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Direct payment for growing fruit and vegetables

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Amended by the following acts

Passed	Published	Entry into force
19.04.2017	RT I, 25.04.2017, 2	28.04.2017
22.12.2017	RT I, 29.12.2017, 16	01.01.2018

The Regulation is established under § 19(2) and § 21(2) of the European Union Common Agricultural Policy Implementation Act, Article 52(1) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L347, 20 December 2013, pp. 608–670), and Article 53(1) of the Commission Delegated Regulation (EU) No 639/2014, supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20 June 2014, pp. 1–47).

§ 1. Scope of application

The Regulation establishes the specific requirements for receiving direct payment for coupled support to fruit and vegetables (hereinafter *support*), and the procedure of applying for and the processing of applications.

§ 2. Requirements to applicants of support

Support can be applied for by natural and legal persons and associations of persons without legal person status (hereinafter *applicant*) who comply with the requirements specified in Article 2 of the Regulation No 32 of the Minister of Rural Affairs Regulation “General requirements for granting direct payments, single area payments, climate and environmental support, and payments for young farmers” of 17 April 2015.

§ 3. Requirements for agricultural land

(1) The payment can be applied for an agricultural area which complies with the requirements laid down in section 3 of Regulation No. 32 of the Minister of Rural Affairs of 17 April 2015 ‘General requirements for the receipt of direct payments, single area payment, climate and environment payment, and payment for young farmers’, which meets the requirements laid down in subsections 4 (1) and (3) of the same regulation, and on which the crops specified in the Annex are grown on at least one hectare.
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(2) The minimal planting density of fruit trees and berry bushes on the agricultural area for which the payment is applied for has to be the following:

- 1) apple tree on a rootstock with strong growth, pear tree – 100 plants per hectare;
- 2) apple tree on a rootstock with medium growth – 300 plants per hectare;
- 3) apple tree on a rootstock with weak growth – 500 plants per hectare;
- 4) plum tree, sour cherry tree, morello cherry tree, damson tree, cherry plum tree – 270 plants per hectare;
- 5) currant, gooseberry – 2,000 plants per hectare;
- 6) raspberry – 3,000 plants per hectare.

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(3) The payment cannot be applied for an agricultural area on which crops are grown as additional feed for goats and sheep to receive animal welfare payments according to the Estonian Rural Development Plan 2014–2020.

(4) The payment cannot be applied for an agricultural area on which crops are cultivated and which are nurseries within the meaning of Article 4(1) (j) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

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§ 4. Compliance with the cross compliance requirements

(1) The beneficiaries stated in Article 92 of Regulation (EU) No 1306/2013 (on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008) (OJ L 347, 20.12.2013, pp. 549–607), shall comply in their agricultural operations and at the entire agricultural area with the requirements established in the Minister of Agriculture's Regulation No 4 of 14 January 2015 "Requirements for preserving good agricultural and environmental condition of land" and the mandatory management requirements published under Article 32(2) of the European Union Common Agricultural Policy Implementation Act.

(2) The beneficiaries shall comply with the requirements set out in Subsection 1 throughout the calendar year of filing the application.

§ 5. Applying for support

(1) The applicant will submit an electronic application through the e-services environment of the Agricultural Registers and Information Board (hereinafter *the ARIB*) from 2 May to 21 May, containing the following information:

1) the data referred to in section 15¹ of the Regulation No. 32 of the Minister of Rural Affairs of 17 April 2015 'General requirements for the receipt of direct payments, single area payment, climate and environment payment, and payment for young farmers';

2) the data on the fact whether direct payments for growing fruits and vegetables are applied for the field;

3) the name of the crop referred to in the Annex grown in the field.

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(2) If an applicant is not applying for a direct payment specified in clauses 11 (1) 1), 2), or 3) of the European Union Common Agricultural Policy Implementation Act, a transitional national aid under an entitlement to a complementary national direct payment for arable crops or hayseed, or a payment specified in Article 28, 29, 30, or 33 of Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005 (OJ L 347, 20 December 2013, pp. 487–548), the applicant will submit information specified in subsection 1, and additional information specified in clauses 15²(1) 1)–6), 12), and 13), subsections 15²(2) and (3), and section 15³ of Regulation No. 32 of the Minister of Rural Affairs of 17 April 2015 'General requirements for the receipt of direct payments, single area payment, climate and environment payment, and payment for young farmers'

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(3) When applying, the applicant will submit a joint application for all single area payments and payments related to animal husbandry and supporting animal welfare granted according to the Estonian Rural Development Plan 2014–2020 at the same time.

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§ 6. Transferring of an agricultural holding

(1) Transferring of an agricultural holding shall comply with the provisions of Article 8 of the Commission Implementing Regulation (EU) No 809/2014, laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31 July 2014, pp. 69–124).

(2) The period stated in Article 8 (3) a) of the Commission Implementing Regulation (EU) No 809/2014, shall begin on 22 May and end on 1 September.

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(3) When transferring an agricultural holding, the transferee shall submit a notice on the transfer along with an application for support in the time specified in subsection 9 (2) to the ARIB electronically through the ARIB e-services environment, containing the following information:

1) the name and registry code or personal identification code of the transferor of the agricultural holding;

2) the name and registry code or personal identification code of the transferee of the agricultural holding;

3) a verification by the transferor and the transferee of the farm on the transfer of an agricultural holding;

4) a verification by applying for support by the transferee of the agricultural holding.

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§ 7. Processing of application

(1) The ARIB shall verify the correctness of information submitted in the application and its compliance with support requirements based on provisions in Articles 24–41 of the Commission Implementing Regulation (EU) No 809/2014.

(2) The authorities stated in § 33(1) of the European Union Common Agricultural Policy Implementation Act shall verify compliance with the requirements in § 4, based on the provisions of Articles 65–72 of the Commission Implementing Regulation (EU) No 809/2014.

(3) The applicant shall inform the authorities stated in Sections 1 and 2 of all the circumstances necessary for making a decision on acceding to the application, including indicating the borders of the agricultural parcel, if necessary.

§ 8. Unit amount

The ARIB shall decide on the payment unit by 1 December of the year of application.

§ 9. Reduction of support

The ARIB shall decide on the reduction of support under the provisions and procedures established in Regulation (EU) No 1306/2013 of the European Parliament and of the Council, the Commission Delegated Regulation (EU) No 640/2014 (supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance) (OJ L 181, 20 June 2014, pp. 48–73), and the Commission Implementing Regulation (EU) No 809/2014.

§ 10. Acceding and non-acceding to application

(1) The ARIB shall on acceding or non-acceding to application by 10 December of the year of application.

(2) The ARIB shall decide on acceding or non-acceding to application based on the provisions established in § 22 of the European Union Common Agricultural Policy Implementation Act.

§ 11. Financial discipline

The amount paid to an applicant shall be adjusted, when necessary, under Article 8(1) of the Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

§ 12. Making of payments

The payments shall be made by 30 June of the year following the year of submission of the application.

§ 12¹. Publishing the data of a beneficiary

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The ARIB will inform the beneficiary of their data being made public pursuant to Articles 111 and 112 of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council, and of their data being processed for the purpose of safeguarding the financial interests of the European Union pursuant to Article 113 of the Regulation.

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§ 13. Implementing provisions

(1) In 2015, the period established in § 5(1) lasts from 7 May to 25 May.

(2) In 2015, the period established in § 6(2) lasts from 26 May to 1 September.

[Annex](#) Crops entitled to the direct payment for growing fruits and vegetables
[RT I, 29.12.2017, 16 - entry into force 01.01.2018]