



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate D. Sustainability and income support
D.3. Implementation support and IACS

**GUIDANCE DOCUMENT ON THE LAND PARCEL IDENTIFICATION SYSTEM (LPIS) UNDER ART. 5, 9
AND 10 OF COMMISSION DELEGATED REGULATION (EU) NO 640/2014 AND ON THE
ESTABLISHMENT OF THE EFA-LAYER REFERRED TO IN ART. 70(2) OF REGULATION (EU) NO
1306/2013**

CLAIM YEAR 2018 ONWARDS

This document is referred to as "LPIS guidance".

The purpose of this document 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 LPIS is contracted out, it remains the responsibility of the MS authority that the work is carried out in line with the applicable legislation and to the standard required (Regulation (EU) No 1306/2013 and its delegated act and implementing act regarding IACS). Detailed guidelines for the purpose of instructing the contractor are also the responsibility of the individual MS opting for sub-contracting. The aim of this document is also to provide a certain implementation standard as regards LPIS and the establishment of the ecological focus area (EFA) layer (in Annex).

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

It should be emphasised that this guidance is provided for information purposes only and is not a legally binding document. It was prepared by Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

ACRONYMS USED / TERMINOLOGY FOR THE PURPOSE OF THIS DOCUMENT

Acronyms

AEA = afforested eligible area as referred to in Art. 32(2)(b)(ii) of Regulation (EU) No 1307/2013

EFA = Ecological focus areas as referred to in Art. 46 of Regulation (EU) No 1307/2013 and its Delegated Regulation (EU) No 639/2014;

GSAA= Geo-spatial aid application

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

MMU = Minimum mapping unit;

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

PG = Permanent grassland as referred to in Art. 4(1)(h) of Regulation (EU) No 1307/2013;

PG-ELP = Land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant as referred to in Article 4(1)(h)(ii) of Regulation (EU) No 1307/2013;

RP = Reference parcel;

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

Terminology

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

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

Converted area for EFA: 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.

1. LPIS: BASIC PRINCIPLES

1.1. Reference parcels

LPIS in EU apply different types of reference parcels (RP) (agricultural parcel, farmer's block, physical block, cadastral system, topographic block) chosen by the MS for each LPIS (national or regional). It is strongly recommended to choose only one RP type per LPIS.¹ RP should contain agricultural area as defined in Art. 4(1)(e) of Regulation (EU) No 1307/2013.

When choosing the RP type, MS should carefully consider whether a specific RP type in combination with other LPIS or/and third party spatial layers helps beneficiaries to reliably identify/ localise their agricultural parcels and declare them through the geospatial aid application (GSAA).

Even though the LPIS are already in place in all the MS, regular reviews (upgrade, update, completion, etc.) are necessary based on: information coming from on-the-spot checks and checks by monitoring, the LPIS Quality Assessment (LPIS QA), indications by beneficiaries, changes in the eligibility conditions or definitions of agricultural area, new ortho-imagery, etc.

In view of preparing the implementation of the reform, this review was necessary in all MS at least in view of the new definition of permanent grassland (completion of the LPIS with new eligible land) and depending on MS choice in view of implementing Art. 9 and 10 of Regulation (EU) No 640/2014.

1.2. Different Maximum Eligible Areas for different purposes

Art. 5(1) of Regulation (EU) No 640/2014 sets out how all the agricultural area as defined in Art. 4(1)(e) of Regulation (EU) No 1307/2013, and where appropriate areas referred to in Art. 32(2)(b) of the same Regulation as well as areas referred to in Art. 28(2) of Regulation (EU) No 1305/2013, should be identified in the LPIS.

Art. 5(2) of Regulation (EU) No 640/2014 lays down further requirements on the LPIS, including that the maximum eligible area (MEA) for various aid schemes or support measures shall be determined. This implies that the MEA (e.g. for the Basic Payment Scheme (BPS) or the Single Area Payment Scheme (SAPS) and Natura 2000) might not be the same. It is recommended that this zoning is explicitly handled by different "layers/themes" in the LPIS, responding to every requirement listed in Art. 5 of Regulation (EU) No 640/2014. Each "layer" should contain the MEA for the scheme or measure in question.

In order to facilitate beneficiaries' declarations through the geospatial aid applications (GSAA) and to make controls more efficient, further specific information, e.g. more detailed delineations, can be included. In particular, when a RP contains more than one type of agricultural area as defined in Art. 4(1)(e) of Regulation (EU) No

¹ Hybrid systems, i.e. LPIS designs using two or more types of RP or two LPIS systems/ designs within one MS/region, are not recommended. They are considered to bear a higher risk of unequal treatment due to increased difficulties in achieving consistency and equal application of rules. Furthermore, where such systems are implemented, separate LPIS QA must be carried out, one for each type of RP.

1307/2013 (i.e. area taken up by arable land, permanent grassland and permanent pasture, or permanent crops), together with areas referred to in Art. 32(2)(b) of the same Regulation and/or areas referred to in Art. 28(2) of Regulation (EU) No 1305/2013 (i.e. areas concerned by Rural development Agri-environment-climate payments), it is important that those areas are geo-localised in the LPIS. It would help the farmers and ease the controls by avoiding errors in the aid applications and/or payment claims.

2. MEA LINKED TO ART. 5(2)(a) OF REGULATION (EU) NO 640/2014 AND FOR THE PURPOSE OF THE SCHEMES LISTED IN ANNEX I TO REGULATION (EU) NO 1307/2013

This section deals with the LPIS “reference” layer of eligible areas for BPS/SAPS as from 2015 (Art. 32(2) and 32(5) of Regulation (EU) No 1307/2013). It should be noted that this reference layer also serves the purpose of the following other direct payments: the redistributive payment, the payment for young farmer, the payment for agricultural practices beneficial for the climate and the environment (“greening”) and the small farmers scheme (SFS). Additional conditions linked to areas apply to the voluntary coupled support (types of crops) and the payment for areas with natural constraints (further delineation of the natural constraints in the LPIS needed).

2.1. Distinction of the agricultural area / land cover within the reference parcels

2.1.1. Principles

The distinction of agricultural area / land cover in arable land (AL), permanent grassland (PG), permanent crops (PC), as well as any non-agricultural area which gave right to SPS/SAPS payment in 2008, notably the afforested eligible areas (AEA)² in the LPIS is at least necessary in order to:

- facilitate and control the declaration of the agricultural areas by beneficiaries (permanent grassland, arable land, permanent crops), in particular where land with grasses and other herbaceous forage are declared by beneficiary as arable land while they have actually not been included in the crop rotation for 5 years or more;
- facilitate the declaration of arable land by farmers and the calculation of the relevant shares based thereon for EFA and crop diversification (CD), as well as the cross-check by the administration;
- maintain the EFA-layer as referred to in Art. 5(2)(c) of Regulation (EU) No 640/2014 (EFAs are located on arable land or for some of them adjacent to arable land);
- identify the agricultural parcels of environmentally sensitive permanent grassland to be protected under greening as referred to in Art. 5(2)(d) of Regulation (EU) No 640/2014, etc.

² Point (b) of Article 32(2) of Regulation (EU) No 1307/2013 gives the possibility to the EU Member States to consider “eligible hectares” areas that no longer qualify as such under point (a) of the same Article, if certain conditions are met.

2.1.2. *Technical modalities*

The distinction between the different types of agricultural area should be done by delineation (assigning geometries to each type of agricultural area within the RP).

Where a RP corresponds to one type of agricultural area only (permanent grassland or arable land or permanent crops), there is no need to duplicate the geometries (spatial representation) of the agricultural area. The information on the type of area can be included as an attribute of the RP.

Where a RP corresponds to several types of agricultural areas, there is no need to split the RP but each type should be geo-localised ("object referencing") and its area recorded in the LPIS as attributes. The sum of the eligible area of each type of agricultural area in a RP should equal the MEA of the RP. In other words, the distinction of the agricultural area in PG, AL, PC and AEA could be seen as another layer.

The geo-referenced area of AL, of PC, of AEA, or of PG may include landscape features and/or trees. For eligibility purposes (for BPS/SAPS) there is no need to delineate eligible landscape features or trees in the LPIS reference layer. This could be necessary for other purposes, e.g. the GAEC layer with protected landscape features (see section 2.4.2).

Where a RP made up of one type of agricultural area (PG or AL or PC or AEA) contains "eligible" landscape features and/or trees (see relevant sections on landscape features and trees hereinafter), the area of those latter should be considered as area under the type of agricultural area composing the RP (e.g. an eligible pond located on a reference parcel composed of arable land is considered as "arable land").

Where a RP containing different types of agricultural areas also contains "eligible" landscape features and trees (see section 2.4 for what is an "eligible" feature), each MS shall establish the objective criteria which will allow for the "distribution" of the landscape features and trees between the 3 types of agricultural areas depending on their location (i.e. on or serving as a boundary). An example of such distribution could be:

- if those features are located on permanent grassland, arable land or permanent crops, their area should be accounted for under the type of agricultural area they are located on in the LPIS (e.g. an eligible pond located on arable land is considered as "arable land; if the pond is located partly on arable land and partly on permanent grassland, its area should be considered arable land and permanent grassland for the proportion which is on each type of agricultural area");
- where those features serve as a common boundary between two types of agricultural area in the same RP, half of their corresponding area should be attributed to each type of the bordering agricultural areas.

As the principles retained to attribute the features to one or the other type of agricultural areas have a strong influence on greening (respective size of arable land and permanent grassland and thus on exceptions from EFA, CD, on the ratio of PG and on the calculation of the share for CD and of the EFA

percentage to be fulfilled, etc.), MS should decide once for all on those principles and apply them along the entire process of LPIS update and administration and control of the aid applications. The retained principles should apply to all "eligible" landscape features and trees, and be made clear to farmers during the application process and to inspectors for the OTSC.

See also **section 1.9.4.3 of the OTSC guidelines** as regards the application of Art. 40(2) of Regulation (EU) No 639/2014 for crop diversification.

In continuation of the previous legislation and in particular the definition of permanent pasture (Art. 2(c) of Regulation (EC) No 1120/2009), parcels of arable land with set aside/land laying fallow for 5 years or longer may have to be reclassified as permanent grassland if their land cover fulfils the conditions of Art. 4(1)(h) of Regulation (EU) No 1307/2013 and if they do not fall under the derogation provided for in Art. 45(2) of Regulation (EU) No 639/2014. This provision foresees that those areas remain arable land beyond the limit of 5 years as long as they are declared (without interruption) as EFA. Areas with grasses and other herbaceous forage should be classified as permanent grassland after 5 years of declaration as such (e.g. an arable land declared for the first time as "temporary" grassland in the 2010 single aid application and continuously declared as such in 2011, 2012, 2013 and 2014 should become and be declared as permanent grassland in the single aid application of 2015 and be classified and recorded as such in the LPIS). As an example of good practice, those areas could be identified in LPIS (with a separate code) which will enable their monitoring.

Where a MS decides to apply the new definition of permanent grassland as amended by the Omnibus regulation, it has to apply the criteria retroactively five years from the first year of application (2018 or later) and reflect the changes in the LPIS.

The 5 years retroactivity means that a Member State, which took the decision to apply the revised definition as of 2018, should take in account such criteria starting from year 2013. Concerning the "ploughing up" criterion, it applies to all parcels classified as grasses or other herbaceous forage starting from year 2013, meaning that the 5 years succession to classify the parcel as permanent grassland will start from the year when the ploughing of the parcel has taken place (first year). For example, if a farmer sowed a legume and grass mixture on a parcel in 2014, ploughed it up and re-sowed the same mixture in 2016, the parcel keeps the status of "arable land" in the LPIS in 2018 and the parcel is considered/registered as "year 3" of "temporary grassland". However, this exercise changes the status of the parcels concerned only in 2018, no retroactive reclassification can be done.

If a farmer can demonstrate (in 2018) that during the previous 5 years s/he has ploughed up parcels classified as permanent grassland, these parcels should be reclassified as temporary grassland in 2018.

Please also note the derogation foreseen in Art. 4(1)(f) of Regulation (EU) No 1307/2013 for areas set aside under an agri-environmental commitment.

2.2. New eligible land to be included

2.2.1. Principles

Following the Omnibus changes to the definition of permanent grassland (Art. 4(1)(h) of R.1307/2013), when updating/upgrading the LPIS, particular attention should be paid to the implications of the new definition of "permanent grassland" by those MS that decided to apply one or more of the new options as this may lead to the introduction of new eligible land into the LPIS.

In particular where MS so decide, PG may include "*other species such as shrubs and/or trees which produce animal feed*" and "*land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas*". It is recommended that the latter areas, like the areas of permanent grassland under established local practices (PG-ELP, cf. Art. 4(1)(h)(i) of Regulation (EU) No 1307/2013), are identified via an attribute and localized (as a polygon) in the LPIS. Such a specific identification is also recommended when a geographical restriction is applied. The specific identification of those areas is essential in view of distinguishing them from ineligible areas as well as other permanent grassland.

Concerning the part of the definition of PG which refers to predominance of grasses and other herbaceous forage ("*...*)*provided that the grasses and other herbaceous forage remain predominant*", this part of the definition should be understood as follows:

- "grasses or other herbaceous forage" should cover more than 50% of the eligible area of the agricultural parcel of permanent grassland, i.e. at least 50% of the subsoil/understorey must be covered by grasses or other herbaceous forage (see Art. 6 of R. 639/2014).

Where the definition refers to the features "*which can be grazed*", these should be actually accessible to farm animals for grazing for their full area.

For areas of PG where grasses or other herbaceous forage are absent in grazing areas (cf. Art. 4(1)(h)(ii) of Regulation (EU) No 1307/2013), it is expected that in these areas "*shrubs and/or trees which produce animal feed*" are found in significant proportion compared to non-grazable species. These areas have to be accessible for animals and agricultural activity has to be present. MS are advised to define a list of shrubs and/or trees which produce animal feed. These areas have to be recorded in the LPIS with a specific attribute, to distinguish them from other types of permanent grassland.

Note the articulation of the definition which embeds non-herbaceous species in the permanent grassland area which should not be confused with non-eligible landscape features.

2.2.2. *Technical modalities*

Including new eligible land in LPIS can follow two approaches:

- Creating one or more new RPs by delineating their boundaries and assigning new identifiers to them: this process also comprises the determination of the MEA related to every new parcel,
- Adapting the MEA of an existing RP (with or without changing the boundary of an existing RP): this method is applicable when a RP is now including land that was previously not eligible. The MEA, derived where applicable through pro-rata, has to be updated accordingly. The question whether the identifier of the parcel has to be changed should be decided based on the internal business rules (i.e. usage of unique, thematic or both identifiers). Attention of the MS is drawn to the possible risk related to the inadequate extension (artificial increase) of a RP in view of embedding areas with ineligible scattered features and trees in view of benefiting from the use of the pro rata system referred to in Art. 10 of Regulation (EU) No 640/2014. Those cases should be carefully looked at. In addition, the boundaries of existing RP should not be updated to include adjacent EFAs which are not eligible under BPS/SAPS and which were previously not part of the MEA (cf. **point 2.4.1 below and 3.5 of the Annex on the EFA layer**). EFAs should be reflected in the respective EFA layer.

The system should be set up in such a way that it enables historic queries on RPs. Note that, in case of doubt, rapid field visits are recommended during the process of the LPIS update/upgrade.

2.3. **Ineligible features/areas**

2.3.1. *General principles- ineligible features*

Whatever their size, **man-made constructions** (such as buildings, barns, processing facilities, transportation networks, etc.) which are visible and reliably “mappable” on the screen during CAPI should be excluded from the MEA of the RP by delineation in the process of the general LPIS update/upgrade. If reliable delineation is not possible (applicable only for size less than 100 sq.m.), the presence and location of these features should be recorded in LPIS to allow subsequent tracking of their state. If possible, such information (location, nature of the features, and even the correspondent area) can be retrieved from third-party registers.

In general, features like **roads or paths** that have an artificially sealed surface³ such as asphalt, concrete, etc. are to be excluded from the MEA by delineation. The same applies when the road /path is not artificially sealed but

³ The term "artificially sealed surface" should be considered also in regards of the European Commission's interpretation on eligibility expressed in document Ref. Ares(2014)4122235 - 09/12/2014 [https://circabc.europa.eu/d/d/workspace/SpacesStore/5e4dd58b-e30b-40f3-8297-08795750d584/LT - Article 4 and 32 ANSWER \(Q-2014-06-27\).pdf](https://circabc.europa.eu/d/d/workspace/SpacesStore/5e4dd58b-e30b-40f3-8297-08795750d584/LT - Article 4 and 32 ANSWER (Q-2014-06-27).pdf)

is part of a transportation network⁴ or is a way to access houses and private property⁵ - i.e. it should be excluded as well. If a road is not artificially sealed, not part of the transportation network and it is used for agricultural purposes, it can be included in the MEA of the respective RP (see annex II- Flowchart). Member States should take into account information coming from the cadastral agencies, the national mapping agencies, etc. when considering the eligibility of roads/paths. Where MS have applied more restrictive criteria when assessing roads/paths, they may keep applying those.

2.3.2. *General principles- ineligible areas*

As a general principle, areas above 100m² not taken up by agricultural activities (such as, woods, permanent ponds, abandoned land⁶ etc.) are to be excluded **by delineation from the MEA of the RP**.

Woods (in parcels not declared as short rotation coppice) should be interpreted as areas within an agricultural parcel with tree-cover (including bushes, etc.) where the vegetation (grasses or other herbaceous forage, grazeable shrubs and/or trees, shrubs and/or trees which produce animal feed) is not suitable for grazing or where animals access is not possible and should thus be excluded from the eligible area of the RP.

Depending on MS choices, specific principles may apply for features such as landscape features and trees (see specific sections below).

2.3.3. *Update of LPIS as a result of OTSC (including rapid field visits (RFV))*

In case of updating the RP following an OTSC which has revealed areas not taken up by agricultural activities with a size below 100m², as a general principle those areas should not be deducted from the MEA of the RP unless their summed-up size is above 100 m². If this is the case, those areas should be **deducted (alphanumerically or by delineation) from the MEA of the RP in the LPIS**.

The scheme below illustrates how to translate the situation as seen during the visit to the field in the LPIS (option of alphanumeric deduction).

⁴ An example of a road that is part of the transportation network is a road that appears on a map and/or is designated as such by the National mapping agency.

⁵ For example, these can be paths on which the public has a right to pass and re-pass. In addition, these should be assessed as to whether these roads/paths are the only way to access private houses /land or public property. However, such roads/paths do not necessarily need to be accessible by everybody.

⁶ Abandoned land should be differentiated from unmaintained land as the latter could be only a temporary, e.g. one-year, phenomenon. To judge whether an area is abandoned, it should be done on a series of imagery dating from previous years where it is visible that the vegetation is overgrown and the land has not been maintained for some time. MS are recommended to flag abandoned land in LPIS and follow it up where appropriate with in-situ visits. These areas could become eligible in the future if maintained and/or if there is agricultural production.

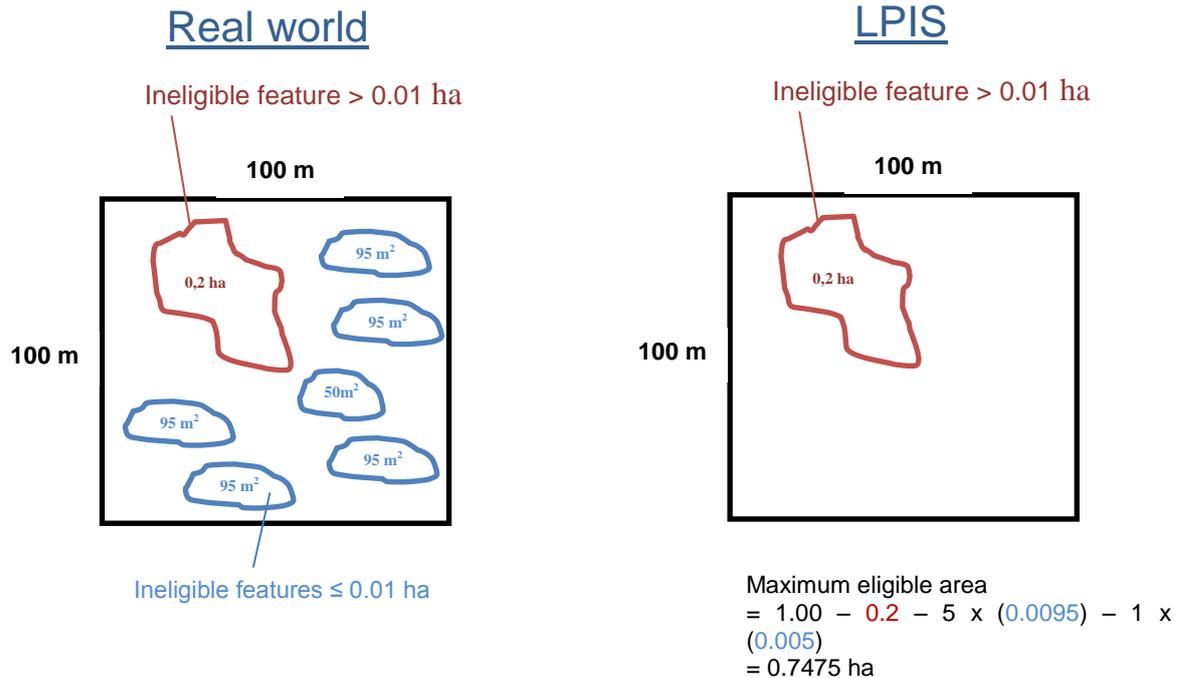


Figure: Situation in the field (real world) and "transcription" into the LPIS i.e. mapping of ineligible features > 0.01 ha and updating of the maximum eligible area.

2.3.4. Transitional period for delineation of features between 100 m² and 1000 m²

As of claim year 2018, the transitional period for delineation of features between 100m² and 1000m² is no longer applicable.⁷ All ineligible features of a size of 100m² or greater should be excluded by delineation from the MEA of the RP in the LPIS.

2.4. Landscape features and trees: general principles

Where applicable, all the elements below should be defined beforehand by MS so that the choices are reflected in the LPIS and communicated to beneficiaries in advance of the claim year and the lodging of aid applications.

2.4.1. in relation to the good agriculture cropping or utilisation practices in certain regions (Art. 9(1) of Regulation (EU) No 640/2014)

With regard to **rocks, temporary ponds, certain temporary paths, hedges, ditches, walls and other landscape features**, where they are not subject to the requirements or standards under cross compliance, the conditions under which these elements can be considered as part of the agricultural parcel (i.e. counted as eligible area) may be defined by MS on the basis of the "good agriculture cropping or utilisation practices on agricultural area in certain

⁷ An exception may concern MS that use the derogation concerning Article 17(2) of Regulation (EU) No 809/2014.

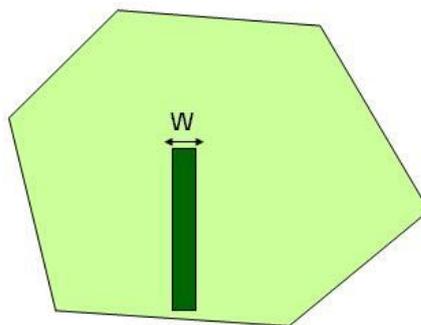
regions" (e.g. land cover type, maximum area percentage) in accordance with Art. 9(1) of Regulation (EU) No 640/2014.

Such features, internal or serving as boundaries between parcels, are under the same conditions accepted as forming part of the agricultural parcel.

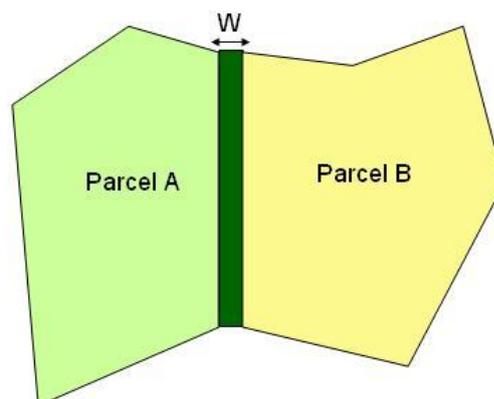
Where, a feature of up to 2m wide (e.g. walls, ditches, hedges) serves as boundary between parcels its area should be attributed to each adjacent parcel along the same principles as the ones pre-defined under section 2.1.2.

Where the feature is >2m wide, the feature should not be counted in the eligible area (see figures below), unless the feature has been recognized under Art. 9(2) of Regulation (EU) No 640/2014 as subject to the requirements and standards under cross compliance or unless the MS notified to the Commission before 09/12/2009 a width greater than 2 meters (see 2nd paragraph of Art. 9(1) of the same Regulation).

Note that depending on MS choices, this feature >2m wide may be a potential EFA that would have to be specifically identified and digitized in the EFA layer (see the "EFA layer guidance" in Annex).



a) Feature of width W: if $W < 2m$ or if subject to cross compliance include the feature in the agricultural parcel; otherwise exclude the feature



b) Boundary feature of width W: if $W < 2m$ or if subject to cross compliance, distribute the feature area to parcels A and B according to MS pre-defined principles; otherwise exclude the feature.

For the sole purpose of eligibility for BPS/SAPS, there is no need to specifically identify and digitize those features referred under examples a) and b) above provided that they are included in the eligible area of the parcels.

The provisions of Art. 9(1) of Regulation (EU) No 640/2014 cannot apply to permanent grassland with landscape features and trees where the MS has decided to apply Art. 10 of the same Regulation (pro-rata system).

2.4.2. *in relation to cross compliance (Art. 9(2) of Regulation (EU) No 640/2014)*

Where, under Art. 9(2) of Regulation (EU) No 640/2014, features are part of the good agricultural and environmental condition (GAEC) obligations or the statutory management requirements (SMR), e.g. hedges, drainage ditches, small woods according to the local regulations, etc., they are considered as part of the eligible area of the agricultural parcels.

Those elements, when stable in time, should be specifically identified in the LPIS, in such a way as to make possible the control of their maintenance (cf. the respect of the cross compliance obligations) and their distinction with the non-eligible features. However in relation to EFA, if some elements of GAEC or SMR are used as potential EFAs in a MS, they should be recorded in the EFA-layer (refer to the annex).

2.5. Maximum tree density for parcels with scattered trees (Art. 9(3) of Regulation (EU) No 640/2014)

The provisions of Art. 9(3) cannot apply to permanent grassland with landscape features and trees if the MS decided to apply Art. 10 of Regulation (EU) No 640/2014.

When applying Art. 9(3) of Regulation (EU) No 640/2014 to decide whether an agricultural parcel containing scattered trees is eligible or not, MS shall define the maximum density to be applied as well as the characteristics of the trees to be considered under this provision. The method for assessing the tree density should be clearly defined taking into account that the crown (diameter) may have an impact on the condition that the agricultural activities can be carried out in a similar way as on parcels without trees in the same area.

The maximum density and tree characteristics to be considered should be applied consistently to all areas to which Art 9(3) applies.

MS may define different maximum tree densities in different regions based on the traditional cropping practices, natural conditions and environmental reasons. Those regions should be defined beforehand and criteria should be objective and non-discriminatory.

Please note that "grazable" trees and trees which produce animal feed on permanent grassland, which are considered as part of the eligible area, should thus not be counted to assess whether the parcel is below or above the maximum tree density. This applies also where the MS makes use of the possibility to further extend the definition of permanent grassland to PG-ELP or for trees subject to cross compliance (Art. 10(2) of Regulation (EU) No 640/2014). It is recalled that Art. 9(3) does not apply to scattered fruit trees which yield repeated harvests as well as to measures referred to in Article 28 and 30 of Regulation (EU) No 1305/2013.

Groups of trees are not eligible, even if their density spread over the whole parcel would be less than 100 trees/ha (cf.7 "wood" in section 2.3 above), because they hamper the agricultural activities. Their area should thus be excluded from the MEA of the RP.

The provisions of Art. 9(3) should be assessed for each agricultural parcel concerned. The result of this assessment should to the extent possible be reflected in the LPIS.

However, where justified on the basis of the regionally differentiated characteristics, Member States may adapt the choice with respect to the application of either Art. 9 or Art. 10 at regional level based on the traditional cropping practices, natural conditions and environmental reasons. These choices should be made in advance, in an objective and non-discriminatory manner and communicated clearly to farmers and inspectors.

Nota bene: There are no specific provisions as regards landscape features and trees in areas under the agronomic practices so-called "agro-forestry"; they should thus be dealt with under the rules of Art. 9 and/or 10 of Regulation (EU) No 640/2014 depending on the MS choice.

2.6. Permanent grassland with scattered ineligible features: Pro-rata system (Art. 10 of Regulation (EU) No 640/2014)

2.6.1. Setting up the pro-rata categories

Where a MS decides to apply a pro-rata system as referred to in Art. 10 of Regulation (EU) No 640/2014 to permanent grassland with scattered ineligible features such as landscape features and trees, it should define, wherever possible, categories of homogeneous land cover types, together with the corresponding fixed reduction coefficient (RC) for each category. Homogeneous land cover types are areas where the nature and density of the scattered ineligible features and trees are homogeneous, stable and belong naturally to the area concerned. The RC is used to determine the MEA of the RP. The category representing the lowest percentage of ineligible area shall not exceed 10% and no RC shall apply to that category (hereinafter referred to as the "maximum 10% bonus").

Different categories of homogeneous land cover type can co-exist in the same RP.

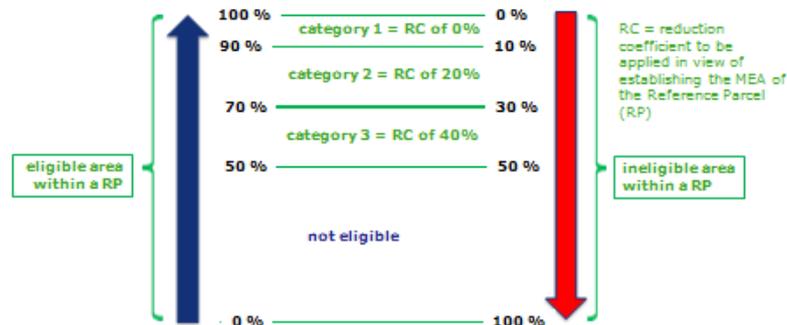
Several options for calculating the MEA could be applied e.g.:

1. Each area with a homogeneous land cover type is classified into one category and the correspondent reduction coefficient is applied to its area; the resulting eligible areas within the RP are then summed up to establish the MEA (systematic approach, based on LC delineation);

or,

2. The percentage of ineligible scattered features is assessed (by scorecard or similar method) at the level of the RP; based on this latter, the relevant reduction coefficient to be applied to the RP is established (sporadic approach, based on RP quantification).

An example of categories for the second option is given below:



Where a MS decides to apply a pro-rata system in accordance with Art. 10 of Regulation (EU) No 640/2014 rather than the provisions under Art. 9(1) and (3), this choice should be done for all the parcels of permanent grassland with scattered ineligible features of the MS territory.

Taking account of the variation in natural conditions or for environmental reasons, it could be considered that the pro-rata system is adapted regionally, regions being defined by MS beforehand on the basis of non-discriminatory natural conditions and environmental criteria. It could also be considered that in certain regions, the pro-rata is applied and in others the provision of Art. 9(1) and/or (3) is applied. However, MS should bear in mind that this difference could have an impact on the homogeneity of the LPIS, thus have an impact on the LPIS QA.

The applicable pro-rata system should be applied to each relevant RP individually and the result of this assessment should be reflected in the LPIS (MEA of the RP).

Particularly for the sporadic approach, when setting the fixed percentages, great care should be taken if it is envisaged to use a percentage below a 50%-eligibility threshold as it bears, in the view of the Commission services, a substantial risk of error. The higher the share of ineligible area, the more difficult it is to justify the agricultural activity (accessibility for grazing animals) and the more difficult it is technically to identify the boundary between the agricultural area and the surrounding non-agricultural area which may hamper significantly the correct area determination. In addition, it should be ensured that agricultural activity is exercised, which becomes more doubtful the less eligible area is present. In this respect thresholds which lead to eligibility below 50% should be carefully assessed.

Permanent grassland with fruit trees which yield repeated harvest do not fall under the pro-rata system where MS decides to apply the pro-rata.

In this context of **PG**, for certain non-herbaceous features such as shrubs and trees which can be grazed (i.e. "grazable" and they should also actually be accessible to animals) and whose area covers less than 50% of the eligible area of the agricultural parcel of permanent grassland, they are considered as part of the eligible area (i.e. within the pro-rata system, they should not be counted as ineligible elements).

The logic explained above concerning the non-herbaceous features which are grazable also applies where the MS makes use of the possibility to further extend the definition of permanent grassland (**PG-ELP**) and applies the pro-rata system to it. The same applies for features subject to cross compliance (Art. 10(2) of Regulation (EU) No 640/2014).

2.6.2. *Determination of the eligible area using the pro-rata*

Firstly, whatever their size, man-made constructions should be excluded from the RP (following the guidelines given in point 2.3.1).

Secondly, to distinguish between the "scattered" ineligible elements which are dealt with by the pro-rata (i.e. their area is deducted via the pro-rata – see third step below), and the "clustered" ineligible elements, clustered ineligible features and trees with a size above 1000 m², which are inaccessible for grazing animals (i.e. there is no obvious access to animals) or which cannot be grazed, should be delineated in the LPIS reference layer, deducted from the MEA of the RP beforehand and they should be excluded, when applying the pro-rata system⁸. Therefore they do not enter in the so-called "maximum 10% bonus" of the pro-rata system.

Thirdly, for the remaining part of the RP, the percentage of the scattered ineligible features and trees (in total) should be assessed and the MEA calculated following one of the two approaches given above.

2.7. **General points**

Where a MS decides to apply the provisions of Art. 9 and / or 10 at regional level based on criteria such as the traditional cropping practices, natural conditions and environmental reasons, it should be aware that a separate LPIS QA for each region would have to be performed.

As a general principle for dealing with landscape features and trees, MS shall define beforehand the criteria and procedures used to assess, quantify and where appropriate delineate the (in)eligible part of the parcel in order to ensure that these criteria are communicated to beneficiaries, correctly transposed in the LPIS and adequately included in the instructions for the on-the-spot checks; this in order to ensure that the

⁸ When passing cartography scale from 1:10000 to 1:5000 (see Art. 70(1) of Regulation (EU) No 1306/2013, it would be recommended to delineate ineligible features above 500 m².

land declared and accepted for payment complies with all legislative requirements (e.g. agricultural activity / parcel). It is recommended to draft guidance and share them with farmers and inspectors.

3. THE "2% STABILITY THRESHOLD" - ART. 5(3) OF R. 640/2014

3.1. Objectives

Art. 5(3) of Regulation (EU) No 640/2014 states that "*Member States shall ensure that the maximum eligible area per reference parcel (...) is correctly quantified within a margin of maximum 2%, thereby taking into account the outline and condition of the reference parcel.*"

This means that, taking into account the principles below, if the change is caused by delineation differences due to fuzzy boundaries or processing errors, and the difference in area between the new value and the pre-existing MEA value within the LPIS is below 2%, an update of the LPIS is not needed.

This is referred to below as the "2% stability threshold" with the following objectives:

- to keep the MEA of RPs in the LPIS as stable as possible and to precise when an LPIS update is really needed;
- to address some difficulties of photo-interpretation such as for parcels with fuzzy boundaries;
- to avoid that farmers are confronted with frequent and small changes in the LPIS that do not represent a real change on the ground and their inherent possible consequences in terms of calculation of aid and administrative penalties.

3.2. How to proceed

An update of a RP in the LPIS could be triggered by the LPIS quality assessment (LPIS QA) process, new ortho-imagery, a measurement of the RP in the context of an OTSC, information provided by the beneficiary in the aid application, etc.

In this respect it should be noted that where in absence of a manifest change, a RP revision confirms the current MEA indicated in the LPIS (i.e. within the thresholds for LPIS QA, where applicable) this is normally not considered as triggering an RP update. Where the current MEA is not confirmed, the 2% stability threshold applies.

However, any manifest change in the eligible area, due to the appearance of an ineligible feature (ex. a newly built house), to the introduction of the pro-rata system, to a change of the eligibility criteria or an obvious repositioning of the boundary of the RPs due to for instance the creation of a road, should lead to an update of the RP in the LPIS, even if the change is below the 2% threshold.

Example:

Reference Parcel with a current MEA of 4,00 ha (200m x 200m)

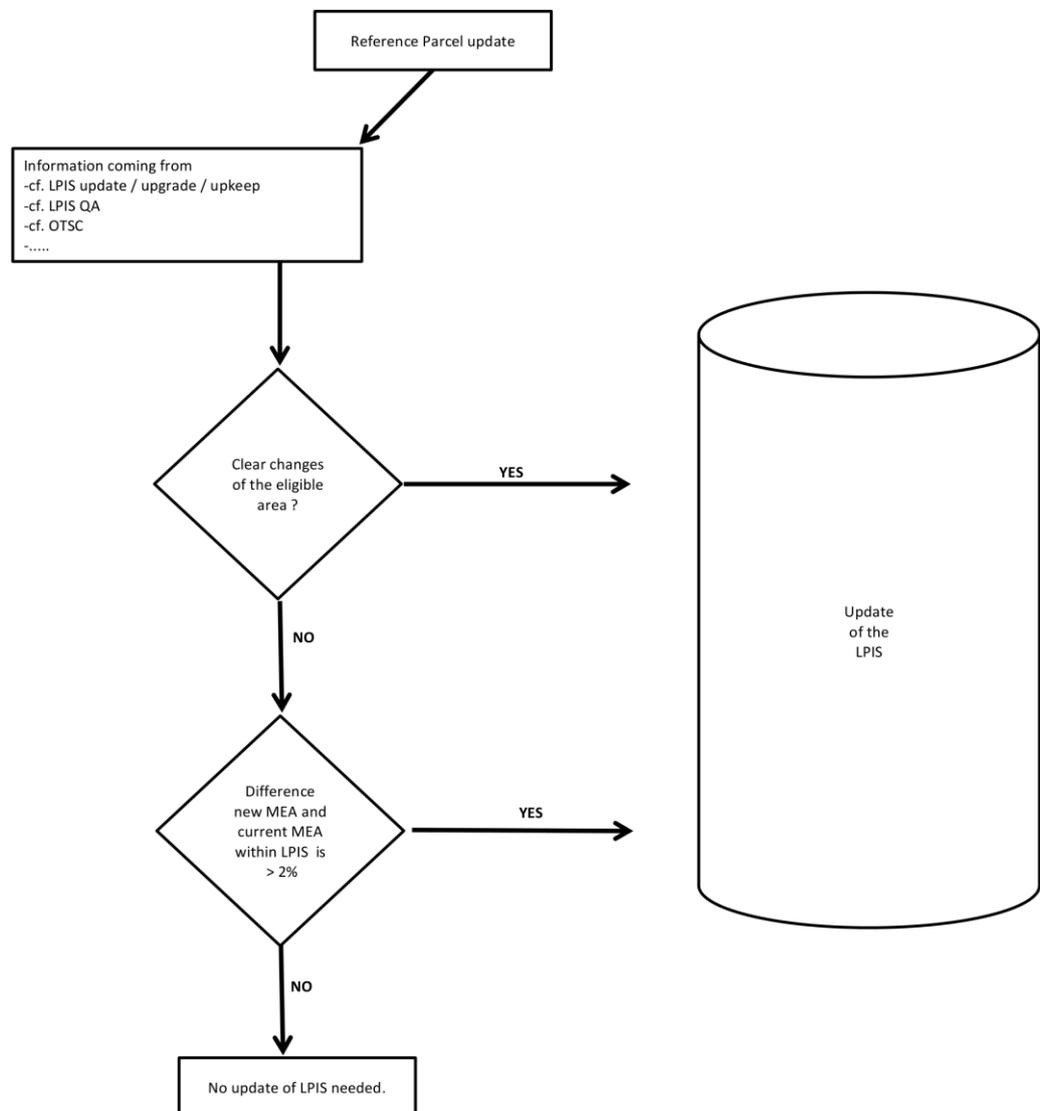
(2% of 4,00 ha = 0,08 ha)

Result of the new measurement based on a new orthophoto = 3,95 ha and no clear change

→ No update of the RP needed in the LPIS

3.3. Workflow

Update of a Reference Parcel (Art. 5(3) of Delegated Regulation (EU) No 640/2014)



4. ESTABLISHMENT OF THE NATURA 2000 LAYER IN THE LPIS

Areas designated as Natura 2000 may qualify for CAP payments. Hence, in accordance with Art. 5 of Reg.(EU) 640/2014, the RPs in question have to have an attribute determining whether provisions for Natura 2000 areas apply and, if a payment can be given, the MEA for the purpose of the Natura 2000 payment.

Concerning the MEA determination, where the whole BPS/SAPS parcels falls in a Natura 2000 area, the MEA for the Natura 2000 payment corresponds to the BPS/SAPS payment. Where on the other hand only part of a RP is subject to Natura 2000 provisions, an MEA has to be established.

In principle, the determination of the MEA for the Natura 2000 payment should be done by delineating the Natura 2000 area within a RP.⁹ This is possible wherever physical boundaries of Natura 2000 are visible through remote sensing or identifiable on the ground.

In practice, however, this is not always possible, primarily because of the different scales of the LPIS reference layer and the Natura 2000 layer. Hence, it is considered acceptable to use a threshold to determine whether the reference parcel as a whole is inside or outside Natura 2000. The threshold is expressed in a percentage and constitutes the percentage of overlap between the LPIS layer and the Natura 2000 layer used by the MS. If the threshold is exceeded, the whole reference parcel is considered inside Natura 2000, although in reality not the whole RP is subject to the Natura 2000 protection. For example, with a threshold set at 30%, if 40% of an LPIS RP overlaps with the Natura 2000 layer, the whole RP is considered as being protected under Natura 2000. Please note that this option is acceptable only in MS where the RP type is the agricultural parcel or the farmer's block and if the threshold is set at max 50%.

⁹ See also [reference to JRC technical guidance on management of different layers in LPIS]

ANNEX I

EFA layer

1. INTRODUCTION

In accordance with Art. 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. 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).

2.1. General principles

As a general principle, the EFA-layer should contain:

- all potential types of EFAs chosen by the Member State (cf. point 4.10 below);
- 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 Art. 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 Art. 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 Art. 46(2) of Regulation (EU) No 1307/2013, terraces, all landscape features (except field margins and buffer strips which are not protected under cross-compliance), 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 geo-localised 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 claim¹⁰ 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.

2.2. Particular cases of "Equivalent practices"

Art. 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.

¹⁰ 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.

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.

3. THE EFA-LAYER: CONTENT

All arable land included in the LPIS serves 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 2.1).

3.1. 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.

3.2. 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

3.3. Forest exemption

As an EFA exemption is in place for some forest areas in accordance with Art. 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.

3.4. Establishment of the areas of the individual EFAs

In order to qualify as EFA, elements, features or areas have to comply with the provisions set out in Art. 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 definitions set out therein.

Please note that as of claim year 2018, the maximum dimensions for certain EFA types are not applicable anymore. Limits apply only for the purpose of calculating the maximum area that can be accepted as EFA but EFA elements are not ‘excluded’ anymore if they exceed certain dimensions. This is likely to lead to an increased number of ‘qualifiable’ elements in the EFA layer. MS are expected to carefully consider the acceptability of each EFA element to ensure that e.g. lakes are not qualified as ponds or part of forests as field copses.

As regards EFAs which meet the definitions to be considered as EFA but which are greater than the maximum width or maximum size to be taken into account for the calculation the fulfilment of the EFA-requirement, the whole object should be mapped in the EFA layer. For such EFAs it is recommended to establish two areas in the LPIS: one corresponding to the actual size of the feature and one corresponding to the maximum size that can be taken into account for the purpose of fulfilling the EFA-requirement.

In this respect it needs to be clarified that for instance ‘hedges, wooded strips or trees in line’ which is part of a bigger forest, cannot qualify as an EFA. Each type of EFA itself needs to meet the criteria applicable.

In accordance with Art. 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 to be taken into account for the purpose of fulfilling the EFA requirement 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 Art. 45 of Regulation (EU) No 639/2014 states a minimum width for an EFA type, only those parts of linear elements qualify as EFA that satisfy the minimum 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 minimum 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, wooded strips or trees in line which are less than 5 meters wide may be ignored (e.g. stiles in hedges for pedestrians).

3.5. Adjacent elements

With the exception of areas with short rotation coppice and afforested areas referred to in Art. 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 Art. 46(2) second subparagraph of

Regulation (EU) No 1307/2013 and Art. 45(5a) of the amended Regulation (EU) No 639/2014.

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.

Please note that as of claim year 2018, landscape features and buffer strips that are adjacent to an EFA directly adjacent to the arable land of the holding have to be accepted as EFAs. All qualifiable "adjacent to adjacent" EFA elements have to be mapped in the EFA layer.

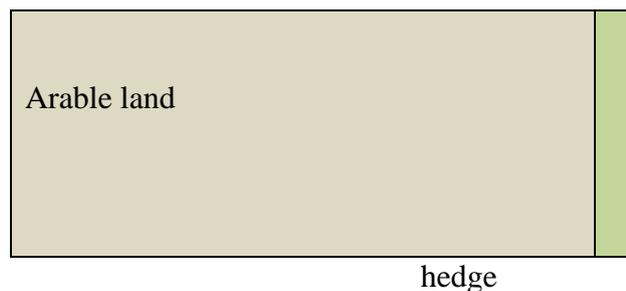
Linear landscape features or buffer strips are considered to be "adjacent to arable land" when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFAs (like in the 1st example), regardless if it is on the short or long side of the field. It is not 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 and field copses including trees, bushes or stones 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.

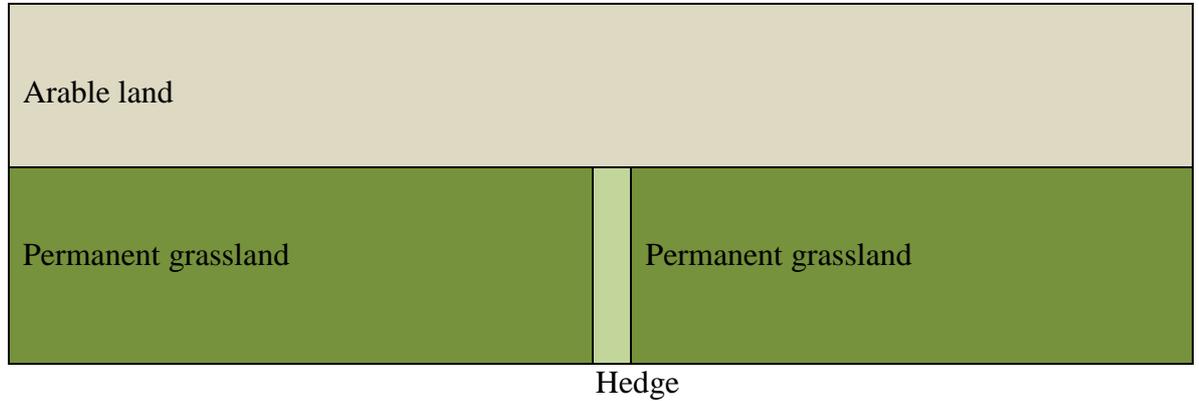
2nd. Example (not adjacent)



ineligible road/hedge

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)



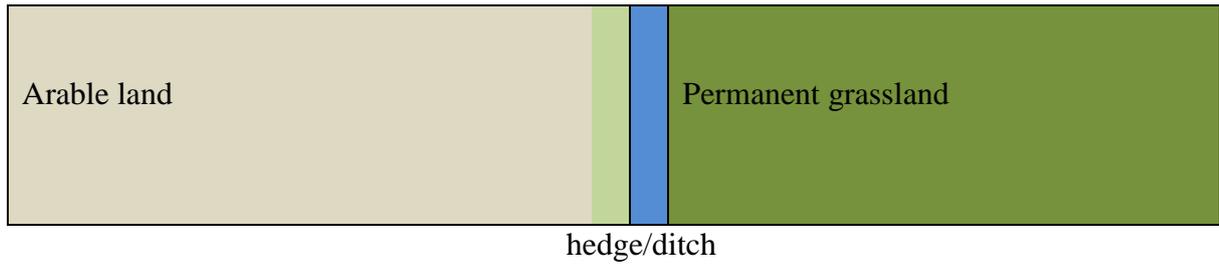
This hedge physically touches arable land on the north with its shorter edge. It is thus not considered as a potential EFA.

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



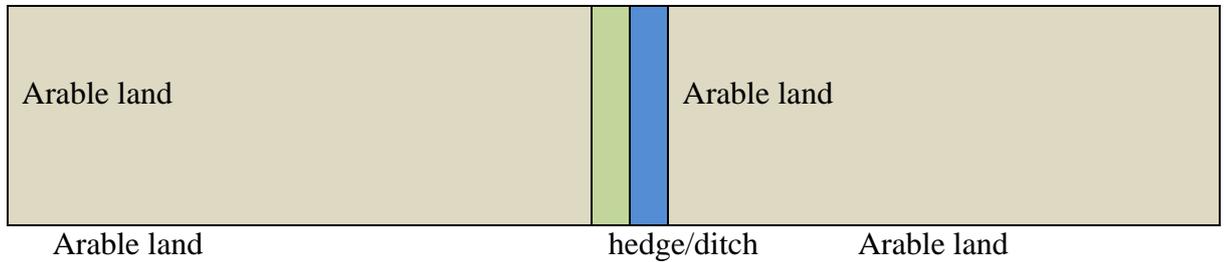
As regards nonlinear features, they are considered as being adjacent as long they touch (are in physical contact with) arable land. Therefore they should be completely included in the EFA-layer.

5th. *Example (adjacent to adjacent)*



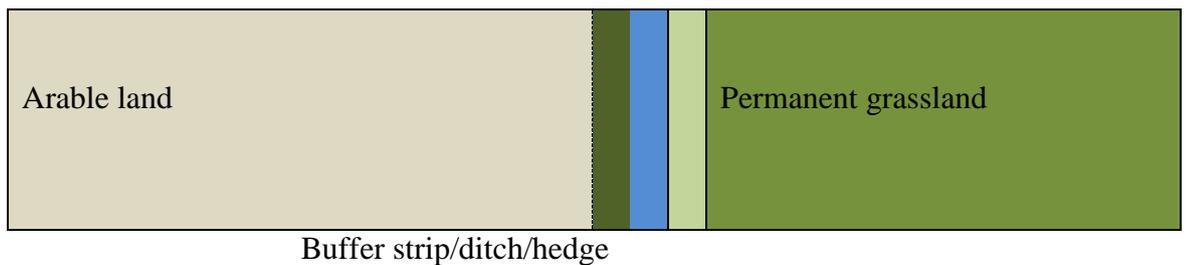
In this example, a landscape feature (the ditch) is adjacent to another landscape feature (hedge) which is adjacent to arable land. Both are considered as a potential EFA.

6th. *Example (adjacent to adjacent)*



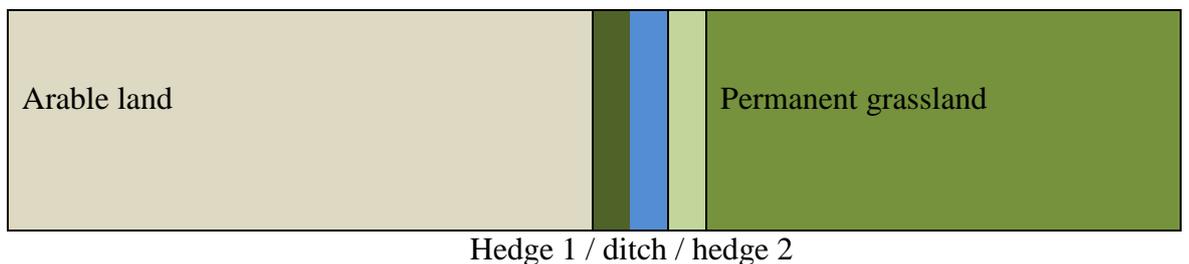
As regards this example both EFAs, the hedge and the ditch, regardless of their eligibility, should be included in the EFA-layer.

7th. *Example (adjacent, to adjacent)*



As the buffer strip is located on the arable land, the ditch is adjacent to arable land regardless of its eligibility. The hedge is considered to be adjacent to an EFA directly adjacent to arable land and thus also a potential EFA.

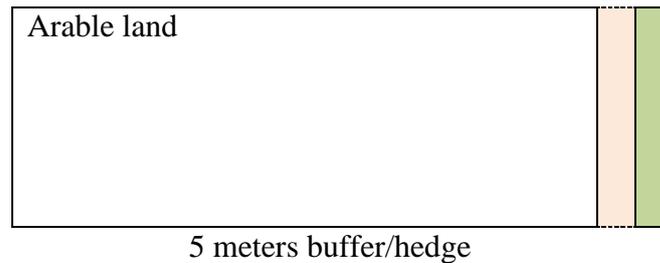
8th. *Example (adjacent, to adjacent, to adjacent)*



Hedge 1 is adjacent to the arable land. The ditch is adjacent to an EFA adjacent to arable land. Hedge 2 (third EFA) is neither considered to be adjacent to an EFA directly adjacent to arable land nor considered to be adjacent to arable and thus not a potential EFA.

Only hedge 1 and the ditch are considered as potential EFAs and need to be included in the EFA-layer.

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.

3.6. Regional implementation of EFA

For regional implementation of EFA as referred to in Art. 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 Art. 46(4) of Commission Delegated Regulation (EU) No 639/2014, the contiguous structures of adjacent EFAs only consist of:

- land lying fallow,
- landscape features,
- field margins and buffer strips,

- afforested areas referred to point(ii) of Art. 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 Art. 46(6) of Commission Delegated Regulation (EU) No 639/2013 possible.

3.7. Collective implementation of EFA

For collective implementation of EFA as referred to in Art. 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.

4. UPDATE OF THE EFA-LAYER

As of 2018, the EFA layer has to be in place. This paragraph deals hence with the update of the EFA-layer.

4.1. Distinction of agricultural land cover

It is essential to regularly update the classification of agricultural land into arable land, permanent grassland and permanent crops (See 2.1).

Landscape features located on or surrounded by permanent grassland or permanent crops are not considered to be potential EFAs. The information in the LPIS should be updated when a parcel of 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.

4.2. Use of orthoimagery and link with LPIS update

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

The update 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.

Whenever a change, error or omission is detected, or whenever CAP rules change, as is the case with the changes following the so-called ‘greening review’ and the Omnibus regulation, 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.

4.3. 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 (Art. 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.

4.4. 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 / hedges, wooded strips or trees in line etc.).

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 ‘qualifiable’ area or ‘qualifiable’ 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 area or length that can be declared as EFA;
- 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.

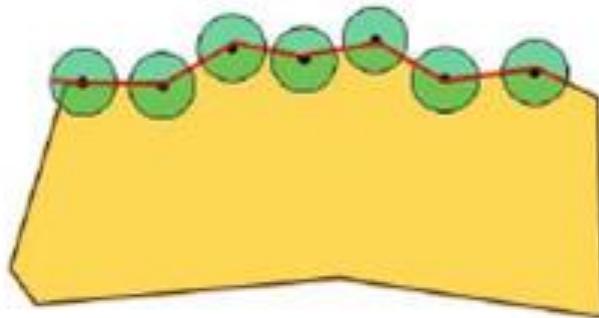
Non declared EFAs do not automatically require a deletion from the EFA-layer. However, if it is clear that the potential EFA no longer exists (e.g. the hedge has been cut down), it should be removed from the EFA-layer. EFAs included in the EFA-layer due to the 3 years principle which are no longer declared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

4.5. 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, wooded strips or trees in line,
- Field copses, including trees, bushes or stones

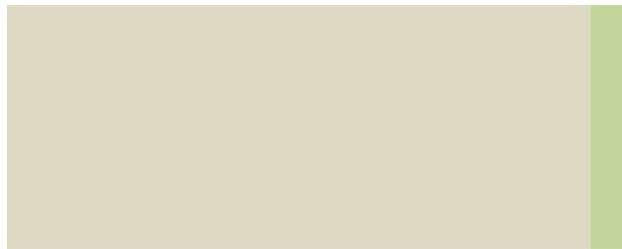
On the basis of the area observed on orthoimagery for:

- Buffer strips and field margins,
- Ponds,
- Ditches, (including the slopes),
- Traditional stone walls.

And on the basis of the trunks or canopy , for:

- Isolated trees.

11th. Example A (actual situation)

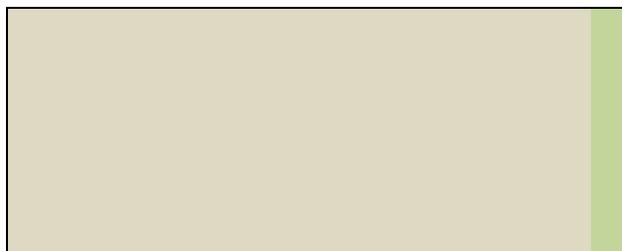


Arable land 9,80 ha

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 Art. 5(2)(a) of Commission Delegated Regulation (EU) No 640/2013 is 10,00 ha.

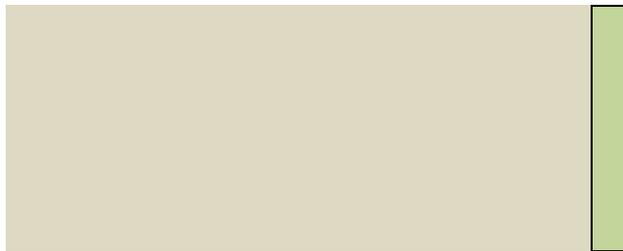
13th. *Example A2 (reference parcel BPS/SAPS situation 2)*



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 Art. 5(2)(a) of Commission Delegated Regulation (EU) No 640/2013 is 9,80 ha.

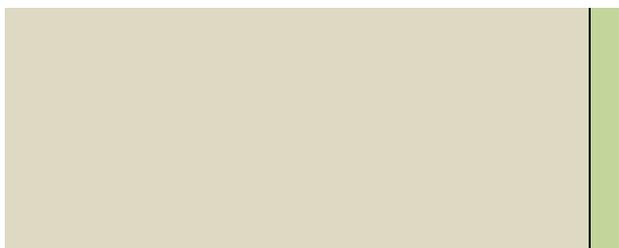
14°. *Example A3 (EFA as a polygon)*



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 Art. 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 hedge, wooded strip or trees in line (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.

4.6. Use of conversion/weighting factors

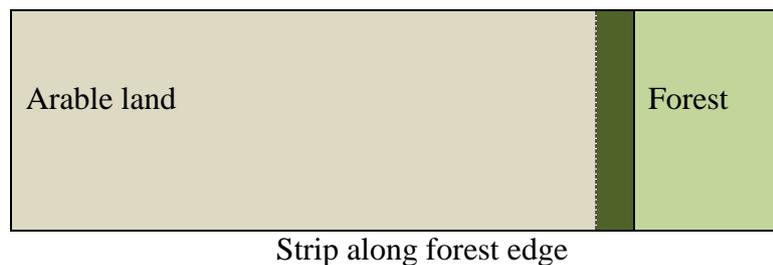
All necessary information concerning the use of conversion/weighting factors should be linked to the individual EFAs. In particular:

- 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.

4.7. Overlapping EFAs

In accordance with Art. 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 buffer strip and field margin. However, it is possible to set up a buffer strip and 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)



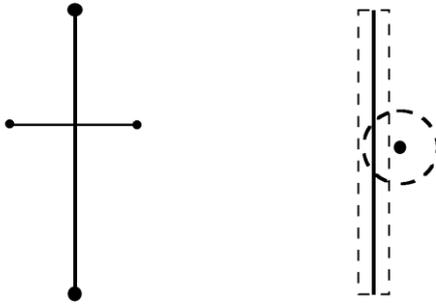
In this example the landscape feature counts as a hedge and the landscape feature cannot count at the same time as an isolated tree.

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.

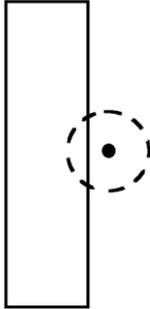
Where there are doubts as to which type of EFA it belongs, the type should be carefully assessed¹¹.

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).

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)

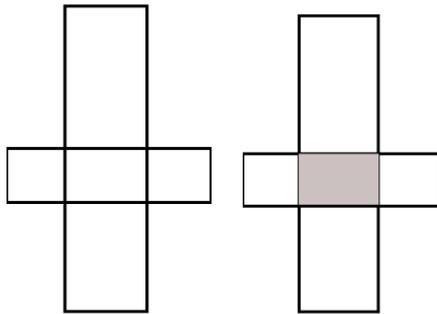


20th. Example (using converted area-> not OK, crossing/overlap not allowed)



¹¹ Note that the attribution of EFA in the EFA layer would not prevent the beneficiary from declaring another EFA.

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.

4.8. 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



4.9. Completeness of the EFA-layer

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, in order to be considered complete, as a minimum requirement the EFA-layer needs to include, after verification by the administration 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.

ANNEX II

Roads/paths decision tree

