



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

**GUIDANCE DOCUMENT ON THE ESTABLISHMENT OF THE EFA-LAYER REFERRED TO IN
ARTICLE 70(2) OF REGULATION (EU) 1306/2013**

CLAIM YEAR 2015 ONWARDS

This document is referred to as "EFA layer guidance".

This document provides for guidance on the implementation/establishment of the EFA-layer referred to in Article 70(2) of Regulation (EU) No 1306/2013 and Article 5 (2)(c) of Commission Delegated Regulation No 640/2014.

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

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

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

1. INTRODUCTION

In accordance with Article 70(2) of Regulation (EU) No 1306/2013 Member States shall ensure that the land parcel identification system (LPIS) contains a reference layer to accommodate the ecological focus areas (EFAs) in respect of claim year 2018 at the latest. The purpose of this so-called EFA-layer is to support the beneficiaries with their annual single application in order to correctly declare the area, location and type of individual EFAs. Therefore the pre-established forms (as part of the geo-spatial aid-application) should provide for relevant information from this EFA-layer. Moreover, like the administrative cross-checks for BPS/SAPS, the EFA-layer's information makes administrative cross-checks possible between the ecological focus areas declared individually by a beneficiary and the potential ecological focus areas included in the EFA-layer.

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

2.1. Acronyms

EFA = Ecological focus areas as referred to in Article 46 of Regulation (EU) No1307/2013 and its Delegated Regulation (EU) No 639/2014;

LPIS = identification system for agricultural parcels as referred to in Article 70 of Regulation (EU) No 1306/2013 and Article 5 of Regulation (EU) 640/2014;

OF = Organic farmer as referred to in Regulation (EC) No 834/2007;

SFS = Small farmers scheme as referred to in Title V of Regulation (EU) No 1307/2013;

2.2. Terminology

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

Established area: Area resulting from direct field measurement or from delineation using ortho imagery;

Converted area: Virtual area of EFAs obtained when using the conversion factors of Annex II of Regulation (EU) No 639/2014;

Weighted area: Virtual area of EFAs obtained after multiplying the established area or the converted area by the weighting factor of Annex II of Regulation (EU) No 639/2014.

3. THE EFA-LAYER: PRINCIPLES

Since the EFA-layer is a reference layer to be used for performing administrative cross-checks and supporting the declaration of the beneficiary all potential types of EFAs which are to be considered as stable in time need to be included in the EFA-layer. Due to the large number of choices for Member States in respect of the implementation of EFA as well as the differences in agricultural practices throughout the EU, this document specifies the general principle of assessment whether an individual EFA should be included in the EFA-layer together with a non-exhaustive list of examples (see section 4).

3.1. General principles

As a general principle the EFA-layer should contain:

- all potential types of EFAs chosen by the Member State;
- which are stable in time and/or expected to remain for at least 3 years.

The following provides an explanation of these two criteria.

"All potential types of EFAs chosen by the Member State":

This means all types of EFAs notified to the Commission in accordance with Article 46(8) of Regulation (EU) No 1307/2013 and located in their territory, whether declared by a beneficiary or not, whether the beneficiary is exempted or not.

All such elements/features which are at the disposal of beneficiaries who are exempted from the greening requirements in accordance with the provisions on organic farming and small farmers scheme are considered to be potential EFAs and should be included in the EFA-layer (see however also section 5.10 completeness of the EFA layer below).

The same principle applies also to any elements/features at the disposal of beneficiaries who are exempted from the EFA requirement in accordance with Article 46 (1) and (4) of Regulation (EU) No 1307/2013).

Elements/features for which it is clear, for instance by national law, that they never will come at the disposal of a beneficiary applying for direct support are not considered as potential types of EFAs.

Moreover, landscape features located on, i.e. completely surrounded by, permanent grassland or permanent crops are not considered to be potential EFAs and therefore they do not need to be included in the EFA-layer as long as the land use does not change.

"Stable in time and/or expected to remain for at least 3 years":

Among elements listed in Article 46(2) of Regulation (EU) No 1307/2013, terraces, all landscape features except field margins, hectares of agro-forestry, areas with short rotation coppice, afforested areas as well as features subject to cross-compliance are considered to be stable in time and should be included in the EFA-layer.

All EFAs which are expected to remain for at least 3 years are considered to be stable in time. Hence they need to be included in the EFA-layer from the 1st year.

For the remaining types of EFA for which it is less obvious whether it is stable in time, it is recommended to apply the 3 years principle. They need to be included in the EFA-layer after 3 years in place if the declared EFA covers only a part of a reference parcel (ie. the declared EFA boundaries not completely and exactly follow the boundaries of the existing LPIS reference parcel).

As an example land lying fallow declared as EFA as part of a reference parcel and geolocalised exactly on the same place and with the same boundaries for the 3rd year in a row should be introduced in the EFA-layer before payment of the 3rd claim¹ while land lying fallow being part of a contiguous common EFA for the purpose of collective implementation of EFA should be included from the beginning. Land lying fallow declared as EFA for the 3rd year in a row of which the boundaries (slightly) shift from year to year are not considered as stable and therefore would not need to be included in the EFA-layer.

3.2. Particular cases of "Equivalent practices"

Article 70(2) of Regulation (EU) No 1306/2013 requires that the EFA-layer shall, in particular, cover the relevant specific commitments undertaken and/or environmental certification schemes that are equivalent to the EFA practices. In this respect equivalent practices with EFAs which are listed under Annex IX of Regulation (EU) No 1307/2013 have to be considered and it is recommended to use the same criteria on stability in time and three years as described in the general principles.

In many cases, areas covered by equivalent agri-environmental-climate measures (AECM) are expected to last at least 5 years and should thus as a principle be introduced in the EFA-layer as "areas equivalent to EFA" as from the first year.

Moreover, where appropriate, necessary information concerning specific and additional conditions in respect of those equivalent practices needs to be linked to the EFA objects.

¹ As an example, a MS having the EFA-layer in place already in claim year 2015 would register such land lying fallow declared as EFA in 2015, 2016 and 2017 before the payments of claim year 2017 only.

4. THE EFA-LAYER: CONTENT

All arable land included in the LPIS serve as a basis to establish the EFA-layer. Since features on or completely surrounded by permanent grassland and permanent crops are not considered to be potential EFAs the distinction of agricultural land into arable land, permanent grassland and permanent crops in the LPIS is essential to be able to establish the EFA layer (See LPIS guidance).

4.1. Small farmers scheme

Elements/features at the disposal of participants in the SFS should be included in the EFA-layer since they are considered to be potential EFAs (see however also section 5.10 completeness of the EFA layer below).

Although beneficiaries participating in the SFS are exempted from the greening practices, participation in the SFS is a choice of the beneficiary and the participants can opt out the scheme and enter into the BPS/SAPS with the related greening if they decide so.

Moreover, it is expected that the participants of the SFS are scattered over the country and they may exchange their land with other beneficiaries for whom the greening requirements are mandatory.

4.2. Organic Farmers

Elements/features at the disposal of organic farmers should be included in the EFA-layer since they are considered to be potential EFAs (see however also section 5.10 completeness of the EFA layer below).

In this respect it should be noted that OF may refuse the right to be exempted from the greening requirements. Please note that in this case the Commission Services consider the entire holding to fall under the normal greening obligations

4.3. Forest exemption

As an EFA exemption is in place for some forest areas in accordance with Article 46(7) of Regulation (EU) No 1307/2013, it is not considered necessary to include, in the EFA-layer, the elements located in these areas which could have been considered, without this exemption, as potential EFAs. However, if beneficiaries declare EFAs in the exempted areas those EFAs should be included in the EFA-layer before payment. Please note that in this case the Commission Services consider the entire holding to fall under the normal greening obligations.

4.4. Minimum or maximum size

Elements, features or areas have to meet the maximum and/or minimum dimensions set out in Article 45 of the Commission Delegated Regulation (EU) No 639/2014 individually in order to qualify as potential EFA. Also in case conversion factors of Annex II of Regulation (EU) No 639/2014 are used the elements, features or areas should actually meet the dimensions to be considered as potential EFAs.

In this respect it needs to be clarified that for instance a hedge or wooded strip which is part of a bigger forest, meeting the dimensions required for hedges cannot qualify as an EFA. Each type of EFA itself needs to meet the dimensions applicable.

In accordance with Article 45(4) of Regulation (EU) No 639/2014, the landscape features already protected under cross-compliance can also qualify for EFA. Member States may protect, for example, ditches and/or ponds on the basis of GAEC 7 and may specify a different width or area, including higher, than other landscape features qualifying for EFA and not protected by GAEC 7. Landscape features may also be protected in the framework of Statutory Management Requirements (SMR) 2 and SMR 3 (Birds and Habitats Directive). They would also qualify for EFA with the size specified in the national rules implementing these Directives.

Where Article 45 of Regulation (EU) NO 639/2014 states a maximum or minimum width for an EFA type, only those parts of linear elements qualify as EFA that satisfy the width constraints. Only parts fulfilling the constraints should be included in the EFA-layer. In other words, not the total actual object should be mapped, but only those parts of it, which meet the widths. Also in case there are gaps in such elements, those gaps should be indicated in the EFA-layer. However, in order to simplify, gaps in hedges or wooded strips which are less than 4 meters wide may be ignored (e.g. stiles in hedges for pedestrians).

4.5. Adjacent elements

With the exception of areas with short rotation coppice and afforested areas referred to in Article 46(2) points (g) and (h) of Regulation (EU) No 1307/2013 EFAs shall be located on arable land. However, landscape features as well as buffer strips may also be adjacent to arable land as specified in Article 46(2) second subparagraph.

This section clarifies what "adjacent to arable land" means and how to deal with EFAs adjacent to each other of which one of them is adjacent to arable land.

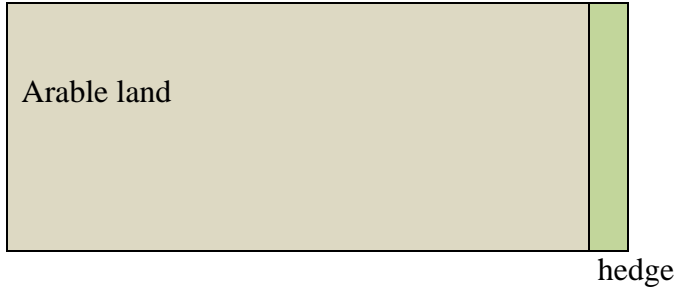
Linear landscape features or buffer strips are considered to be "adjacent to arable land" when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFAs (like in the 1st example), regardless if it is on the short or long side of the field. It is not possible to consider adjacent a hedge touching the field just with its short side (like in the 3rd example).

Nonlinear features like ponds, isolated trees, groups of trees and field copses are considered to be adjacent to arable land if they physically touch arable land. Note that, fences located on eligible arable land or on the potential EFA feature do not prevent a feature from being adjacent.

However, where duly justified and in line with the greening objective of environmental protection, MS may choose to also consider landscape features located within a 5 meters buffer around the agricultural parcel as being adjacent and consequently as potential EFAs.

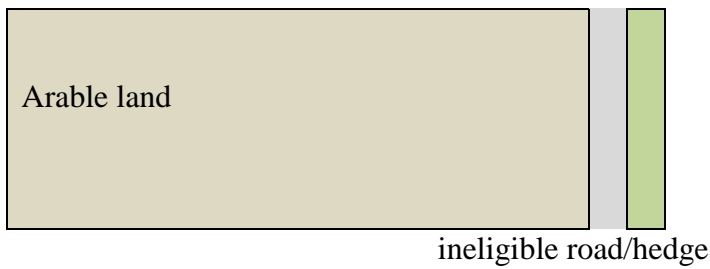
Illustrative examples are given hereinafter. Apart from example 9, those examples are based on the situation where a MS does not apply the 5 meters buffer around the agricultural parcel.

1st. Example (adjacent)



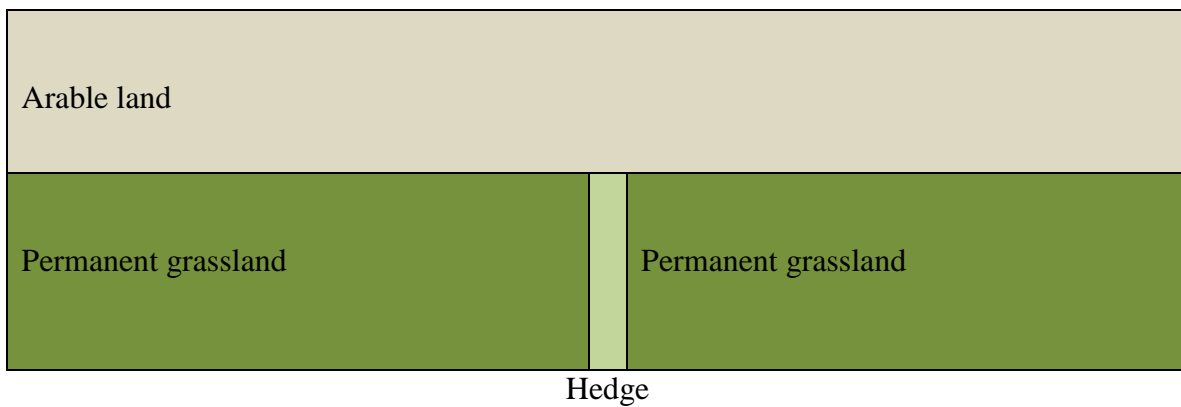
This hedge is adjacent to arable land and is thus considered as a potential EFA.

2nd. Example (not adjacent)



This hedge is, due to the ineligible road, not adjacent to arable land. Therefore this hedge is not considered as a potential EFA.

3rd. Example (not adjacent on the longest edge)



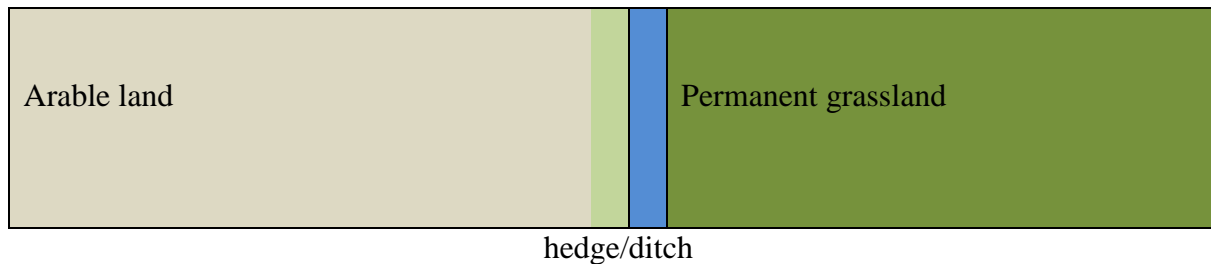
This hedge physically touches arable land on the north with its shorter edge. It is thus not considered as a potential EFA.

4th. Example (adjacent in respect of nonlinear features)



As regards nonlinear features, they are considered as being adjacent as long they touch (are in physical contact with) arable land. Therefore they should be completely included in the EFA-layer.

5th. Example (adjacent to adjacent)

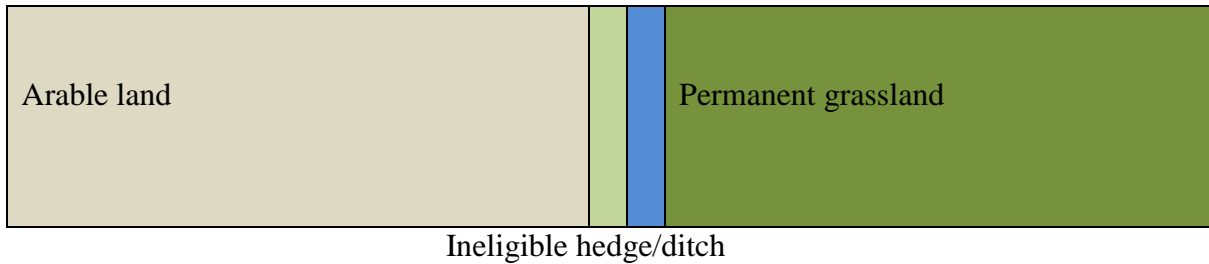


In this example, a landscape feature (the ditch) is adjacent to another landscape feature (hedge) which is adjacent to arable land. It is considered as a potential EFA when:

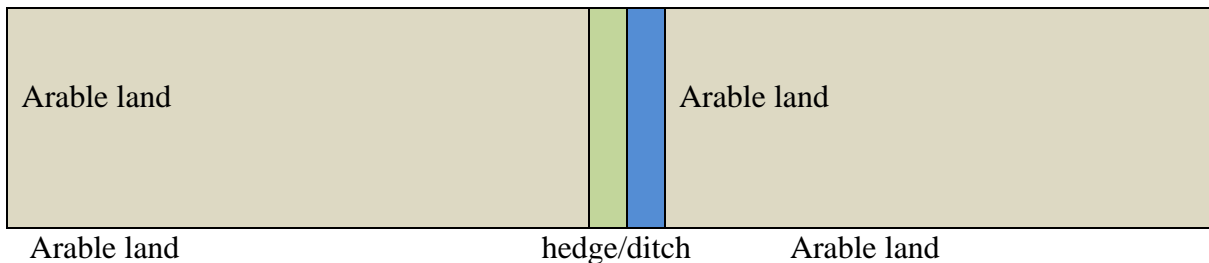
The landscape feature between the arable land and the second landscape feature (in this example the hedge) is embedded in the agricultural parcel eligible for BPS/SAPS in accordance with Article 9(1) and (2) of Commission Delegated Regulation (EU) No 640/2013.

The ditch need to be included in the EFA-layer . However, when the eligible landscape feature (hedge) is also on the list of EFAs decided/notified by the Member State, then both objects should be included in the EFA-layer separately.

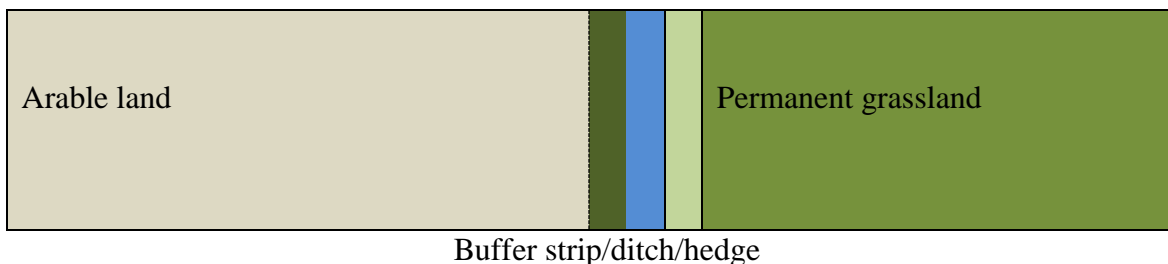
This principle applies for more features adjacent to each other as long as the last potential EFA is in the list of EFAs chosen by the MS and the features between the arable surface and that last potential EFA is part of the agricultural parcel eligible for BPS/SAPS according to Articles 9(1) and (2) of Regulation (EU) No 640/2014. Each potential EFA needs to be included in the EFA-layer as a separate element.

6th. Example (not adjacent to arable land)

In this example, in case the hedge is ineligible for BPS/SAPS (i.e. not included in the agricultural parcel eligible for BPS/SAPS) then only the hedge is considered to be adjacent to arable land and therefore only the hedge has to be included in the EFA-layer.

7th. Example (adjacent to adjacent)

As regards this example both EFAs, the hedge and the ditch, regardless of their eligibility, should be included in the EFA-layer.

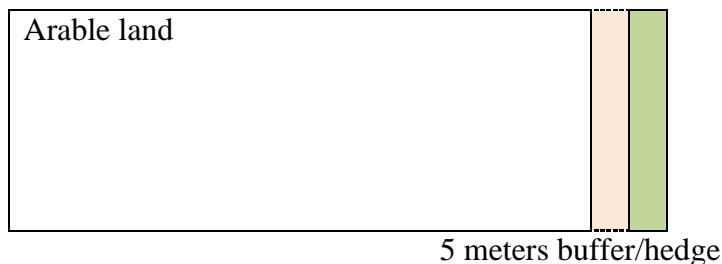
8th. Example (adjacent, to adjacent, to adjacent)

As the buffer strip is located on the arable land, the ditch is adjacent to arable land regardless of its eligibility.

A lot of ditches are not eligible, i.e. not embedded in the agricultural parcel and then the hedge is not considered to be adjacent to arable land.

But, in case the ditch is also embedded in the parcel and eligible for BPS/SAPS (i.e. in accordance with Article 9(1) or (2)) then also the hedge is considered to be adjacent to arable land and thus a potential EFA.

9th. Example (5 meters buffer possibility)



This hedge is, due to the 5 meters buffer, considered as adjacent to arable land. Therefore this hedge is considered as a potential EFA.

4.6. Regional implementation of EFA

For regional implementation of EFA as referred to in Article 46(5) of Regulation (EU) No1307/2013 the contiguous structures of adjacent EFAs should be included in the EFA-layer in all cases. Within those contiguous structures of adjacent EFAs, the different types of EFAs should fulfil the requirement to qualify as EFA (e.g. nature, localisation, dimension) individually and to be recorded separately. Where necessary, the use of the conversion and/or weighting factors also needs to be recorded in the EFA-layer.

In accordance with Article 46(4) of Commission Delegated Regulation (EU) No 639/2014, the contiguous structures of adjacent EFAs only consist of:

- land lying fallow,
- landscape features,
- buffer strips,
- afforested areas referred to point(ii) of Article 32(2) of Regulation (EC) No 1307/2013.

Where relevant, additional information concerning the specific details in accordance with the detailed plan for the regional implementation of those types of EFA may also be necessary for the control and thus should be linked to the EFA objects in the EFA-layer. In particular the LPIS includes a link between the designated region and the corresponding contiguous structures of adjacent EFAs in order to perform administrative cross-checks and to be able to do the communication referred to in Article 46(6) of Commission Delegated Regulation (EU) No 639/2013 possible.

4.7. Collective implementation of EFA

For collective implementation of EFA as referred to in Article 46(6) of Regulation (EU) No 1307/2014 the contiguous EFAs should be included in the EFA-layer in all cases. The different types of common EFAs need to be identified and recorded separately. The use, where necessary of conversion and/or weighting factors also needs to be recorded in the EFA-layer.

Furthermore it is highly recommended that the LPIS includes functionalities to perform GIS based controls to check whether or not the farmers participating in a collective implementation meet the requirements in respect of the "close proximity".

In the context of both regional and collective implementations, "contiguous" means physically touching one to another. The different types or parts of EFAs concerned need thereby to be in physical contact with each other but it is not considered necessary to set up a minimum length of the physical contact.

The characteristics of the contiguous common EFAs (i.e. composition in terms of EFA types and number of common EFAs) need to comply with the purpose of the provision which aims to build up adjacent EFAs to guarantee added value for the environment and contribution to the enhancement of green infrastructure.

It is possible to define more than one contiguous area in the regional or collective implementation of EFA.

5. ESTABLISHMENT OF THE EFA-LAYER

This paragraph deals with the initial establishment of the EFA-layer.

5.1. Distinction of agricultural land cover

It is essential to distinguish agricultural land into arable land, permanent grassland and permanent crops (See the LPIS guidance).

5.2. Use of orthoimagery

It is recommended to create the EFA-layer on the basis of photointerpretation of aerial orthoimagery used for the LPIS (the EFA-layer being part of the LPIS).

The establishment of the EFA layer in LPIS is not foreseen to be done on the basis of VHR/HR imagery but such imagery and results of checks done with VHR/HR imagery could be used to locate potential EFAs. However, where necessary the final inclusion would still have to be done by using aerial orthoimagery.

5.3. Representation of the EFA

For different types of EFA the Member States have the discretion to decide whether they use the conversion factor, provided for in Annex II of the Commission Delegated Regulation (EU) No 639/2014, or use the established area. The use of conversion factors or established area has to be consistent with the decision on factors for EFA (Article 46(3) and 46(8) of Regulation (EU) No 1307/2013) and notified by the Member States.

- Using the established area, then polygons should be delineated;

- Using the conversion factor, then no polygons are foreseen but the features/elements should be located in the LPIS by lines or points.

Independent from the choice on surface above, the MS has to indicate if the weighting factor (also a choice of the MS for the factors above 1) is used.

5.4. Information to be recorded

Information concerning the type, size and location (coordinates) of the EFAs is considered relevant for the EFA-layer. Thus, this information needs to be introduced for each EFA element. There may be cases where additional information relevant to perform the controls and to support the geo-spatial aid application should be added as well.

The recorded type of the EFA needs to correspond to the types mentioned in the legal framework (ie. land lying fallow, terraces, trees in line etc.). In light of limiting the burden to establish the EFA-layer, where hedges or wooded strips and trees in line referred to in Article 45(4) points (a) and (c) of Regulation (EU) No 639/2014 (i.e. not the ones protected under cross-compliance) both qualify as EFA, MS may decide not to distinguish between those types in the EFA-layer.

Examples of additional information are whether this EFA forms part of a contiguous common EFA in a regional-, collective implementation, if it belongs to an equivalent practice or if it is subject to cross-compliance.

Information concerning the size should give clarity, depending on Member States choices, about the established area or established length, the converted area and the weighted area. For each individual EFA the information consists of:

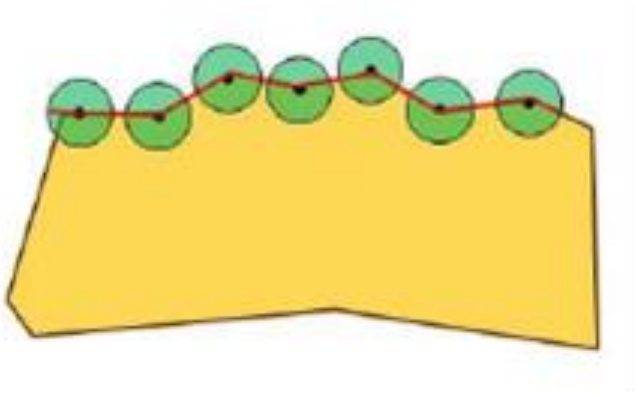
- the established area of the polygon or the converted area (established length or actual area X conversion factor);
- the weighted area which is based on either the actual size multiplied by the weighting factor or the converted area multiplied by the weighting factor.

5.5. Topology

In order not to increase the converted area, newly created lines (curves) representing linear EFAs, should normally comprise as few as needed points to locate the feature and establish the length correctly. If possible only the point which indicates the start of the feature and the point indicating the end of the feature.

However, where the line (curve) is already available in LPIS as an accurate existing boundary of a parcel, it should simply be copied including all the existing points and only the start point and the end point should be indicated.

10th. Example (line representing an EFA by copying an accurate existing border from LPIS)



Where a MS decides not to apply a conversion factor, the individual EFA should be included in the EFA-layer as a polygon using either direct or object geo-referencing.

Direct geo-referencing with coordinates is recommended when the extent of the EFA does not completely match the perimeter of one (or more) existing reference parcels.

In other cases, object referencing (linking the necessary information to the reference parcels) can be applied.

EFAs represented as polygons shall include the total spatial extent of the EFA and be topologically coherent (i.e. have no overlap or leave slivers) with adjacent EFAs and where appropriate, also no overlap with adjacent objects of other LPIS layers.

When EFA types with vegetation are represented with polygons (established area) in the EFA-layer, it is recommended to delineate them on the basis of the dense canopy observed on orthoimagery for:

- Hedges or wooded strips,
- Trees in group.

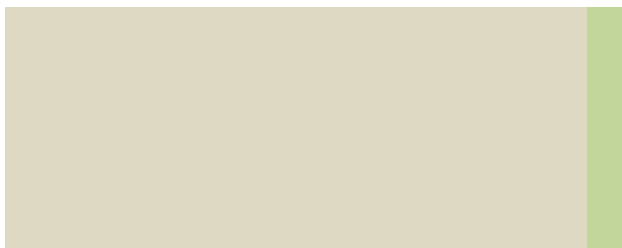
On the basis of the area observed on orthoimagery for:

- Field margins,
- Ponds,
- Ditches, (including the slopes),
- Traditional stone walls.

And on the basis of the trunks or canopy [under technical review] and then take into account the diameter of the crowns, for:

- Trees in line,
- Isolated trees.

11th. Example A (actual situation)

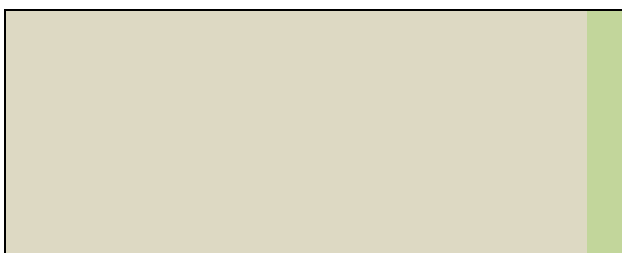


Arable land 9,80 ha

wooded strip of 0,20 ha

The actual situation is arable land of 9,80 ha and an adjacent wooded strip of 0,20 ha (10 m X 200m).

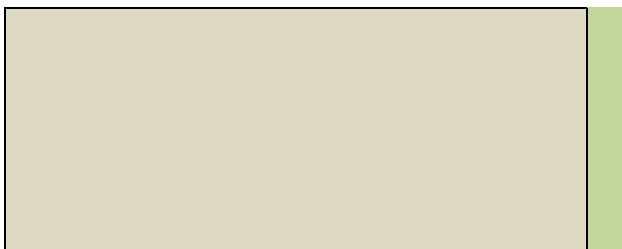
12th. Example A1 (reference parcel BPS/SAPS situation 1)



Reference parcel BPS/SAPS of 10,00 ha

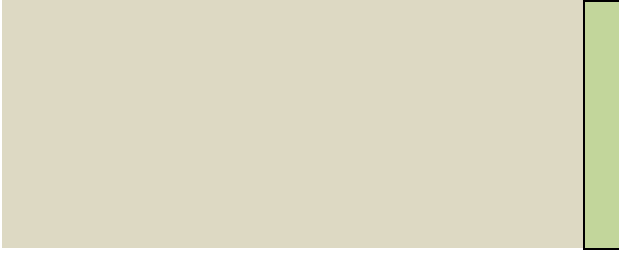
In case the wooded strip is eligible for BPS/SAPS (i.e. protected under cross-compliance) the maximum eligible area in accordance with Article 5(2)(a) of Commission Delegated Regulation (EU) No 640/2013 is 10,00 ha.

13th. Example A2 (reference parcel BPS/SAPS situation 2)



Reference parcel BPS/SAPS of 9,80 ha

In case the wooded strip is not eligible for BPS/SAPS the maximum eligible area in accordance with Article 5(2)(a) of Commission Delegated Regulation (EU) No 640/2013 is 9,80 ha.

14th. Example A3 (EFA as a polygon)

The wooded strip shall be included as a polygon in the EFA-layer, being a wooded strip (type) with an established (maximum eligible) area in accordance with Article 5(2)(c) of Commission Delegated Regulation (EU) No 640/2013 of 0,20 ha.

When the weighting factor is applicable then the weighted area should be added as additional information ($0,20 \text{ ha} * 2 =$) 0,40 ha. In any case, it should be made clear to the farmer that the established area of this EFA is 0,20 ha while the weighted area taken into account for fulfilling the EFA requirement after application of the weighting factor is 0,40 ha.

15th. Example A3 (as a line element)

In case the conversion factor is applicable then the wooded strip need to be introduced as a line element, being a wooded strip (type), indicating that the conversion factor is applicable, with a length of 200 meters and a converted area of ($200\text{m} * 5=$) 0,10 ha. However, if also the weighting factor is applicable then the weighted area should be added as additional information ($0,10 \text{ ha} * 2 =$) 0,20 ha.

Both possibilities can be used in combination with the different LPIS methods referred to in the previous section.

5.6. Use of conversion/weighting factors

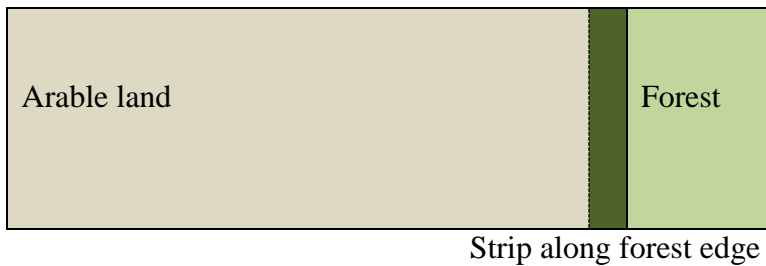
All necessary information concerning the use of conversion/weighting factors should be linked to the individual EFAs. In particular:

- For linear elements, information on the maximum length, the location (coordinates), the converted area and/or the weighted area;
- For point elements (isolated trees and ponds) the location expressed by coordinates as a point, the converted area and/or the weighted area.

5.7. Overlapping EFAs

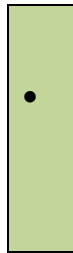
In accordance with Article 45(11) of Commission Delegated Regulation (EU) No 639/2014 a farmer can declare the same area or landscape feature only once in one claim year for the purpose of complying with the EFA requirement. Hence, there can be no overlap of EFAs at all (see examples below).

16th. Example (strip along forest edge)



In this example the area counts as a strip along forest edge and the same surface cannot be at the same time a field margin. However, it is possible to set up a field margin along forest edges but then it cannot be at the same time a strip along a forest edge.

17th. Example (hedge with an isolated tree in it)



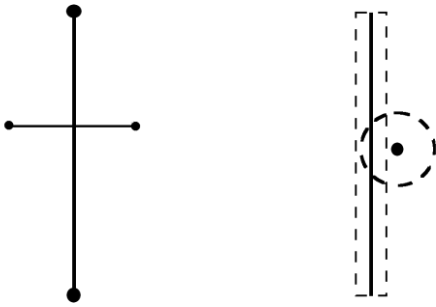
In this example the landscape feature counts as a hedge and the landscape feature cannot count at the same time as an isolated tree.

Note that for any potential EFA, included in the EFA-layer, only one type of EFA should be attributed. The same area cannot be allocated to different types of EFA (i.e. in case a field margin has some trees in line on it, it is not possible to record both a field margin and the trees in line). Where there are doubts as to which type of EFA it belongs, the type should be carefully assessed².

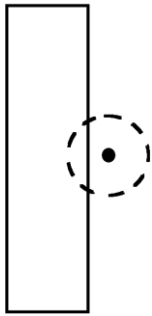
Where the EFAs are identified and recorded in the system based on polygons, this area consists of one single type of EFA and no overlap between the different EFAs is possible. However, when using conversion factors, the virtually created converted area should not be seen as overlap in the EFA-layer (and therefore it is possible to sum the converted/established areas).

² Note that the attribution of EFA in the EFA layer would not prevent the beneficiary from declaring another EFA.

18th. Example (using converted area: -> OK, not seen as crossing or virtual overlap)



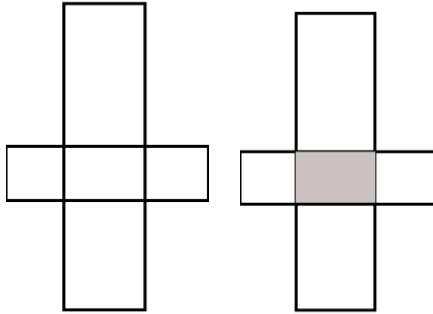
19th. Example (combination of using established area and converted area -> OK, not seen as overlap)



20th. Example (using converted area-> not OK, crossing/overlap not allowed)



21st. Example (using established area -> overlap not allowed)



In summary:

EFA-layer		Established area (represented as polygon)	Converted area	
			Exact location of the line or point	Converted area stemming from the line or point
Established area (represented as polygon)		Overlap not allowed (21 st Example)	Crossing not allowed (17 th Example)	OK, not seen as overlap (19 th Example)
Converted area	Exact location of the line or point	Crossing not allowed (17 th Example)	Crossing/overlap not allowed (20 th Example)	OK, not seen as overlap/crossing (18 th Example)
	Converted area stemming from the line or point	OK, not seen as overlap (19 th Example)	OK, not seen as overlap/crossing (18 th Example)	OK, not seen as overlap (18 th Example)

This table only clarifies the recommended treatment of overlaps/crossing in the context of the establishment of the EFA-layer.

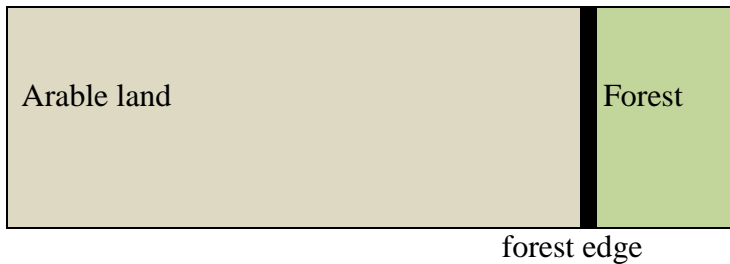
Consistency of the EFA layer should be ensured for the different objects in the LPIS. In particular cases there could be (a partial) overlap between the EFAs and the maximum eligible area for the purpose of the direct payment support schemes since EFAs are not necessarily eligible for BPS/SAPS.

It should be noted that, when the eligibility profile of landscape features is updated, the changes, when applicable, should be propagated to the EFA layer.

5.8. Strips along forest edges

Strips along forest edges, not intended to be in place for at least 3 years, do not need to be included in the EFA-layer. However, it is recommended to include the forest edge in the system in order to support the beneficiary if he/she wants to declare such strips as EFAs.

22nd. *Example*



5.9. Update of the EFA-layer

5.9.1. *Link with LPIS-update*

Whenever a change, error or omission is detected, or whenever CAP rules change, the EFA layer should be updated in order to reflect the new situation. In addition, necessary checks and updates have to be performed to re-establish consistency between the different objects in the integrated system (other layers) where needed.

5.9.2. *Permanent grassland, permanent crops versus arable land*

Landscape features located on or surrounded by permanent grassland or permanent crops are not considered to be potential EFAs. But the information in the LPIS should be updated when permanent grassland or permanent crops has been converted into arable land. Not only the change from permanent grassland or permanent crops into arable land should be recorded but also a check on new potential EFAs should be done and such areas should then be included in the EFA-layer.

5.9.3. *Non declared EFAs*

Non declared EFAs do not trigger a deletion from the EFA-layer. However, if it is clear that the potential EFA no longer exists (e.g. the hedge has been cut down), it should be removed from the EFA-layer. EFAs included in the EFA-layer due to the 3 years principle which are no longer declared as EFA, may either stay in or be removed from the EFA-layer.

5.10. Completeness of the EFA-layer

As from claim year 2018, it is recommended that the EFA-layer contains all the potential EFAs which are stable in time and/or expected to remain for at least 3 years are included in the EFA-layer as laid down in this guidance.

It is inevitable that the EFA-layer will change constantly. As a best practice all newly created potential EFAs as well as where appropriate the declared EFAs which comply with the three years principle should be included in the EFA-layer before the following application period.

However, it should be noted that as a minimum requirement the EFA-layer needs to include, after verification and before payment, at least all EFAs declared by beneficiaries in order to:

- provide for the relevant information concerning stable EFAs to be annually pre-established in the (geo-spatial) aid application
- contain all the additional EFAs annually declared which are stable in time and, for the non-stable ones, comply with the three years principle.