

REGULATION (EEC) No 1821/73 OF THE COMMISSION

of 5 July 1973

laying down detailed rules for the application of the premium system for the conversion of dairy herds to meat production and of development premium for the specialized raising of cattle for meat production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 805/68⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 187/73⁽²⁾;

Having regard to Council Regulation (EEC) No 1353/73⁽³⁾ of 15 May 1973 introducing a premium system for the conversion of dairy herds to meat production and a development premium for the specialized raising of cattle for meat production, and in particular Article 13 thereof;

Whereas detailed rules for the application of the said premium system should be laid down;

Whereas the date from which applications for premiums may be submitted should be laid down; whereas such applications should include certain information;

Whereas if the system is to achieve the desired effect it is essential that the accuracy of this information be verified;

Whereas provision should be made to ensure that the reference date to be established by each Member State pursuant to Article 2 (1) of Regulation (EEC) No 1353/73 falls within the period 1 July 1972 to 30 June 1973, and that the date referred to in Article 6 (2) (a) of that Regulation falls within the period 1 October 1972 to 30 September 1973;

Whereas the premium for conversion to meat production may achieve the desired effect if paid in three instalments, payment being subject to the condition that the recipient can show that the number of units of adult bovine animals kept by him is equal to or greater than the number kept by him on the same holding on the reference date, and that he has fulfilled his undertaking to give up entirely the production of milk or milk products for supply to other persons; whereas the Member States should be required to take steps to recover the premium if the

undertaking is not fulfilled throughout the four-year period;

Whereas the date should be fixed by which certain regions may be excluded from the scope of the premium system for conversion to meat production and by which the development premium system for the specialized raising of cattle for meat production may be applied;

Whereas provision should be made to ensure that each cow and in-calf heifer of a beef breed kept over and above the number of such cows and heifers recorded on the reference date referred to in Article 6 (2) (a) of Regulation (EEC) No 1353/73, and in respect of which the premium of 240 units of account is payable, is kept on the recipients holding for a period of four years; whereas to this end it should be laid down that the premium be paid in three instalments following the ascertainment of the presence of the animal concerned on the holding in question;

Whereas for reasons beyond his control the recipient of a premium may find himself in a situation which subsequently prevents him from meeting his obligations on the Community level, the concept of a *force majeure* has been determined in accordance with the judgements of the Court of Justice of the European Communities in the cases 4/68⁽⁴⁾ and 11/70⁽⁵⁾; in order to avoid such cases where the refusal or the recovery of the premiums has fair effects on the profitability of the recipient's holding, special measures should be taken in which case the effect is either to release the recipient from his obligations without any action being taken to recover the sums paid, or to suspend his obligations for a specified period;

Whereas in certain cases there should be a recovery or a refusal of the payment of these premiums, when the recipient, in accordance with the Council Directive of 17 April 1972⁽⁶⁾ concerning measures to encourage the cessation of forming and the reallocation of the utilized agricultural area for the purposes of structural improvement;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for beef and veal;

(1) OJ No L 148, 28. 6. 1968, p. 24.

(2) OJ No L 25, 30. 1. 1973, p. 23.

(3) OJ No L 141, 28. 5. 1973, p. 18.

(4) Recueil 1968, 549.

(5) Recueil 1970, 1125.

(6) OJ No L 96, 23. 4. 1972, p. 9.

HAS ADOPTED THIS REGULATION :

TITLE I

Premium for the conversion of dairy herds to meat production

Article 1

Applications for premiums shall be lodged on or after 1 October 1973 with the competent authority appointed by the Member State concerned.

Applications shall include in respect of each producer concerned the following :

- (a) particulars of the number and age of cattle and sheep of the domestic, bovine and ovine species kept on the holding on the reference date referred to in Article 2 (2) (a), with separate figures for the number of dairy cows ;
- (b) particulars of the quantities of milk and milk products supplied to other persons during the twelve months preceding the said reference date together with the names of those persons here practicable ;
- (c) a declaration by the producer stating that he is aware of the terms of this Regulation, and of the terms of the relevant implementing measures adopted in the Member State concerned.

Article 2

1. Following receipt of the application the competent authority shall take steps to verify the particulars supplied pursuant to Article 1 (a) and (b).

2. If it allows the application, the competent authority :

- (a) shall determine the number of litres of milk, or of milk products expressed in milk equivalent, supplied to other persons by the producer concerned during the twelve months preceding a reference date falling within the period 1 July 1972 to 30 June 1973 to be fixed by each Member State ; this number must be in reasonable proportion with the number of dairy cows referred to in Article 1 (a) ;
- (b) shall register the written undertaking required under Article 3 (1) of Regulation (EEC) No 1353/73 ;
- (c) may inform those undertakings which collect milk or milk products in the area where the applicant's holding is situated of the names of producers whose applications have been approved and of any subsequent changes.

Article 3

The premium referred to in Article 4 of Regulation (EEC) No 1353/73 shall be paid in three instalments.

A first instalment equal to half the premium shall be paid within six months at the latest following the date on which the application referred to in Article 1 is approved.

The balance shall be paid in two equal parts during the period referred to in Article 3 (1) (a) of Regulation

(EEC) No 1353/73, but such payments shall be conditional upon it having been first ascertained that the undertaking provided for in the said Article 3 has been complied with.

The dates for payment shall be as follows :

- (a) the first part between the 13th and 15th month from the date on which the application was approved ;
- (b) the second part between the 37th and the 39th month from the date on which the application was approved.

Article 4

In any case where the recipient of a premium fails to prove to the satisfaction of the competent authority that he has complied with the conditions laid down in Article 3 of Regulation (EEC) No 1353/73, the Member State concerned shall take steps to recover all sums already paid in respect of that premium.

Article 5

1. Member States shall, by not later than the end of each month, inform the Commission of the number of applications approved by the competent authorities during the previous month. They shall include particulars of the quantities of milk and milk products referred to in Article 1 (b) and shall indicate separately the number of applications submitted through a producers' association.

2. Particulars of applications supplied pursuant to paragraph 1 shall be broken down according to the number of dairy cows kept on the holdings concerned, and in each case the number of units of adult bovine animals kept shall be indicated.

Article 6

1. Member States shall, before 1 September 1973, provide the Commission with a list of the regions for which they seek authorization under Article 5 of Regulation (EEC) No 1353/73 not to implement Articles 1 to 4 of that Regulation.

2. Before 1 October 1973 the Commission, acting under the procedure laid down in Article 27 of Regulation (EEC) No 805/68, shall ascertain whether the condition defined in Article 5 of Regulation (EEC) No 1353/73 is in fact satisfied, and shall specify the regions in respect of which the Member States are authorized not to implement Articles 1 to 4 of Regulation (EEC) No 1353/73.

TITLE II

Premium for the development of specialized raising of cattle for meat production

Article 7

1. Articles 8 to 13 below shall apply in those of the regions referred to in Article 6 in which Member States intend pursuant to Article 6 of Regulation (EEC) No 1353/73 to grant development premiums for the specialized raising of cattle for meat production.

2. Member States shall, before 1 September 1973, provide the Commission with a list of the regions in which they intend to grant such premiums.

3. Before 1 October 1973 the Commission, acting under the procedure laid down in Article 27 of Regulation (EEC) No 805/68, shall specify the regions in respect of which the Member States shall be authorized to implement Article 6 of Regulation (EEC) No 1353/73.

Article 8

Applications for premiums shall be lodged on or after 1 October 1973 with the competent authority appointed by the Member State concerned.

Applications shall include in respect of each producer concerned the following :

- (a) particulars of the number of cows and in-calf heifers of beef breeds, as defined in Article 15 (c) and (d), kept on the holding on a reference date falling within the period 1 October 1972 to 30 September 1973 to be fixed by each Member State ;
- (b) a declaration by the producer stating that he is aware of the terms of this Regulation and of the terms of the relevant implementing measures adopted in the Member State concerned.

Article 9

Following receipt of the application the competent authority shall take steps to verify the particulars supplied pursuant to Article 8 (a).

Article 10

If it allows the application, the competent authority shall :

- (a) register the written undertaking required under Article 6 (3) of Regulation (EEC) No 1353/73 ;
- (b) determine, on the basis of counts carried out at least once a year, the number of cows and in-calf heifers of beef breeds present on the holding during the current year to which the undertaking given by the applicant relates.

Article 11

The premium referred to in Article 7 of Regulation (EEC) No 1353/73 shall be paid in three instalments.

In respect of each cow or in-calf heifer kept each year on his holding over and above the number kept at the reference date a successful applicant shall be entitled to an instalment equal to 120 units of account which shall be paid not more than six months at the latest after the date on which the presence of the animal in question is ascertained.

The balance shall be paid in two parts each equal to 60 units of account :

- (a) the first part between the 13th and the 15th month after the date mentioned,

- (b) the second part between the 37th and the 39th month after the date mentioned.

Article 12

In any case where the recipient of a premium fails to prove to the satisfaction of the competent authority that he has complied with the obligations laid down in Article (6) (3) of Regulation (EEC) No 1353/73, the Member State concerned shall take steps to recover all sums already paid in respect of that premium.

Article 13

1. Each Member State shall, by not later than the end of each month, provide the Commission with particulars of :

- (a) the number of applications approved by the competent authority during the previous month, indicating separately those submitted through a producers' association ;
- (b) the number of cows and in-calf heifers of beef breeds in respect of which premiums were granted during the previous month.

2. The particulars required under paragraph 1 (a) shall be broken down according to the number of cows and in-calf heifers of beef breeds kept on the holdings concerned, and in each case the number of cows and in-calf heifers of beef breeds in respect of which premiums have been granted shall be indicated.

TITLE III

General provisions

Article 14

1. Member States shall, before 1 January 1974, notify to the Commission any measures taken by them in implementation of Article 9 of Regulation (EEC) No 1353/73.

2. The communications required under the first paragraph of Article 12 of Regulation (EEC) No 1353/73 shall be sent to the Commission before 1 September 1973.

Article 15

In Regulation (EEC) No 1353/73 :

- (a) 'dairy cow' means a female animal of the domestic bovine species being an animal suitable for the production of milk for marketing purposes and having at the reference date referred to in Article 2 (2) (a) calved at least once ;
- (b) 'unit of adult bovine animals' means a unit of livestock corresponding to an animal of the domestic bovine species aged at least twelve months, excluding females which have not yet calved and are normally intended for commercial milk production ;

- (c) 'cow of a beef breed' means a female animal of the domestic bovine species having calved at least once and either belonging to one of the breeds having been recognized as fit for meat production by the competent authority of the Member State concerned;
- (d) 'in-calf heifer of a beef breed' means a female animal belonging to one of the breeds having been recognized as fit for meat production by the competent authority of the Member State concerned and in respect of which the successful applicant can establish to the satisfaction of the competent authority concerned that calving took place during the six months following the date on which the animal was taken into consideration for the purposes of the rights and obligations arising under this Regulation.

Article 16

1. For the purpose of calculating numbers of units of adult bovine animals the following conversion factors shall apply:

- (a) cattle less than six months old: 0;
- (b) cattle over six months but less than twelve months old: 0.5;
- (c) female sheep more than twelve months old: 0.15.

2. For the purpose of calculating quantities of milk supplied to other persons the following conversion factors shall apply in respect of milk products:

- (a) 1 kg of milk equals 1 litre of milk;
- (b) 1 kg of butter equals 23 litres of milk;
- (c) 1 kg of cheese equals 10 litres of milk;
- (d) 1 kg of cream with a 35 % fat content equals 8 litres of milk.

Article 17

In any case where a person having taken over a holding and having, as provided for in Article 11 of Regulation (EEC) No 1353/73, given an undertaking to the competent authority to continue to fulfil the obligations entered into by his predecessor fails to establish to the satisfaction of that authority that he has fulfilled those obligations, the Member State concerned shall take steps to recover from that person the sums already paid to his predecessor.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1973.

Article 18

1. The following circumstances *inter alia* may be treated by the competent authority as being beyond the control of the recipient concerned and accordingly as cases in which no action need be taken for the recovery of sums already paid in respect of premiums:

- (a) death of the recipient;
- (b) an extended period of disability on the part of the recipient such as to prevent him from carrying on his occupation;
- (c) compulsory purchase of 50 % or more of the utilized agricultural area of the holding farmed by the recipient, provided that such compulsory purchase was not foreseeable at the date when the undertaking was given.

2. The competent authority may for the purposes of Articles 3 (1) (b) and (2) and 6 (3) of Regulation (EEC) No 1353/73 treat the following circumstances *inter alia* as being beyond the control of the recipient concerned and may in such cases accordingly suspend for up to two years the obligations on such recipient under those provisions:

- (a) serious flooding affecting the land normally used by the recipient for cattle raising purposes;
- (b) accidental destruction of buildings belonging to the recipient normally used by him for cattle raising purposes;
- (c) an outbreak of epizootic disease affecting all or part of the recipient's herd.

3. Member States shall inform the Commission of all cases in which they apply the provisions of paragraphs 1 and 2 of this Article.

4. When a beneficiary ceases farming in accordance with the Council Directive 72/160/EEC of 17 April 1972, measures will be taken to recover the amounts of the premiums which were paid in the nine months preceding the request for the cessation of farming.

Article 19

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

For the Commission

The President

François-Xavier ORTOLI