers, the time of fertilization and data on the area where these fertilizers are used.

(3) In accordance with the first paragraph of this Article, the holder of the agricultural holding for the schemes referred to in points 2, 3, 4 and 10 of Article 23 of this Regulation must keep the records

referred to in the previous paragraph on the form of records of the use of organic and mineral fertilizers, which is available on the websites of the Ministry and the Agency.

(4) The minimum requirements for the use of plant protection products are included in the set of rules on conditionality and relate to the correct use of plant protection products from the regulation governing conditionality.

(5) For the SOPO schemes referred to in points 1, 2 and 5 of Article 23 of this Regulation, which are linked to the requirements of the prohibition of the use of plant protection products on the area included in the implementation of the requirements of the individual scheme, the holder of the agricultural holding shall submit a declaration that he does not use plant protection products on such area or, in the case of the scheme referred to in point 6 of Article 23 of this Regulation, a declaration that he does not use herbicides or, in the case referred to in point 7 of Article 23, a declaration that he only uses herbicides on such area once or that he has applied the amount of herbicide for single use in divided doses with the so-called split application. The declaration for the individual area shall be submitted on the geospatial form specified in the regulation regulating the implementation of agricultural interventions for the year of submission of the collective application.

(6) Notwithstanding the previous paragraph, the holder of the agricultural holding for the scheme referred to in points 6 and 7 of Article 23 of this Regulation must keep records of the use of plant protection products on the form of records of the use of plant protection products during the intervention of the SOPO, which is available on the websites of the ministry and the agency for the areas included in the scheme.

(7) Keeping the forms referred to in the previous paragraph of this article is considered to be keeping records of Data on the use of PPPs in agricultural production and records of Data on the use of PPPs in seed treatment facilities.

(8) Notwithstanding the sixth and seventh paragraphs of this Article, the holder of the agricultural holding is obliged to keep records of data on the use of PPPs in agricultural production and records of data on the use of PPPs in seed treatment facilities in accordance with the rules governing integrated pest management for all areas of the agricultural holding on which he uses plant protection products, and the Agency will, as part of on-site inspections to verify the declaration referred to in the sixth paragraph of this Article and the record-keeping referred to in the seventh paragraph of this Article, also check the record-keeping in accordance with the rules governing integrated pest management.

Section 2 SOPO SCHEME

Article 23

(intervention of TSO)

In accordance with the third paragraph of Article 31 of Regulation EU 2021/2115, the following schemes are implemented within the framework of TSO intervention:

1. INP 8.01 Extensive grassland – EKST;

2. INP 8.02 Traditional grassland use – TRT;

3. INP 8.03 Fertilization with organic fertilizers with low emissions to the air – LOW;

4. INP 8.04 Additives for reducing ammonia and GHG emissions – INHIBIT and KRMDOD;

5. INP 8.05 Follow-up crops and under-crops – NPP;

6. INP 8.06 Greening of arable land over winter – ZEL;

7. INP 8.07 Conservation tillage – KONZ;

8. INP 8.08 Patches of unsown land for the Field Lark – POŠK;

9. INP 8.09 Protection of the nests of the falcon – VGP;

10. INP 8.10 Use only organic fertilizers to provide nitrogen in permanent crops – OGNTN;

11. INP 8.11 Conservation of biodiversity in permanent crops – BIORAZTN.

Article 24

(scheme INP 8.01 Extensive grassland – EKST)

(1) For the INP scheme 8.01 Extensive grassland – EKST (hereinafter referred to as the EKST scheme), the indicative financial resources for 2023 amount to EUR 3,195,728.25; for 2024 EUR 3,132,731.25 and for 2025–2027 EUR 3,068,729.95.

(2) The EKST scheme is implemented on GERK with the types of use 1300 - permanent grassland, GERK with the use 1320 - grassland with scattered ineligible characteristics and GERK with the use 1222 - extensive orchard, if it meets the condition from point b) of the third paragraph of Article 22 of the Rules on the Register of Agricultural Holdings (Official Gazette of the Republic of Slovenia, No. 7/23).

(3) The requirements for implementing the scheme are as follows:

– it is mandatory to harvest grassland if mowing is carried out;

– mulching is not allowed;

– regardless of the previous indent, after the grazing period has ended, if necessary, clean-up mowing, including mulching, may be carried out, but it may only be carried out after 15 September of the current year;

– the use of mineral fertilizers and phytopharmaceuticals is not permitted;

– the taking over of livestock organic fertilizers from another agricultural holding and the use of other organic fertilizers that do not originate from the agricultural holding in question are not permitted;

– it must be implemented on all GERK uses referred to in the second paragraph of this article that are on the agricultural holding;

– it is carried out throughout the entire Republic of Slovenia;

– the average annual livestock load must be between 0.2 and 0.9 livestock units per hectare of utilised agricultural land on an individual agricultural holding in the year of implementation of the scheme.

(4) The holder of the agricultural holding must ensure the use of the GERK referred to in the second paragraph of this Article until the last date set for amendments and withdrawals of applications in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application.

(5) When calculating the burden referred to in the eighth indent of the third paragraph of this Article, the sixth, seventh and eighth paragraphs of Article 6 of this Regulation shall be taken into account.

(6) The calculation of the burden referred to in the previous paragraph is set out in Annex 2 to this Regulation.

(7) Notwithstanding the seventh indent of the third paragraph of this Article, the EKST scheme may not be implemented in the following areas from the Natura 2000 payment record where the intervention "Natura 2000 payments" is implemented, which is determined by the regulation governing payments for environmental and climate commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan of the Common Agricultural Policy 2023-2027.

(8) Notwithstanding the sixth indent of the third paragraph of this Article, in such a case, the holder of the agricultural holding may only include grassland located outside the Natura 2000 payment area in the EKST scheme.

(9) The planned unit amount is EUR 45.65 per ha, the minimum planned unit amount is EUR 36.52 per ha and the maximum planned unit amount is EUR 45.65 per ha.

(10) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the EKST scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 25

(scheme INP 8.02 Traditional grassland use – TRT)

(1) For the INP scheme 8.02 Traditional grassland use – TRT (hereinafter referred to as the TRT scheme), the indicative financial resources for an individual year amount to EUR 2,106,723.13.

(2) The TRT scheme is implemented on GERK with the types of use 1300 - permanent grassland, GERK with the use 1320 - grassland with scattered ineligible characteristics and GERK with the use 1222 - extensive orchard, if it meets the condition from point b) of the third paragraph of Article 22 of the Rules on the Register of Agricultural Holdings (Official Gazette of the Republic of Slovenia, No. 7/23).

(3) The requirements for implementing the scheme are as follows:

– on the grassland area located in the TRT – 2x record area referred to in point 1 of the first paragraph of Article 20 of this Regulation, the holder of the agricultural holding may carry out twice or a lower number of grassland uses. On the grassland area located in the TRT – 3x record area referred to in point 1 of the first paragraph of Article 20 of this Regulation, the holder of the agricultural holding may carry out three times or a lower number of grassland uses;

– the scheme is not implemented on the grassland area located in the TRT – Natura 2000 area referred to in point 1 of the first paragraph of Article 20 of this Regulation;

– year-round grazing is not permitted; only autumn grazing may be carried out, which is considered one use of grassland;

– it is mandatory to harvest grassland in the event of mowing;

– the use of mineral nitrogen and plant protection products is not permitted;

– on grassland included in the scheme, the use of a maximum of 40 kg of nitrogen per hectare from organic fertilizers per year is permitted;

– the average annual livestock load must be more than 0.9 LU per hectare of utilised agricultural land on an individual agricultural holding in the year of implementation of the scheme;

– mulching is not allowed;

– regardless of the previous indent, after the grazing period has ended, if necessary, clean mowing shall be carried out, including mulching, which may only be carried out after 15 September of the current year;

– it can be carried out on part of the grassland area;

– the holder of an agricultural holding may enter the scheme with a maximum of 20% of the GERK area referred to in the second paragraph of this article on the agricultural holding, whereby only agricultural parcels of at least 0.1 ha in size are taken into account in accordance with the second paragraph of Article 16 of this Regulation.

(4) The holder of the agricultural holding must ensure the use of the GERK referred to in the second paragraph of this Article until the last date set for amendments and withdrawals of applications in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application.

(5) For the purposes of the second indent of the third paragraph of this Article, a GERK shall be deemed to be located entirely within a Natura 2000 area if at least 10 are of the GERK area is located within it.

(6) For the purposes of implementing the first indent of the third paragraph of this Article, a GERK shall be deemed to be located entirely within the TRT – maximum double use of grassland or TRT – maximum triple use of grassland area if it is located in an area with at least 10 are of GERK area. In this case, a GERK which is located in both areas with at least 10 are shall be deemed to be located entirely within the TRT – maximum double use of grassland area.

(7) A GERK with at least 10 are located in the area referred to in the fifth paragraph of this article and in the areas referred to in the sixth paragraph of this article shall be deemed to be entirely located in a Natura 2000 area.

(8) For the purposes of the third indent of the third paragraph of this Article, autumn grazing shall be considered grazing carried out after 15 August of the current year.

(9) When calculating the burden referred to in the seventh indent of the third paragraph of this Article, the sixth, seventh and eighth paragraphs of Article 6 of this Regulation shall be taken into account.

(10) The calculation of the burden referred to in the previous paragraph is set out in Annex 2 to this Regulation.

(11) In the event that the holder of the agricultural holding declares in the application more than 20% of the GERK area referred to in the second paragraph of this Article on the agricultural holding, only 20% of the GERK area shall be considered for payment. In doing so, the Agency shall first take into account the GERK areas that are not subject to administrative sanctions, as determined in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application and as determined in accordance with the catalogue of administrative sanctions in Annex 10 to this regulation.

(12) The planned unit amount is EUR 129.03 per ha, the minimum planned unit amount is EUR 103.22 per ha and the maximum planned unit amount is EUR 161.29 per ha.

(13) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the TRT scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 26

(scheme INP 8.03 Fertilization with organic fertilizers with low emissions to the air – NIZI)

(1) For the INP scheme 8.03 Fertilization with organic fertilizers with low emissions into the air (hereinafter referred to as the NIZI scheme), the indicative financial resources for 2023 amount to EUR 5,979,340.00, and from 2024 onwards to EUR 4,484,270.00.

(2) The NIZI scheme is implemented on GERK with the following types of use: 1100 - arable land, 1131 - temporary meadow, 1161 - hop field in transition, 1160 - hop field, 1300 - permanent grassland and GERK with the use 1222 - extensive orchard, if it meets the condition from point b) of the third paragraph of Article 22 of the Rules on the Register of Agricultural Holdings (Official Gazette of the Republic of Slovenia, No. 7/23).

(3) The scheme is divided into three agricultural practices with regard to the implementation of the scheme on GERK lands referred to in the previous paragraph:

– LOWLAND arable land: “Fertilization with organic fertilizers with low emissions into the air on arable land”;

– NIZI_permanent grassland: "Fertilization with organic fertilizers with low emissions into the air on permanent grassland" and

– NIZI_hop field: "Fertilization with organic fertilizers with low emissions into the air in a hop field".

(4) Agricultural practices NIZI_arable land and NIZI_permanent grassland mean the application of liquid organic fertilizers with a device for direct soil application or a device for application directly to the soil surface. In this case, the holder of the agricultural holding on the agricultural plot for which he submits an application must always apply liquid organic fertilizers according to the NIZI system for Fertilization with organic fertilizers with low emissions to the air in the current year.

(5) The application to the soil surface referred to in the previous paragraph means the spreading of liquid organic fertilizers through pipes or sleds that are dragged along the ground or by introducing fertilizers directly into the soil. The use of equipment with a spreading plate is not permitted.

(6) The agricultural practice NIZI_hop field means the incorporation of slurry, manure and manure into the soil no later than 24 hours after application to the hop field. The incorporation into the soil is carried out by cultivating or ploughing or spreading the hops. Liquid organic fertilizers are applied with a device for direct application or a device for application to the soil surface in the hop field. The use of equipment with a spray plate is not permitted. In this case, the holder of the agricultural holding on the agricultural plot for which he submits the application must always apply liquid organic fertilizers according to the NIZI system for Fertilization with organic fertilizers with low emissions to the air in the current year. The use of equipment with a spray plate is not permitted.

(7) Holders of agricultural holdings whose GERK areas with actual use 1300 with at least 10 are located on:

– areas of grassland butterfly habitats (hereinafter referred to as: MET), litter beds (hereinafter referred to as: STE), wet meadows (hereinafter referred to as: HABM), wetlands and bogs (hereinafter referred to as: MOKR_BAR), dry karst meadows and pastures (hereinafter referred to as: SUHI_KTP), areas of occurrence of birds of wet extensive grasslands (hereinafter referred to as: VTR) or areas in which Natura 2000 payment interventions from the Regulation governing payments for environmental and climate-related commitments, natural or other constraints and Natura 2000 areas from the Strategic Plan for the Common Agricultural Policy 2023-2027 are implemented, these areas of permanent grassland may not be included in the NIZI scheme;

– areas of special grassland habitats (hereinafter referred to as: HAB), the NIZI_grassland scheme can be implemented on these areas of permanent grassland only for 40 kg N per ha from organic fertilizers per year.

(8) The NIZI scheme is not implemented in the VVO_I_DR area.

(9) The payment referred to in the seventeenth paragraph of this Article may be claimed for at least 15 m3 of organic fertilisers used per hectare, whereby organic fertilisers may be applied in several doses in a LOW-RATE manner. In the event that less than 15 m3 of organic fertilisers are

used per hectare, administrative sanctions shall be applied in accordance with the catalogue of administrative sanctions set out in Annex 10 to this Regulation, and the smaller amount of organic fertilisers used per hectare shall be taken into account for the calculation of the area eligible for payment.

(10) Notwithstanding the previous paragraph, in the cases referred to in the second indent of the seventh paragraph of this Article, the support referred to in the seventeenth paragraph of this Article may be claimed for at least 5 m3 of organic fertilisers used per ha, whereby organic fertilisers may be applied in several doses in a LOW-RATE manner. At the same time, the smaller amount of organic fertilisers used per hectare shall be taken into account for the calculation of the eligible area for payment.

(11) The annual input of nitrogen from organic fertilisers per hectare of individual agricultural land use unit or the annual input of nitrogen from livestock manure per hectare of agricultural land in use at the level of the agricultural holding must not exceed the values determined in accordance with the regulation regulating the protection of waters against pollution by nitrates from agricultural sources.

(12) The quantity of livestock or organic fertilizers referred to in the previous paragraph may be produced on the agricultural holding, or the agricultural holding may also receive it from another agricultural holding or purchase it. If organic fertilizers are produced on the agricultural holding, the holder of the agricultural holding must, when submitting the application for NIZI, define the predominant method of raising livestock on the agricultural holding on the basis of his own assessment using the form "Definition of the method of raising livestock for the purposes of implementing the requirements for the obligation to fertilise with organic fertilizers with low emissions to the air" from the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application. The definition of the predominant method of raising livestock on the agricultural holding and the basis for calculating the quantity of fertilizers produced are set out in Annex 9, which is an integral part of this regulation.

(13) Notwithstanding the previous paragraph of this Article, the receipt of slurry from another agricultural holding shall not be taken into account for the calculation of support.

(14) The agricultural holding must have appropriate machinery or a stored invoice from the contractor for the mechanical service provided or a stored statement from the contractor when the mechanical service is provided as neighbourly assistance in accordance with the law regulating the prevention of undeclared work and employment (hereinafter referred to as: statement from the contractor).

(15) Payment for the implementation of the agricultural practice NIZI_arable land may be claimed for agricultural plants from the code list of species or groups of agricultural plants and aid, which is published on the website of the ministry and the agency in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application. The agricultural plant for which payment for the implementation of the agricultural practice NIZI_permanent grassland may be claimed is permanent grassland or, in the case of an extensive orchard referred to in the second paragraph of this article, a fruit species. The agricultural

plant for which payment for the implementation of the agricultural practice NIZI_hop field may be claimed is hops.

(16) The planned unit amount for 2023 is EUR 127.22 per ha and from 2024 onwards EUR 95.41 per ha, the minimum planned unit amount for 2023 EUR 101.78 per ha, from 2024 onwards EUR 76.33 per ha and the maximum planned unit amount for all years EUR 159.02 per ha.

(17) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the NIZI scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 27

(scheme INP 8.04 Additives for reducing ammonia and GHG emissions – INHIBIT and KRMDOD)

(1) Two agricultural practices are implemented under the scheme:

– use of mineral fertilizers containing nitrification inhibitors, denitrification inhibitors or urease inhibitors to reduce ammonia and nitrous oxide emissions – INHIBIT;

– use of feed additives to reduce methane emissions in dairy cow farming – KRMDOD.

(2) The scheme INP 8.04 Supplements for the reduction of ammonia and GHG emissions – INHIBIT and KRMDOD (hereinafter: the INHIBIT and KRMDOD scheme) is implemented from 2024 onwards and the indicative financial resources for it for each year amount to EUR 1,494,600.00, of which EUR 870,000.00 for agricultural practice and EUR 624,600.00 for agricultural practice KRMDOD.

(3) The INHIBIT agricultural practice is carried out on GERK with the types of use 1100 - arable land, 1131 - temporary meadow, 1161 - hop field in transition, 1300 - permanent grassland, 1160 - hop field, determined in accordance with the regulations governing the register of agricultural holdings and GERK with the use 1222 - extensive orchard, if it meets the conditions set out in the regulations governing the register of agricultural holdings.

(4) The agricultural practice KRMDOD is carried out only for dairy cows. In this case, a dairy cow means a cow in accordance with and based on the calculation referred to in Article 41 of this Regulation, which also meets the conditions referred to in the fourth indent of the second paragraph of Article 41 of this Regulation.

(5) Mineral fertilisers containing nitrification inhibitors, denitrification inhibitors or urease inhibitors must have the status of EU fertilising products and be CE marked as required by Regulation 2019/1009/EU, and be classified in Functional Categories 5.A. Nitrification inhibitor, 5.B. Denitrification inhibitor or 5.C. Urease inhibitor.

(6) When using feed additives to reduce methane emissions in animal husbandry, only feed additives entered in the EU Register of Feed Additives may be used, and they must be classified as zootechnical additives. Agricultural holdings that purchase compound feed containing the aforementioned feed additives are also eligible for payment.

(7) When using mineral fertilizers containing nitrification inhibitors, denitrification inhibitors or urease inhibitors or additives to reduce methane emissions, the operator of the agricultural holding must follow the manufacturer's instructions.

(8) The holder of the agricultural holding must keep the purchase receipt and labels of the appropriate feed additives or mineral fertilizers.

(9) Payment for implementing the INHIBIT agricultural practice can be claimed for agricultural plants from the code list of species or groups of agricultural plants and aid.

(10) The planned unit amount for the INHIBIT agricultural practice is EUR 60.00 per ha, the minimum planned unit amount is EUR 48.00 per ha and the maximum planned unit amount for all years is EUR 75.00 per ha.

(11) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for INHIBIT by the planned amount of support referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

(12) The planned amount per unit for agricultural practice in dairy cow farming is EUR 60.00 per LU, the minimum planned amount per unit is EUR 48.00 per LU and the maximum planned amount per unit for all years is EUR 75.00 per LU.

(13) The realised amount per unit shall be calculated each year by multiplying the total number of eligible GVŽ for the agricultural practice KRMDOD in dairy cow breeding by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 28

(scheme INP 8.05 Follow-up crops and under-crops – NPP)

(1) For the INP scheme 8.05 Follow-up crops and under-crops – NPP (hereinafter referred to as the NPP scheme), the indicative financial resources for an individual year amount to EUR 3,083,478.40.

(2) The NPP scheme is implemented on GERK with the use of 1100 – arable land and 1161 – hop field in rotation, determined in accordance with the regulations governing the register of agricultural holdings.

(3) A mixture of at least two non-winter crops or a melliferous crop is considered a subsequent non-winter crop.

(4) A mixture of at least two winter crops or a melliferous crop is considered a subsequent winter crop.

(5) A subcrop is a crop of agricultural plants of different botanical families, the sowing of which is integrated into the main crop, which is determined in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application.

(6) The requirements for implementing the scheme are as follows:

– the sowing of a subsequent non-winter crop or melliferous crop must be carried out at any time after the main crop, which the holder of the agricultural holding declares on the geospatial form in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, so as to ensure the coverage referred to in the next indent of this paragraph;

– soil with a subsequent non-winter crop or melliferous agricultural plant must be covered from 15 August of the current year to 15 October of the current year;

– processing of subsequent non-winter crops or melliferous agricultural plants or use for production purposes is permitted after 15 October of the current year;

– the sowing of a subsequent winter crop or melliferous crop must be carried out at any time after the main crop, which the holder of the agricultural holding declares on the geospatial form in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, so as to ensure the coverage referred to in the next indent of this paragraph;

– soil with a subsequent winter crop or melliferous agricultural plant must be covered from 1 September of the current year to 30 October of the current year;

– processing of subsequent winter crops or melliferous agricultural plants or use for production purposes is permitted after 30 October of the current year. The use of herbicides to destroy the green cover of the crop is not permitted.

(7) The use of plant protection products is not permitted during the implementation of the requirements of the scheme referred to in the previous paragraph or, in the case of sub-crops, after the harvest of the main crop.

(8) In the year following the year for which the application for a subsequent non-winter or winter crop or sub-crop or melliferous agricultural plant was submitted, such crops or sub-crops or melliferous agricultural plant may not be present on the area during the main crop determined by the regulation governing the implementation of agricultural policy interventions. They must be destroyed before the main crop is sown, but without the use of plant protection products.

(9) The scheme is not implemented in the VVO_I_DR area.

(10) The ground coverage referred to in the second and fifth indents of the sixth paragraph of this Article shall be considered to be achieved if green cover is visible on at least 70% of the greened area.

(11) Support for the scheme may be claimed for non-winter and winter agricultural crops and melliferous agricultural crops and sub-crops from the code list of species or groups of agricultural crops and aid, which is in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application (hereinafter referred to as: code list of species or groups of agricultural crops and aid), which is published on the websites of the agency and the ministry.

(12) The planned unit amount of support is EUR 137.60 per ha, the minimum planned unit amount is EUR 110.08 per ha and the maximum planned unit amount is EUR 172.00 per ha.

(13) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the INP scheme 8.05 Follow-up crops and under-crops – NPP by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 29

(scheme INP 8.06 Greening over winter – ZEL)

(1) For the INP 8.06 Greening over winter – ZEL scheme (hereinafter referred to as the ZEL scheme), the indicative financial resources for an individual year amount to EUR 2,442,000.00.

(2) The ZEL over winter scheme is implemented on GERK with the use of 1100 - arable land and 1161 - hop field in rotation, determined in accordance with the regulations governing the register of agricultural holdings.

(3) A mixture of at least two winter agricultural plants is considered a winter crop.

(4) The requirements for implementing the scheme are as follows:

– the sowing of the winter crop must be carried out at any time after the main crop, which the holder of the agricultural holding declares on the geospatial form in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, so as to ensure the coverage referred to in the next indent of this paragraph;

– the ground with winter crops must be covered from 15 November of the current year until at least 15 February of the following year;

– the use of herbicides is not permitted during the implementation of the scheme requirements;

– processing of winter crops or use for production purposes is permitted after February 15 of the following year, however, the use of herbicides to destroy the green winter cover is not permitted.

(5) In the year following the year for which the application for overwintering was submitted, the winter crop may not be present during the main crop, which is determined in accordance with the regulation governing the implementation of agricultural policy interventions. It must be destroyed before the main crop is sown, but without the use of plant protection products.

(6) The scheme is not implemented in the VVO_I_DR area.

(7) The ground coverage referred to in the second indent of the fourth paragraph of this Article shall be considered to be achieved if green cover is visible on at least 70% of the greened area.

(8) Support for the scheme may be claimed for winter crops from the code list of species or groups of agricultural crops and supports.

(9) The planned unit amount is EUR 148.00 per ha, the minimum planned unit amount is EUR 118.40 per ha and the maximum planned unit amount is EUR 185.00 per ha.

(10) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the winter-greening scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 30

(scheme INP 8.07 Conservation tillage – KONZ)

(1) For the INP scheme 8.07 Conservation tillage of soil – KONZ (hereinafter referred to as the KONZ scheme), the indicative financial resources for an individual year amount to EUR 492,498.24.

(2) The KONZ scheme is implemented on GERK with the use of 1100 - arable land and 1161 - hop field in rotation, determined in accordance with the regulations governing the register of agricultural holdings.

(3) Conservation tillage means minimal soil cultivation with passive conservation tillage machines or powered (active) conservation tillage machines, with ploughing not permitted.

(4) Conservation tillage may only be applied for an agricultural plant that is the main crop, in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application.

(5) Notwithstanding the previous paragraph, for the year 2023, only the agricultural crop whose sowing was carried out in 2023 and which the holder of the agricultural holding declares as the main crop on the geospatial form in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application shall be taken into account.

(6) The agricultural holding must have the machinery referred to in the third paragraph of this Article, or a stored invoice from the contractor for the machinery service provided, or a stored statement from the contractor.

(7) During the implementation of the scheme requirements, the herbicide may only be used once.

(8) Notwithstanding the previous paragraph, the amount of herbicide for single use may be applied in divided doses with a so-called split application of herbicide.

(9) Support for the implementation of the scheme may be claimed for agricultural plants from the code list of species or groups of agricultural plants and supports.

(10) The planned unit amount is EUR 18.24 per ha, the minimum planned unit amount is EUR 14.59 per ha and the maximum planned unit amount is EUR 22.80 per ha.

(11) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the KONZ scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 31

(scheme INP 8.08 Unsown land for the field skylark – POŠK)

(1) For the INP 8.08 Unsown land for the field lark – POŠK scheme (hereinafter referred to as the POŠK scheme), the indicative financial resources for an individual year amount to EUR 120,000.00, for 2024 EUR 180,000.00, and from 2025 onwards EUR 240,000.00.

(2) The POŠK scheme is implemented on GERK with the use of 1100 - arable land and 1161 - hop field in rotation, determined in accordance with the regulations governing the register of agricultural holdings.

(3) The scheme may be implemented on an agricultural plant declared as the main crop in accordance with the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, namely only on the following agricultural plants: small cereals, oilseed rape, clover, lucerne, fescue or clover-grass mixture.

(4) Notwithstanding the second paragraph, the scheme may only be implemented on areas located in the areas of occurrence of the Field Lark referred to in Annex 8, which is an integral part of this Regulation.

(5) For the purposes of implementing the previous paragraph, a GERK is deemed to be located entirely within the area of occurrence of the Field Lark if at least 10 are of the GERK area is located within the area.

(6) The requirements for implementing the scheme are as follows:

– each patch must be at least 25 m2 in size and no more than 100 m2 in size , at least 2.5 m wide, and at least 5 m away from the edge of the arable land;

– the distance between the patches must be at least 10 m on all sides;

– on an area up to and including 0.5 ha, one patch must be present and for each additional 0.5 ha, one additional patch.

(7) The patch shall be established upon sowing of the agricultural crop referred to in the second paragraph of this Article, but may also be mechanically established later, but no later than 15 March of the current year, unless the sowing of the agricultural crop referred to in the second paragraph of this Article is carried out after 15 March, in which case the patch shall be established upon sowing.

(8) The patch must be present until the harvest of the agricultural crop referred to in the third paragraph of this Article.

(9) On an agricultural plot planted with an agricultural crop referred to in the first indent of the second paragraph of this Article, there must be one patch of unsown soil on the surface of up to and including 0.5 ha of the agricultural plot. In this regard, a correction factor shall be applied for the purpose of the scheme, whereby one patch of unsown soil shall be considered as 0.5 ha. When applying the correction factor, only one patch of unsown soil shall always be considered as 0.5 ha, regardless of the number of patches on an agricultural plot of up to 0.5 ha.

(10) The planned unit amount is EUR 60.00 per ha, the minimum planned unit amount is EUR 48.00 per ha and the maximum planned unit amount is EUR 60.00 per ha.

(11) Notwithstanding the provisions of the second paragraph of Article 4 of this Regulation, the realized amount per unit for the POŠK scheme is always equal to the planned amount from the previous paragraph. In the event of a larger application, additional funds shall be transferred from other TSO intervention schemes or from the basic income support for sustainability referred to in Article 9 of this Regulation.

Article 32

(scheme INP 8.09 Protection of the nests of the woodpecker – VGP)

(1) For the INP 8.09 Protection of Pribe Nests – VGP scheme (hereinafter: VGP scheme), the indicative financial resources for 2023 amount to EUR 15,000.00, for 2024 EUR 18,000.00, and from 2025 onwards EUR 22,000.00.

(2) The VGP scheme is implemented on GERK with the use of 1100 - arable land and 1161 - hop field in rotation, determined in accordance with the regulations governing the register of agricultural holdings.

(3) The scheme shall be implemented only on arable land referred to in the previous paragraph, which is located in the areas of occurrence of the common woodpecker referred to in Annex 8 to this Regulation, and where a nest has been found and confirmed by an ornithologist in accordance with paragraphs six and seven of Article 20 of this Regulation.

(4) Notwithstanding the previous paragraph, a tolerance of 2 m shall be taken into account if the nest is found next to arable land referred to in the second paragraph of this Article.

(5) The holder of the agricultural holding shall submit an application for the scheme, in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, following notification of the nest found and advice from the Agricultural Advisory Service, which shall be carried out in accordance with the third and fourth paragraphs of Article 20 of this regulation or the ninth paragraph of this article.

(6) The requirements for implementing the scheme are as follows:

– the nest in the field is marked with sticks;

– no work with a tractor or other machinery that could damage the nest is permitted on the marked part of the field until June 15th, which allows for successful nesting;

– normal processing can take place in the vicinity of the nest;

– after June 15, normal cultivation of the entire field is permitted.

(7) In accordance with Article 11 of Implementing Regulation 2022/1173/EU, the operator of the agricultural holding referred to in the fifth paragraph of this Article shall send to the Agency two geotagged photographs of the nest. The first geotagged photograph must be taken on the day of establishment or at least within a week after the establishment of the nest protection. The second geotagged photograph must be taken on the last day of nest protection or at least by 20 June. The operator of the agricultural holding shall send the photographs to the Agency by 30 June of the current year.

(8) For the purpose of the scheme, a correction factor shall be applied whereby one nest is considered to be 1 ha of eligible area, regardless of the actual size of the agricultural area on which the nest is located.

(9) Notwithstanding the sixth and seventh paragraphs of Article 20 of this Regulation, the holder of an agricultural holding who finds a nest of a priba on the use of the GERK referred to in the second paragraph of this Article outside the records referred to in point 3 of the first paragraph of Article 20 of this Regulation may report this to the regional Agricultural Advisory Service, which, together with an ornithologist, shall provide advice to the holder of the agricultural holding within two days of the notification of the found nest. The contractor of the public contract referred to in the sixth paragraph of Article 20 of this Regulation shall report to the agency the x,y coordinates of the found nest within two working days.

(10) The planned unit amount is EUR 200.00 per ha, the minimum planned unit amount is EUR 160.00 per ha and the maximum planned unit amount is EUR 200.00 per ha.

(11) Notwithstanding the provisions of the second paragraph of Article 4 of this Regulation, the realized amount per unit for the VGP scheme is always equal to the planned amount from the previous paragraph. In the event of a larger application, additional funds shall be transferred from other TSO intervention schemes or from the basic income support for sustainability referred to in Article 9 of this Regulation.

Article 33

(scheme INP 8.10 Use of only organic fertilizers to provide nitrogen in permanent crops – OGNTN)

(1) For the INP scheme 8.10 Use of only organic fertilizers to provide nitrogen in permanent crops – OGNTN (hereinafter referred to as the OGNTN scheme), the indicative financial resources for an individual year amount to EUR 1,560,000.00.

(2) The OGNTN scheme is implemented on GERK with types of use 1221 – intensive orchard, GERK with use 1211 – vineyards, GERK with use 1230 – olive groves.

(3) The requirements for implementing the scheme are as follows:

– in permanent crops referred to in the previous paragraph, only organic fertilizers may be used for nitrogen fertilization, which the holder of the agricultural holding may also take over from another agricultural holding;

– Complete cessation of fertilization is also considered to be compliance with the requirement.

(4) The holder of the agricultural holding must ensure the use of the GERK referred to in the second paragraph of this Article until the last date set for amendments and withdrawals of applications in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application.

(5) In the case of the use of mineral fertilizers for phosphorus and potassium, the agricultural operator must keep the purchase invoice and declarations.

(6) The scheme is not implemented in the VVO_I_DR area.

(7) The planned unit amount is EUR 312.00 per ha, the minimum planned unit amount is EUR 249.60 per ha and the maximum planned unit amount is EUR 390.00 per ha.

(8) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the OGNTN scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 34

(scheme INP 8.11 Conservation of biodiversity in permanent crops – BIORAZTN)

(1) For the INP scheme 8.11 Conservation of biodiversity in permanent crops – BIORAZTN (hereinafter referred to as the BIORAZTN scheme), the indicative financial resources for an individual year amount to EUR 1,366,000.00.

(2) The BIORAZTN scheme is implemented on GERK with types of use 1221 – intensive orchard, GERK with use 1211 – vineyards, GERK with use 1230 – olive groves.

(3) The requirements of the scheme are implemented in three agricultural practices, namely:

– habitat for beneficial organisms;

– maintenance of inter-row space;

– establishment of a flower belt.

(4) The holder of the agricultural holding must carry out at least two of the three agricultural practices referred to in the previous paragraph on an individual GERK on the agricultural holding with the use referred to in the second paragraph of this Article.

(5) In the agricultural practice referred to in the first indent of the third paragraph of this Article, habitats for beneficial organisms must be provided, which include rockeries, hotels for beneficial organisms, poles for predators, bat houses, and bird nesting sites. In this case, one habitat must be provided for a total area of a permanent plantation of up to 1 ha, three habitats for a total area of a permanent plantation of 1 to 5 ha, and at least four habitats for a total area of a permanent plantation of over 5 ha. The habitats must be evenly distributed over the area. The holder of the agricultural holding must meet the dimensions of the habitat that will be defined in the instructions for this scheme and will be published on the website of the ministry and the agency.

(6) In the agricultural practice referred to in the second indent of the third paragraph of this Article – maintenance of the inter-row space – the green inter-row strip, which also includes the terrace edges, must be mowed or mulched, but only in every other inter-row space at the same time. The shortest possible time between two mulching or mowings must be at least three weeks. 14 days before harvesting the plantation, all inter-row spaces may be mulched or mowed simultaneously.

(7) In the agricultural practice referred to in the third indent of the third paragraph of this Article, a flowering strip is established by sowing at the edge of a permanent plantation in such a way that the green cover of the relevant agricultural plants is already visible by 15 May and that the strip represents at least 5% of the area of the permanent plantation.

(8) For the flowering zone referred to in the third indent of the third paragraph of this Article, agricultural plants from the code list of species or groups of agricultural plants and supports shall be taken into account, whereby the sowing of an agricultural plant may be carried out as an independent agricultural plant or as a mixture of agricultural plants that are designated for the flowering zone in the code list of species or groups of agricultural plants and supports.

(9) The holder of the agricultural holding must ensure the use of the GERK referred to in the second paragraph of this Article until the last date set for amendments and withdrawals of applications in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application.

(10) The planned unit amount is EUR 273.20 per ha, the minimum planned unit amount is EUR 218.56 per ha and the maximum planned unit amount is EUR 341.50 per ha.

(11) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares for the BIORAZTN scheme by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the

first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Section 3 COMMON PROVISIONS

Article 35

(notification of force majeure and exceptional circumstances for TSO intervention)

(1) If, due to force majeure or exceptional circumstances specified in the law governing agriculture, the holder of an agricultural holding cannot fulfil his obligations in relation to individual requirements from an individual TSO scheme referred to in Article 23 of this Regulation for which he has submitted an application, he shall retain the right to a proportional part of the payment specified for the individual TSO scheme referred to in this Regulation, if, in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application, he notifies the Agency of cases of force majeure or exceptional circumstances on the form specified in the regulation governing the implementation of agricultural policy interventions for the year of submission of the collective application within 15 working days from the day on which the holder of an agricultural holding is able to do so and encloses the relevant evidence.

(2) If, during the duration of the obligation for an individual scheme in the event of TSO intervention, force majeure or exceptional circumstances notified to the Agency by the beneficiary in accordance with the previous paragraph cease, the beneficiary must notify the Agency in writing of the date of cessation of force majeure or exceptional circumstances within 15 working days of their cessation. From the date of cessation of force majeure or exceptional circumstances, the beneficiary must again meet all the requirements that it asserted in the application referred to in Article 5 of this Regulation.

Article 36

(administrative sanctions in case of TSO intervention)

(1) Administrative sanctions for schemes under the TSO intervention referred to in Article 23 of this Regulation shall be implemented in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, the regulation governing conditionality, and in accordance with the Catalogue of Administrative Sanctions referred to in Annex 10 of this Regulation.

(2) If the holder of the agricultural holding does not meet the conditions and requirements for a specific area or animal declared in the application for TSO intervention referred to in Article 5 of this Regulation for the year of submission of the single application, except in the case of irregularities referred to in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, or the regulation governing conditionality, the application

for that area or animal shall be rejected, except in cases of infringements referred to in Annex 10 of this Regulation.

VI. COUPLED INCOME SUPPORT

Article 37

(generally for conditional income support)

(1) The following interventions are implemented within the framework of coupled income support:

– coupled income support for small livestock farming;

– coupled income support for cattle breeding;

– coupled income support for suckler cows;

– coupled income support for milk in mountain areas and

– coupled income support for protein crops.

(2) Coupled income support may be granted to active farmers pursuant to the first paragraph of Article 32 of Regulation 2021/2115/EU and shall take the form of an annual payment per hectare or animal.

Article 38

(coupled income support for small livestock farming)

(1) The indicative financial resources for intervention-linked income support for small livestock farming for each year amount to EUR 1,315,299.66.

(2) The holder of an agricultural holding that breeds sheep, goats, rams or kids (hereinafter referred to as: small livestock) is entitled to support for breeding small livestock if the following conditions are met:

– on 15 March of the current year, he/she keeps 14 or more small animals;

– the application must include at least 14 small animals present on the agricultural holding on 15 March of the current year and which have reached the age of at least nine months in March;

– the small animals referred to in the previous indent must be present on the agricultural holding during the compulsory rearing period, which lasts from 15 March to 31 July of the current year. In this case, the movement of the small animals to a mountain pasture or common pasture, to a fair or exhibition is considered to be the presence of the small animals on the agricultural holding;

– from the first day of the compulsory breeding period onwards, the small livestock is identified, registered and managed in accordance with the regulations governing the identification and registration of small livestock.

(3) Small animal data is taken from the CRD.

(4) The planned amount per unit is EUR 18.52, the minimum planned amount per unit is EUR 16.67 and the maximum planned amount per unit is EUR 21.30.

(5) The realised amount per unit shall be calculated each year by multiplying the total number of eligible small animals for the year in question by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

(6) The holder of an agricultural holding is entitled to support for raising small livestock for an individual animal only once a year.

Article 39

(coupled income support for cattle breeding)

(1) For support for cattle breeding, the total indicative financial resources for each year amount to EUR 5,787,320.73; of which:

– EUR 2,972,578.82 is intended for cattle kept by the holder of an agricultural holding involved in organic cattle farming or whose agricultural holding holds a certificate for the Selected Quality scheme for cattle in accordance with the law governing agriculture (hereinafter referred to as: EK or IK cattle), and

– EUR 2,814,741.91 is intended for cattle kept by the holder of the agricultural holding who is not involved in organic cattle farming or whose agricultural holding does not have a certificate for the Selected Quality scheme for cattle (hereinafter referred to as: remaining cattle).

(2) An agricultural holding holder who raises at least two bulls or steers or heifers (hereinafter referred to as: cattle) is entitled to support for cattle breeding if the following conditions are met:

– the cattle have been kept on the holding in question for at least six months continuously, which is considered the compulsory keeping period;

– the cattle were sent for slaughter or export in 2023 from 1 January to 31 October inclusive, or for subsequent years from 1 November of the previous year to 31 October of the current year;

– the cattle are not younger than nine months old at the time of slaughter or export;

– the cattle are identified, registered and managed in accordance with the regulations governing the identification and registration of cattle from and including the first day of the compulsory breeding period.

(3) The compulsory rearing period referred to in the first indent of the previous paragraph shall begin six months before the day of slaughter or export of the animals from the relevant agricultural holding and shall end on the day of slaughter or export of the cattle from the relevant agricultural holding.

(4) A heifer is a female bovine animal that has not yet calved.

(5) Data on cattle are taken from the CRG.

(6) The planned amount per unit for EK or IK cattle is EUR 64.80, the minimum planned amount per unit is EUR 58.32 and the maximum planned amount per unit is EUR 74.52.

(7) The planned amount per unit for the remaining cattle is EUR 49.84, the minimum planned amount per unit is EUR 44.86 and the maximum planned amount per unit is EUR 57.32.

(8) Holders of agricultural holdings involved in organic cattle breeding referred to in the first paragraph of this Article shall be deemed to be holders of agricultural holdings who have certified organic cattle breeding for the year in which the compulsory breeding period takes place. In the event that the compulsory breeding period takes place in the previous and current year, the holder of the agricultural holding must have certified organic cattle breeding for at least one of the relevant years.

(9) Holders of agricultural holdings whose agricultural holding holds a certificate for the Selected Quality Cattle scheme referred to in the first paragraph of this Article are considered to be holders whose agricultural holding holds a valid certificate for cattle for the Selected Quality Cattle scheme on the day of export or slaughter.

(10) Notwithstanding the previous paragraph of this Article, the planned amounts per unit referred to in the sixth paragraph of this Article shall be taken into account only for cattle born in Slovenia and kept on the agricultural holding referred to in the previous paragraph up to and including the age of six months. In the event that cattle are born in Slovenia and kept on the agricultural holding referred to in the previous paragraph after reaching the age of six months, the planned amounts referred to in the sixth paragraph of this Article shall be taken into account only if the agricultural holding on which the cattle were kept before they were kept on the agricultural holding referred to in the previous paragraph had a valid certificate for cattle for the Selected Quality scheme on the day of the movement of the cattle.

(11) The valid certificate referred to in the seventh paragraph of this Article shall be verified in the records of the Quality Scheme established in accordance with the law governing agriculture.

(12) The realised amount per unit shall be calculated each year by multiplying the total number of EK or IK cattle for the year in question by the planned amount per unit referred to in the fifth paragraph of this Article or, in the case of remaining cattle, by multiplying the total number of remaining cattle by the planned amount per unit referred to in the sixth paragraph of this Article. In the event that the indicative financial resources referred to in the first or second indent of the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

Article 40

(coupled income support for suckler cows)

(1) For support for suckler cows, the total indicative financial resources for each year amount to EUR 6,181,912.00, as follows:

a) for suckler cows located with the holder of the agricultural holding whose agricultural holding is classified in areas with less-favoured agricultural opportunities (hereinafter referred to as: suckler cows in LFAs) in accordance with the rules governing the classification of agricultural holdings in areas with less-favoured agricultural opportunities, the indicative annual financial resources amount to EUR 5,775,932.77, on the date on which he submitted the single application or the last supplement to the single application before the final date for submitting the single application in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application;

b) for suckler cows located with the holder of the agricultural holding whose agricultural holding, on the day of submitting the single application or the last supplement to the single application before the final date for submitting the single application in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, is not classified in areas with less-favoured areas for agricultural activity (hereinafter referred to as: suckler cows outside the LFA) in accordance with the regulations governing the classification of agricultural holdings in areas with less-favoured areas for agricultural activity, the indicative annual financial resources amount to EUR 405,979.23.

(2) An agricultural holding that raises suckler cows is entitled to support for suckler cows if it raises at least two or more suckler cows that meet the following conditions:

– are from the herd intended for raising calves for meat production;

– they are suitable breeds or crosses between exclusively suitable breeds;

– in 2023 they calved in the period from 1 January 2023 to 31 August 2023, and for subsequent years from 1 September of the previous year to 31 August of the current year;

– they remain on the farm with the calf for at least two months after calving, which is considered the compulsory rearing period;

– are identified, registered and managed in accordance with the regulations governing the identification and registration of cattle from and including the first day of the compulsory breeding period;

– the calf must also meet the conditions from the previous indent.

(3) Notwithstanding the provision of the fourth indent of the previous paragraph of this Article, the holder of the agricultural holding is entitled to an additional payment for suckler cows also in the case of a stillborn calf, or if the calf dies within two months after calving or the calf is put for emergency slaughter within two months after calving. The Agency shall take the data on a stillborn calf or on the death of a calf within two months after calving or on the emergency slaughter of a calf within two months after calving from the CRG.

(4) In the event that the holder of the agricultural holding has delivered or directly sold milk in the year preceding the year of submission of the application for suckler cows, the number of suckler cows for the implementation of the first indent of the second paragraph of this Article shall be determined by first determining the number of dairy cows as the quotient between the sum of the

quantities of directly sold and delivered milk in the year preceding the submission of the application for suckler cows and the average national milk yield, which for the purpose of this Regulation is the average quantity of delivered and directly sold milk per dairy cow in the amount of 5,924 kg or 4,529 kg for holders of agricultural holdings involved in organic milk farming and is rounded down to a whole number. The remaining cows may be considered suckler cows.

(5) Notwithstanding the previous paragraph, for the number of dairy cows in herds included in the control of milk production in the year preceding the submission of the application, instead of the data on milk delivery and the data on the average national milk yield from the previous paragraph of this Article, the data on the average number of dairy cows from the record on the control of milk production in the previous year shall be taken into account.

(6) The Agency shall obtain data from the records on the control of milk production referred to in the previous paragraph of this Article from the Agricultural Institute of Slovenia by 1 March of the current year.

(7) Data on the delivery or direct sale of milk by the holder of the agricultural holding referred to in the fourth paragraph of this Article shall be taken from the milk records, which are kept in accordance with the regulations governing records for the milk sector and on the market information system for the milk and dairy products market.

(8) For the implementation of the second indent of the second paragraph of this Article, the breeds considered suitable for suckler cows are those that comply with the regulations governing the identification and registration of animals entered in the CRG, such as Limousin, Charolais, Belgian White-Blue, Blonde d'Aquintaine, Galloway, Piedmontese, Aberdeen-Angus, Highland (Highland Scottish Cattle), Dwarf Zebu, Hereford, Red Angus, German Angus, Meat breed, Salers, Lincoln Red, Gasconne, Tibetan cattle (yak), Kianina, Markizjana, Wagyu, INRA 95, Bazadaise, Miniature/Small Herford, Dahomey, Buffalo, Brown, Spotted, Montbeliard, Cika, Karst Sivka (Slovenian Brown Cattle), Meuse-Rhine-Yssel (MRY), Pincgau, Tyrolean Grey, Hungarian Podolian Cattle, German Yellow, Dexter, Podolsk cattle, Blaarkop Rood, Normande, Kärntner Blondveih, Istrian cattle, Kostroma.

(9) The movement of a suckler cow to a mountain pasture or common pasture, to a fair or exhibition during the compulsory breeding period referred to in the fourth indent of the first paragraph shall be considered part of the compulsory breeding period if it is reported in accordance with the regulations governing the identification and registration of cattle.

(10) Data on female cattle are taken from the CRG.

(11) Holders of agricultural holdings involved in organic milk production referred to in the fourth paragraph of this Article shall be holders of agricultural holdings with certified organic milk production for the year of submission of the application for milk support in mountain areas and for the previous year.

(12) The planned amount per unit for a suckler cow on the OMD is EUR 99.58, the minimum planned amount per unit is EUR 89.60 and the maximum planned amount per unit is EUR 114.52.

(13) The planned amount per unit for suckler cows outside the OMD is EUR 76.60, the minimum planned amount per unit is EUR 68.94 and the maximum planned amount per unit is EUR 90.10.

(14) The realised amount per unit shall be calculated each year by multiplying the total number of suckler cows on the OMD by the planned amount per unit referred to in the eleventh paragraph of this Article or, in the case of suckler cows outside the OMD, by multiplying the total number of suckler cows outside the OMD by the planned amount per unit referred to in the twelfth paragraph of this Article. In the event that the indicative financial resources referred to in the first or second indent of the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

(15) The holder of the agricultural holding is entitled to suckler cow support for each suckler cow only once a year.

Article 41

(coupled income support for milk in mountain areas)

(1) For milk support in mountain areas, the indicative financial resources for each year amount to EUR 3,814,371.47.

(2) The holder of an agricultural holding is entitled to support for milk in mountain areas if, on the day on which he submitted the single application or the last supplement to the single application before the final date for submitting the single application in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, his agricultural holding is classified as a mountain area in accordance with the rules governing the classification of agricultural holdings in areas with limited opportunities for agricultural activity and if, in the current year, he keeps at least two or more dairy cows that meet the following conditions:

– they come from a herd of cows intended for milk production;

– they are suitable breeds or crosses between exclusively suitable breeds;

– they are present on the agricultural holding concerned during the compulsory rearing period, which lasts from the starting date for submitting the single application referred to in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, up to and including 31 July of the current year;

– are identified, registered and managed in accordance with the regulations governing the identification and registration of cattle from the first day of compulsory breeding onwards;

– have calved at least once in the last two years up to and including the first day for submitting a single application from the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, whereby calving also includes the birth of a stillborn calf that is born after at least six months of gestation and whose body is disposed of in accordance with the regulations governing the disposal of animal by-products not intended for human consumption.

(3) For the implementation of the first indent of the previous paragraph, the maximum eligible number of dairy cows on an agricultural holding shall be determined as the quotient between the sum of the quantities of directly sold and delivered milk in the year preceding the year of submission of the application for milk support in mountain areas and the average national milk yield, which for the purpose of this Regulation is the average quantity of delivered and directly sold milk per dairy cow in the amount of 5,924 kg or 4,529 kg for holders of agricultural holdings involved in organic milk farming, and shall be rounded down to a whole number.

(4) Notwithstanding the previous paragraph, for the number of dairy cows in herds included in the control of milk production in the year preceding the submission of the application, instead of the data on milk delivery and the data on the average national milk yield from the previous paragraph of this Article, the data on the average number of dairy cows from the record on the control of milk production in the previous year shall be taken into account.

(5) The Agricultural Institute of Slovenia shall provide the Agency with data from the records on the control of milk production referred to in the previous paragraph of this Article by 1 March of the current year.

(6) Data on the delivery and direct sale of milk by the holder of the agricultural holding referred to in the third paragraph of this Article shall be taken from the milk records, which are kept in accordance with the regulations governing records for the milk sector and on the market information system for the milk and dairy products market.

(7) For the purpose of implementing the second indent of the second delivery of this Article, the breeds considered to be suitable for dairy cows are those that, in accordance with the regulations governing the identification and registration of animals, are entered in the CRG as black and white, red Holstein, dairy breed, Jersey, Ayrshire, Swedish red, buffalo, brown, spotted, Montbeliard, Cika, Karst lavender (Slovenian brown cattle), Meuse-Rhine-Yssel (MRY), Pinzgau, Tyrolean grey, Hungarian Podolian cattle, German yellow, Dexter, Podolian cattle, Blaarkop rood, Normande, Kärntner blondveih, Istrian cattle, Kostroma.

(8) The movement of a dairy cow to a mountain pasture or common pasture, to a fair or exhibition during the compulsory breeding period referred to in the third indent of the second paragraph shall be considered part of the compulsory breeding period if it is reported in accordance with the regulations governing the identification and registration of cattle.

(9) Data on female cattle are taken from the CRG.

(10) The heads of agricultural holdings involved in organic milk production referred to in the third paragraph of this Article shall be those holdings with certified organic milk production for the year of submission of the application for support for milk in mountain areas and for the previous year.

(11) The planned amount per unit for a dairy cow is EUR 91.00, the minimum planned amount per unit is EUR 82.00 and the maximum planned amount per unit is EUR 104.65.

(12) The realised amount per unit shall be calculated each year by multiplying the total number of eligible dairy cows by the planned amount per unit referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

(13) The holder of the agricultural holding is entitled to milk support in mountain areas for each dairy cow only once a year.

Article 42

(coupled income support for protein crops)

(1) For support for protein crops, the indicative financial resources for 2023 are EUR 2,630,601.72, for 2024 EUR 2,630,599.64, for 2025 EUR 2,630,599.78, for 2026 EUR 2,630,599.21 and for 2027 EUR 2,630,600.54.

(2) The holder of an agricultural holding is entitled to support for protein crops if:

– produces alfalfa, clover, clover-grass mixtures, fodder beans, fodder peas, soybeans, vetch, lupins, broad beans, peas, beans, lentils, chickpeas, or peas;

– if the holder of the agricultural holding produces alfalfa, clover, clover-grass mixtures, fodder peas or fodder beans, the load on the agricultural holding is at least 0.9 GVŽ per hectare of utilised agricultural land;

– the agricultural plants referred to in the first indent are present on the agricultural holding as the main crop, as specified in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, and until technological maturity, except for the agricultural plants referred to in the second indent, for which instead of technological maturity, it is checked whether the holder of the agricultural holding has ensured at least two cuttings for them in the current year, or one cutting in the case of fodder peas or fodder beans;

– technological maturity in the production of protein crops for grain from the previous indent means the stage in the development of the grain when, in accordance with the BBCH scale of development phases of cultivated protein crops, it reaches full maturity, which means that the grain is hard and difficult to split in half with a fingernail;

– the total area for which support for protein crops is claimed is at least 0.3 ha;

– the determined area of eligible hectares of the agricultural holding is at least 1 ha;

– the minimum established eligible area of the agricultural parcel for which support for protein crops is claimed is at least 0.1 ha.

(3) The intervention shall not be carried out in areas that are peatlands for the purpose of implementing DGOP 2 from the regulation governing conditionality.

(4) Areas that are assigned to a mountain pasture or common pasture are not included among the areas eligible for support under this article.

(5) For the purposes of the implementation referred to in the third paragraph of this article, a GERK is deemed to be located entirely within the peatland area if it is located within an area with at least 10 are of GERK area.

(6) Payment for the implementation of the intervention may be claimed for agricultural plants from the code list of species or groups of agricultural plants and supports.

(7) When calculating the burden referred to in the second indent of the second paragraph of this Article, the sixth, seventh and eighth paragraphs of Article 6 of this Regulation shall be taken into account.

(8) In the event that the holder of the agricultural holding has submitted an application for protein crops referred to in the second indent of the second paragraph of this Article and has not fulfilled the burden condition referred to in the same indent, the application for this part shall be rejected and it shall be deemed that there is no over-declaration and the administrative sanctions referred to in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application shall not be applied.

(9) The planned amount per unit for protein crops is:

– for 2023, EUR 292.00 per ha, the minimum amount of the planned amount per unit of EUR 233.60 per ha and the maximum amount of the planned amount per unit of EUR 350.40 per ha;

– for 2024, EUR 263.00 per ha, the minimum amount of the planned amount per unit of EUR 210.40 per ha and the maximum amount of the planned amount per unit of EUR 315.60 per ha;

– for 2025, EUR 239.15 per ha, the minimum amount of the planned amount per unit of EUR 191.32 per ha and the maximum amount of the planned amount per unit of EUR 286.98 per ha;

– for 2026 EUR 228.74 per ha, the minimum amount of the planned unit amount of EUR 182.99 per ha and the maximum amount of the planned unit amount of EUR 274.49 per ha;

– for 2027 EUR 219.22 per ha, the minimum amount of the planned amount per unit of EUR 175.38 per ha and the maximum amount of the planned amount per unit of EUR 263.06 per ha.

(10) The realised amount per unit shall be calculated each year by multiplying the total number of eligible hectares of protein crops by the planned amount per unit for the year of submission of the single application referred to in the previous paragraph of this Article. In the event that the indicative financial resources referred to in the first paragraph of this Article are thereby exceeded or unused, the provisions of the second paragraph of Article 4 of this Regulation shall be taken into account.

VII. COMMON PROVISIONS FOR DIRECT PAYMENTS

Article 43

(force majeure for direct payment interventions, except for TSO intervention)

Except for the TSO intervention referred to in Article 23 of this Regulation, for which force majeure is treated in accordance with Article 35 of this Regulation, for other interventions referred to in Article 5 of this Regulation, if, due to force majeure or exceptional circumstances specified in the law governing agriculture, the holder of the agricultural holding cannot fulfil his obligations for which he has submitted a request, he retains the right to the payment specified for the individual intervention referred to in this Regulation, if, in accordance with the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application, he notifies the agency of cases of force majeure or exceptional circumstances on the form specified in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application within 15 working days from the day on which the holder of the agricultural holding is able to do so, and encloses the relevant evidence.

Article 44

(refund in relation to financial discipline for the previous calendar year)

(1) The reimbursement in relation to the financial discipline referred to in the second subparagraph of the third paragraph of Article 17 of Regulation 2021/2116/EU shall be made in the event that the European Commission (hereinafter referred to as: the Commission) adopts an implementing act determining the amount of the reimbursement in relation to the financial discipline to the final beneficiaries.

(2) The amount of the reimbursement in relation to the financial discipline for the previous calendar year for the agricultural holding operator in accordance with the first and second subparagraphs of the first paragraph of Article 17 of Regulation 2021/2116/EU shall be equal to the product of the reimbursement rate and the sum of direct payments for the current calendar year to which the agricultural holding operator is entitled after the application of the administrative sanctions referred to in the Regulation governing the implementation of agricultural policy interventions for the year of submission of the single application and before the application of the reductions referred to in Article 10 of this Regulation and before the application of the administrative sanctions referred to in the Regulation governing conditionality, reduced by EUR 2,000.

(3) The reimbursement rate referred to in the previous paragraph is the ratio between the amount of reimbursement in relation to financial discipline for the previous year for the Republic of Slovenia referred to in the implementing act referred to in the second subparagraph of the third paragraph of Article 17 of Regulation 2021/2116/EU and the sum of direct payments for the current calendar year in the Republic of Slovenia to which agricultural holdings are entitled after the application of administrative sanctions referred to in the regulation governing the implementation of agricultural policy interventions for the year of submission of the single application and before the application of reductions referred to in Article 10 of this regulation and before the application of administrative sanctions referred to in the regulation governing conditionality, reduced by the sum of direct payments for the current calendar year up to and including EUR 2,000.

(4) The reimbursement rate referred to in the first paragraph of this Article shall be published by the ministry responsible for agriculture, forestry and food on its website http://www.mkgp.gov.si/.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 45

(completion of procedures)

(1) Procedures initiated on the basis of the Regulation on direct payment schemes (Official Gazette of the Republic of Slovenia, No. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22) shall be concluded in accordance with the Regulation on direct payment schemes (Official Gazette of the Republic of Slovenia, No. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22).

(2) Notwithstanding Article 12 of this Regulation, the supplementary income support for young farmers referred to in Article 13 of this Regulation shall, in accordance with the second subparagraph of the second paragraph of Article 30 of Regulation 2021/2115/EU, also be paid to beneficiaries who meet the conditions set out in Article 24 of the Regulation on direct payment schemes (Official Gazette of the Republic of Slovenia, Nos. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22) and who have submitted an application for the payment for young farmers for the first time pursuant to Article 24 of the Regulation on direct payment schemes (Official Gazette of the Republic of Slovenia, Nos. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22) in accordance with Article 50 of Regulation 1307/2013/EU and with the consolidated application for 2022 have not yet received payment for the entire five-year period.

Article 46

(termination of payment entitlements)

Payment entitlements acquired under the basic payment scheme in accordance with Regulation 1307/2013/EU and the Regulation on direct payment schemes (Official Gazette of the Republic of Slovenia, No. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22), in accordance with the first paragraph of Article 22 and the second paragraph of Article 23 of Regulation 2021/2115/EU, shall cease to be valid for the period of the CAP Strategic Plan, which in accordance with the second paragraph of Article 1 of Regulation 2021/2115/EU shall start on 1 January 2023, thereby extinguishing all entitlements from of this title.

Article 47

(termination of validity)

On the date of entry into force of this Regulation, the Regulation on Direct Payment Schemes (Official Gazette of the Republic of Slovenia, Nos. 2/15, 13/15, 30/15, 103/15, 36/16, 84/16, 23/17, 5/18, 10/19, 7/20, 78/20, 3/21, 67/21, 197/21 and 53/22) shall cease to apply.

Article 48

(entry into force)

This regulation shall enter into force on the day following its publication in the Official Gazette of the Republic of Slovenia.

No. 00704-57/2023

Ljubljana, 9 February 2023

EVA 2022-2330-0092

Government of the Republic of Slovenia

Dr. Robert Golob

president

Annex 1

Annex 2

Annex 3

Annex 4

Annex 5

Annex 6

Annex 7

Annex 8

Annex 9

Annex 10