

Brussels, 2/9-2005  
D(2005)1034

Dear Mrs Lucas,

Thank you for your letter of 18 July 2005 on the application of the CAP in the United Kingdom and the cross compliance.

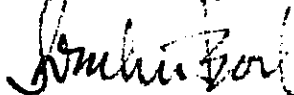
The 2003 CAP reform represents an important step forward in making agriculture friendlier to the environment and favouring a sustainable development of the rural areas.

In this respect, cross compliance plays a central role, since the full granting of direct payments to farmers is made conditional on the respect of statutory management requirements listed in Annex III to Council Regulation (EC) No 1782/2003. Among those requirements are provisions of certain Community Directives in the area of the environment, including the Council Directive 79/409/EEC on the conservation of wild birds and the Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna.

I would like to remind you that the different statutory management requirements which have now become relevant in respect of agricultural aid payments are not new. They have been and continue to be legally binding standards as transposed into national law by the Member States, thus fulfilling their obligations under Article 249 of the EC-Treaty. This general concept of Directives and their legal consequences are the reason why Article 4(2) of Regulation (EC) No 1782/2003, merely repeatingly, is saying that Directives apply as implemented by the Member States.

In case of non-respect by a farmer of the statutory management requirements, the total amount of the direct payments to be granted to that farmer may be reduced or even cancelled. Member States shall control the implementation of the cross compliance by carrying out on-the-spot checks as provided for in article 25 of Council Regulation (EC) No 1782/2003 and implemented by Commission Regulation (EC) No 796/2004. The Commission control such implementation in the framework of the clearance of accounts.

Yours sincerely,



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