

Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (repealed)

TITLE IV

OTHER AID SCHEMES

CHAPTER 1

Community aid schemes

Section 1

Crop specific payment for rice

Article 73

Scope

For 2009, 2010 and 2011, aid shall be granted to farmers producing rice falling within CN code 1006 10 under the conditions laid down in this Section ('crop specific payment for rice').

Article 74

Conditions and amount of the aid

1 The crop specific payment for rice shall be granted per hectare of land sown under rice and where the crop is maintained until at least the beginning of flowering under normal growth conditions.

However, crops grown on areas which are fully sown and which are cultivated in accordance with local standards, but which do not attain the stage of flowering as a result of exceptional weather conditions recognised by the Member State concerned, shall remain eligible for aid provided that the areas in question are not used for any other purpose up to this growing stage.

2 The amount of the crop specific payment for rice shall be as follows, according to the yields in the Member States concerned:

| Member State | EUR/ha |
|---------------------|---------------|
| Bulgaria | 345,255 |
| Greece | 561,00 |

Status: This is the original version (as it was originally adopted).

| | |
|--------------------------|---------|
| Spain | 476,25 |
| France | |
| — metropolitan territory | 411,75 |
| — French Guyana | 563,25 |
| Italy | 453,00 |
| Hungary | 232,50 |
| Portugal | 453,75 |
| Romania | 126,075 |

Article 75

Areas

The following base areas are hereby established for each producing Member State:

| Member State | base areas(ha) |
|--------------------------------|-----------------------|
| Bulgaria | 4 166 |
| Greece | 20 333 |
| Spain | 104 973 |
| France | |
| — metropolitan territory | 19 050 |
| — for 2009 only, French Guyana | 4 190 |
| Italy | 219 588 |
| Hungary | 3 222 |
| Portugal | 24 667 |
| Romania | 500 |

A Member State may divide its base area or areas into sub-base areas in accordance with objective and non-discriminatory criteria.

Article 76

Overrun of the areas

1 Where, in a Member State, the area given over to rice in a given year exceeds the base area established in Article 75, the area per farmer for which the crop specific payment for rice is claimed shall be reduced proportionately in that year.

2 Where a Member State divides its base area or areas into sub-base areas, the reduction provided for in paragraph 1 shall apply only to the farmers in sub-base areas where the sub-base area limit has been exceeded. This reduction shall be made when, in the Member State concerned, the areas in the sub-base areas which have not reached their sub-base area limit have been redistributed to the sub-base areas in which the sub-base area limits have been exceeded.

Section 2

Aid for starch potato growers

Article 77

Scope and amount of the aid

For the marketing years 2009/2010, 2010/2011 and 2011/2012, aid shall be granted for farmers producing potatoes intended for the manufacture of potato starch under the conditions laid down in this Section ('aid for starch potato growers').

The aid shall be EUR 66,32 for the quantity of potatoes needed for making one tonne of starch.

The amount shall be adjusted according to the starch content of the potatoes.

Article 78

Conditions

The aid for starch potato growers shall be paid only in respect of the quantity of potatoes covered by a cultivation contract between the potato producer and the potato starch manufacturer within the limit of the quota allocated to that potato starch manufacturer in accordance with Article 84a(2) of Regulation (EC) No 1234/2007.

Section 3

Protein crop premium

Article 79

Scope

For 2009, 2010 and 2011, aid shall be granted to farmers producing protein crops under the conditions laid down in this Section ('protein crop premium').

Protein crops shall include:

- (a) peas falling within CN code 0713 10;
- (b) field beans falling within CN code 0713 50;
- (c) sweet lupins falling within CN code ex 1209 29 50.

Status: This is the original version (as it was originally adopted).

Article 80

Amount and eligibility

The protein crop premium shall be EUR 55,57 per hectare of protein crops harvested after the stage of lactic ripeness.

However, crops grown on areas which are fully sown and which are cultivated in accordance with local standards, but which do not attain the stage of lactic ripeness as a result of exceptional weather conditions recognised by the Member State concerned, shall remain eligible for the protein crop premium provided that the areas in question are not used for any other purpose up to this growing stage.

Article 81

Area

1 A maximum guaranteed area of 1 648 000 ha for which the protein crop premium may be granted is hereby established.

2 Where the area for which the protein crop premium is claimed exceeds the maximum guaranteed area, the area per farmer for which the protein crop premium is claimed shall be reduced proportionately in that year in accordance with the procedure referred to in Article 141(2).

3 Where, in accordance with Article 67, a Member State decides to integrate the protein crop premium provided for in this Section into the single payment scheme, the Commission, in accordance with the procedure referred to in Article 141(2), shall reduce the maximum guaranteed area referred to in paragraph 1 of this Article in proportion to the protein crops amount corresponding to that Member State in Annex XII.

Section 4

Area payment for nuts

Article 82

Community area payment for nuts

1 For 2009, 2010 and 2011, Community aid shall be granted to farmers producing nuts under the conditions laid down in this Section ('area payment for nuts').

Nuts shall include:

- a almonds falling within CN codes 0802 11 and 0802 12;
- b hazelnuts or filberts falling within CN codes 0802 21 and 0802 22;
- c walnuts falling within CN codes 0802 31 and 0802 32;
- d pistachios falling within CN codes 0802 50;
- e locust beans falling within CN codes 1212 10 10.

Status: This is the original version (as it was originally adopted).

2 Member States may differentiate the area payment for nuts according to the products or by increasing or reducing the national guaranteed areas (hereinafter referred to as the ‘NGA’) established in Article 83(3). However, in each Member State, the total amount of the area payment for nuts granted in a given year shall not be higher than the ceiling established in Article 83(4).

Article 83

Areas

1 Member States shall grant the Community area payment for nuts within the limit of a ceiling calculated by multiplying the number of hectares of their respective NGA as fixed in paragraph 3 by the average amount of EUR 120,75.

2 A maximum guaranteed area of 829 229 ha is hereby established.

3 The maximum guaranteed area referred to in paragraph 2 shall be divided into the following NGAs:

| Member State | NGA(ha) |
|---------------------|----------------|
| Belgium | 100 |
| Bulgaria | 11 984 |
| Germany | 1 500 |
| Greece | 41 100 |
| Spain | 568 200 |
| France | 17 300 |
| Italy | 130 100 |
| Cyprus | 5 100 |
| Luxembourg | 100 |
| Hungary | 2 900 |
| Netherlands | 100 |
| Austria | 100 |
| Poland | 4 200 |
| Portugal | 41 300 |
| Romania | 1 645 |
| Slovenia | 300 |
| Slovakia | 3 100 |
| United Kingdom | 100 |

4 Member States may subdivide their respective NGA into sub-base areas in accordance with objective criteria, in particular at regional level or in relation to the production.

Article 84

Overrun of the sub-base areas

Where a Member State subdivides its NGA into sub-base areas and one or more sub-base area limits have been exceeded, the area per farmer for which the area payment for nuts is claimed shall be reduced proportionately in that year for the farmers in the sub-base areas where the limit has been exceeded. This reduction shall be made when, in the Member State concerned, the areas in the sub-base areas which have not reached their sub-base area limits have been redistributed to the sub-base areas in which the sub-base area limits have been exceeded.

Article 85

Conditions for eligibility

- 1 Payment of the area payment for nuts shall be conditional on, in particular, minimum plot size and tree density.
- 2 Member States may make the granting of the area payment for nuts conditional on farmers being members of a producer organisation recognised in accordance with Article 125b of Regulation (EC) No 1234/2007.
- 3 If paragraph 2 is applied, Member States may decide that the payment of the area payment for nuts shall be made to a producer organisation on behalf of its members. In this case, the amount of aid received by the producer organisation shall be paid to its members. However, Member States may authorise a producer organisation, as compensation for the services provided to its members, to reduce the amount of the area payment for nuts by a maximum of 2 %.

Article 86

National aid

- 1 Member States may grant national aid, in addition to the area payment for nuts, up to a maximum of EUR 120,75 per hectare per year.
- 2 The national aid may be paid only for areas receiving area payment for nuts.
- 3 Member States may make the granting of national aid conditional on farmers being members of a producer organisation recognised in accordance with Article 125b of Regulation (EC) No 1234/2007.

Section 5

Seed aid

Article 87

Aid

1 For 2009, 2010 and 2011, the Member States having applied Article 70 of Regulation (EC) No 1782/2003 which do not make use of the option provided for in Article 67 of this Regulation shall grant, on a yearly basis, the aids set out in Annex XIII to this Regulation for the production of basic seed or certified seeds of one or more of the species listed in that Annex, under the conditions laid down in this Section ('seed aid').

2 Where the area accepted for certification for which the seed aid is claimed is used also for claiming support under the single payment scheme, the amount of seed aid, except in the case of the species referred to in Annex XIII points 1 and 2, shall be reduced, but to no less than zero, by the amount of support under the single payment scheme to be granted in a given year for the area concerned.

3 The amount of seed aid claimed shall not exceed a ceiling fixed by the Commission in accordance with the procedure referred to in Article 141(2) of this Regulation and corresponding to the component of seed aid for the species concerned in the national ceiling referred to in Article 40 of this Regulation, as fixed in accordance with Article 64(2) of Regulation (EC) No 1782/2003 ('seed aid ceiling'). However, for the new Member States, this seed aid ceiling shall correspond to the amounts set out in Annex XIV to this Regulation.

Where the total amount of seed aid claimed exceeds the seed aid ceiling fixed by the Commission, the aid per farmer shall be reduced proportionately in the year concerned.

4 The varieties of hemp (*Cannabis sativa* L.) for which the seed aid provided for in this Article is payable shall be determined in accordance with the procedure referred to in Article 141(2).

Section 6

Crop specific payment for cotton

Article 88

Scope

Aid shall be granted to farmers producing cotton falling within CN code 5201 00 under the conditions laid down in this Section ('crop specific payment for cotton').

Article 89

Eligibility

1 The crop specific payment for cotton shall be granted per hectare of eligible area of cotton. In order to be eligible, the area shall be located on agricultural land authorised by the

Status: This is the original version (as it was originally adopted).

Member State for cotton production, sown under authorised varieties and actually harvested under normal growing conditions.

The crop specific payment for cotton shall be paid for cotton of sound and fair merchantable quality.

2 Member States shall authorise the land and the varieties referred to in paragraph 1 of this Article according to detailed rules and conditions adopted in accordance with the procedure referred to in Article 141(2).

Article 90

Base areas, fixed yields and reference amounts

1 The following national base areas are hereby established:

- Bulgaria: 3 342 ha,
- Greece: 250 000 ha,
- Spain: 48 000 ha,
- Portugal: 360 ha.

2 The following fixed yields in the reference period are hereby established:

- Bulgaria: 1,2 tonne/ha,
- Greece: 3,2 tonne/ha,
- Spain: 3,5 tonne/ha,
- Portugal: 2,2 tonne/ha.

3 The amount of the aid per eligible hectare shall be established by multiplying the yields established in paragraph 2 with the following reference amounts:

- Bulgaria: EUR 671,33,
- Greece: EUR 251,75,
- Spain: EUR 400,00,
- Portugal: EUR 252,73.

4 If the eligible area of cotton in a given Member State and in a given year exceeds the base area established in paragraph 1, the aid referred to in paragraph 3 for that Member State shall be reduced proportionately to the overrun of the base area.

5 Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure referred to in Article 141(2).

Article 91

Approved inter-branch organisations

1 For the purpose of this Section, an 'approved inter-branch organisation' shall mean a legal entity made up of farmers producing cotton and at least one ginner, carrying out activities such as:

- a helping to coordinate better the way cotton is placed on the market, particularly through research studies and market surveys;
- b drawing up standard forms of contract compatible with Community rules;

- c orienting production towards products that are better adapted to market needs and consumer demand, particularly in terms of quality and consumer protection;
- d updating methods and means to improve product quality;
- e developing marketing strategies to promote cotton via quality certification schemes.

2 The Member State where the ginneries are established shall approve inter-branch organisations that satisfy criteria to be adopted in accordance with the procedure referred to in Article 141(2).

Article 92

Payment of the aid

1 Farmers shall be granted the crop specific payment for cotton per eligible hectare pursuant to Article 90.

2 Farmers who are members of an approved inter-branch organisation shall be granted the crop specific payment for cotton per eligible hectare within the base area laid down in Article 90(1), increased by an amount of EUR 2.

Section 7

Aid for sugar beet and cane producers

Article 93

Scope

1 In Member States which have granted the restructuring aid provided for in Article 3 of Regulation (EC) No 320/2006 for at least 50 % of the sugar quota fixed on 20 February 2006 in Annex III to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, aid shall be granted to sugar beet and cane producers under the conditions laid down in this Section.

2 The aid for sugar beet and cane producers shall be granted for a maximum of five consecutive years as from the marketing year in which the threshold of 50 % referred to in paragraph 1 was reached but no later than for the marketing year 2013/2014.

Article 94

Conditions

The aid for sugar beet and cane producers shall be granted in respect of the quantity of quota sugar obtained from sugar beet or cane delivered under contracts concluded in accordance with Article 50 of Regulation (EC) No 1234/2007.

Article 95

Amount of the aid

The aid for sugar beet and cane producers shall be expressed per tonne of white sugar of standard quality. The amount of the aid shall be equal to half of the amount obtained by dividing the amount of the ceiling referred to in Annex XV to this Regulation for the Member State concerned for the corresponding year by the total of the sugar and inulin syrup quota fixed on 20 February 2006 in Annex III to Regulation (EC) No 318/2006.

Except for Bulgaria and Romania, Articles 121 and 132 of this Regulation shall not apply to the aid for sugar beet and cane producers.

Section 8

Transitional fruit and vegetables payments

Article 96

Transitional area aids

1 Where Article 54(1) or Article 128(1) is applied during the period referred to in those provisions, a transitional area aid may be granted, under the conditions laid down in this Section, to farmers producing tomatoes which are supplied for processing.

2 Where Article 54(2) or Article 128(2) is applied during the period referred to in those provisions, a transitional area aid may be granted, under the conditions laid down in this Section, to farmers producing one or more of the fruit and vegetable products listed in the third subparagraph of Article 54(2), as determined by the Member States, and which are supplied for processing.

Article 97

Amount of the aid and eligibility

1 Member States shall determine the aid per hectare on which tomatoes and each fruit and vegetable product listed in the third subparagraph of Article 54(2) are grown on the basis of objective and non-discriminatory criteria.

2 The total amount of aid provided for in paragraph 1 of this Article shall in no event exceed the ceiling determined in accordance with Article 51(2) or Article 128.

3 The aid provided for in paragraph 1 of this Article shall be granted only in respect of areas the production of which is covered by a contract for processing into one of the products listed in Article 1(1)(j) of Regulation (EC) No 1234/2007.

4 Member States may make the granting of the aid provided for in paragraph 1 of this Article subject to further objective and non-discriminatory criteria, including the condition that the farmer is a member of a producer organisation or a producer group recognised respectively under Article 125b or Article 125e of Regulation (EC) No 1234/2007.

Section 9

Transitional soft fruit payment

Article 98

Soft fruit payment

1 A transitional area aid shall be granted during the period ending on 31 December 2011 to producers of strawberries falling within CN code 0810 10 00 and raspberries falling within CN code 0810 20 10 which are supplied for processing, under the conditions laid down in this Section ('transitional soft fruit payment').

2 The transitional soft fruit payment shall be granted only in respect of areas the production of which is covered by a contract for processing into one of the products listed in Article 1(1)(j) of Regulation (EC) No 1234/2007.

3 The amount of the transitional soft fruit payment shall be EUR 230/ha.

4 Member States may pay a national aid in addition to the transitional soft fruit payment. The total amount of Community and national aid shall not exceed EUR 400/ha.

5 The transitional soft fruit payment shall be paid only in respect of maximum national guaranteed areas allocated to Member States as follows:

| Member State | Maximum national guaranteed area(ha) |
|---------------------|---|
| Bulgaria | 2 400 |
| Hungary | 1 700 |
| Latvia | 400 |
| Lithuania | 600 |
| Poland | 48 000 |

If the eligible area in a given Member State and in a given year exceeds the maximum national guaranteed area, the amount of the transitional soft fruit payment referred to in paragraph 3 shall be reduced proportionately to the overrun of the maximum national guaranteed area.

6 Articles 121 and 132 shall not apply to the transitional soft fruit payment.

Section 10

Premiums in the sheepmeat and goatmeat sector

Article 99

Scope

Where Article 52 is applied, Member States shall grant, on a yearly basis, premiums and supplementary premiums to farmers rearing sheep and goats under the conditions provided for in this Section, save as otherwise provided for in this Regulation.

Article 100

Definitions

For the purposes of this Section, the following definitions shall apply:

- (a) 'ewe' means any female of the ovine species having lambed at least once or at least one year old;
- (b) 'she-goat' means any female of the caprine species having kidded at least once or at least one year old.

Article 101

Ewe and goat premiums

1 A farmer keeping ewes on his holding may qualify, on application, for a premium for maintaining ewes ('ewe premium').

2 A farmer keeping she-goats on his holding may qualify, on application, for a premium for maintaining she-goats ('goat premium'). This premium shall be granted to farmers in specific areas where the production meets the following two criteria:

- a goat rearing is mainly directed towards the production of goatmeat;
- b goat and sheep rearing techniques are similar in nature.

A list of such areas shall be established in accordance with the procedure referred to in Article 141(2).

3 The ewe premium and the goat premium shall be granted in the form of an annual payment per eligible animal per calendar year and per farmer within the limits of individual ceilings. The minimum number of animals in respect of which an application for a premium is lodged shall be determined by the Member State. This minimum shall not be less than ten nor greater than 50.

4 The amount of the ewe premium shall be EUR 21 per ewe. However, for farmers marketing sheep's milk or products based on sheep's milk, the amount of the ewe premium shall be EUR 16,8 per ewe.

5 The amount of the goat premium shall be EUR 16,8 per she-goat.

Article 102

Supplementary premium

1 A supplementary premium shall be paid to farmers in areas where sheep and goat production constitutes a traditional activity or contributes significantly to the rural economy. These areas shall be defined by Member States. In any event, the supplementary premium shall only be granted to a farmer whose holding has at least 50 % of its area used for agriculture situated in less-favoured areas defined pursuant to Regulation (EC) No 1257/1999.

2 The supplementary premium shall also be granted to a farmer practising transhumance provided that:

- a at least 90 % of the animals for which the premium is applied are grazed for at least 90 consecutive days in an eligible area established in accordance with paragraph 1; and
- b the seat of the holding is situated in a well-defined geographical area for which it has been established by the Member State that transhumance is a traditional practice of sheep and/or goat rearing and that these animal movements are necessary owing to the absence of forage in sufficient quantity during the transhumance period.

3 The amount of the supplementary premium shall be set at EUR 7 per ewe and per she-goat. The supplementary premium shall be granted under the same conditions as those laid down for the grant of the ewe and goat premiums.

Article 103

Common rules on premiums

1 Premiums shall be paid to recipient farmers on the basis of the number of ewes and/or she-goats kept on their holding over a minimum period to be determined in accordance with the procedure referred to in Article 141(2).

2 To qualify for the premiums, an animal shall be identified and registered in accordance with Regulation (EC) No 21/2004.

Article 104

Individual limits

1 On 1 January 2009, the individual ceiling per farmer referred to in Article 101(3) shall be equal to the number of premium rights which he held on 31 December 2008 in accordance with the relevant Community rules.

2 Member States shall take the necessary measures to ensure that the sum of premium rights on their territory does not exceed the national ceilings set out in paragraph 4 and that the national reserve referred to in Article 106 may be maintained.

After the end of the period of application of the single area payment scheme in accordance with Article 122 and where Article 52 is applied, the allocation of the individual ceilings to producers and the setting up of the national reserve referred to in Article 106 shall take place no later than the end of the first year of the application of the single payment scheme.

Status: This is the original version (as it was originally adopted).

3 Premium rights which have been withdrawn under the measures taken pursuant to the first subparagraph of paragraph 2 shall be cancelled.

4 The following national ceilings shall apply:

| Member State | National ceiling |
|---------------------|-------------------------|
| Bulgaria | 2 058 483 |
| Czech Republic | 66 733 |
| Denmark | 104 000 |
| Estonia | 48 000 |
| Spain | 19 580 000 |
| France | 7 842 000 |
| Cyprus | 472 401 |
| Latvia | 18 437 |
| Lithuania | 17 304 |
| Hungary | 1 146 000 |
| Poland | 335 880 |
| Portugal | 2 690 000 |
| Romania | 5 880 620 |
| Slovenia | 84 909 |
| Slovakia | 305 756 |
| Finland | 80 000 |
| Total | 40 730 523 |

Article 105

Transfer of premium rights

1 When a farmer sells or otherwise transfers his holding, he may transfer all of his premium rights to the person who takes over the holding.

2 A farmer may also transfer, in whole or in part, his rights to other farmers without transferring his holding.

In the event of a transfer of rights without a transfer of the holding, part of the premium rights transferred, not exceeding 15 %, shall be surrendered, without any compensation, to the national reserve of the Member State where the holding is situated for redistribution free of charge.

Member States may acquire premium rights from farmers who agree, on a voluntary basis, to surrender their rights, in whole or in part. In this case, payments for the acquisition of such rights may be made to such farmers from the national budget.

Status: This is the original version (as it was originally adopted).

By way of derogation from paragraph 1 and in duly justified circumstances, Member States may provide that, in the event of a sale or other transfer of the holding, the transfer of rights is carried out via the national reserve.

3 Member States may take the necessary measures to avoid premium rights being transferred outside sensitive areas or regions where sheep production is particularly important for the local economy.

4 Before a date that they shall determine, Member States may authorise temporary transfers of that part of the premium rights which is not intended to be used by the farmer who holds them.

Article 106

National reserve

1 Each Member State shall maintain a national reserve of premium rights.

2 Any premium rights withdrawn pursuant to Article 105(2) or other Community provisions shall be added to the national reserve.

3 Member States may allocate premium rights to farmers within the limits of their national reserve. When making the allocation, they shall give precedence in particular to newcomers, young farmers or other priority farmers.

Article 107

Ceilings

The sum of the amounts of each premium claimed shall not exceed the limit of the ceiling determined by the Commission pursuant to Article 51(2).

When the total amount of aid claimed exceeds the fixed ceiling, the aid per farmer shall be reduced proportionately in that year.

Section 11

Beef and veal payments

Article 108

Scope

Where Article 53 is applied, Member States shall grant, under the conditions set out in this Section and save as otherwise provided for in this Regulation, the additional payment or payments chosen by the Member State concerned in accordance with that Article.

Article 109

Definitions

For the purposes of this Section, the following definitions shall apply:

- (a) 'region' means a Member State or a region within a Member State, at the option of the Member State concerned;
- (b) 'bull' means an uncastrated male bovine animal;
- (c) 'steer' means a castrated male bovine animal;
- (d) 'suckler' cow means a cow belonging to a meat breed or born of a cross with a meat breed, and belonging to a herd intended for rearing calves for meat production;
- (e) 'heifer' means a female bovine animal from the age of eight months which has not yet calved.

Article 110

Special premium

1 A farmer holding male bovine animals on his holding may qualify, on application, for a special premium. It shall be granted in the form of an annual premium per calendar year and per holding within the limits of the regional ceilings for not more than 90 animals for each of the age brackets referred to in paragraph 2.

For the purposes of this Article, 'regional ceiling' shall mean the number of animals entitled to benefit, in a region and per calendar year, from the special premium.

- 2 The special premium shall be granted no more than:
- a once in the life of each bull from the age of nine months; or
 - b twice in the life of each steer:
 - (i) the first time at the age of nine months;
 - (ii) the second time after it has reached the age of 21 months.
- 3 To qualify for the special premium:
- a any animal covered by an application shall be held by the farmer for fattening for a period to be determined in accordance with the procedure referred to in Article 141(2);
 - b each animal shall be covered until slaughter or until export by an animal passport referred to in Article 6 of Regulation (EC) No 1760/2000 containing all relevant information on its premium status or, if not available, by an equivalent administrative document.
- 4 Where in a given region the total number of bulls from the age of nine months and of steers from the age of nine months to 20 months, for which an application has been made and which satisfy the conditions for granting the special premium, exceeds the applicable regional ceiling determined in paragraph 8, the total number of eligible animals under paragraph 2(a) and (b) per farmer for the year concerned shall be reduced proportionately.

Status: This is the original version (as it was originally adopted).

5 By way of derogation from paragraphs 1 and 4, Member States may, on the basis of objective criteria that are part of a rural development policy and only on condition that they take into account environmental as well as employment aspects, change or waive the headage limit of 90 animals per holding and age bracket. In this case, Member States may decide to apply paragraph 4 in such a way as to reach the level of reductions required to comply with the applicable regional ceiling, without applying such reductions to small farmers who, in respect of the year concerned, did not submit special premium applications for more than a minimum number of animals determined by the Member State concerned.

6 Member States may decide to grant the special premium at the time of slaughter. In this case, the age criterion referred to in paragraph 2(a) for bulls shall be replaced by a minimum carcass weight of 185 kg.

The premium shall be paid or passed back to the farmers.

7 The amount of the special premium shall be set at:

- a EUR 210 per eligible bull;
- b EUR 150 per eligible steer and age bracket.

8 The following regional ceilings shall apply:

| Member State | Regional ceiling |
|---------------------|-------------------------|
| Bulgaria | 90 343 |
| Czech Republic | 244 349 |
| Denmark | 277 110 |
| Germany | 1 782 700 |
| Estonia | 18 800 |
| Cyprus | 12 000 |
| Latvia | 70 200 |
| Lithuania | 150 000 |
| Poland | 926 000 |
| Romania | 452 000 |
| Slovenia | 92 276 |
| Slovakia | 78 348 |
| Finland | 250 000 |
| Sweden | 250 000 |

Article 111

Suckler cow premium

1 A farmer keeping suckler cows on his holding may qualify, on application, for a premium for maintaining suckler cows ('suckler cow premium'). It shall be granted in the form of an annual premium per calendar year and per farmer within the limits of individual ceilings.

Status: This is the original version (as it was originally adopted).

- 2 The suckler cow premium shall be granted to any farmer:
- a not supplying milk or milk products from his farm for 12 months from the day on which the application is lodged.

The supply of milk or milk products directly from the holding to the consumer shall not, however, prevent the premium being granted;

- b supplying milk or milk products the total individual quota of which, as referred to in Article 67 of Regulation (EC) No 1234/2007, does not exceed 120 000 kg.

However, Member States may decide, on the basis of objective and non-discriminatory criteria which they determine, to change or waive the quantitative limit, provided that the farmer keeps, for at least six consecutive months from the day on which the application is lodged, a number of suckler cows not less than 60 % and of heifers not exceeding 40 % of the number for which the premium was requested.

For the purposes of determining the number of eligible animals under points (a) and (b) of the first subparagraph, whether cows belong to a suckler herd or to a dairy herd shall be established on the basis of the beneficiary's individual quota for milk available on the holding on 31 March of the calendar year concerned, expressed in tonnes and the average milk yield.

- 3 The farmers' entitlement to the premium shall be limited by the application of an individual ceiling as defined in Article 112.

- 4 The amount of the premium shall be set at EUR 200 per eligible animal.

- 5 Member States may grant an additional national suckler cow premium, up to a maximum of EUR 50 per animal, provided that no discrimination is caused between stockfarmers in the Member State concerned.

As regards holdings located in a region as defined in Articles 5 and 8 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund⁽²⁾, the first EUR 24,15 per animal of this additional premium shall be financed by the EAGF.

As regards holdings located throughout the territory of a Member State, if, in the Member State concerned, the cattle population has a high proportion of suckler cows, representing at least 30 % of the total number of cows, and if at least 30 % of the male bovine animals slaughtered belong to conformation classes S and E, the EAGF shall finance the additional premium in total. Any overshoot of these percentages shall be established on the basis of the average of the two years preceding that for which the premium is granted.

- 6 For the purposes of this Article, only heifers belonging to a meat breed or born of a cross with a meat breed and belonging to a herd intended for rearing calves for meat production shall be taken into account.

Article 112

Individual ceiling for suckler cow

- 1 Aid shall be granted to each farmer of suckler cows within the limit of the individual ceilings which have been established pursuant to Article 126(2) of Regulation (EC) No 1782/2003.

Status: This is the original version (as it was originally adopted).

2 Member States shall take the necessary measures to ensure that the sum of premium rights on their territory does not exceed the national ceilings set out in paragraph 5 and that the national reserve referred to in Article 114 may be maintained.

After the end of the period of application of the single area payment scheme in accordance with Article 122 and where Article 53(1) is applied, the allocation of the individual ceilings to producers and the setting up of the national reserve referred to in Article 114 shall take place no later than the end of the first year of application of the single payment scheme.

3 Where the adjustment referred to in paragraph 2 requires a reduction in the individual ceilings held by farmers, it shall be carried out without compensatory payment and decided on the basis of objective criteria, including, in particular:

- a the rate at which farmers have used their individual ceilings during the three reference years prior to 2000;
- b the implementation of an investment or extensification programme in the beef and veal sector;
- c particular natural circumstances or the application of penalties, resulting in non-payment or reduced payment of the premium for at least one reference year;
- d additional exceptional circumstances having the effect that the payments made for at least one reference year do not correspond to the actual situation as established during the previous years.

4 Premium rights which have been withdrawn under the measures taken pursuant to the first subparagraph of paragraph 2 shall be cancelled.

5 The following national ceilings shall apply:

| Member State | National ceiling |
|---------------------|-------------------------|
| Belgium | 394 253 |
| Bulgaria | 16 019 |
| Czech Republic | 90 300 |
| Estonia | 13 416 |
| Spain | 1 441 539 |
| France | 3 779 866 |
| Cyprus | 500 |
| Latvia | 19 368 |
| Lithuania | 47 232 |
| Hungary | 117 000 |
| Malta | 454 |
| Austria | 375 000 |
| Poland | 325 581 |
| Portugal | 458 941 |
| Romania | 150 000 |
| Slovenia | 86 384 |

| | |
|----------|--------|
| Slovakia | 28 080 |
|----------|--------|

Article 113

Transfer of suckler cow premium rights

1 When a farmer sells or otherwise transfers his holding, he may transfer all of his suckler cow premium rights to the person who takes over his holding.

2 The farmer referred to in paragraph 1 may also transfer, in whole or in part, his rights to other farmers without transferring his holding.

Where premium rights are transferred without a transfer of the holding, part of the rights transferred, not exceeding 15 %, shall be surrendered, without any compensation, to the national reserve of the Member State where the holding is situated for redistribution free of charge.

3 Member States:

- a shall take the necessary measures to prevent premium rights being transferred outside sensitive areas or regions where beef and veal production is particularly important for the local economy;
- b may provide either that the transfer of rights without transfer of the holding is carried out directly between farmers or that it is carried out via the national reserve.

4 Before a date that they shall determine, Member States may authorise temporary transfers of that part of the premium rights which is not intended to be used by the farmer who holds them.

Article 114

National reserve of suckler cow premium rights

1 Each Member State shall maintain a national reserve of suckler cow premium rights.

2 Any premium rights withdrawn pursuant to the second subparagraph of Article 113(2) or other Community provisions shall be added to the national reserve, without prejudice to Article 112(4).

3 The Member States shall use their national reserve for allocating, within the limits of those reserves, premium rights in particular to newcomers, young farmers and other priority farmers.

Article 115

Heifers

1 By way of derogation from Article 111(3) of this Regulation, Member States where more than 60 % of suckler cows and heifers are kept in mountain areas within the meaning of Article 50 of Regulation (EC) No 1698/2005 may decide to manage the granting of the suckler cow premium for heifers separately from that for suckler cows within the limits of a separate national ceiling to be set up by the Member State concerned.

Such a separate national ceiling shall not exceed 40 % of the national ceiling of the Member State concerned set out in Article 112(5). That national ceiling shall be reduced by an amount equal to the separate national ceiling. Where, in a Member State making use of the option provided for in this paragraph, the total number of heifers, for which an application has been made, and which satisfy the conditions for granting the suckler cow premium, exceeds the separate national ceiling, the number of eligible heifers per farmer for the year in question shall be reduced proportionately.

2 For the purpose of this Article, only heifers belonging to a meat breed or born of a cross with a meat breed shall be taken into account.

Article 116

Slaughter premium

1 A farmer keeping bovine animals on his holding may qualify, on application, for a slaughter premium. It shall be granted on the slaughter of eligible animals or their export to a third country and within national ceilings to be determined.

The following shall be eligible for the slaughter premium:

- a bulls, steers, cows and heifers from the age of eight months;
- b calves of more than one and less than eight months old and of a carcass weight up to 185 kg.

The animals listed in points (a) and (b) of the second subparagraph shall be eligible for the slaughter premium provided they have been held by the farmer for a period to be determined.

2 The amount of the premium shall be set at:

- a EUR 80 per eligible animal as specified in paragraph 1(a);
- b EUR 50 per eligible animal as specified in paragraph 1(b).

3 The national ceilings referred to in paragraph 1 shall be established per Member State and separately for both groups of animals as specified in (a) and (b) of that paragraph. Each ceiling shall be equal to the number of animals in each of these two groups which, in 1995, were slaughtered in the Member State concerned. The number of animals exported to third countries, according to Eurostat data or any other published official statistical information for that year accepted by the Commission, shall be added to each ceiling.

For the new Member States, the following national ceilings shall apply:

| | Bulls, steers, cows and heifers | Calves more than 1 and less than 8 months old and of a carcass weight up to 185 kg |
|----------------|--|---|
| Bulgaria | 22 191 | 101 542 |
| Czech Republic | 483 382 | 27 380 |
| Estonia | 107 813 | 30 000 |
| Cyprus | 21 000 | — |
| Latvia | 124 320 | 53 280 |

Status: This is the original version (as it was originally adopted).

| | | |
|-----------|-----------|---------|
| Lithuania | 367 484 | 244 200 |
| Hungary | 141 559 | 94 439 |
| Malta | 6 002 | 17 |
| Poland | 1 815 430 | 839 518 |
| Romania | 1 148 000 | 85 000 |
| Slovenia | 161 137 | 35 852 |
| Slovakia | 204 062 | 62 841 |

4 When, in a given Member State, the total number of animals for which an application has been made in respect of one of the two groups of animals specified in point (a) or (b) of paragraph 1 and which satisfy the conditions for granting the slaughter premium exceeds the national ceiling laid down for that group, the total number of eligible animals under that group per farmer for the year in question shall be reduced proportionately.

Article 117

Common rules on premiums

To qualify for the payments under this Section, an animal shall be identified and registered in accordance with Regulation (EC) No 1760/2000.

Nevertheless, an animal shall also be deemed eligible for the payments where the information laid down in the second indent of Article 7(1) of Regulation (EC) No 1760/2000 has been reported to the competent authority on the first day of the retention period of the animal as determined in accordance with the procedure referred to in Article 141(2) of this Regulation.

Article 118

Ceilings

The sum of the amounts of each payment claimed under this Section shall not exceed the ceiling determined by the Commission in accordance with Article 51(2).

Where the total amount of the payments claimed exceeds the ceiling determined, the payments per farmer shall be reduced proportionately in that year.

Article 119

Substances prohibited under Directive 96/22/EC

1 Where residues of substances prohibited under Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists⁽³⁾, or residues of substances authorised under that Directive but used illegally, are detected pursuant to the relevant provisions of Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products⁽⁴⁾ in an animal belonging to the bovine herd of a farmer, or where a non-authorised substance or product or a substance or product authorised

Status: This is the original version (as it was originally adopted).

under Directive 96/22/EC but held illegally is found on the farmer's holding in any form, the farmer shall be excluded, for the calendar year of that discovery, from receiving the amounts provided for in this Section.

In the event of a repeated infringement, the length of the exclusion period may, according to the seriousness of the offence, be extended to five years as from the year in which the repeated infringement was discovered.

2 If the owner or holder of the animals obstructs the carrying out of the inspections and the taking of samples which are necessary for the application of national residue-monitoring plans or the carrying out of the investigations and checks provided for in Directive 96/23/EC, the penalties provided for in paragraph 1 of this Article shall apply.

CHAPTER 2

National aids

Article 120

National aid for nuts

1 From 2012 or where in application of Article 67 the area payment for nuts provided for in Section 4 of Chapter 1 of this Title is integrated into the single payment scheme, Member States may grant national aid, up to a maximum of EUR 120,75 per hectare per year, to farmers producing the following products:

- a almonds falling within CN codes 0802 11 and 0802 12;
- b hazelnuts or filberts falling within CN codes 0802 21 and 0802 22;
- c walnuts falling within CN codes 0802 31 and 0802 32;
- d pistachios falling within CN codes 0802 50;
- e locust beans falling within CN codes 1212 10 10.

2 The national aid may be paid only for a maximum area of:

| Member State | Maximum area(ha) |
|---------------------|-------------------------|
| Belgium | 100 |
| Bulgaria | 11 984 |
| Germany | 1 500 |
| Greece | 41 100 |
| Spain | 568 200 |
| France | 17 300 |
| Italy | 130 100 |
| Cyprus | 5 100 |
| Luxembourg | 100 |
| Hungary | 2 900 |
| Netherlands | 100 |

Status: This is the original version (as it was originally adopted).

| | |
|----------------|--------|
| Poland | 4 200 |
| Portugal | 41 300 |
| Romania | 1 645 |
| Slovenia | 300 |
| Slovakia | 3 100 |
| United Kingdom | 100 |

3 Member States may make the granting of national aid conditional on farmers being members of a producer organisation recognised under Article 125b of Regulation (EC) No 1234/2007.

Status: This is the original version (as it was originally adopted).

- (1) OJ L 58, 28.2.2006, p. 1.
- (2) OJ L 210, 31.7.2006, p. 25.
- (3) OJ L 125, 23.5.1996, p. 3.
- (4) OJ L 125, 23.5.1996, p. 10.