

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amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (repealed)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 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).

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

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.

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:

<b>Member State</b>	<b>National ceiling</b>
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.

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.