



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

CLAIM YEAR 2016 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 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 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 the Union law.

ACRONYMS USED / TERMINOLOGY FOR THE PURPOSE OF THIS DOCUMENT

Acronyms

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

GSAA= Geo-spatial aid application

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;

MMU = minimum mapping unit;

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

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 Article 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 are composed of different types of reference parcels (RP) (agricultural parcel, farmer's block, physical block, cadastral system / topographic block or a combination of those) chosen by the MS for each LPIS (national or regional). RP should contain agricultural area as defined in Art. 4(1)(e) of Regulation (EU) No 1307/2013.

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, the LPIS Quality Assessment (LPIS QA), indications by beneficiaries, changes in the eligibility conditions, 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 Articles 9 and 10 of Regulation (EU) No 640/2014.

1.2. Different Maximum Eligible Areas for different purposes

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

Article 5(2) of Regulation (EU) No 640/2014 lays down further requirements on the LPIS, including that the maximum eligible area (MEA) for various schemes or payments shall be identified. 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 Article 5 of Regulation (EU) No 640/2014. Each "layer" should contain the MEA for the scheme in question.

In order to facilitate 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 agricultural area as defined in Art. 4(1)(e) of Regulation (EU) No 1307/2013 (i.e. area taken up by arable land, permanent grassland and permanent pasture, or permanent crops), together with areas referred to in Article 32(2)(b) of the same Regulation and/or areas referred to in Article 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 applications for support.

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. 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) and permanent crops (PC) in the LPIS is at least necessary in order to:

- in general 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;
- establish 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 sensitive permanent grassland to be protected under greening as referred to in Art.5(2)(d) of Regulation (EU) No 640/2014, etc.

2.1.2. Technical modalities

The distinction between the different types of agricultural area should be done in two ways depending on the situation:

- By alphanumeric recording of the types and the corresponding area values as attributes of the RP,
- By delineation (assigning geometries to each type within the RP).

Where a RP corresponds to one type of agricultural area (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 area, 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 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 and PC could be seen as another layer.

The geo-referenced area of AL, of PC or of PG may include landscape features and/or trees. For eligibility purpose (for BPS/SAPS) there is no need to delineate eligible landscape features or trees in the LPIS reference layer.

Where a RP made up of one type of agricultural area (PG or AL or PC) 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 has 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 2.3.4.3 of the OTSC guidelines (document DSCG/2014/32-FINAL-rev2) as regards the application of Article 40(2) of Regulation (EU) No 639/2014 for crop diversification.

In continuation of the current legislation and in particular the definition of permanent pasture (Article 2(c) of Regulation (EC) N1120/2009), 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 Article 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 declared 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 registered as such in the LPIS). As an example of good practices, those areas could be identified in LPIS (with a separate code) which will enable their monitoring. This could be done on the basis of the farmer's sketches in the years before full coverage of the territory with the GSAA.

Please also note the derogation foreseen in Article 4(1)(f) of Regulation (EU) No 1307/2014 for areas set aside under an agri-environmental commitment.

2.2. New eligible land to be included

2.2.1. Principles

When updating/upgrading the LPIS, particular attention should be paid to the new definition of "permanent grassland" (Art. 4(1)(h) of R.1307/2013) applicable as from claim year 2015 which extends the current scope of "permanent pasture" (Art.2 (c) of Regulation (EC) No 1120/2009). This may lead to the introduction of new eligible land into the LPIS.

In particular PG *"may include other species such as shrubs and/or trees which can be grazed provided that the grasses and other herbaceous forage remain predominant"*. It is recommended that these areas are identified via an attribute and localized (as a point) in LPIS. This part of the definition should be understood as the fact that:

- "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), and
- the features *"which can be grazed"* should be actually accessible to farm animals for grazing for their full area.

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

Where a MS makes use of the possibility under Art. 4(1)(h) of Regulation (EU) No 1307/2013 to consider eligible *"land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas"* those areas should after assessment be added to the maximum eligible area in the LPIS and, where the reduction coefficient referred to in Art.32(5) of the same Regulation is applied, identified as such. 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. For the purpose of this document, those areas are called **"permanent grassland under established local practices (PG-ELP)"**.

2.2.2. *Technical modalities*

Including new eligible land in LPIS can follow three different approaches:

- Adapting the MEA of an existing RP
- 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 parcel.
- Updating the boundary of existing RP: this method is applicable when a RP is now including land that was previously not eligible. The MEA (including where applicable the pro-rata category in which the RP falls) have 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 Article 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 SPS/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/area**

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 on the screen should be excluded from the MEA of the RP by delineation in the process of the general LPIS update/upgrade.

In general, features like **roads or paths** that have an artificially sealed surface¹ such as asphalt, concrete, etc. are to be excluded. The same applies when the road /path is not artificially sealed but is part of a transportation network² or is a way to access houses and private property³- i.e. it should be

¹ 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)

² 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.

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 land⁴ etc.) are to be excluded **by delineation from 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.) preventing growth of vegetative under-storey suitable for grazing 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). Please note that the permanent grassland, due to the new definition (Art. 4(1)(h) of Regulation (EU) No 1307/2013), may include "eligible" shrubs, trees or other features that are non-herbaceous forage.

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 had 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 and where appropriate, exceeds the technical tolerance of the parcel. If this is the case, those areas should be **deducted (alphanumerically or digitally) in the LPIS**.

In case the OTSC/RFV revealed presence of small ineligible features which were not visible on the screen but their summed up size exceeds 100m² and the technical tolerance of the parcel, those need to be excluded from the MEA of the RP. The same modalities as for ineligible areas apply (cf. previous paragraph).

The scheme below illustrates how to translate the situation on the ground in LPIS.

³ 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.

⁴ Abandoned land should be differentiated from unmaintained land as the latter could be only a 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.

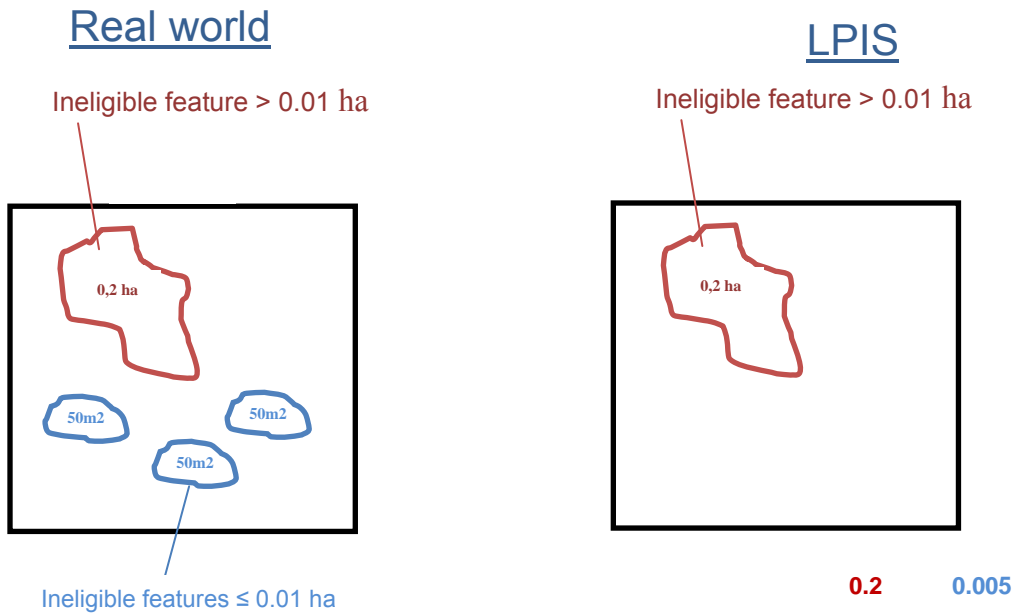


Figure: Situation in the field (real world) and "transcription" into the LPIS i.e. mapping of ineligible features > 0.01 ha and updating of the maximum eligible area.

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

In the context of the phasing-in of the GSAA referred to in Art. 17 of Regulation (EU) No 809/2014 and in continuation of the current period, ineligible areas between 100 m² and 1000 m² could still be excluded only alpha-numerically. However, the delineation of such ineligible areas in the LPIS should be foreseen at the same time as the GSAA as it is important graphical information that will support the farmers when making their application based on the GIS tool.

For the MS which have LPIS based on cartography at a scale of 1:5000 following Art. 70(1) of Regulation (EU) No 1306/2013, the alpha-numerical delineation should be limited to the ineligible areas between 100 m² and 500 m².

Minimum size for delineation of ineligible areas in the LPIS, during the transition period:

Claim year	2015 :	2016, 2017:	2016, 2017:	2018:	2018: ⁵
	Whatever the scale of the LPIS	For LPIS with scale of 1:5000	For LPIS with scale of 1:10000	For LPIS with scale of 1:5000	For LPIS with scale of 1:10000
Part of the territory with GSAA	1000 m ²	100 m ²	100 m ²	100 m ²	100 m ²
Part of the territory without GSAA	1000 m ²	500 m ²	1000 m ²	N/A	N/A

Note should be also taken on the MMU presented in the technical guidance document on *Management of layers DS-CDP-2015-10* under chapter 5.3. It provides a suggestion of the smallest mappable objects, which could be integrated in a 1:10.000 and 1:5.000 coverage as derived from relevant orthophoto, without risk of exaggerating their area or displacing their boundaries.

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

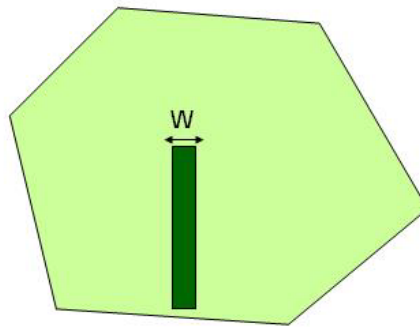
⁵ The 1:5000 scale has to be in place as from 2016, however, Article 70 (1) second paragraph allows the usage of 1:10000 if there are long-term contracts for acquiring ortho-imagery agreed before November 2012.

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

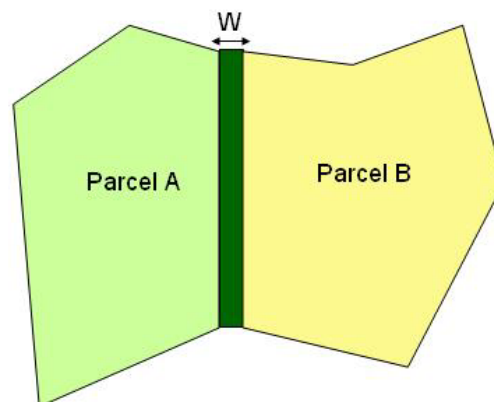
Where, a feature of up to 2m wide (e.g. walls, ditches, hedges) serves as boundary between parcels its area should be attributed to each adjacent parcel along the same principles as the ones pre-defined under section 2.1.2.

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 Article 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 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).

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 Article 9 or Article 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. As an example it is recalled that Art. 9(3) does not apply to scattered fruit trees which yield repeated harvests.

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 categories of homogeneous land cover type in which each RP containing such permanent grassland would fall, 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. 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").

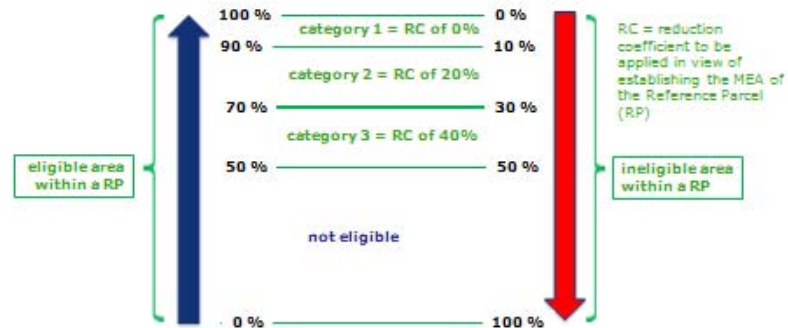
Different categories of homogeneous land cover type can co-exist in the same RP. In this case, several options for calculating the MEA could be applied e.g.:

1. Each area with an 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 mapping);

or,

2. The actual percentage of ineligible scattered features in each area with a homogeneous land cover type is assessed; each percentage is then combined proportionally to obtain an actual percentage of ineligible scattered features 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 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).

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 (together with other grazable non-herbaceous features) 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 by delineation.

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, 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 system⁶. 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 category of the pro-rata system in which the RP falls registered in the LPIS reference layer. Each RP can only fall in one category of the pro-rata system.

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.

⁶ 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).

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 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 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 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 the new measurement or the LPIS QA confirms the current MEA indicated in the LPIS (i.e. the result stays within the single value buffer tolerance - Art. 38(4) of Regulation (EU) No 809/2014) - or the thresholds for LPIS QA, where applicable) this is normally not considered as triggering an 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)

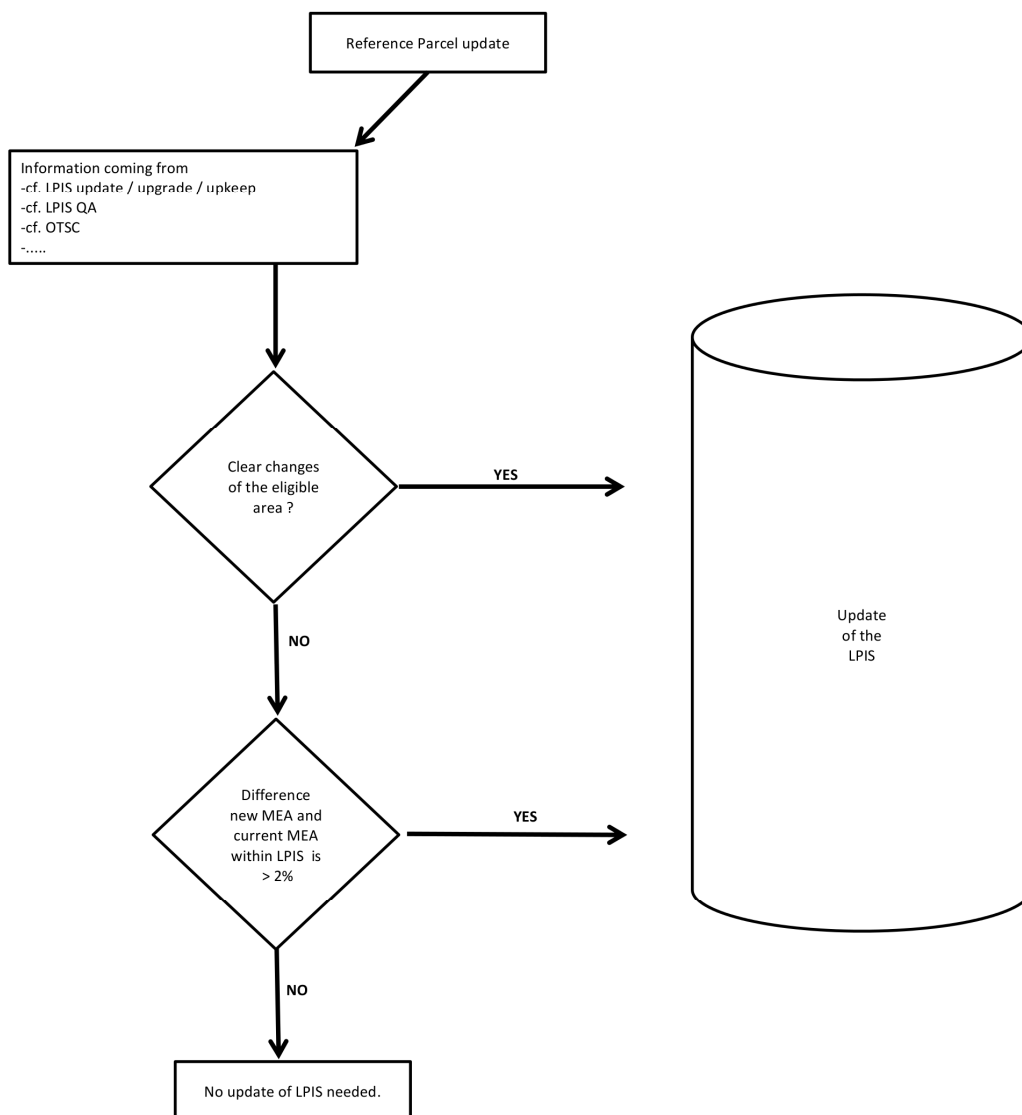
(2% of 4,00 ha = 0,08 ha)

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)



ANNEX I

EFA layer

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. 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 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 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 claim⁷ 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"

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.

⁷ 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.

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 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).

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 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.

3.4. 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).

3.5. 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.

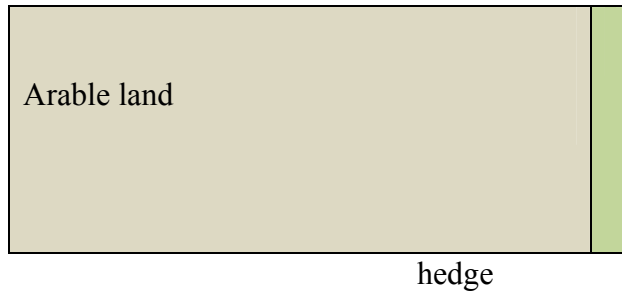
Linear landscape features or buffer strips are considered to be "adjacent to arable land" when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFAs (like in the 1st example), regardless if it is on the short or long side of the field. It is not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

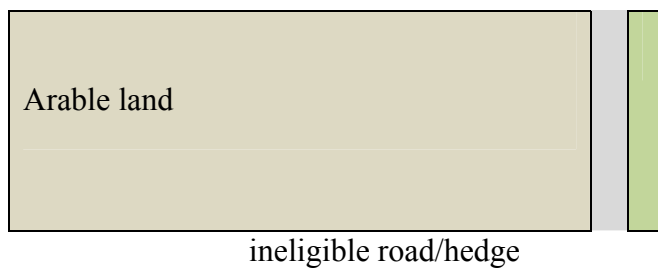
Illustrative examples are given hereinafter. Apart from example 9, those examples are based on the situation where a MS does not apply the 5 meters buffer around the agricultural parcel.

1st. Example (adjacent)



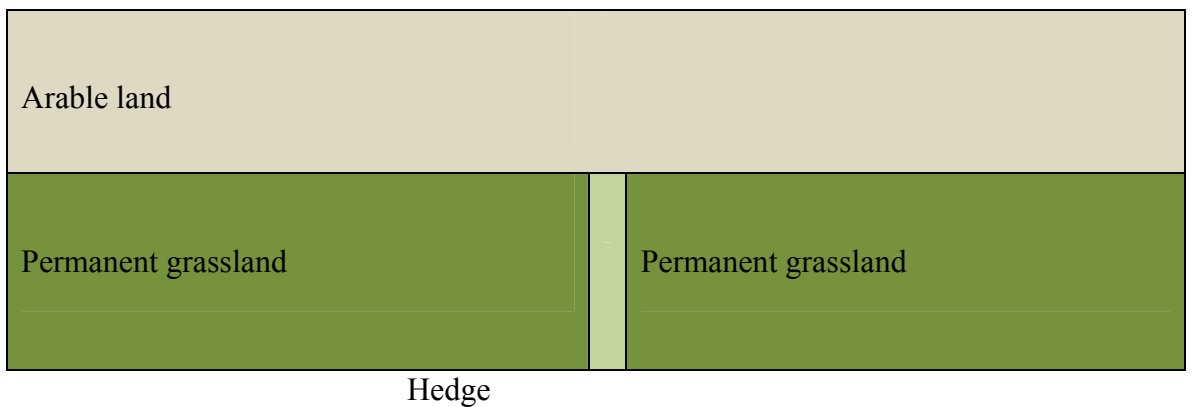
This hedge is adjacent to arable land and is thus considered as a potential EFA.

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)



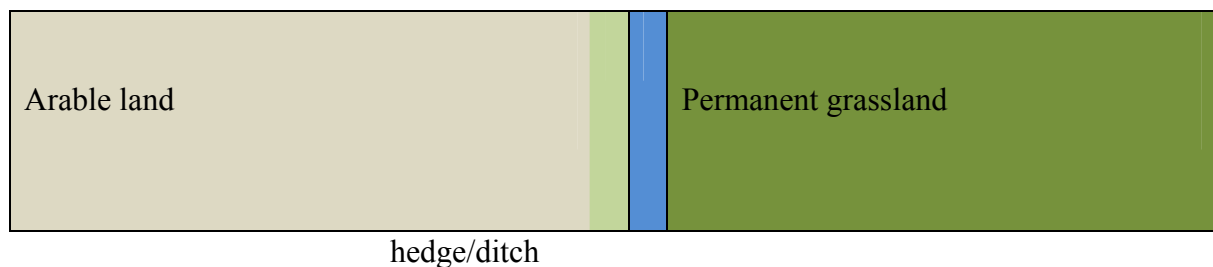
This hedge physically touches arable land on the north with its shorter edge. It is thus not considered as a potential EFA.

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)*



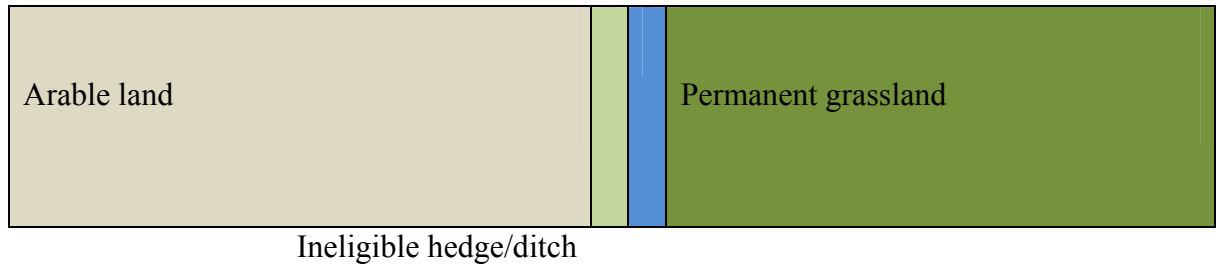
In this example, a landscape feature (the ditch) is adjacent to another landscape feature (hedge) which is adjacent to arable land. It is considered as a potential EFA when:

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.

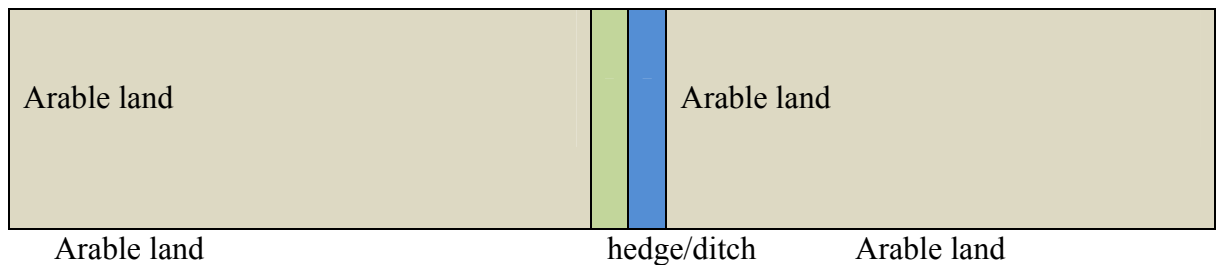
This principle applies for more features adjacent to each other as long as the last potential EFA is in the list of EFAs chosen by the MS and the features between the arable surface and that last potential EFA is part of the agricultural parcel eligible for BPS/SAPS according to Articles 9(1) and (2) 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)*



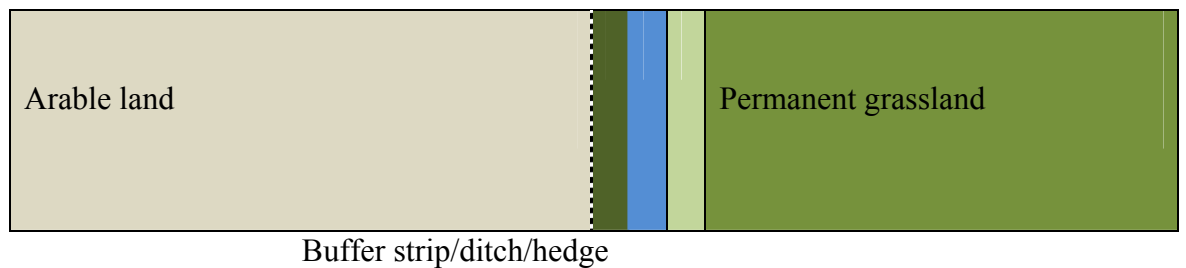
In this example, in case the hedge is ineligible for BPS/SAPS (i.e. not included in the agricultural parcel eligible for BPS/SAPS) then only the hedge is considered to be adjacent to arable land and therefore only the hedge has to be included in the EFA-layer.

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)*

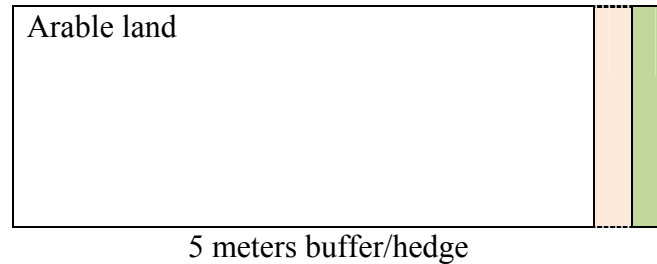


As the buffer strip is located on the arable land, the ditch is adjacent to arable land regardless of its eligibility.

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.

3.6. 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.

3.7. 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.

4. ESTABLISHMENT OF THE EFA-LAYER

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

4.1. Distinction of agricultural land cover

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

4.2. 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.

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 (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.

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, 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:

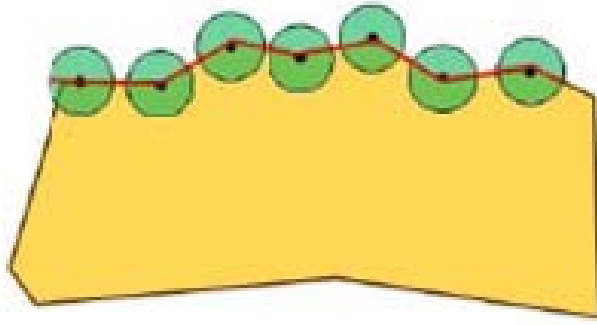
- the established area of the polygon or the converted area (established length or actual area X conversion factor);
- the weighted area which is based on either the actual size multiplied by the weighting factor or the converted area multiplied by the weighting factor.

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 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)

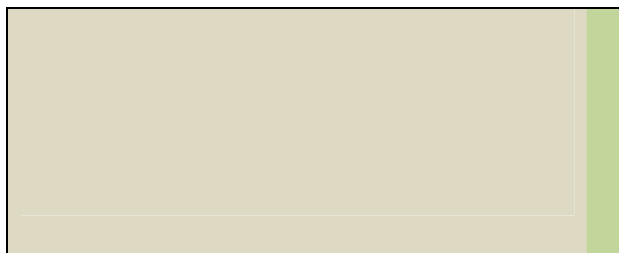


Arable land 9,80 ha

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).

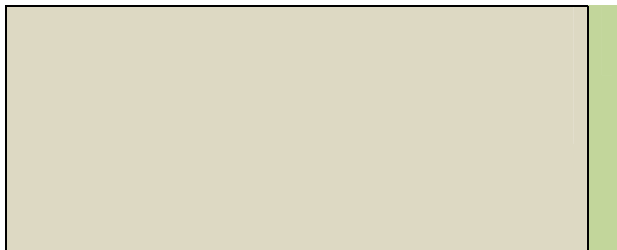
12th. Example A1 (reference parcel BPS/SAPS situation 1)



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.

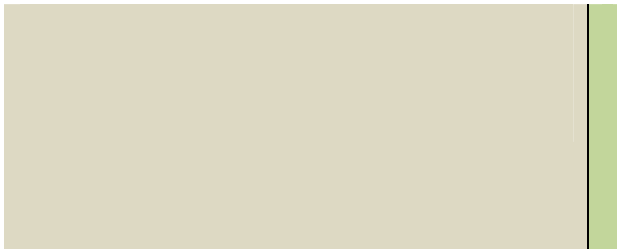
14°. Example A3 (EFA as a polygon)



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 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.

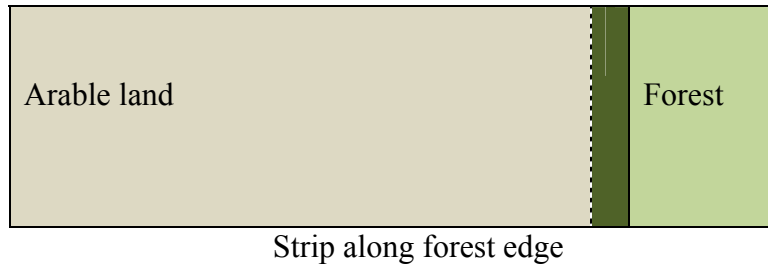
4.6. Use of conversion/weighting factors

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

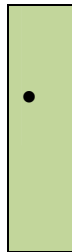
- For linear elements, information on the maximum length, the location (coordinates), the converted area and/or the weighted area;
- For point elements (isolated trees and ponds) the location expressed by coordinates as a point, the converted area and/or the weighted area.

4.7. Overlapping EFAs

In accordance with 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)

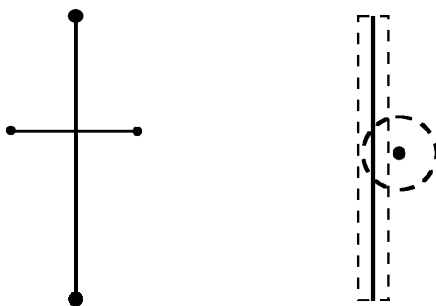
In this example the area counts as a strip along forest edge and the same surface cannot be at the same time a field margin. However, it is possible to set up a field margin along forest edges but then it cannot be at the same time a strip along a forest edge.

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.

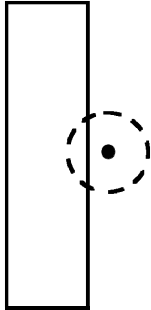
Note that for any potential EFA, included in the EFA-layer, only one type of EFA should be attributed. The same area cannot be allocated to different types of EFA (i.e. in case a field margin has some trees in line on it, it is not possible to record both a field margin and the trees in line). Where there are doubts as to which type of EFA it belongs, the type should be carefully assessed⁸.

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)

⁸ Note that the attribution of EFA in the EFA layer would not prevent the beneficiary from declaring another EFA.

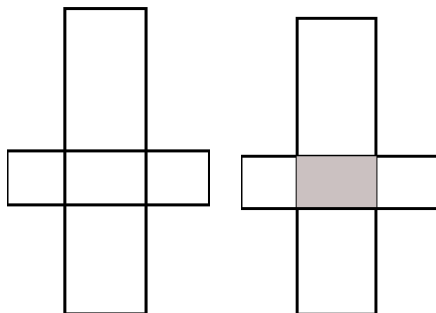
19th. Example (combination of using established area and converted area -> OK, not seen as overlap)



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.

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. Update of the EFA-layer***4.9.1. 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.

4.9.2. 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.

4.9.3. 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.

4.10. 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.

ANNEX II

Roads/paths decision tree

