



GOVERNMENT OF MALTA  
MINISTRY FOR AGRICULTURE,  
FISHERIES AND ANIMAL RIGHTS  
AGRICULTURE AND RURAL PAYMENTS AGENCY



GOVERNMENT OF MALTA  
MINISTRY FOR THE ECONOMY,  
EUROPEAN FUNDS AND LANDS  
FUNDS AND PROGRAMMES DIVISION

# CONDITIONALITY 2023-2027

## Version 2.0

*Agriculture and Rural Payments Agency (ARPA)*  
*Ministry for Agriculture, Fisheries and Animal Rights*

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## LEGAL BASIS

- REGULATION (EU) 2021/2115 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013;
- REGULATION (EU) 2021/2116 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013;
- COMMISSION DELEGATED REGULATION (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1 Ir-Regolament Delegat tal-Kummissjoni (UE) 2022/127 tas-7 ta' Diċembru 2021 li jissupplimenta r-Regolament (UE) 2021/2116 tal-Parlament Ewropew u tal-Kunsill b'regoli dwar l-aġenziji tal-pagamenti u korpi oħra, il-ġestjoni finanzjarja, l-approvazzjoni tal-kontijiet, il-garanziji u l-użu tal-euro;
- COMMISSION DELEGATED REGULATION (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro;
- COMMISSION IMPLEMENTING REGULATION (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency;
- COMMISSION IMPLEMENTING REGULATION (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information;
- COMMISSION DELEGATED REGULATION (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy and the application and calculation of administrative penalties for conditionality;
- COMMISSION IMPLEMENTING REGULATION (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy;
- COMMISSION IMPLEMENTING REGULATION (EU) 2022/1317 of 27 July 2022 providing for derogations from Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the application of the standards for good agricultural and environmental conditions of land (GAEC standards) 7 and 8 for claim year 2023;

- COMMISSION IMPLEMENTING REGULATION (EU) 2022/1475 of 6 September 2022 laying down detailed rules for implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation;
- Malta's CAP Strategic Plan.

## INTRODUCTION

In the new Maltese Common Agricultural Policy Strategic Plan (CAP SP) 2023-2027 we encounter the term ‘**Conditionality**’, which is a system of minimum obligations established throughout the European Union (EU) and which must be observed by farmers in receipt of CAP aid.

As from 2024, after developments at the European level, and as a partial response to the demands of European farmers during the numerous protests organized across Europe, the applicable legislation was amended so that **Conditionality** and its related obligations are now **only applicable** for beneficiaries with a **holding area of more than 10 hectares (Ha) (equivalent to more than 89 tumoli)**. The **holding includes the farm premises** as well as **all the parcels** of the beneficiary registered with the Agriculture and Rural Payments Agency (ARPA); both those **linked and not linked with EU funding, and are all subject to Conditionality controls and penalties under Conditionality**.

Conditionality can easily be explained by the two aspects it encompasses. These are:

1. **Statutory Management Requirements (SMRs)**
2. **Good Agricultural and Environmental Conditions (GAECs)**

Breaches of these obligations may lead to a reduction of payments.

Any non-compliances with the applicable obligations identified during the on-the-spot-controls (even for those beneficiaries for whom Conditionality is not applicable), will be reported to the Competent Authorities accordingly.

No penalties will apply for beneficiaries with a holding area of up to 10 Ha (up to 89 tumoli).

## BREACHES OF OBLIGATIONS AND ADMINISTRATIVE PENALTIES

- The reduction shall be calculated on the basis of the payments granted or to be granted in the calendar year in which the non-compliance occurred.
- The reduction of the payment shall be taken into account on the extent, severity and permanence or reoccurrence and intentionality of the non-compliance found.
- In case of a breach of a Conditionality obligation for the **first time**, the reduction is **1% or 3% or 5%** of the total amount of the payment, in line with the gravity, extent and permanence of the breach of the obligation. The penalty incurred for that Claim Year in question shall **not exceed 10%** of the total payment due and it would be recommended that the farmer seeks technical advice from a Farm Advisory Service (AgriConnect).
- The possibility may arise where a non-compliance has **insignificant** consequences for the achievement of the objective of the standard or requirement which it concerns. **Only** in such cases would **no administrative penalty** be applied but it would be recommended that the farmer seeks technical advice from a Farm Advisory Service (AgriConnect).

In case of a breach of a Conditionality obligation for the <b>first time</b> , the reduction is:						
<b>0%</b> <i>(In cases of insignificant non-compliances only)</i>	or	<b>1%</b>	or	<b>3%</b>	or	<b>5%</b>
And the <b>maximum</b> penalty incurred shall not exceed:				<b>10%</b>		
<i>It is recommended that the farmer seeks advice from a Farm Advisory Service (AgriConnect).</i>						

- Where the **same non-compliance persists or reoccurs** once within three (3) consecutive calendar years, the percentage of reduction shall be a minimum of **10%** of the total amount of payments and the penalty incurred for that Claim Year in question shall **not exceed 20%** of the total payment due. It is also **mandatory** for the farmer to seek technical **advice** from a **Farm Advisory Service (AgriConnect)**.

Where the <b>same non-compliance persists or reoccurs</b> once within three (3) consecutive calendar years,	
the <b>minimum</b> penalty shall be:	<b>10%</b>
and the <b>maximum</b> penalty shall not exceed:	<b>20%</b>
<i>It is <b>mandatory</b> that the farmer seeks technical advice from a Farm Advisory Service (AgriConnect).</i>	

- Other occurrences of the same non-compliance without a justified reason by the beneficiary are considered as cases of **intentional non-compliance**. In case of **intentional non-compliances**, the percentage reduction shall be a minimum of **15%** of the total amount of payment and the penalty incurred for that Claim Year in question shall **not exceed 100%**. It is also **mandatory** for the farmer to seek technical advice from a **Farm Advisory Service (AgriConnect)**.

Other occurrences of the same non-compliance ( <b>intentional non-compliance</b> ),	
the <b>minimum</b> penalty shall be:	<b>15%</b>
and the <b>maximum</b> penalty shall not exceed:	<b>100%</b>
<i>It is <b>mandatory</b> that the farmer seeks technical advice from a Farm Advisory Service (AgriConnect).</i>	

## CONDITIONALITY – STATUTORY MANAGEMENT REQUIREMENT AND GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION

### DETAILS OF RETENTION OF LAND OBLIGATIONS IN GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION (GAEC)

<b>GAEC 1</b>	Does not apply to Malta.
<b>GAEC 2</b>	Protection of wetland and peatland.
<b>GAEC 3</b>	Ban on burning arable stubble, except for plant health reasons
<b>GAEC 4</b>	Establishment of buffer strips along water courses.
<b>GAEC 5</b>	Tillage management, reducing the risk of soil degradation and erosion, including consideration of the slope gradient.
<b>GAEC 6</b>	Minimum soil cover to avoid bare soils in periods that are most sensitive.
<b>GAEC 7</b>	Crop rotation on arable land, except for crops growing under water. <i>(Applicable only for beneficiaries with 10 Ha or more, equivalent to 89 tumoli or more, of <b>arable land</b>)</i>
<b>GAEC 8</b>	Minimum share of agricultural area devoted to non-productive areas or features.
<b>GAEC 9</b>	Does not apply to Malta.

The objectives of GAECs are for farmers to use good farming systems and thus do not cause damage to the environment, and should therefore fulfil the following obligations:

- On land with a slope gradient of **more than 10%**, ploughing should always be done **against the slope gradient**.
- Soil-retaining rubble walls shall be maintained **in good condition**.
- The level of soil **organic matter** must be kept adequate through appropriate practices such as using organic fertilisers and crop rotation.
- **Records** of good practices and/or soil analysis as regards soil organic matter content shall be maintained.
- Liquid fertilisers shall be stored **in corrosion-resistant and leak-proof tanks and kept away from water resources**.
- Between **1 November and 31 December**, land parcels must have a crop or soil cover. Therefore, farmers with fallow land must:

-allow plant residues, stubble and/or other types of vegetation on at least **80%** of the land to serve as land cover on the field or

-leave spontaneous vegetation throughout these months on at least **80%** of the field.

- Between 1 November and 31 December, farmers with permanent crops (eg fruit trees) must:

- allow temporary crop residues on at least **50%** of the permanent crops of each holding to serve as cover or
- leave spontaneous vegetation on at least **50%** of the permanent crops of each holding to serve as cover.
- Spontaneous vegetation during these months can **only** be controlled by means of a *mower/grass cutter*. Weeds removed during this period shall be kept as **mulch**.
- Between **1 November and 31 December** farmers who do not have crops under cultivation or who have permanent crops shall not farm or disturb the land.
- Farmers **with more than 10 hectares/ more than 89 tumoli** of agricultural land shall ensure that landscape features are retained.
- No agricultural machinery shall be used when soil is waterlogged.
- Unnecessary trampling of the soil with bulky machinery should always be avoided.
- Pruning of shrubs and trees is prohibited between 1 February and 30 September, unless the tree is a fruit tree in an orchard, or it forms part of a shelter belt (from wind and/or salt) in an orchard or vineyard.
- Stubble and grass spoil shall not be burnt on the soil on areas **greater than 10m<sup>2</sup>**, except by order of **the Plant Health Directorate**.
- Weeds, or other forms of spontaneous vegetation which could **lead to the abandonment** of part or all of the field, shall not be allowed.
- No evidence of damage caused by agricultural activities on areas considered as **'wetlands'** should be found.

## DETAILS ON THE OBLIGATIONS OF THE STATUTORY MANAGEMENT REQUIREMENTS (SMRs)

<b><i>SMR 1</i></b>	Protection of water against emissions of substances dangerous to water.
<b><i>SMR 2</i></b>	Protection of water against pollution caused by nitrates from agricultural sources.
<b><i>SMR 3</i></b>	Conservation of wild birds
<b><i>SMR 4</i></b>	Conservation of natural habitats and of wild fauna and flora.
<b><i>SMR 5</i></b>	Food safety
<b><i>SMR 6</i></b>	Prohibition on the use of hormones
<b><i>SMR 7 and 8</i></b>	Plant protection products (PPPs)
<b><i>SMR 9</i></b>	Calf Welfare
<b><i>SMR 10</i></b>	Swine Welfare
<b><i>SMR 11</i></b>	Animal Welfare

## DETAILS ON THE OBLIGATIONS OF THE DIRECTIVES (SMRs)

### SMR 1 – PROTECTION OF WATER AGAINST EMISSIONS OF SUBSTANCES DANGEROUS TO WATER

This SMR concerns the protection of groundwater:

- Boreholes and/or wells must be **elevated from the ground** (not less than a foot above the surface of the ground), and be **covered or locked in a room**.
- Water sources to be used for irrigation, including natural sources and/or waterborne vehicles shall **be registered** with the Environment and Resources Authority (ERA).
- No evidence of **direct and/or indirect discharges** of pollutants listed in Schedule VIII of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 shall be allowed.

### SMR 2 – PROTECTION OF WATER AGAINST POLLUTION CAUSED BY NITRATES FROM AGRICULTURAL SOURCES.

This SMR concerns the protection of groundwater:

- Manure may only be applied between 16 March and 14 October and based on a Fertiliser Plan.
- The use of fertilisers (natural and artificial) must be in accordance with a *Fertiliser Plan*.
- Fertilisers shall be stored in **containers** (packages, bags, sacks) and stored with **their original label**.
  
- Slurry should never be applied to arable land.*
- Fertilisers (natural and artificial) cannot be applied:*
  - *directly in a water stream,*
  - *at a distance of less than 5 metres from a waterway,*
  - *at a distance of less than 5 metres from a water stream, borehole, well, natural reservoir,*
  - *at a distance of less than 30 metres from a borehole used for the abstraction of drinking water,*
  - *at a distance of less than 100 metres from the coast.*

## SMR 3 – CONSERVATION OF WILD BIRDS

The aim of this SMR is to safeguard wild birds, especially those that are protected by law. The following is a list of main actions under this SMR:

- ☒ *No **trapping or hunting** shall be carried out on **birds protected by law**.*
- ☒ *Traps located **on garigue or other protected areas** are prohibited.*
- ☒ ***Illegal trapping and hunting methods** may not be used.*
- ☒ *Trapping and hunting may not take place when the **season is closed**.*
- ☒ *It is prohibited to **keep protected birds** without a permit and/or licence.*
- ☒ *Nesting birds must **never be disturbed**. Activities and practices that could cause disturbance to nesting birds must be avoided.*
- ☒ *There must be **no damage or removal of nests and eggs** of protected birds.*

The list of protected birds can be found in **Legal Notice 79** of 2006 - **Conservation of Wild Birds Regulations 2006**.

## SMR 4 – CONSERVATION OF NATURAL HABITATS, AND OF WILD FAUNA AND FLORA

This particular SMR concerns the protection of the natural environment as well as the protection of wild flora:

- ☒ *Soil retaining rubble walls shall be preserved and maintained in good condition.*
- ☒ ***Waste** should not be allowed in the fields.*
- ☒ ***Natural habitats** shall not be damaged.*
- ☒ *The growth of **invasive and environmentally harmful trees** (e.g. *Eucalyptus* and *Acacia*) is prohibited.*
- ☒ ***Protected trees** (e.g. *carob trees* and *pinus*.) shall not be damaged.*

The list of protected and invasive trees can be found in **Subsidiary Legislation** number **549.123**

## SMR 5 – FOOD SAFETY

This SMR concerns food safety:

- Storage places and containers must be **kept clean and dry**.
- Records of **feed and fodder purchases** shall be kept up-to-date.
- Records shall be kept of the **quantity, brand of feed** as well as **date of expiry** of the purchased feed.
- All feed, medicated and non-medicated, shall **be stored separately**.
- Feed additives and/or veterinary medicines must be **authorised or prescribed by a veterinarian**.
- Hygiene should be maintained** throughout the farm.
  
- There shall be no record or evidence of feed to ruminants which contains **protein sourced from animals**.*

## RSĠ 6 – PROHIBITION ON THE USE OF HORMONES

This SMR concerns the prohibition on the use of hormones and therefore the following rules are to be adhered to:

- Substances having a hormonal or thyrostatic action and of beta-agonists, which are stored on the farm shall have a **non-renewable prescription, issued by a veterinarian**.
- Substances containing oestadiol 17  $\hat{a}$ , testosterone and progesterone administered to farm animals shall **be documented**.
- If hormonal treatment is given there shall be records in a register, showing the following particulars:
  - (a) type of treatment;
  - (b) the type of products authorised;
  - (c) date of treatment;
  - (d) identity of treated animals;
  - (e) the diagnosed condition.
- The register of use of medicines should be present on the farm and up-to-date **information on the use of a medicine should be kept**.

## SMR 7 AND 8 – PLANT PROTECTION PRODUCTS

These SMRs concern the storage, use and disposal of Plant Protection Products:

- Anyone purchasing, transporting, storing and using pesticides must have a **valid pesticides licence**.
- Pesticides must be **authorised by the MCCA** (*Malta Competition and Consumer Affairs Authority*).
- Authorised pesticides shall **only be used** on the fruit and vegetables indicated on the label.
- Protective clothing** (mask, gloves and raincoats) and adequate equipment (motor or pump to apply pesticides, scales and measuring cups to apply the correct dose) shall be kept.
- Up-to-date records** on **pesticide purchases** and **usage** should be kept.
- PPPs must be stored in an appropriate storage place, which is dry, and with limited access.
- Empty pesticide containers should **be collected in a dedicated bucket** and then disposed of at a Waste Serve Civic Amenity Site.

## SMR 9 – CALF WELFARE

This SMR concerns calf welfare:

- Calves should be allowed have the **physical and visual contact** with each other.
- The accommodation of calves must be constructed in such a way as to enable each calf to lie down, rest, rise and clean itself freely.
- Calves should be fed with a diet including *Calf starter*.
- The premises, pens, equipment and tools used for calves must **be properly cleaned and disinfected** to prevent the spread of infection and harmful organisms.
- The floor must be **smooth** but **not slippery**.
- All calves above two weeks of age must have **access** to a sufficient quantity of **clean and fresh water**.
  
- Calves shall not be kept tied for **more than one hour**.
- Calves above **than 8 weeks** of age shall not be kept closed in solitary pens, unless a veterinary certificate is issued.

## SMR 10 – SWINE WELFARE

This SMR concerns swine welfare:

- Pigs shall not be kept tied.*
- Constant or startling sounds should be avoided in the parts of the buildings where pigs are kept.*
- Neither tail-docking nor reduction of tusks must be carried out routinely but **only when there is evidence of damage to the teats** of any sows or of the ears or tails of other pigs.*
- No piglet shall be weaned before the age of 28 days, unless the welfare or health of the pig is adversely affected. However, piglets **may be weaned up to seven days in advance** if they are placed in specialised premises which are **thoroughly cleared, cleaned and disinfected**.*

## SMR 11 – ANIMAL WELFARE

This SMR concerns animal welfare:

- Mangers and feeding/drinking troughs shall be properly **designed, constructed and installed** to **avoid** any type of **contamination**.
- Automatic or mechanical equipment essential to protect the animal shall be **inspected at least once a day**.
- Electronic equipment shall be installed in such a way as to **avoid shocks**.
- Animals should be given a **balanced diet**.
- Animals shall have access **to an appropriate supply of fresh water**.
- Animals shall have **access to feed at intervals** according to their physiological needs.
- There shall be **sufficient sloping** so that the ground and bedding are **kept dry and clean**, while the ground should be smooth but not slippery.
- Sick or injured animals should **be isolated** in dedicated areas.
- Information on any medical treatment shall be kept** and shall also include the number of **deaths**.
  
- The **free movement** of the animal **shall not be restricted** in such a way as to cause suffering or harm.
- Animals should not **be kept in permanent darkness**, but at the same time should have a **rest period from artificial light**.

- ☒ Animals **shall not be given substances** other than those administered for therapeutic or prophylactic purposes, or for zootechnical treatment purposes.



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