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**COMMISSION REGULATION (EEC) No 2385/91  
of 6 August 1991  
laying down detailed rules for certain special cases regarding the definition of sheepmeat and  
goatmeat producers and producer groups**

(OJ No L 219, 7. 8. 1991, p. 15)

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Commission Regulation (EEC) No 2425/91 of 8 August 1991	L 221	27	9. 8. 1991
Commission Regulation (EEC) No 3676/91 of 17 December 1991	L 349	14	18. 12. 1991
Commission Regulation (EEC) No 2564/92 of 2 September 1992	L 257	12	3. 9. 1992
Commission Regulation (EC) No 609/94 of 18 March 1994	L 77	10	19. 3. 1994
Commission Regulation (EC) No 826/94 of 13 April 1994	L 95	8	14. 4. 1994
Commission Regulation (EC) No 2569/95 of 31 October 1995	L 262	32	1. 11. 1995
Commission Regulation (EC) No 2143/96 of 7 November 1996	L 286	10	8. 11. 1996

**COMMISSION REGULATION (EEC) No 2385/91**  
**of 6 August 1991**  
**laying down detailed rules for certain special cases regarding the definition of sheepmeat and**  
**goatmeat producers and producer groups**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91 <sup>(2)</sup>, and in particular Article 5 (9) thereof,

Having regard to Council Regulation (EEC) No 3493/90 of 27 November 1990 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers <sup>(3)</sup>, and in particular Articles 1 and 2 (4),

Whereas Regulation (EEC) No 3493/90 establishes, in particular, the definitions of sheepmeat and/or goatmeat producer and producer group; whereas, furthermore, that Regulation lays down that the Commission, acting in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89, is to lay down detailed rules for the application of those definitions and in particular special cases arising from contractual forms provided for in agricultural law or covered by national customs and practices under which the farmer, while assuming the risks and/or organization of the rearing, is not the owner of all or part of the flock, and detailed rules for the application of the limits provided for in Article 5 (7) of Regulation (EEC) No 3013/89 concerning producer groups;

Whereas, as regards the abovementioned contractual forms, provisions should be laid down in particular to cover cases of shared ownership, livestock lease and placing of ewes in agistment and certain situations where the shepherd of a flock is also owner of part of the latter; whereas, however, as regards livestock leases, special provisions must be laid down in the United Kingdom for the National Trust where it is the lessor in the Lake District area, since the said lessor imposes particularly strict conditions on lessees in order to ensure that the environment is protected;

Whereas the limits provided for in Article 5 (7) of Regulation (EEC) No 3013/89 may, in the case of producer groups, be applied correctly using a single premium declaration signed by all the members and by means of certain provisions on penalties intended to ensure that the group assumes liability for declarations submitted;

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.

<sup>(3)</sup> OJ No L 337, 4. 12. 1990, p. 7.

Whereas, for the purposes of applying the abovementioned limits, rules should also be laid down for apportioning livestock in the case of groups where the animals belonging to each member cannot be identified; whereas the formula for apportionment applicable, in the case of disbanding, to the group's assets is suitable for the purpose;

Whereas, in order to prevent the limits in question from being circumvented, the concept of group should exclude any form of association featuring a lack of independence of or real participation by the members;

Whereas Regulation (EEC) No 3493/90 lays down the conditions under which farmers practising transhumance are to be considered producers in less-favoured areas; whereas that Regulation lays down in particular that, to that end, on farmers whose holdings are located in geographical areas to be determined according to certain criteria and in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 3013/89 are to be taken into account; whereas those criteria lead to the determination of the areas given in the Annex hereto;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Save as otherwise provided for in paragraph 4, in cases other than those referred to in Article 2 (1) where ownership of a flock of sheep and/or goats on the same farm is shared between two or more natural or legal persons, the producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3439/90 shall be deemed to be the person who has the greatest share of the sale of products from the flock in question.

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826/94 – deleted

2. Where the owner of a flock of sheep and/or goats places the flock in agistment, the farmer in question shall remain the producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90. He shall identify the agister's holding in his premium application.

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3. Where a flock of ewes and/or she-goats is held, in part or in whole, under a livestock lease and the lessee receives the product of the sale of the livestock products, the lessee shall be deemed to be the producer, with regard to the part in question, within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90.

826/94 – deleted

4. Where the shepherd of a flock of sheep and/or goats is an employee of a producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90 and at the same time is himself a producer within the meaning of the same Article with regard to a part of the flock, the shepherd shall be jointly and severally liable with the other producer where the penalties provided for in Commission Regulation (EEC) No 3887/92 <sup>(4)</sup> are applied in the event of the two parts of the flock not being identified separately.

The premium application submitted by each producer must specify the employer-employee relationship and identify the other producer.

*Article 2*

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1. Where a premium application is submitted by a producer group within the meaning of point 2 of Article 1 (1) of Regulation (EEC) No 3493/90, the producer group must submit a single premium application, which must be signed by all the producers within the meaning of point 1 of the said Article; such producers shall remain subject to the obligations imposed by Regulation (EEC) No 3007/84. The premium shall be paid directly to the group.

<sup>(4)</sup> OJ No L 391, 31. 12. 1992, p. 36.

<p>The rules on penalties referred to in Article 10 of Regulation (EEC) No 3887/92 shall apply to the group as such. However, the penalty provided for in that Article in the event of a false declaration intentionally made shall apply to those members who, while remaining producers in the following year, no longer form part of the group.</p>	826/94
<p>2. Premium applications must state the number of animals brought to the group by each producer.</p>	2385/91
<p>However, where the nature of the group is such that ownership of individual animals cannot be assigned to each producer, the articles of association or the rules of procedure of the group must necessarily give a formula for apportioning the sheep and/or goat flock between the various producers concerned within the meaning of point 1 of the first paragraph of Article 1 of Regulation (EEC) No 3493/90.</p> <p>That formula must correspond to the way the group's assets would be apportioned between the producer between the producer (SIC!) members were the group to be disbanded and shall be notified to the competent authority. This formula shall remain unaltered in subsequent marketing years unless the structure of the group which has been notified to the authority competent for granting the premium undergoes a substantial change; such a change shall be the result of:</p> <ul style="list-style-type: none"> <li>— new members joining or old members leaving, or</li> <li>— a change of 10 % or more in the apportionment of the members' assets as a whole.</li> </ul> <p>Annual premium applications must specify the number of ewes attributed to each producer on the basis of the said formula.</p>	3676/91
<p>_____</p>	826/94 – deleted
<p style="text-align: center;"><i>Article 3</i></p> <p>1. The geographical areas referred to in the second indent of Article 2 (3) of Regulation (EEC) No 3493/90 shall be as set out in the Annex hereto.</p> <p>2. Premium applications submitted by producers the registered addresses of whose farms are in one of the areas referred to in paragraph 1 and who wish to qualify under the provisions of Article 2 (3) of Regulation (EEC) No 3493/90 must indicate:</p> <ul style="list-style-type: none"> <li>— the place or places where transhumance is to be carried out for the current marketing year,</li> </ul>	2385/91

<p>— the period of at least 90 days referred to in the said paragraph and laid down for the current marketing year.</p>	2385/91
<p>Notwithstanding Article 1 of Regulation (EEC) No 2700/93, documents containing information and the documents referred to in paragraph 3 relating to applications for the 1995 marketing year shall be submitted by farmers in Austria by 30 November 1995.</p>	2569/95
<p>3. Premium applications from producers as referred to in paragraph 2 must be accompanied by documents certifying that transhumance has actually been carried out, except in cases of <i>force majeure</i> or duly justified natural circumstances, during two previous marketing years and in particular by an attestation from the local or regional authority at the place of transhumance certifying that the latter has actually taken place during at least 90 consecutive days.</p>	2385/91
<p>For the 1995 and 1996 marketing years, however, in the case of Austria, the attestation that transhumance took place during the previous two marketing years may be replaced by documents attesting that transhumance took place during the 1995 marketing year.</p>	2569/95
<p>Member States shall inform the Commission of the steps taken with regard to the designation or approval of the local authority competent to issue the attestations referred to in the first subparagraph.</p> <p>The attestations must state:</p> <ul style="list-style-type: none"> <li>— the place of transhumance,</li> <li>— the dates of the transhumant animals' arrival and departure.</li> </ul>	3676/91
<p>4. In order to facilitate checks, the authority receiving the premium applications shall notify the authority responsible for verification of the place of transhumance.</p>	2385/91
<p>5. The Member States shall monitor the application of the provisions of this Article in accordance with the detailed rules laid down in Article 5 of Regulation (EEC) No 3007/84. In addition, when carrying out administrative checks on applications, they shall ensure that the place of transhumance specified in the premium application is actually within one of the areas defined in Article 3 (3), (4) and (5) of Council Directive 75/268/EEC <sup>(1)</sup>.</p>	2385/91

<sup>(1)</sup> OJ No L 128, 19. 5. 1975, p. 1.

6. Member States shall notify the Commission of the premium applications as referred to in paragraph 2, received for the current marketing year, broken down according to the list of regions referred to in Article 3 (4) of Regulation (EEC) No 3007/84 at the same time as the communication required in that Article.

2385/91

~~Article 4~~

826/94 – deleted

Article 5

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

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## ANNEX

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**LIST OF GEOGRAPHICAL AREAS REFERRED TO IN THE SECOND INDENT OF ARTICLE 3 OF REGULATION  
(EEC) No 3493/90**

## I. SPAIN

Comunidad autónoma	Provincia	Comarcas
Andalucía	Almería	Nº 7: Campos Dalías Nº 8: Campos Nijar y Bajo Andárax
	Cádiz	—
	Córdoba	Nº 3: Campiña Baja
	Jaén	Nº 6: Campiña Sur
	Granada	Nº 1: De la Vega
	Huelva	Nº 3: Andevalo Oriental
	Málaga	Nº 1: Nortes o Antequera Nº 3: Centro o Guadalorce
	Sevilla	Nº 2: La Vega Nº 5: La Campina
	Aragón	Huesca
Teruel		—
Zaragoza		Nº 1: Egea de los Caballeros Nº 2: Borja Nº 5: Zaragoza
Asturias		—
Baleares		—
Cantabria	Cantabria	—
Castilla y León	Ávila	—
	Burgos	—
	León	Nº 6: Tierras de León
	Palencia	Nº 2: Campos
	Salamanca	Nº 3: Salamanca
	Segovia	—
	Soria	—
	Valladolid	Nº 2: Centro
	Zamora	Nº 4: Campos-Pan
Castilla-La Mancha	Albacete	Nº 4: Centro
	Ciudad Real	Nº 2: Campos de Calatrava Nº 5: Pastos
	Cuenca	—
	Guadalajara	—
	Toledo	Nº 1: Talavera
	Cataluña	Barcelona

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Comunidad autónoma	Provincia	Comarcas		
			2385/91	
	Girona	Nº 17: Garraf Nº 21: Maresme Nº 24: Osona Nº 40: Vallès Occidental Nº 41: Vallès Oriental	2564/92	
	Lleida	Nº 2: Alt Empordà Nº 10: Baix Empordà Nº 34: La Selva Nº 23: Noguera Nº 27: Pla d'Urgell Nº 33: Segrià Nº 38: Urgell		
	Tarragona	Nº 1: Alt Camp Nº 9: Baix Ebre Nº 12: Baix Penedès Nº 29: Priorat Nº 36: Tarragonès		
Extremadura	Badajoz	Nº 3: Don Benito Nº 6: Badajoz		2385/91
	Cáceres	—		
Galicia		—		
Madrid	Madrid	—		
Murcia	Murcia	Nº 4: Río Segura Nº 5: Suroeste y Valle de Guadalentín		
Navarra	Navarra	Nº 5: La Ribera		
La Rioja	La Rioja	—		
Valenciana	Alicante Castellón Valencia	— Comarca Nº 2 – Bajo Maestrazgo Comarca Nº 3 – Campos de Liria Comarca Nº 6 – Sagunto Comarca Nº 8 – Riberas del Júcar	2564/92	
País Vasco		—	2385/91	

## II. FRANCE

### *Provence-Alps-Côte d'Azur*

The non-less-favoured areas in the departments of Alpes-de-Haute-Provence, Alpes Maritimes, Var and Vaucluse, and the whole of the department of Bouches-du-Rhône.

### *Rhône-Alps*

The non-less-favoured areas in the departments of Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie and Haute-Savoie.

### *Midi-Pyrénées*

The non-less-favoured areas in the departments of Haute-Garonne, Hautes-Pyrénées and Tarn-et-Garonne.

### *Aquitaine*

The non-less-favoured areas in the department of Pyrénées-Atlantiques.

*Alsace*

The non-less-favoured areas in the departments of Bas-Rhin and Haut-Rhin.

*Lorraine*

The non-less-favoured areas in the departments of Meurthe-et-Moselle, Moselle and the whole of the department of Meuse.

*Auvergne*

The non-less-favoured areas in the departments of Allier and Puy-de-Dôme.

*Languedoc-Roussillon*

The non-less-favoured areas in the departments of Aude, Gard, Hérault and Eastern Pyrénées.

## III. GREECE

Lowland areas from which animals are (by tradition) moved every year to mountain, hill and less-favoured areas, as specified in Articles 3 (3), 4 and 5 of Directive 75/268/EEC.

Νομός	Επαρχία
1. Νομός Λακωνίας	Λακεδαιμόνος, Επιδαύρου, Λιμήρας
2. Νομός Ιωαννίνων	Ιωαννίνων
3. Νομός Φωκίδος	Παρνασσίδος, Δωριδος
4. Νομός Πρέβεζας	Νικοπόλεως
5. Νομός Κιλκίς	Κιλκίς
6. Νομός Αττικής	Μεγαρίδος, Αττικής, Πειραιώς
7. Νομός Αχαΐας	Πατρών, Αιγιαλείας
8. Νομός Αργολίδας	Άργους, Ναυπλίου
9. Νομός Βοιωτίας	Λιβαδειάς, Θήβας
10. Νομός Αρκαδίας	Κοινουρίας, Μαντινείας
11. Νομός Ημαθίας	Νάουσας, Βέροιας
12. Νομός Ηλείας	Ηλείας, Ολυμπίας
13. Νομός Μαγνησίας	Βόλου, Αλμυρού
14. Νομός Κορινθίας	Κορινθίας
15. Νομός Ροδόπης	Κομοτινής
16. Νομός Πέλλας	Έδεσσας, Αλμωπίας, Γιαννιτσών
17. Νομός Φθιώτιδας	Φθιώτιδος, Δομοκού, Λοκρίδος
18. Νομός Χανίων	Κυδωνίας, Κισάμου, Αποκορώνου
19. Νομός Ευβοίας	Χαλκίδας, Καριστίας, Ιστιαίας
20. Νομός Αιτωλοακαρνανίας	Μεσολογγίου, Τριχωνίδας, Βάλτου, Ξηρομέρου, Ναυπάκτου
21. Νομός Μεσσηνίας	Τριφυλίας, Μεσσηνίας, Πυλίας
22. Νομός Τρικάλων	Τρικάλων
23. Νομός Ρεθύμνης	Ρεθύμνης
24. Νομός Πιερίας	Πιερίας
25. Νομός Δράμας	Δράμας
26. Νομός Άρτας	Άρτας
27. Νομός Θεσσαλονίκης	Θεσσαλονίκης, Λαγκαδά
28. Νομός Θεσπρωτίας	Θιάμδος
29. Νομός Καρδίτσας	Καρδίτσας, Σοφάδων, Παλαμά, Μουζακίου
30. Νομός Καβάλας	Καβάλας, Παγγαίου
31. Νομός Λάρισας	Λάρισας, Φαρσάλων, Αγιάς, Ελασσώνας, Τυρνάβου

## IV. GERMANY

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**Baden-Württemberg** (in the following urban and rural districts):

Stuttgart (town)	Neckar-Odenwald-Kreis
Böblingen	Pforzheim (town)
Esslingen	Enzkreis
Göppingen	Calw
Ludwigsburg	Freudenstadt
Rems-Murr-Kreis	Freiburg im Breisgau (town)
Heilbronn (town)	Breisgau Hochschwarzwald
Heilbronn	Emmendingen
Hohenlohekreis	Ortenaukreis
Schwäbisch Hall	Konstanz
Main-Tauber-Kreis	Lörrach
Heidenheim	Waldshut
Ostalbkreis	Reutlingen
Baden-Baden (town)	Tübingen
Rastatt	Zollernalbkreis
Karlsruhe (town)	Ulm (town)
Karlsruhe	Alb-Donau-Kreis
Heidelberg (town)	Biberach
Mannheim (town)	Bodenseekreis
Sigmaringen	Ravensburg
Rhein-Neckar-Kreis	

**Bavaria** (in the following urban and rural districts):

Alchach-Friedberg	Lindau (west)
Altötting	Main-Spessart (south)
Ansbach (zone north-west)	Miesbach (zone north)
Aschaffenburg	Miltenberg
Augsburg	Mühldorf
Bad Tölz-Wolfratshausen (zone north)	Munich
Berchtesgadener Land (zone north)	Neuburg-Schrobenhausen
Dachau	Neustadt/Aisch — Bad Windsheim (west)
Deggendorf	Neu Ulm
Dillingen	Nürnberger Land (west)
Dingolfing-Landau	Ostallgäu (zone north)
Donau-Ries	Passau (zone south-west)
Ebersberg	Pfaffenhofen
Eichstätt (south)	Regensburg
Erding	Rosenheim (zone north)
Erlangen (south)	Rottal-Inn
Freising	Starnberg
Fürstenfeldbruck	Straubing-Bogen
Fürth	Schweinfurt
Günzburg	Traunstein (zone north)
Kelheim	Unterallgäu
Kitzingen	Würzburg
Landsberg/Lech	
Landshut	

<b>Brandenburg</b> (in the following urban and rural districts):		609/94
Prignitz	Oder-Spree	
Uckermark	Oberhavel	
Märkisch-Oderland	Ostprignitz	
Elbe-Elster	Spree-Neiße	
Dahme-Spreewald	Potsdam-Mittelmark	
Teltow-Fläming	Oberspreewald-Lausitz	
<b>Hesse</b> (in the following urban and rural districts):		3676/91
Wetteraukreis	Fulda	
Gießen	Kassel	
Marburg-Biedenkopf	Limburg-Weilburg	
<b>Lower Saxony</b> (in the following urban and rural districts):		
Gifhorn	Hamelin	
Göttingen	Nienburg	
Peine	Schaumburg	
Hanover	Uelzen	
Hildesheim	Verden	
Holzminen	<u>Lüneburg</u>	2143/96
<b>Mecklenburg-Western Pomerania</b> (in the following urban and rural districts):		2143/96
Bad Doberan		
Demmin		
Güstrow		
Ludwigslust		
Mecklenburg-Strelitz		
Nordvorpommern		
Nordwestmecklenburg		
Ostvorpommern		
Parchim		
Uecker-Randow		
<b>Rhineland-Palatinate</b> (in the following rural districts and towns):		3676/91
Koblenz	Ludwigshafen (town and rural district)	
Ahrweiler	Mainz	
Bad Kreuznach	Neustadt a.d.W.	
Cochem-Zell	Speyer	
Mayen-Koblenz	Worms	
Neuwied	Zweibrücken	
Rhein-Lahn-Kreis	Alzey-Worms	
Trier	Bad-Dürkheim	
Bernkastel-Wittlich	Germersheim	
Trier-Saarburg	Südliche Weinstraße	
Frankenthal	Mainz-Bingen	
Kaiserslautern (town and rural district)	Pirmasens	
Landau i.d. Pfalz	Donnersbergkreis	

**Saxony** (in the following urban and rural districts):

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Torgau-Oschatz  
 Delitzsch  
 Muldentalkreis  
 Riesa-Großenhain  
 Meißen-Radebeul  
 Sächsische Schweiz  
 Bautzen  
 Löbau-Zittau  
 Niederschlesischer Oberlausitzkreis  
 Freiberg  
 Chemnitzer Land  
 Zwickauer Land  
 Kamenz

**Saxony-Anhalt** (in the following urban and rural districts):

Anhalt-Zerbst  
 Sangerhausen  
 Weißenfels  
 Ohrekreis  
 Jerichower Land  
 Halberstadt  
 Stendal  
 Salzwedel

**Thuringia** (in the following urban and rural districts):

Nordhausen  
 Kyffhäuser Kreis  
 Unstrut-Hainich-Kreis  
 Sömmerda  
 Wartburg Kreis  
 Gotha  
 Weimar-Land  
 Ilm-Kreis  
 Holzlandkreis  
 Altenburg  
 Erfurt  
 Weimar

## V. ITALY

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**Non-less-favoured areas of the regions**

Tuscany  
 Umbria  
 Marche  
 Sicily  
 Sardinia  
 Lazio

Abruzzo (SIC! Abruzzo)  
 Molise  
 Campania  
 Basilicata  
 Puglia  
 Calabria

**Non-less-favoured areas of the provinces**

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Cuneo	Pavia
Vercelli	Parma
Bergamo	Reggio Emilia
Brescia	Modena
Treviso	Bologna
	Forlì

## VI. AUSTRIA

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Non-less-favoured areas in *Gemeinde* or parts of *Gemeinde* in the following *Bezirke*:**Bundesland Vorarlberg:**

Feldkirch  
Dornbirn  
Bregenz

**Bundesland Kärnten:**

Klagenfurt  
Klagenfurt-Land  
Wolfsberg

**Bundesland Salzburg:**

Salzburg  
Salzburg-Umgebung

**Bundesland Steiermark:**

Graz  
Graz-Umgebung  
Leibnitz  
Radkersburg  
Weiz  
Feldbach  
Fürstenfeld  
Hartberg

**Bundesland Oberösterreich:**

Braunau am Inn  
Ried im Innkreis  
Schärding  
Vöcklabruck  
Gieskirchen  
Eferding  
Wels-Land  
Gmunden  
Urfahr-Umgebung  
Kirchdorf an der Krems  
Steyr-Land  
Linz und Perg

**Bundesland Niederösterreich:**

Amstetten  
Melk  
Scheibbs  
St. Pölten-Land  
Wien-Umgebung  
Krems an der Donau  
Krems-Land  
Horn  
Mödling  
Baden  
Neunkirchen  
Wiener Neustadt-Land

**Bundesland Burgenland:**

Neusiedl am See  
Eisenstadt-Land  
Mattersburg  
Oberpullendorf  
Oberwart  
Güssing

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