



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Director General

Brussels, **21 DEC. 2011**  
 DG/JMSR/K.2/VA D(2011)

Dear Mr Zinser,

Thank you for your email of 19/10/2011 requesting disclosure of all individual payments on farm subsidies (private recipients with total amount by anonymous receiver ID) and some other additional information (full time employees, recipients names and regions, amounts of export subsidies, percentage of subsidies).

As regards Member State websites providing information on CAP payments we would like to inform you that the publication of data of private recipients of subsidies deriving from EAGF<sup>1</sup> and EAFRD<sup>2</sup> has been halted since November 2010 in order to comply with the judgement of the Court of Justice issued on 9/11/2010 in the joined Cases C-92/09 and C-93/09 *Volker und Markus Schecke*. The only existing publication concerns today solely legal persons in accordance with the ruling of the Court in the above-mentioned cases and with the subsequent modification of the relevant legislation. As a consequence, there are no ways of having access to data of private individuals or natural persons that you are requesting since they do not exist anymore on these websites.

As regards the other information requested, such as the number of fulltime people working as employees and paying social insurance, this information is beyond the scope of Regulation (EC) N° 1290/2005 as implemented by Regulation (EC) N° 259/2008, as amended by Regulation (EU) N° 410/2011 and is therefore not available on the above mentioned websites. Furthermore, the European Commission does not possess such information.

The Commission is currently reviewing the transparency rules of Article 44a of the Council Regulation (EC) No 1290/2005, with a view to proposing a new transparency system for agricultural expenditure to the Council and the Parliament as co-legislators in the coming months.

However, amounts as export subsidies are available for legal persons only through the following web portal:

[http://ec.europa.eu/agriculture/funding/index\\_en.htm](http://ec.europa.eu/agriculture/funding/index_en.htm)

Mr. Vinzenz Zinser  
 ask+request-3-4444f572@asktheeu.org

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1 European Agricultural Guarantee Fund  
 2 European Agricultural Fund for Rural Development

Furthermore, as regards your specific request on the amounts given as export subsidies, please find attached an extraction of the annual report of the European Agricultural Guarantee Fund EAGF.

In the light of the above and as regards your request on the publication of all individual payments on farm subsidies (private recipients with total amount by anonymous receiver ID) and the recipients by names and region the Commission services would like to inform you on the following principles:

The agricultural aid payments financed by EAGF and EAFRD are managed by the Member States under the provisions of shared management. The accounting information concerning these aid payments is held by the Member States and transmitted to the Commission on an annual basis. This accounting information is loaded into a database that can only be accessed by complex computerised operations. Therefore, the information does not qualify as a Commission document to which the public can have access under the rules of Regulation (EC) No 1049/2001.

Furthermore, Article 8 of Regulation (EC) No 885/2006<sup>3</sup> obliges the Commission to ensure that this accounting information is kept confidential and secure. Such information may be used by the Commission for the sole purposes of carrying out its functions in the context of the clearance of accounts and of monitoring developments and providing forecasts in the agricultural sector.

Moreover, I would like to point out that, as well as the data owners, the Member States, the Commission is bound by the above mentioned judgment of the Court of Justice and is, therefore, presently not in a position to publish any personal data of recipients of subsidies derived from EAGF and EAFRD.

As regards your request on exact percentage of the producer support estimate on the gross farm receipts (percentage of subsidies) based on the produced values, you can obtain and calculate values for income and subsidies for different groups: Member States, regions, types of farms and sizes by using the following website:

- [http://ec.europa.eu/agriculture/rica/database/database\\_en.cfm](http://ec.europa.eu/agriculture/rica/database/database_en.cfm)

Data on this website is always provided in an aggregated form (for data protection reasons) and estimates (from a sample).

Yours sincerely,



José Manuel SILVA RODRIGUEZ

Enclosure:1) Extraction of the annual report of the European Agricultural Guarantee Fund EAGF

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