

**NB: Unofficial translation**

**Ministry of Agriculture and Forestry**

**No 1559/2001**

**Issued in Helsinki on 28 December 2001**

## **Act on National Aid for Agriculture and Horticulture**

**(Amendments up to 430/2007 included)**

### **Chapter 1**

#### **General provisions**

##### **1**

#### **Scope of application**

Pursuant to this Act national aid may be granted for agriculture and horticulture within the limits of the funds allocated for this in the State budget in accordance with the Treaty of Accession by which Finland joined the European Union, Articles 87-89 of the EC Treaty or other EC legislation.

This Act shall not apply to direct support funded entirely by the European Community granted for agriculture and horticulture, nor to aid granted under the Act on the Financing of Rural Industries ([329/1999](#)), the Act on the Financing of Reindeer Husbandry and Natural Economy Industries ([45/2000](#)), the Skolt Act ([253/1995](#)), the Act on Support for Rural Development ([1443/2006](#)) or the Act on Natural Handicap Payments, Agri-environment Payments and Certain Other Aid for Improvement of the Environment and Rural Areas ([1440/2006](#)). ([29.12.2006/1446](#))

##### **2**

#### **Definitions**

For the purposes of this Act:

- 1) *aid year* means the calendar year on the basis of which the unit aid is determined;
- 2) *spouses* mean persons who are married and unmarried couples living together referred to in section 7(3) of the Income Tax Act (1535/1992);
- 3) *young farmer* means an applicant who or whose spouse is under 40 years of age on the last day of the calendar year preceding the aid year;
- 4) *base parcel* means a geographically unified arable area which is cultivated by and in the possession of the applicant and which is limited by, for instance, the border of a municipality, border of a support area, body of water, district or main ditch, road or forest;

- 5) *agricultural parcel* means a unified area within one base parcel where a single plant variety is cultivated for a specific purpose which is set aside, maintained as uncultivated or used for other purposes; ([29.12.2006/1446](#))
- 6) *form of aid* means a national aid system approved by the European Community for a specific purpose;
- 7) *type of support* means aid for specific production or activity that constitutes part of a form of aid;
- 8) *member of a family business* means a member of a family business as intended in section 1 a of the Farmers' Pensions Act ([467/1969](#));
- 9) *aid for plant production* means aid granted for outdoor production of agricultural and horticultural plants; ([29.12.2006/1446](#))
- 10) *aid for livestock farming* means aid granted on the basis of number of animals, production volume or other similar grounds; ([29.12.2006/1446](#))
- 11) *greenhouse* means a permanent building for the cultivation of horticultural plants which is covered with a light-penetrable material and has heating equipment; ([29.12.2006/1446](#))
- 12) *natural handicap payment* means aid referred to in Title II, Chapter V of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations, hereinafter *Rural Development Regulation I*, and as of 2007, in Article 36 of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), hereinafter *Rural Development Regulation II*, and which is paid as support under the Rural Development Programme for Mainland Finland; ([29.12.2006/1446](#))
- 13) *agri-environment payment* means support which is provided in Title II, Chapter VI of the Rural Development Regulation I and, as of 2007, in Article 39 of the Rural Development Regulation II and which is paid as support for basic and additional measures under the Rural Development Programme for Mainland Finland; and ([29.12.2006/1446](#))
- 14) *agriculture* means the cultivation of agricultural, horticultural and energy plants on a farm, the production of livestock products, livestock farming, horse husbandry, reindeer husbandry, bee-keeping, compulsory set aside as well as maintenance of uncultivated land in accordance with Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/20. ([29.12.2006/1446](#))

## Section 2 a ([29.12.2006/1446](#))

### Farm

For the purposes of this Act a farm means a real estate or several real estates or part of a real estate or production building with its land, forming an operationally and financially independent

agricultural production unit, managed by a farmer as a single entity by virtue of ownership or leasing. Further provisions on the criteria for a farm considered operationally and financially independent are issued by Government decree.

### 3

#### Applicants

Aid may be granted for production or activity carried out in Finland to a farmer, hereinafter the applicant, who is a natural person or a legal person or a combination of both natural and legal persons. [\(29.12.2006/1446\)](#)

The preconditions for granting aid are that:

1) the applicant or his or her spouse is at least 18 years of age but not over 68 years of age on the last day of the calendar year preceding the aid year, and the applicant and his or her spouse do not receive the retirement pension referred to in the legislation on farmers' pensions; or [\(29.12.2006/1446\)](#)

Subsection 1 above as amended by Act [1446/2006](#) enters into force on 1 January 2008. The previous wording is as follows:

1) the applicant or his or her spouse is at least 18 years of age, but not over 65 years of age, on the last day of the calendar year preceding the aid year; or

2) when several natural persons are together engaged in agriculture or horticulture or activity practised in the form of a corporation, at least one person actually engaged in agriculture or horticulture as a farmer, business partner, member or shareholder is a natural person who fulfils the requirement set out in subsection 1 above.

Notwithstanding the provisions of subsection 2(1), aid maybe granted to an applicant who is under 18 years of age, provided he or she is married or is engaged in agriculture or horticulture as a co-owner, or together with one or both of his or her parents, or if there are other comparable special reasons for granting the aid.

The conditions set out in subsection 2(2) above do not apply to a body governed by public law, educational facility or prison farm.

Aid intended for young farmers may be granted to natural persons or groups formed of natural persons. Groups may be eligible for the aid only if all farmers, business partners, members or shareholders are natural persons who meet the age requirement set out in section 2(3) above.

Further provisions on the preconditions for the applicant in this section are given by a decree of the Ministry of Agriculture and Forestry.

### 4

#### Consideration of Community legislation

The application of the aid schemes is subject to the consent of the European Community. The amounts of aid and preconditions for granting aid are amended on the basis of a decision taken by the European Community.

Provisions on the implementation of the eligibility criteria set by the European Community are issued by Government decree.

## 5

### **Application of other provisions**

In addition to what is provided in this Act, the Act on the procedure for the management of support functions for rural industries shall be complied with in the granting, payment, recovery, correction and control of support and in appeal ([1336/1992](#)).

## **Chapter 2**

### **Forms of assistance and decision-making**

## 6

### **Forms of aid**

Under this Act, the following may be granted to agriculture and horticulture in the form of national aid:

- 1) national aid for Southern Finland for livestock farming, greenhouse production and storage of horticultural products;
- 2) northern aid for plant production, livestock farming, greenhouse production, storage of horticultural products, storage of wild berries and mushrooms and reindeer husbandry, and as transport assistance for milk and meat;
- 3) national additional payments to natural handicap and agri-environment payments; and ([29.12.2006/1446](#))
- 4) other support for agriculture and horticulture than those described in sections 1–3 above.

## 7

### **Amount of aid and support areas**

Provisions on the amounts of aid, level of unit aid and support areas are issued by Government decree.

Provisions on the conditions of aid based on a contract or commitment are also laid down by Government decree.

A municipality or a part thereof that has no permanent access route to a public road as well as areas whose permanent connection to the municipal centre is unreasonably long are considered as

archipelago as intended for various forms of assistance. Provisions on sub-areas to be considered as archipelago are issued by decree of the Ministry of Agriculture and Forestry.

Aid is not paid if the amount awarded for the aid year per applicant, form of aid or type of support is less than 100 euros. Furthermore, aid to be paid in advance is not paid if the amount payable is less than 500 euros. ([29.12.2006/1446](#))

The level of unit aid and the total amount of aid may be differentiated on the basis of the farm's production volume and method of production. Further provisions on the differentiation are issued by Government decree. ([29.12.2006/1446](#))

## 8

### **Negotiation procedure**

The submission of proposals to the European Community in respect of national aid are discussed and agreed on in negotiations between the State and the Central Unions of Agricultural Producers and Forest Owners. Negotiations are commenced without delay on the request of either party. The Finnish Government appoints the State representatives for the negotiations.

The decision on submitting a proposal to the European Community is made by the Government. The Government also decides the matter in cases where the agreement referred to in subsection 1 cannot be reached within the time limit set by the Government.

Other issues relating to agricultural and horticultural support systems and farmers' income formation may also be discussed in the negotiations.

## **Chapter 3**

### **Grounds for the payments**

## 9

### **Aid for plant production**

Aid payments for plant production are determined on the basis of the production volume or cultivation area of the cultivated plant. The form of aid and the level of unit aid are determined by the support area in which the base parcel or the agricultural parcel is located.

The preconditions for granting aid for plant production are that:

- 1) the applicant possesses a minimum of three hectares of land capable of being cultivated or, in the case of aid for horticultural plants, at least half a hectare of land used for cultivating horticultural plants, and the arable land is declared in the aid application for that particular aid year;
- 2) the objective of cultivation of agricultural, horticultural and energy plants is to produce a harvestable and marketable crop, taking into consideration local production conditions;
- 3) fallow and other uncultivated arable land are managed; and

4) in cultivation the applicant has observed the environmental conditions set for each form of aid and type of support in decisions by the European Commission on national aid or the national statutes issued for their implementation.

[\(29.12.2006/1446\)](#)

Provisions on eligible plants, forms of aid and types of support in which the environmental conditions set out in subsection 2(4) above are to be observed, and on the content of the said conditions and other conditions for the payments and grounds for determining the aid are issued by Government decree. [\(29.12.2006/1446\)](#)

The definition of arable land, time of possession, cultivation practice taking into account local production conditions and management requirements for fallow and other uncultivated land are issued by decree of the Ministry of Agriculture and Forestry. [\(29.12.2006/1446\)](#)

## 10

### **Aid for livestock farming**

Aid payments for livestock farming are determined on the basis of number of animals, number of livestock units or production volume of the production. The form of aid and the level of unit aid are determined by the support area in which the economic centre of the farm is located.

The preconditions for granting aid for livestock farming are that:

- 1) applicant possesses at least three hectares of arable land and the land has been declared in the payment application for that particular aid year; as well as [\(29.12.2006/1446\)](#)
- 2) livestock farming is carried out in accordance with the usual production practice for the animal species eligible for the payment.

Notwithstanding the provisions of subsection 2(1), aid for livestock farming may be granted for livestock farming carried out by several farmers together or as collective farming if at least one farmer, business partner, member or shareholder fulfils the precondition of the said subsection.

The provisions of subsection 2(1) do not apply to the production aid for milk.

If the number of animals at the time of determining the aid is temporarily at least a third smaller than the usual number of animals due to fire, animal disease or other similar reason which is independent of the applicant, the usual number of animals at the time of determining the payment may be used as the basis for granting the payment. However, this presupposes that the production is continued. [\(29.12.2006/1446\)](#)

Provisions on calculating the average number of animals, the use of the usual number of animals as a basis for determining the payment, the retention period of livestock, restrictions on the number of livestock units, the determination and amount of an advance payment as well as other conditions for the payments and grounds for determining the aid are issued by Government decree.

Provisions on the usual production practices for various animal species, accounts to be kept, definitions of the eligible animals and other similar matters are issued by decree of the Ministry of Agriculture and Forestry.

**Section 10 a ([29.12.2006/1446](#))**

**Additional national payments to natural handicap and agri-environment payments**

The provisions of section 3, section 7(4), section 9 and sections 17-20 do not apply to additional national payments to natural handicap and agri-environment payments.

The precondition for receiving the additional national payments are that the applicant abides by the conditions for natural handicap and agri-environment payments as well as fulfils the general preconditions regarding the beneficiary, age of the farmer, granting of the aid and making the commitment. The same reduction and control sanctions apply to the additional national payments as to natural handicap and agri-environment payments.

The additional national payments may be paid, provided the other aid conditions are fulfilled, for the same commitment period for a maximum area identical to the area for which natural handicap and agri-environment payments are paid.

The detailed grounds for the determination and granting of the additional national payments, the amounts of the payments and submission of a commitment concerning the additional payment are issued by Government decree.

**11**

**Aid for greenhouse production**

Aid for greenhouse production is determined on the basis of the length of the cultivation season, the technical standard of greenhouses, the cultivated area and the cultivated plants. The form of aid and the level of unit aid are determined on the basis of the support area where the greenhouse is located.

The preconditions for granting aid for greenhouse production are that:

- 1) the greenhouse used for horticultural purposes is in the possession of the applicant;
- 2) the aim of the cultivation is to produce a harvestable and marketable crop in accordance with the usual cultivation practice in the region;
- 3) the aggregate area of the greenhouses is at least the minimum area; and
- 4) the greenhouses have heating equipment and they fulfil all structural and technical requirements with respect to the cultivation period.

If the preconditions for granting the aid are not fulfilled due to fire, plant disease or other reason which is independent of the applicant, the authority granting the aid may, nevertheless, decide to grant the aid in accordance with the application.

The provisions on the plants eligible for aid, the differentiation of unit aid according to the length of the cultivation period, the aggregate minimum area for greenhouses and other conditions for the aid and grounds for determining the aid are issued by Government decree.

The provisions on the time of continuous possession and transfer of possession of greenhouses, technical requirements and requirements concerning the cultivated area set for greenhouses, calculation and declaration of the area of the greenhouses, determination of the cultivation period, usual cultivation practice in the region with respect to greenhouse production and other similar matters are issued by decree of the Ministry of Agriculture and Forestry.

## 12

### **Storage aid for horticultural products**

Storage aid for horticultural products is determined on the basis of the horticultural products in storage, the quantities stored, the technical standard of the storage facility, as well as whether the products are sold fresh or intended for the processing industry under contracts. The form of aid and level of unit aid are determined on the basis of the support area in which the stored products have been cultivated.

The preconditions for granting storage aid for horticultural products are that:

- 1) the storage facility used for storage of horticultural products is in the applicant's possession;
- 2) the applicant has him- or herself produced the horticultural products stored;
- 3) the applicant fulfils the condition set out in section 9(2)(1) regarding the cultivated area of horticultural products;
- 4) the applicant keeps stock records of the products in storage; and
- 5) the storage facility meets the technical requirements.

If the preconditions for granting the aid are not fulfilled due to fire, plant disease or other reason which is independent of the applicant, the authority granting the aid may, nevertheless, decide to grant the aid in accordance with the application.

The provisions on the plants eligible for aid, calculation and reporting of quantities stored, differentiation of unit aid on the basis of the technical standard of the storage facility and on whether the products are sold fresh or intended for the processing industry under contracts, and on other conditions for the aid and grounds for determining the aid are issued by Government decree.

Provisions on the time of possession of the storage facility, stock records, technical requirements of the storage facility and other similar matters are issued by decree of the Ministry of Agriculture and Forestry.

## 13

### **Storage aid for wild berries and mushrooms**

Storage aid for wild berries and mushrooms is determined on the basis of the wild berry and mushroom varieties in storage and the quantities stored.

The preconditions for granting storage aid for wild berries and mushrooms are that:

- 1) the applicant is engaged in the berry or mushroom trade or in the processing of berries or mushrooms;
- 2) the wild berries and mushrooms have been collected from an eligible area and their origin can be established;
- 3) the products have been stored in an area specified in section 2;
- 4) the applicant keeps stock records of the products in storage;
- 5) the storage facility meets the technical and size-related requirements; and
- 6) the applicant can establish with receipts, accounting or other similar documents that he or she owns the quantities of products declared.

Provisions in sections 3(2) and 3(3) do not apply to the storage aid for wild berries and mushrooms.

Provisions on the wild berry and mushroom varieties eligible for aid, eligible storage methods and other conditions for the aid and grounds for determining the aid are issued by Government decree.

Provisions on the establishment of the origin of the wild berries and mushrooms, stock records, technical and size-related requirements set for storage facilities, conversion of stored amounts of wild berries and mushrooms to equivalent amounts of fresh produce and other similar matters are issued by Decree of the Ministry of Agriculture and Forestry.

## 14

### **Aid for reindeer husbandry**

Aid may be granted to a reindeer owner who engages in reindeer husbandry in the northern support area in Finland on the basis of the number of animals. Aid may be granted to natural persons or a household that is formed of natural persons living together as a family.

The general preconditions for granting aid set out in section 3 above apply, as applicable.

The amount of aid and other conditions for the aid and grounds for determining the aid are issued by Government decree.

## 15

### **Other national aid**

The forms of aid and types of support for production or activity other than those referred to in sections 9-14 are determined according to the support area of the eligible production or activity.

The general preconditions for granting aid set out in section 3 above apply, as applicable.

Provisions on the forms of aid, amounts of aid payments and aid period together with other conditions for the aid and grounds for determining the aid are issued by Government decree.

## Chapter 4

### Reduction and refusal of aid

16

#### General grounds for reduction

The payments referred to in this Act shall be reduced or refused, if:

- 1) the applicant has declared inaccurate or misleading information in his or her application;
- 2) the applicant has not abided by the conditions set out for granting the payment;
- 3) the application has arrived late to the authority; [\(29.12.2006/1446\)](#)
- 4) in order to obtain the payment, a circumstance or measure has been given a form which does not correspond to the actual character or purpose of the matter; or [\(29.12.2006/1446\)](#)
- 5) the obvious purpose of the arrangement is to evade the conditions for the payment or the objectives of the aid system. [\(29.12.2006/1446\)](#)

If the applicant has intentionally or due to gross negligence given incomplete, misleading or inaccurate information or document or has withheld any information or document, the aid granted after other control sanctions may be further reduced by a maximum of 20 per cent or, in the case of gross misconduct, by a maximum of 100 per cent.

If the applicant or a member of his or her family business has been sentenced for an offence under Chapter 17, section 14 or 15 of the Penal Code [\(39/1889\)](#) or the applicant or a member of his or her family business has been sentenced for an offence under section 54 of the Animal Welfare Act [\(594/1998\)](#) and at the same time a ban on animal keeping has been imposed upon him or her under Chapter 17, section 23 of the Penal Code, aid for livestock farming is not granted and any aid already granted is not paid for the aid year in which the competent authority has discovered the act which gave rise to the sentence. If a ban on animal keeping has been imposed on the applicant or a member of his or her family business, aid for livestock farming is not paid either for period of the ban or for the period between the year of committing the offence and obtaining a legally valid judgment. The payment of aid for livestock farming for the animal species concerned is discontinued once consideration of the charges is commenced in the matter. [\(29.12.2006/1446\)](#)

If applicant has used or illegally kept in his or her possession medicines intended for animals whose possession and unauthorised use is prohibited, aid for livestock farming is not granted for the aid year concerned.

Further provisions on the grounds for reducing the aid are issued by Government decree.

**Section 16 a ([29.12.2006/1446](#))**

**Notification obligation of the beneficiary**

The beneficiary must, without delay, notify the authority granting the aid of any such changes in circumstances regarding the beneficiary, farm, livestock farming, production animals or activity for which the aid is granted which influences the amount of aid or may lead to the recovery or discontinuation of the aid.

17

**Sanctions for delay**

When the application is overdue, aid for plant production, greenhouse production, storage of horticultural products and storage of wild berries and mushrooms is reduced by one per cent for each working day that the application is delayed. No aid is granted if the application is over 25 calendar days overdue.

If the declaration of quantities stored relating to the aid for storage of horticultural products is submitted late, the quantity stored on the basis of which the aid is granted is reduced by one per cent for each working day that the declaration is overdue. Should notification be over 25 calendar days overdue, the quantity stored for the notification date is considered to be zero. ([29.12.2006/1446](#))

When an application for the aid for livestock farming is late, the number of animals on the basis of which the aid is granted is reduced by one per cent for each working day that the application is overdue. No aid is granted if the application is over 25 calendar days overdue. No advance is paid on the basis of an overdue application for such advance.

If aid is applied for with more than one application form for each time of application, any sanctions for overdue applications are determined on the basis of the application form that is the most overdue.

The same sanctions that apply to overdue applications also apply to an overdue participation notice and farm inspection decision. ([29.12.2006/1446](#))

If the applicant fails to deliver the annexes to the application or the participation notice or other forms relating to the aid application to the authority which grants the aid within the set time limit, the authority may decide the matter without such annexes and forms. ([29.12.2006/1446](#))

Sanctions for delay do not apply to an application or other document relating to aid application that is overdue as a result of a force majeure.

18

**Control sanctions in aid for plant production as regards the area and confirmed plant**

If the area of the form of aid or type of support declared in the application is greater than the confirmed area, the aid to be granted is reduced so that the reduction increases as the difference

increases between the declared area and the confirmed area. If the difference between the declared area and the confirmed area in relation to the confirmed area is over 50 per cent, no aid is granted.

If plants eligible for the same aid but with an essentially lower level of aid than was declared in the application are discovered in control, aid is reduced by an amount that is equivalent to the reduction of aid granted for the confirmed plant by a minimum of 10 per cent, but, nevertheless, by a maximum of 50 per cent.

By derogation from subsection 1, provisions on granting aid on the basis of the confirmed area may be issued by Government decree, provided that this is otherwise necessary due to the reconciliation of control sanctions or avoidance of unreasonable sanctions.

Further provisions on the grounds for reduction in the aid as regards the area and confirmed plant are issued by Government decree.

## 19

### **Control sanctions in aid for plant production as regards cultivation practice and environmental conditions**

If the cultivation practice used in the agricultural parcel does not fulfil the requirement concerning cultivation practice that takes account of the local production conditions set out in section 9(2)(2), the parcel concerned is not included when determining the area on the basis of which the aid is granted. If the total area of parcels discarded due to negligence in respect of the cultivation practice for the form of aid or type of support is over 50 per cent of the confirmed area, no aid is granted. ([29.12.2006/1446](#))

If the applicant does not abide by the environmental conditions set out in section 9(2)(4), aid is reduced by an amount which is proportionate to the amount or gravity of the shortcomings or negligence found. Sanction may, depending on the form of aid or type of support, concern either aid for a single base or agricultural parcel or aid for all base or agricultural parcels of the applicant included in the form of aid or type of support concerned. ([29.12.2006/1446](#))

If the total amount of the sanctions due to failure to comply with the environmental conditions regarding all base and agricultural parcels included in the form of aid or type of support exceeds 50 per cent, no aid is granted.

Further provisions on the grounds for reduction of aid due to failure to observe the conditions on cultivation practice and environmental conditions are issued by Government decree.

## 20

### **Control sanctions in aid for livestock farming**

If it is discovered that at the time when the aid was granted there were fewer animals eligible for the payment on the farm than was declared, the number of animals is reduced on the basis of the difference between the declared and the confirmed number of animals so that the reduction increases in proportion to the increase in the relative difference between the declared and confirmed number of animals. If the difference between the declared and confirmed number of animals in relation to the confirmed number of animals is over 40 per cent, the number of animals for the counting day concerned or period for determining the aid is entered as zero.

If the production practice used for animals does not fulfil the requirement of usual production practice set out in section 10(2)(2), no aid is granted.

Further provisions on the grounds for the reduction of aid for livestock farming are issued by Government decree.

## 21

### **Control sanctions in aid for greenhouse crop production**

If the total greenhouse area declared in the application is greater than the confirmed area, the aid granted is reduced so that the reduction increases in proportion to the increase of the relative difference between the declared area and the confirmed area. No aid is granted if the difference between the declared and the confirmed area in relation to the confirmed area is over 20 per cent.

If the greenhouses have been declared in the application as fulfilling the technical requirements for the higher unit aid but control shows that they entitle to the lower unit aid, the aid is reduced.

Aid for greenhouse production is not paid for a production area, if it is discovered that the cultivation practice set out in section 11(2)(2) has not been observed. If the production area concerned exceeds the total area of the greenhouses discovered in the control by 50 per cent, no aid is granted.

Further provisions on the grounds for the reduction of aid for greenhouse production are issued by Government decree.

## 22

### **Control sanctions in aid for storage of horticultural products**

If the quantities stored declared in the application or in a separate declaration of the quantities stored are larger than the confirmed quantities, the aid to be granted is reduced so that the reduction increases in proportion to the increase of the relative difference between the declared and confirmed quantities. No aid is granted if the difference between the declared and confirmed quantities stored in relation to the confirmed quantity is over 20 per cent.

If the storage has been declared to fulfil the technical requirements of the higher unit aid in the application or in a separate declaration of the quantities stored but the control shows that the storage entitles to the lower unit aid, the aid is reduced.

Further provisions on the grounds for the reduction of aid for storage of horticultural products are issued by Government decree.

## 23

### **Control sanctions in aid for storage of wild berries and mushrooms**

If the quantities stored declared in the application are larger than the confirmed quantities stored, the aid to be granted is reduced so that the reduction increases in proportion to the increase of the relative difference between the declared and confirmed quantities stored. No aid is granted if the difference between the declared and confirmed quantity stored is over 20 per cent.

If the applicant has given incorrect or misleading information of the origin of a wild berry or wild mushroom variety stated in the application, no aid is granted for the storage of the product concerned.

Further provisions on the grounds for the reduction of aid for storage of wild berries and mushrooms are issued by Government decree.

24

#### **Control sanctions for other support**

With regard to support set out in section 15 above, the provisions of section 16(1) and 16(2) apply.

Further provisions on the grounds for the reduction of a form of aid or type of support are issued by Government decree.

#### **Section 24 a ([29.12.2006/1446](#))**

#### **Other preconditions for payment of aid**

Aid for plant production or greenhouse production under this Act is paid before the farm-specific inspections concerning the aid have been completed. Notwithstanding the above, advance on the aid for greenhouse production may be paid to the applicant.

### **Chapter 5**

#### **Miscellaneous provisions**

25

#### **Application procedure**

Aid under this Act must be applied for in writing from the municipal rural business authority, Employment and Economic Development Centre or State Provincial Office of Åland.

An application or other document relating to an application for aid delivered by post is deemed to have arrived on time, if has been stamped at the post office, addressed to the competent authority, no later than on the last day of the time limit.

Regulations on the application periods for aid under this Act are issued by the Agency for Rural Affairs. Provisions on the competent authorities to whom the applications concerning different forms of aid are submitted are issued by decree of the Ministry of Agriculture and Forestry. ([13.4.2007/430](#))

#### **Section 26 ([29.12.2006/1446](#))**

Repealed by 1446/2006

### **Granting of derogations**

The Agency for Rural Affairs may on special grounds grant the applicant a derogation from the preconditions set out in section 3(2)(2), excluding those related to age. In consideration of the existence of special grounds, the special characteristics of the type of company, eligibility of earlier production for aid and other similar factors are to be taken into consideration.

The Agency for Rural Affairs may, on special grounds, grant the applicant a derogation from the precondition set out in section 10(2)(1). In consideration of the existence of special grounds, the applicant's possibility to acquire the required amount of cultivable land within a reasonable distance, engagement in livestock farming for gaining income and other similar factors are to be taken into consideration.

The Agency for Rural Affairs may, on special grounds, grant the applicant a derogation from the technical requirements relating to the structure of greenhouses set out in section 11(2)(4). In consideration of the existence of special grounds, the cultivated plants, suitability of construction materials and other similar factors are to be taken into consideration.

Derogation referred to in this section must be applied for annually at a time to be established by the Agency for Rural Affairs.

### **Transfer of possession**

Aid referred to in this Act may be granted to the new possessor of the farm, if the right of possession of the agricultural land of the farm has been transferred by a transfer of the farm to a descendant or otherwise by a date to be set out separately.

In the transfer of right of possession due to the applicant's death after the submission of the application the new possessor is considered to fulfil the preconditions for the applicant set out in section 3 if the earlier possessor fulfilled the preconditions when submitting the application.

Provisions on further preconditions and time limits for transfer of the right of possession of an entire farm and individual arable land parcel, procedures in the transfer of the right of possession of an entire farm, transfer of the right of possession of base parcels and other similar matters are issued by decree of the Ministry of Agriculture and Forestry.

## **Chapter 6**

### **Entry into force and transitional provisions**

#### **Section 29**

#### **Entry into force**

This Act enters into force on 1 January 2002.

This Act repeals the Act on National Aid for Agriculture and Horticulture of 30 November 1994 ([1059/1994](#)) with subsequent amendments.

Measures required for the implementation of this Act may be started before the Act's entry into force.

### **Section 30**

#### **Transitional provision**

Matters pending before the entry into force of this Act shall be settled in accordance with the Act in force at the time of submission of the application.