

Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community (codified version)

CHAPTER II

DETERMINATION OF INCOMES ON AGRICULTURAL HOLDINGS

Article 4

This Chapter shall apply to the collection of accountancy data for the purpose of making an annual determination of incomes on agricultural holdings.

Article 5

1 The field of the survey referred to in Article 1(2)(a) shall cover the agricultural holdings having an economic size equal to, or greater than, a threshold expressed in euro corresponding to one of the lower limits of the economic size classes as defined in the Community typology.

- 2 To qualify as a returning holding, an agricultural holding shall:
- a have an economic size equal to, or greater than, a threshold to be determined in accordance with paragraph 1;
 - b be farmed by a farmer holding accounts or willing and able to keep farm accounts and willing to allow the accountancy data from his holding to be made available to the Commission;
 - c be representative, together with the other holdings and at the level of each division, of the field of survey.

3 The maximum number of returning holdings shall be 105 000 for the Community.

4 Detailed rules for the application of this Article, and in particular the threshold for the economic size and the number of returning holdings per division, shall be adopted in accordance with the procedure referred to in Article 18(2).

Article 6

1 Each Member State shall set up a national committee for the data network (hereinafter referred to as 'the National Committee').

2 The National Committee shall be responsible for the selection of returning holdings. To this end, its duties shall, in particular, include approval of:

- a the plan for the selection of returning holdings, specifying in particular the distribution of returning holdings per category of holding and the detailed rules for selecting the said holdings;
- b the report on the implementation of the plan for the selection of returning holdings.

3 The chairman of the National Committee shall be appointed by the Member State from among the members of this Committee.

The National Committee shall take its decisions unanimously. In the event of unanimity not being achieved, decisions shall be taken by an authority appointed by the Member State.

4 Member States which have several divisions may, for each of the divisions under their jurisdiction, set up a regional committee of the data network (hereinafter referred to as ‘the Regional Committee’).

The Regional Committee shall, in particular, have the duty of cooperating with the liaison agency referred to in Article 7 in selecting the returning holdings.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 18(2).

Article 7

- 1 Each Member State shall appoint a liaison agency whose duties shall be to:
- a inform the National Committee, the Regional Committees and the accountancy offices of the detailed rules of application concerning them and to ensure that those rules are properly implemented;
 - b draw up and submit to the National Committee for its approval, and thereafter to forward to the Commission:
 - (i) the plan for the selection of returning holdings, which shall be drawn up on the basis of the most recent statistical data, presented in accordance with the Community typology for agricultural holdings;
 - (ii) the report on the implementation of the plan for the selection of returning holdings;
 - c compile:
 - (i) the list of returning holdings;
 - (ii) the list of the accountancy offices willing and able to complete farm returns in accordance with the terms of the contracts provided for in Articles 10 and 15;
 - d assemble the farm returns sent to it by the accountancy offices and to verify on the basis of a common inspection programme that they have been duly completed;
 - e forward the duly completed farm returns to the Commission immediately after verification;
 - f transmit to the National Committee, the Regional Committees and the accountancy offices the requests for information provided for in Article 17 and to forward the relevant answers to the Commission.

2 The detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 18(2).

Article 8

1 Each returning holding shall be the subject of an individual and anonymous farm return.

- 2 The accountancy data provided by each farm return shall be such that it is possible to:
- characterise the returning holding by reference to the main elements of its factors of production;
 - assess the income of the holding in its various forms;
 - test by means of spot-checks the veracity of the information given.

3 The type of accountancy data to be given in a farm return, the form in which such data are to be presented and the definitions and instructions relating thereto shall be determined in accordance with the procedure referred to in Article 18(2).

Article 9

A farmer whose holding is selected as a returning holding shall choose, from a list compiled for that purpose by the liaison agency, an accountancy office willing to complete the return for his holding in accordance with the terms of the contract provided for in Article 10.

Article 10

1 A contract shall be concluded annually on the authority of the Member State between the competent authority designated by the latter and each accountancy office chosen as provided for in Article 9. Under this contract the accountancy office shall undertake, in consideration of a standard fee, to complete farm returns in a manner consistent with the provisions of Article 8.

2 The terms of the contract referred to in paragraph 1, which must be uniform in all Member States, shall be determined in accordance with the procedure referred to in Article 18(2).

3 Where the duties of an accountancy office are carried out by an administrative department, the latter shall be notified as to its duties through the normal administrative channels.