

PART III.12.N

SUPPLEMENTARY INFORMATION SHEET ON AID TO COMPENSATE FOR DAMAGE TO AGRICULTURAL PRODUCTION OR THE MEANS OF AGRICULTURAL PRODUCTION

This form must be used by Member States for the notification of any state aid measures which are designed to compensate for damage to agricultural production or the means of agricultural production as described by points V.B.2 and V.B.3 of the Community Guidelines for State aid in the agriculture and forestry sector 2007-2013¹.

1. AID TO MAKE GOOD THE DAMAGE CAUSED BY NATURAL DISASTERS OR EXCEPTIONAL OCCURRENCES (POINT V.B.2. OF THE GUIDELINES)

1.1 Which disaster or exceptional occurrence caused the damage for which the compensation is envisaged?

.....

1.2 What kind of physical damage was caused?

.....

1.3 What rate of compensation for material damage is contemplated?

.....

1.4 Is compensation planned for losses of income? If yes, what level of compensation is contemplated and how will income losses be calculated?

.....

1.5 Is the compensation to be calculated for each individual recipient?

.....

1.6 Are insurance payments to be deducted from the aid? How will it be checked whether insurance companies have made any payments?

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2. AID TO COMPENSATE FARMERS² FOR LOSSES CAUSED BY BAD WEATHER (POINT V.B.3 OF THE GUIDELINES)

2.1 What weather event has justified the aid?

.....

2.2 Please give the weather data demonstrating the exceptional nature of the event:

.....

¹ OJ ...

² That is, farmers to the exclusion of processing and marketing undertakings.

.....

2.3 Please indicate the last date until which aid may be granted³.

.....

2.4 What is the threshold of loss, in relation to normal production of the relevant crop⁴ in a normal year, above which farmers will qualify for aid?

.....

Please note that the Commission will declare aid granted for losses due to adverse weather conditions compatible with Article 87(3)(c) of the Treaty only if those events can be assimilated to natural disasters as defined by Article 2(8) of Regulation (EC) No .../2006⁵. A climatic event may be assimilated to a natural disaster and qualify for compensation when it destroys more than 30% of the normal crop production in question.

2.5 Please give normal production figures for each of the crops affected by the weather event and eligible for compensation. Describe the method by which this figure has been arrived at⁶.

.....

2.6 In the case of damage to the means of production (e.g. destruction of trees), explain how the threshold of loss to qualify for the aid has been calculated.

.....

2.7 Is the amount eligible for aid calculated as follows: (mean level of production in a given normal period x average price for the same period) – (actual production during the year of the event x average price for that year)?

.....

2.8 Are losses calculated for each individual holding or for a whole area? In the latter case, please show that the averages used are representative and not likely to lead to considerable over-compensation for some beneficiaries.

.....

2.9 Will insurance payments be deducted from the amount eligible for aid?

.....

³ Under Article 11(10) of the Exemption Regulation, aid must be disbursed within four years after the expenses or losses have been incurred.

⁴ The reference to crops does not mean that livestock are excluded from aid. The principles set out in point V.B.3 of the Guidelines will apply mutatis mutandis to aid intended to compensate for losses involving livestock due to adverse weather.

⁵ Commission Regulation (EC) No ... of ... on the application of Articles 87 and 88 of the EC Treaty to state aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001. Under point 126 of the guidelines, the Commission will declare aid granted for losses due to adverse weather conditions compatible with Article 87(3)(c) of the Treaty, if all conditions of Article 11 of Regulation (EC) No .../2006 are met.

⁶ Normal gross annual production should be calculated either in proportion to the mean production of a farmer determined over the three preceding years or in proportion to the three-yearly average based on the five preceding years and excluding the top and bottom value. Other methods of calculating normal production (including regional reference figures) may however be accepted, provided that they are representative and not based on abnormally high production figures.

2.10 Will the normal costs no longer faced by the farmer (e.g. because there was no actual harvest) be taken into account in calculating the aid?

.....

2.11 If such normal costs go up because of the weather event, is additional aid envisaged to cover the extra costs? If yes, what percentage of the extra costs will the aid cover?

.....

2.12 Will aid be paid to compensate for damage caused by the weather event to buildings and equipment? If yes, what percentage of the damage will it cover?

.....

2.13 Please indicate the maximum rate of public aid as a percentage of eligible damage⁷:

..... in less-favoured areas⁸ (max. 90%);
..... in other zones (max. 80%).

2.14 Will aid be paid directly to farmers or in some circumstances to the producer organisations to which those farmers belong? In the latter case, what mechanisms will be used to check that the amount of aid collected by a farmer will not be more than the losses suffered?

.....

2.15 From 1 January 2010 will the compensation granted be reduced by 50% if the farmer concerned has not taken insurance covering at least 50% of mean annual production or of income related to production and the statistically most frequent climatic risks in the Member State or region concerned?

☐ yes

☐ no

If no, please note that under point 126 of the Guidelines the Commission will declare aid granted for losses due to adverse weather conditions compatible with Article 87(3)(c) of the Treaty only if all conditions of Article 11 of Regulation (EC) No .../2006 are met and that this condition is explicitly laid down by that Article 11. Please show too that, despite all reasonable efforts, no financially accessible insurance policy covering the statistically most frequent climatic risks in the Member State or region concerned was available at the time the damage was incurred.

2.16 For aid pertaining to drought-related losses incurred after 1 January 2011, has the Member State fully implemented Article 9 of Directive 2000/60/EC of the European Parliament and of the Council⁹ with regard to agriculture:

⁷ This rate applies to the amount of aid as calculated according to the method indicated under 2.6 or 2.8, minus any insurance payments and normal costs not faced by the farmer, plus extra costs faced by the farmer as a result of the exceptional event.

⁸ This rate applies to less-favoured areas or the areas referred to in Article 36(a)(i), (ii) and (iii) of Regulation (EC) No 1698/2005.

☐ yes

☐ no

and does it guarantee that all costs for water services in the agricultural sector are recovered from the sector (Article 11(9) of Regulation (EC) No .../2006)?

☐ yes

☐ no

If no, please note that under point 126 of the Guidelines the Commission will declare aid granted for losses due to adverse weather conditions compatible with Article 87(3)(c) of the Treaty only if all conditions of [Article 11 of Regulation (EC) No .../2006] are met and that the above two conditions are explicitly laid down by that Article 11.

⁹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).