

## **WORKING DOCUMENT**

### **3<sup>rd</sup> Modification of the Joint Rural Development Programme of Lower Saxony & Bremen 2007-2013 (CCI No. 2007DE06RPO012)**

**MEMBER STATE: Germany**

**REGION: Lower Saxony**

#### **1. APPROVED PROGRAMME:**

The Rural Development Programme for Lower Saxony & Bremen 2007-2013, C(2007)5184 of 26 October 2007

#### **2. LEGAL BASIS FOR THE MODIFICATION**

Modification related to the first implementation of Article 16a of Regulation (EC) No 1698/2005

The modification proposal includes:

**A. MODIFICATIONS RELATED TO ART. 6(1)a) OF REGULATION (EC) NO 1974/2006 FOLLOWING THE ADOPTION OF THE HEALTH CHECK (HC) AND OF THE EUROPEAN ECONOMY RECOVERY PLAN (EERP)**

B. MODIFICATIONS RELATED TO ART. 6(1)c) OF R. 1974/2006 (SEE FURTHER BELOW)

#### **3. REASONS AND ANY IMPLEMENTATION PROBLEMS JUSTIFYING THE AMENDMENT / STRATEGY CHOSEN**

As a result of the adoption of the Health Check (HC) and European Economic Recovery Plan (EERP), the additional funds need to be programmed in the Rural Development Programme (RDP) for Lower Saxony 2007-2013. The reasons justifying the use of additional funds, effects thereof as well as links to the programme strategy and National Strategy Plan have been described in chapter 4 and under the description of each modification.

#### **4. DESCRIPTION OF THE AMENDMENTS PROPOSED:**

##### **4.1 New priorities / types of operations**

Lower Saxony provides information and justification regarding the measures of the RDP to which the additional funds will be allocated. The additional funds will contribute to

the new challenges “climate change”, “water management”, “biodiversity”, and “measures accompanying restructuring of the dairy sector”.

Total additional funds:

Health Check	: 105,707,456
Recovery Package	: 12,601,361
<u>Unspent money Article 136</u>	<u>: 20,663,156</u>
<b>Subtotal HC/RP/unused funds</b>	<b>: 138,971,973</b>
Commission Decision C(2008)8370	: 10,417,584
<u>Redistribution Germany</u>	<u>: 10,231,115</u>
<b>Total</b>	<b>: 159,620,672</b>

The total additional amount of € 159,620,672 EAFRD contribution (€ 138,971,973 resulting from Health Check and Recovery Package including unused funds according to Article 136 of Council Regulation (EC) No 73/2009 and €20,648,699 resulting from Commission Decision C(2008)8370 and a correction of the distribution of the existing modulation money to the German *Länder*) will be attributed to measures 121 "modernisation of agricultural holdings", 214 "Agri-environment payments", 216 "non-productive investments", 323 "Conservation and upgrading of the rural heritage". There is a strong focus on these measures because of the abolishment of the set-aside and the necessity of restructuring the dairy sector. Three new agri-environment sub-measures will be introduced in order to contribute to the new challenges (four further agri-environmental measures are introduced in the first modification which is to be approved solely.).

Code 121 "modernisation of agricultural holdings"	€33,189,558
Code 214 "agri-environment payments"	€76,200,000
Code 216 "non-productive investments"	€ 2,000,000
Code 323 "conservation and upgrading of the rural heritage"	<u>€27,582,415</u>
	€138,971,973

Net-distribution (increase):

Code 121 "modernisation of agricultural holdings"	€29,700,000
Code 214 "agri-environment payments"	€64,000,000
Code 216 "non-productive investments"	€ 2,000,000
Code 323 "conservation and upgrading of the rural heritage"	€13,700,000

In the frame of this revision Lower Saxony alters for the additional funds the Community co-financing rate as provided for in the approved RDP .

Regarding the broadband infrastructure, the level of funding needs is regionally different. Presently broadband pilot-projects are already funded by measure 321 – basic services for the economy and rural population. Furthermore broadband infrastructure is strongly supported by national funds from the Common Task for Agrarian Structure and Coastal Protection (Gemeinschaftsaufgabe Agrarstruktur und Küstenschutz, GAK), the law for future investments (Zukunftsinvestitionsgesetz) and the European Regional Development Fund (ERDF). For the remaining period a total amount of M€ 68.5 funds will be invested, and Lower Saxony assesses this amount sufficient for this task.

**Table 5.3.6 Types of operations to be supported to meet the obligations resulting from Article 16a (3) a) and Article 69(5a) of Regulation (EC) No 1689/2005**

- Table 5.3.6 provided in the RDP

Axis/measure	Type of operation	Potential effects	"Existing" or "new" type of operation	Reference to the description of the type of operation in the RDP	Output indicator – target
<b>Axis 1 Priority: Measures accompanying restructuring of the dairy sector</b>					
Measure 121	Investment support related to dairy production	Improvement of the competitiveness of the dairy sector	existing	Chapter 3.2.1.2.1 National Framework 4.1.2.1	Number of supported holdings: 550  Total volume of investments ('000 EUR): 159,000
<b>Axis 2 Priority: Biodiversity</b>					
Measure 214-A	Perennial field and riparian boundary strips and biobeds	Protection of birds and other wildlife and improvement of biotope network, reducing entry of harmful substances in bordering habitats, conservation of protected fauna and flora	new	Chapter 5.3.2.1.4.1 Sub-measure B 3	Number of supported holdings/contracts : 500  Total and physical supported area: 33,000 ha  Total number of contracts: 500
Measure 214-C	Construction/management of biotopes/habitats within and outside Natura 2000 sites	Protection of birds and other wildlife and improvement of biotope network, reducing entry of harmful substances in bordering habitats, conservation of protected fauna and flora	existing	Chapter 5.3.2.1.4.3 Sub-measure D - migrating birds	Number of supported holdings/contracts : 500  Total supported area: 1,000 ha  Total physical supported area: 18,000 ha  Total number of contracts: 500
Measure 216	Construction/management of biotopes/habitats within and outside Natura 2000 sites	Protection of birds and other wildlife and improvement of biotope	new	Chapter 5.3.2.1.6	Number of supported holdings/contracts : 100  Total volume of

		network, reducing entry of harmful substances in bordering habitats, conservation of protected fauna and flora			investments ('000 EUR): 2,400
<b>Axis 2 Priority: Climate change adaptation and mitigation</b>					
Measure 214-A	Soil management practices (e.g. tillage methods, catch crops, diversified crop rotations	Reduction of nitrous oxide (N <sub>2</sub> O), carbon sequestration, adaptation to the effects of climate change on soil	existing	Chapter 5.3.2.1.4.1  Sub- measures A2 and A7  National Framework A.2 & A.3	Number of supported holdings/contracts : 5,500  Total area supported/ha: 128,000  Total physical area supported/ha: 128,000
Measure 214-A	Soil management practices (e.g. tillage methods, catch crops, diversified crop rotations	Reduction of nitrous oxide (N <sub>2</sub> O), carbon sequestration, adaptation to the effects of climate change on soil	new	Chapter 5.3.2.1.4.1  Sub-measure B0	Number of supported holdings/contracts : 1,000  Total area supported/ha: 90,000  Total physical area supported/ha: 90,000
<b>Axis 3 Priority: Water management</b>					
Measure 323-B	Development of semi-natural water bodies Creation of natural banks Meandering rivers	Conservation of high-value water bodies, protection and improvement of water quality	existing	Chapter 5.3.3.2.3.2	Number of actions supported: 275  Total volume of investments ('000 EUR): 35,000
<b>Axis 3 Priority: Biodiversity</b>					
Measure 323-A	Conservation of genetic diversity	Conservation of genetic diversity	existing	Chapter 5.3.3.2.3.1	Total volume of investments ('000 EUR): 2,667

## 4.2 Description of the amendments proposed to axes and measures

### 4.2.1 Measure 121 "modernisation of agricultural holdings"

#### 4.2.1.1 Reasons and any implementation problems justifying the amendment

The phasing out of the milk quota regime will require specific efforts from all dairy farmers which in many cases may trigger the need for significant investments. This is the only way these farms can maintain their international competitiveness since they are subjected to significant cost pressure.

It has to be noted that due to natural and structural prerequisites in many regions in Lower Saxony only very few alternative sources of income can be considered.

Given this background, additional investment support for dairy farms is deemed necessary by the government of Lower Saxony and its economic and social partners.

#### 4.2.1.2 Description of the amendments proposed

(1) Increase of the financial allocation for measure 121 for actions qualifying as new challenge "restructuring dairy sector" by € 33,190,000 EU-contribution (M€ 29,73 additional modulation funds and reallocation of existing funds of M€ 3.46) which translates into an increase of total public expenditure by € 41,800,000 for the entire programming period. The purchase of livestock is not eligible for support.

(2) The ceilings for the EAFRD contribution will be increased to 75% in non-convergence regions and to 90% in convergence regions for operations qualifying under article 16a of Regulation (EC) No 1698/2005.

(3) Total maximum amount of eligible cost: 1,5 million Euro  
Aid intensity for investments qualifying under "restructuring of the dairy sector" limited to a 30% ceiling of eligible cost

#### 4.2.1.3 Expected impact of the amendment

The proposed modification shall allow providing support for approximately additional 550 agricultural holdings. The increased financial allocation will allow dairy farmers either to improve their competitiveness potential or provide farmers with support to leave the dairy sector and enter other sectors of production.

#### 4.2.1.4 Assessment relating to the coherence with the programme strategy and the NSP

The modification proposal refers to the justifications given in the modification request for the National Framework concerning measures accompanying restructuring the dairy sector.

In particular, many grassland regions in Lower Saxony will benefit from this increase of support as they have no alternative to dairy farming.

#### 4.2.1.5 Financial impact of the amendment

Increase of financial allocation for measure code 121 as described above under 4.2.1.2.

### **4.2.2 Measure 214-A "Agri-environment programme of Lower Saxony and Bremen"**

#### 4.2.2.1 Reasons and any implementation problems justifying the amendment

(1) Extension of the eligible area for sub-measure "Support of cultivation of intercrops and cover crops on arable land (A7)"

Presently the eligible area is restricted to areas under the Water Framework directive, thus other areas with special risk of erosion are excluded.

(2) Introduction of a new sub-measure "Climate-/water protection on permanent grassland (B0)"

Greenhouse gas emissions from agriculture mainly stem from changes in land use - however the share of organic matters in the soil should remain high. The need for grassland renewal by ploughing should therefore be reduced or lagged.

(3) Introduction of a new sub-measure "Supporting permanent grassland utilization with recovering phases and preservation strips (B3)"

This new measure supports farmland birds with recovery phases and buffer strips especially in areas with intensive grassland management.

#### 4.2.2.2 Description of the amendments proposed

(1) Extension of the eligible area from arable land under the Water Framework directive to the whole arable land of Lower Saxony and Bremen.

(2) New sub-measure "**Climate-/water protection on permanent grassland (B0)**"

Amount of aid: 45 EUR/ha permanent grassland

Conditions for granting the aid: no deep turn-over soil management for grassland renewal; no usage of total herbicides; flat soil management (max. 10cm) up to 10% of the grassland possible; no conversion of permanent grassland in arable land; restrictions are applicable on 100% of the permanent grassland of the farm; farms which apply for the exception rule of the German Fertiliser Regulation Art. 4 (3) respectively (4) are not eligible

(3) New sub-measure "**Supporting permanent grassland utilization with recovering phases and preservation strips (B3)**"

This new measure is implemented according to the National Framework with deviations.

Amount of aid: 115 EUR/ha permanent grassland (lower amount in relation to National Framework)

Conditions for granting the support: no rolling, levelling, mowing and organic fertilization in a 2month-period before 20.05; leaving a minimum 2.5m buffer strip during first cut; this buffer strip will be mowed or pastured during the second cut; pasturing with max. 1,5 livestock unit until 2 weeks after the first cut allowed; no usage of chemical-synthetically herbicides except in duly justified cases (e.g. extreme weed infestation with Rumex crispus "Krauser Ampfer"); extreme expansion of Tipula paludosa ("Wiesenschnake"))

#### 4.2.2.3 Expected impact of the amendment

- (1) Positive impact of the measure regarding water management, erosion and climate change on the whole territory of Niedersachsen and Bremen
- (2) Reduction of greenhouse gas emissions and N leaching
- (3) Protection of farmland birds especially in grassland-intensive areas

#### 4.2.2.4 Assessment relating to the coherence with the programme strategy and the NSP

The programme modification is in compliance with the Programme Strategy and the National Strategy.

#### 4.2.2.5 Financial impact of the amendment

- (1): Financial allocation: M€16,00 EU-contribution
- (2): Financial allocation: M€12,80 EU-contribution
- (3): Financial allocation: M€12,00 EU-contribution

### **4.2.3 Measure 214-C "Co-operation programme for nature conservation"**

#### 4.2.3.1 Reasons and any implementation problems justifying the amendment

- (1) With its first modification request Lower Saxony introduced higher premiums for several sub-measures. In order to provide the necessary financial means for these measures, an increase of the financial allocation is now necessary.
- (2) Introduction of the new contract pattern "red kite" in sub-measure "Management of arable land buffer strips/conservation strips in conformity with nature conservation standards for birds and other animals (bb)"

#### 4.2.3.2 Description of the amendments proposed

- (1) Due to an increase of the premiums a financial allocation of M€ 3,8 EU-contribution M€4,7 public costs is necessary.
- (2) New contract pattern "red kite" (Rotmilan) in sub-measure "Management of arable land buffer strips/conservation strips in conformity with nature conservation standards for birds and other animals (bb)"  
Conditions for granting the aid: no cereals as main crop; simple seed row space; seeding till 30.04 in the first year; no ploughing of arable land, slit-seeding or over-seeding possible; at least one cut till 01.06 (till 01.08 in the first year); no irrigation; post-pasturing possible, no time-restriction for mechanic soil management (rolling, levelling).

#### 4.2.3.3 Expected impact of the amendment

The modifications support the acceptance and objectives of the measure.

#### 4.2.3.4 Assessment relating to the coherence with the programme strategy and the NSP

The modification fosters Programme Strategy and the National Strategy for axis 2.

#### 4.2.3.5 Financial impact of the amendment

Financial allocation: M€3,8 EU-contribution, M€4,7 public cost

### **4.2.4 Measure 216: "support for non-productive investments"**

#### 4.2.4.1 Reasons and any implementation problems justifying the amendment

New measure to be offered from 2010 onwards. This new measure addresses the restoration of good conservation status of endangered species listed in the Annexes of Directives 79/409/EC and 92/43/EEC.

#### 4.2.4.2 Description of the amendments proposed

A. Type of actions implemented	restoration of good conservation status of endangered species listed in the Annexes of Directives 79/409/EC and 92/43/EEC; - initial restoration e.g. removal of bushes - restoring and preparation of biotopes -
B. Type of beneficiaries	Agricultural holdings independent of their legal form and other land managers, Municipalities and associations of municipalities Foundations, nature protection societies, hunting associations Land Lower Saxony and Bremen Other legal persons
C. Type, scope and amount of aid	Project costs, cost calculation based on labour costs, material costs as well as income foregone  EU-contribution: 75% of public cost in non-convergence region, 90% of public cost in convergence regions
D. Conditions for granting aid	- support only for projects within delimited nature protection areas in Lower Saxony & Bremen - measure falls not within scope of NFramework - eligible for implementation under Leader - eligible for support only if not eligible under agri-environmental measures

#### 4.2.4.3 Expected impact of the amendment

The measure focuses on maintaining the Natura 2000 areas as well as the protection and improvement of biodiversity. The actions supported are either not on an annual basis or annually but with changing and different steps to be taken or on varying plots.



#### 4.2.4.4 Assessment relating to the coherence with the programme strategy and the NSP

The proposed measure fosters nature protection topics and the Natura-2000 network.

#### 4.2.4.5 Financial impact of the amendment

Financial allocation: EU – M€2,0, total public cost – M€2,47

### **4.2.5 Measure 323-A: "conservation and upgrading of the natural heritage"**

#### *Sub-measure : development measure for nature and landscape*

#### 4.2.5.1 Reasons and any implementation problems justifying the amendment

The modification proposal replies to article 6 of the Convention on Biological Diversity and supplements Natura-2000.

#### 4.2.5.2 Description of the amendments proposed

Modulation funds are used to increase the financial allocation of this sub-measure :  
EU-contribution: M€2,0  
public expenditure: M€2,7

#### 4.2.5.3 Expected impact of the amendment

To make an additional contribution to the preservation of biodiversity.

#### 4.2.5.4 Assessment relating to the coherence with the programme strategy and the NSP

This proposed modification fully complies with the targets of the National Strategy. and with the programme strategy

#### 4.2.5.5 Financial impact of the amendment

See description

### **4.2.6 Measure 323-B: "conservation and upgrading of the natural heritage"**

#### *Sub-measure: development of water courses (WFD)*

#### 4.2.6.1 Reasons and any implementation problems justifying the amendment

A significant share of Lower Saxony's water courses is not in a good condition. Therefore the targets of the water management plans are at risk. The modification proposal replies to article 6 of the Convention on Biological Diversity and supplements Natura-2000.

#### 4.2.6.2 Description of the amendments proposed

Modulation funds in the amount of M€15 shall be used to increase the financial allocation of this existing sub-measure and this amount shall qualify as "new challenge".

#### 4.2.6.3 Expected impact of the amendment

To make an additional contribution with respect to the implementation of the Water Framework Directive (WFD).

#### 4.2.6.4 Assessment relating to the coherence with the programme strategy and the NSP

This proposed modification fully complies with the targets of the National Strategy.

#### 4.2.6.5 Financial impact of the amendment

Financial allocation: M€15,00 EU-contribution

### **B. MODIFICATIONS RELATED TO ART. 6(1)c) OF REGULATION (EC) NO 1974/2006**

#### **4.2.7 Measure 111 "Vocational training and information actions"**

##### 4.2.7.1 Reasons and any implementation problems justifying the amendment

In the original version of the rural development programme the output indicators "number of participants" and "number of training days" were estimates "from ... to". The targets had to be quantified.

##### 4.2.7.2 Description of the amendments proposed

Quantification instead of estimates of both common output indicators

##### 4.2.7.3 Expected impact of the amendment

None for the implementation of the programme.

##### 4.2.7.4 Assessment relating to the coherence with the programme strategy and the NSP

None.

##### 4.2.7.5 Financial impact of the amendment

None.

#### **4.2.8 Measure 125-A: "improving and developing infrastructure related to the development and adaptation of agriculture and forestry"**

##### ***Sub-measure: land consolidation***

#### 4.2.8.1 Reasons and any implementation problems justifying the amendment

The National Framework underwent a modification concerning the definition of public expenditures. Following this modification 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing.

#### 4.2.8.2 Description of the amendments proposed

The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

#### 4.2.8.3 Expected impact of the amendment

The modification shall provide the necessary financial support for projects that would otherwise not be carried out due to the financial burden for the project promoter on municipal level.

#### 4.2.8.4 Assessment relating to the coherence with the programme strategy and the NSP

None

#### 4.2.8.5 Financial impact of the amendment

None

### **4.2.9 Measure 125-B: "improving and developing infrastructure related to the development and adaptation of agriculture and forestry"**

#### ***Sub-measure: rural infrastructure***

#### 4.2.9.1 Reasons and any implementation problems justifying the amendment

Despite the support already provided in the past, the demand for additional modernisation und adaptation of rural paths remains high.

Lower Saxony is one of the largest regions in Germany with extensive rural areas and sizeable amount of land used for agriculture that require special attention to a functioning system of rural roads.

#### 4.2.9.2 Description of the amendments proposed

(1) The financial allocation shall be increased by M€6,19 EU-contribution. The total public expenditures will increase by M€11,7.

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

#### 4.2.9.3 Expected impact of the amendment

The modification shall provide the necessary financial support to continue the modernisation and adaptation of the rural road system.

#### 4.2.9.4 Assessment relating to the coherence with the programme strategy and the NSP

The programme modification shall maintain and also increase the competitiveness of agricultural holdings.

#### 4.2.9.5 Financial impact of the amendment

Increase of financial allocation by M€6,19 EU-contribution.

### **4.2.10 Measure 125-D: "improving and developing infrastructure related to the development and adaptation of agriculture and forestry"**

#### *New sub-measure: irrigation*

#### 4.2.10.1 Reasons and any implementation problems justifying the amendment

Ground water levels are dropping and restrictions for permits allowing water extractions require alternative solutions in order to provide sufficient supply of irrigation water for farming. Only an efficient use of alternative water sources will support the implementation of the Water Framework Directive with particular regard to ground water bodies. The size of the irrigated area shall not be increased.

#### 4.2.10.2 Description of the amendments proposed

Lower Saxony proposes a new sub-measure addressing the described water and irrigation problem.

A. Type of actions implemented	Management of water resources not covered by the German National Framework Programme ( <i>Rahmenregelung</i> )
B. Type of beneficiaries	Municipalities and associations of municipalities Water management bodies and comparable legal bodies
C. Type, scope and amount of aid	Project grant 75% of public expenditure in convergence regions
D. Conditions for granting aid	economic viability documentation proof of negative water balance support is restricted to common infrastructures

	project must warrant substitute use of ground water through alternative water resources will only be offered in convergence regions
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#### 4.2.10.3 Expected impact of the amendment

The modification shall provide the necessary protection of ground water bodies for the future and simultaneously secure irrigation water supply to farmers.

#### 4.2.10.4 Assessment relating to the coherence with the programme strategy and the NSP

The programme modification complies with several objectives of the National Strategy such as competitiveness and environment.

#### 4.2.10.5 Financial impact of the amendment

Financial allocation: M€3,00 EU-contribution, total public M€4,00.

### **4.2.11 Measure 212: "payments to farmers in areas with handicaps other than mountain areas"**

#### 4.2.11.1 Reasons and any implementation problems justifying the amendment

Changing production and market situation have an impact on the continuation of farming in certain regions and significantly influence the income situation in such areas.

In order to maintain farming under such changed conditions in areas with handicap a compensatory payment shall be introduced.

#### 4.2.11.2 Description of the amendments proposed

New Measure implemented according to National Framework Programme. Compensatory payments are granted in inverse proportion to the agricultural production potential index (LVZ).

A. Type of actions implemented	Compensation for natural handicaps – implementation according to National Framework point 4.2.1.2
B. Type of beneficiaries	Agricultural holdings independent of their legal form condition: shareholder equity by government less than 25%
C. Type, scope and amount of aid	Premium: 35 €/ha permanent grassland Minimum amount 500 €/beneficiary/year  EU-contribution: 55% of public cost in non-convergence region, 80% of public cost in convergence regions
D. Conditions	- permanent grassland in LFA

for granting aid	- beneficiary maintains farming for at least 5 years after first payment
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#### 4.2.11.3 Expected impact of the amendment

The modification shall provide the necessary financial support to maintain farming in less-favoured areas and to preserve sustainable management forms which contribute in particular to environmental protection and to the strengthening of rural areas.

#### 4.2.11.4 Assessment relating to the coherence with the programme strategy and the NSP

The programme modification is in compliance with the National Strategy.

#### 4.2.11.5 Financial impact of the amendment

Financial allocation: M€27,3 EU-contribution, M€42 public cost

### **4.2.12 Measure 213: "Natura 2000 payments and payments linked to Directive 2000/60/EC"**

#### 4.2.12.1 Reasons and any implementation problems justifying the amendment

With its first modification request Lower Saxony introduced an increase of the Natura 2000 payment from €10,23 to €11,00 per point and ha. In order to provide the necessary financial means for this measure, an increase of the financial allocation is now necessary.

#### 4.2.12.2 Description of the amendments proposed

Increase of financial allocation: EU-contribution M€1,47, public cost M€2,27

#### 4.2.12.3 Expected impact of the amendment

To continue Natura 2000 payments on the current premium level.

#### 4.2.12.4 Assessment relating to the coherence with the programme strategy and the NSP

No changes concerning the National Strategy

#### 4.2.12.5 Financial impact of the amendment

Increase of the financial allocation of the measure code 213 as above.

### **4.2.13 Measure 214-B "Water protection in priority areas"**

#### 4.2.13.1 Reasons and any implementation problems justifying the amendment

(1) With its first modification request Lower Saxony introduced 4 new sub-measures. In order to provide the necessary financial means for these measures, an increase of the financial allocation is now necessary.

(2) Modification of the condition for granting aid "minimum limit"  
Applicants with small relevant areas are presently excluded from participating in the new sub-measures (d), (e), (f), (g) and (h) (see below).

#### 4.2.13.2 Description of the amendments proposed

(1) Financial allocation for the new sub-measures:

<b>New sub-measures</b>	<b>EU-contribution in M€</b>	<b>public cost in M€</b>
Cultivation of winter hardy catch crops (d)	11,87	17,90
No soil cultivation after maize following a summer cereal (e)	2,70	4,00
Cultivation of winter bird rape before winter cereals (f)	1,08	1,60
Leaving of shatting rape (g)	1,35	2,00

(2) Presently the yearly amount for a new applied measure must be above 500 EUR. The modification introduces an exception of this minimum limit per applicant as it will be calculated for the sum of the subsidies of the new sub-measures (d), (e), (f), (g) and (h). Thus the higher participation in these measures supports the objectives of the measure.

#### 4.2.13.3 Expected impact of the amendment

(1) Better N-fixing and prevention of soil-erosion by these new sub-measures. The modification shall provide the necessary financial.

(2) Applicants may participate also with small areas in the sub-measures.

#### 4.2.13.4 Assessment relating to the coherence with the programme strategy and the NSP

The programme modification is in compliance with the Programme Strategy and the National Strategy.

#### 4.2.13.5 Financial impact of the amendment

(1) Financial allocation: M€17,00 EU-contribution, M€25,50 public cost

(2) None

### **4.2.14 Measure 311: "diversification into non-agricultural activities"**

#### 4.2.14.1 Reasons and any implementation problems justifying the amendment

(1) The modification introduces the missing output indicator "number of beneficiaries"

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

#### 4.2.14.2 Description of the amendments proposed

N/A see above

#### 4.2.14.3 Expected impact of the amendment

N/A

#### 4.2.14.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

#### 4.2.14.5 Financial impact of the amendment

N/A

### **4.2.15 Measure 313: "encouragement of tourism activities"**

#### 4.2.15.1 Reasons and any implementation problems justifying the amendment

(1) The modification introduces adjustments of output indicators.

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

#### 4.2.15.2 Description of the amendments proposed

N/A see above

#### 4.2.15.3 Expected impact of the amendment

N/A

#### 4.2.15.4 Assessment relating to the coherence with the programme strategy and the NSP



N/A

#### 4.2.15.5 Financial impact of the amendment

N/A

### **4.2.16 Measure 321: "basic services for the economy and rural population"**

#### 4.2.16.1 Reasons and any implementation problems justifying the amendment

(1) The modification introduces adjustments of output indicators and quantified targets.

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

#### 4.2.16.2 Description of the amendments proposed

N/A see above

#### 4.2.16.3 Expected impact of the amendment

N/A

#### 4.2.16.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

#### 4.2.16.5 Financial impact of the amendment

N/A

### **4.2.17 Measure 322: "village renewal and development"**

#### 4.2.17.1 Reasons and any implementation problems justifying the amendment

(1) The modification introduces adjustments of output indicators and quantified targets.

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for

EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

4.2.17.2 Description of the amendments proposed

N/A see above

4.2.17.3 Expected impact of the amendment

N/A

4.2.17.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

4.2.17.5 Financial impact of the amendment

N/A

**4.2.18 Measure 323-D: "conservation and upgrading of the rural heritage"**

*Sub-measure : cultural heritage*

4.2.18.1 Reasons and any implementation problems justifying the amendment

The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is a modification that shall clarify the term "public expenditure" according to the National Framework.

4.2.18.2 Description of the amendments proposed

N/A see above

4.2.18.3 Expected impact of the amendment

N/A

4.2.18.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

4.2.18.5 Financial impact of the amendment

N/A

**4.2.19 Measure 341-A: "skills acquisition and animation with a view to preparing and implementing a local development strategy"**

*Sub-measure: integrated rural development strategies*

4.2.19.1 Reasons and any implementation problems justifying the amendment

(2) The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

4.2.19.2 Description of the amendments proposed

N/A see above

4.2.19.3 Expected impact of the amendment

N/A

4.2.19.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

4.2.19.5 Financial impact of the amendment

N/A

**4.2.20 Measure 341-B: "skills acquisition and animation with a view to preparing and implementing a local development strategy"**

*Sub-measure: regional management*

4.2.20.1 Reasons and any implementation problems justifying the amendment

The National Framework underwent a modification concerning the definition of public expenditures. Following this modification, 100% of public expenditures according to Article 71 of regulation (EC) No 1698/2005 shall be eligible for EAFRD-co-financing. The amendment is an editorial modification that shall clarify the term "public expenditure" according to the National Framework.

4.2.20.2 Description of the amendments proposed

N/A see above

4.2.20.3 Expected impact of the amendment

N/A

4.2.20.4 Assessment relating to the coherence with the programme strategy and the NSP

N/A

4.2.20.5 Financial impact of the amendment

N/A

**4.2.21 Measure 41: "local development strategies"**

*Sub-measure 411: competitiveness*

*Sub-measure 412: transnational and inter-regional cooperation*

*Sub-measure 413: quality of life/diversification*

4.2.21.1 Reasons and any implementation problems justifying the amendment

At programme approval Lower Saxony and Bremen intended to select 30 Leader regions/local action groups with a minimum budget of M€2,0 for each region.

In November 2007 it was decided to accept a total of 32 Leader regions/local action groups with a total budget of M€64,0.

This increase of Leader regions/local action groups requires also an increase of the total amount available by M€4,0.

4.2.21.2 Description of the amendments proposed

The financial allocation shall be increased by M€4,0 and shall be transferred from axis 3 into the Leader-axis.

4.2.21.3 Expected impact of the amendment

With the increased number of Leader regions/local action groups a larger area of Lower Saxony and Bremen will be covered.

4.2.21.4 Assessment relating to the coherence with the programme strategy and the NSP

The increase of Leader regions/local action groups provides additional support for the implementation of the National strategy.

4.2.21.5 Financial impact of the amendment

Transfer of funds from axis 3.

## 5. GENERAL ASSESSMENT

The amendment is in conformity with the German National Strategy Plan, the regional programme strategy and the German National Framework where relevant.

The amendments are in conformity with the Council Regulation (EC) No 1689/2005 and with the Commission regulation (EC) No 1974/2006.

Appraisal of respect of competition rules: Not applicable

## 6. FINANCING

(1) Tables 6.1, 6.2 and 6.3 provided in the RDP. Detailed information about additional funds received from modulation, recovery package and other sources are addressed in detail in chapter 4.1 of this working document as well as in the tables 6.1, 6.2 and 6.3.

(2) Moreover, Lower Saxony proposes a transfer of funds between all axes of about 5.5%.

(3) Chapters 8 & 9 "Additional national financing" (top-ups) remain unchanged.

### 6.1 Annual contribution from the EAFRD (in EUR)

Year	2007	2008	2009	2010	2011	2012	2013	Total
Non convergence regions	88,659,986	90,020,569	87,470,680	89,663,585	86,998,127	84,664,791	72,247,710	599,725,448
convergence regions	35,335,468	33,888,054	32,369,523	32,141,172	31,863,802	30,960,682	39,746,991	236,305,692
Additional funds from Article 69(5a) of Regulation (EC) No 1698/2005 – non convergence region	0	0	5,000,000	14,085,796	19,526,555	24,228,396	28,224,500	91,065,247
Additional funds from Article 69(5a) of Regulation (EC) No 1698/2005 – convergence region	0	0	2,412,565	6,640,969	9,994,119	12,647,471	16,211,602	47,906,726
Total EAFRD	123,995,454	123,908,623	127,252,768	142,531,522	148,382,603	152,501,340	156,430,803	975,003,113

**6.2.1 Financial plan by axis in non convergence region (in EUR total period)**

Axis	Public contribution		
	Total public	EAFRD contribution rate (%)	EAFRD amount
Axis 1	515,065,134	50	257,532,567
Axis 2	281,791,538	55	154,985,346
Axis 3	282,836,288	50	141,418,144
Axis 4	61,818,180	55	33,999,999
Technical assistance	23,578,784	50	11,789,392
Total	1,165,089,924		599,725,448

**6.2.2 Financial plan by axis in convergence region (in EUR total period)**

Axis	Public contribution		
	Total public	EAFRD contribution rate (%)	EAFRD amount
Axis 1	133,982,767	75	100,487,075
Axis 2	84,910,934	80	67,928,747
Axis 3	50,519,827	75	37,889,870
Axis 4	37,500,000	80	30,000,000
Technical assistance	0	75	0
Total	306,913,528		236,305,692

**6.2.3 Additional funds from Article 69(5a) of Regulation (EC) No 1698/2005 – non convergence region**

Axis	Public contribution		
	Total public	EAFRD contribution rate (%)	EAFRD amount
Axis 1	29,281,333	75	21,961,000
Axis 2	66,434,667	75	49,826,000
Axis 3	25,704,329	75	19,278,247
Axis 4	0	75	0
Technical assistance	0		0
Total	121,420,329		91,065,247

**6.2.4 Additional funds from Article 69(5a) of Regulation (EC) No 1698/2005 – convergence region**

Axis	Public contribution		
	Total public	EAFRD contribution rate (%)	EAFRD amount
Axis 1	12,476,176	90	11,228,558
Axis 2	31,526,667	90	28,374,000
Axis 3	9,226,853	90	8,304,168
Axis 4	0	90	0
Technical assistance	0		0
Total	53,229,696		47,906,726

**6.3 Indicative budget related to operations referred to in Article 16a of Regulation (EC) No 1698/2005 between 1 January 2009 and 31 December 2013 (Article 16a(3b) up to the amounts specified in Article 69(5a) of Regulation (EC) No 1698/2005)**

<b>Axis/measure</b>	<b>EAFRD contribution for 2009-2013</b>
<b>Axis 1</b>	
Measure 121	33,189,558
<b>Total axis 1</b>	33,189,558
<b>Axis 2</b>	
Measure 214	76,200,000
Measure 216	2,000,000
<b>Total axis 2</b>	78,200,000
<b>Axis 3</b>	
Measure 323	27,582,415
related to priorities listed in Article 16a(1), points (a) to (f) of Regulation (EC) No 1698/2005	27,582,415
related to priorities listed in Article 16a(1), point (g) of Regulation (EC) No 1698/2005	0
<b>Axis 4</b>	0
<b>Total programme</b>	<b>138,971,973</b>
Total under Axis 1, 2 and 3 related to priorities listed in Article 16a(1), points (a) to (f) of Regulation (EC) No 1698/2005	<b>138,971,973</b>
Total under Axis 1, 2 and 3 related to priorities listed in Article 16a(1), point (g) of Regulation (EC) No 1698/2005	<b>0</b>