

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2529/2001 (repealed). (See end of Document for details)

Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat (repealed)

Article 1

The common organisation of the market in sheepmeat and goatmeat shall comprise an internal market system and trading system and cover the following products:

	CN code	Description
(a)	0104 10 30	Lambs (up to one year old)
	0104 10 80	Live sheep other than pure-bred breeding animals and lambs
	0104 20 90	Live goats other than pure-bred breeding animals
	0204	Meat of sheep or goats, fresh, chilled or frozen
	0210 99 21	Meat of sheep and goats, with bone in, salted, in brine, dried or smoked
	0210 99 29	Meat of sheep and goats, boneless, salted, in brine, dried or smoked
(b)	0104 10 10	Live sheep — pure-bred breeding animals
	0104 20 10	Live goats — pure-bred breeding animals
	0206 80 99	Edible offal of sheep and goats, fresh or chilled, other than for the manufacture of pharmaceutical products
	0206 90 99	Edible offal of sheep and goats, frozen, other than for the manufacture of pharmaceutical products
	0210 99 60	Edible offal of sheep and goats, salted, in brine, dried or smoked
	ex 1502 00 90	Fats of sheep or goats, other than those of 1503
(c)	1602 90 72 1602 90 74	Other prepared or preserved meat or offal of sheep or goats, uncooked;

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		mixtures of cooked and uncooked meat or offal
(d)	1602 90 76 1602 90 78	Other prepared or preserved meat or offal of sheep or goats, other than uncooked or mixtures

TITLE I

INTERNAL MARKET

Article 2

In order to encourage action by trade and joint trade organisations to facilitate the adjustment of supply to market requirements, the following Community measures may be taken in respect of the products listed in Article 1:

- (a) measures to improve sheep and goat farming;
- (b) measures to promote better organisation of production, processing and marketing;
- (c) measures to improve quality;
- (d) measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used;
- (e) measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 37(2) of the Treaty.

CHAPTER I

DIRECT PAYMENTS

Article 3

For the purposes of this Title the following definitions shall apply:

- (a) 'producer' shall mean an individual farmer, whether a natural or a legal person or group of natural or legal persons, irrespective of the legal status conferred by national law on such a group or its members, whose holding is located in Community territory and who is engaged in rearing ovine or caprine animals;
- (b) 'holding' shall mean all production units managed by the producer and located within the territory of a single Member State;
- (c) 'ewe' shall mean any female of the ovine species having lambed at least once or aged at least one year;
- (d) 'she-goat' shall mean any female of the caprine species having kidded at least once or aged at least one year.

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Section 1

Ewe and goat premium

Article 4

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

2 A producer 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 producers in specific areas where the production meets the following two criteria:

1. goat rearing is mainly directed towards the production of goatmeat;
2. goat and sheep rearing techniques are similar in nature.

A list of such areas shall be established following the procedure referred to in Article 25(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 producer 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 10 or greater than 50.

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

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

6 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Section 2

Supplementary premium

Article 5

1 A supplementary premium shall be paid to producers in areas where sheep and goat production constitutes a traditional activity or contributes significantly to the rural economy. Member States shall define these areas. In any event the supplementary premium shall only be granted to a producer 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 producer 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.

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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 premium.

4 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Section 3

Common provisions

Article 6

1 Premiums shall be paid to recipient producers 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 25(2).

Payments shall be made as soon as the inspections provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽¹⁾ are carried out but not earlier than 16 October of the calendar year in respect of which they are applied for, and not later than 31 March of the following calendar year.

2 Once a Regulation providing for new rules on the identification and registration of sheep and goats becomes applicable, to qualify for the premium an animal shall be identified and registered in accordance with these rules.

Article 7

The amounts of the premiums may be changed in the light of developments in production, productivity and the markets, in accordance with the procedure laid down in Article 37(2) of the Treaty.

Section 4

Individual limits

Article 8

1 On 1 January 2002 the individual ceiling per producer, subject to paragraphs 2 and 3, shall be equal to the number of premium rights which he held on 31 December 2001 in accordance with the relevant Community rules.

[^{F12} Member States shall take the necessary measures to ensure that, from 1 January 2002, the sum of premium rights on their territory does not exceed the national ceilings set out in Annex I and that the national reserves referred to in Article 10 may be maintained. The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall allocate individual ceilings to producers and shall set up the national reserves from the overall number of rights to the premium reserved for each of these Member States as set out in Annex I, no later than one year after the date of accession.]

3 Where the measures taken pursuant to paragraph 2 necessitate a reduction of individual ceilings held by producers, that reduction shall be carried out without compensatory payment and decided on the basis of objective criteria.

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Those criteria shall include:

- a the rate at which producers have used their individual ceilings during the three reference years prior to the year 2001;
- b particular natural circumstances or the application of penalties, resulting in a non-payment or a reduced payment of the premium for at least one reference year;
- c 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 pursuant to the measure taken pursuant to paragraph 2 shall be abolished.

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Textual Amendments

- F1** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded](#).

Article 9

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

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

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

Member States may acquire premium rights from producers 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 producers either from national budgets or as provided for under Article 11(2), fifth indent.

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

3 Member States may take the necessary measures to avoid premium rights being moved away from sensitive zones or regions where sheep production is especially important for the local economy.

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

5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

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These detailed rules may concern in particular:

- a provisions enabling Member States to resolve specific problems linked to the transfer of premium rights by producers who do not own the areas on which their holdings are situated, and
- b specific rules relating to the minimum number, which may form the subject of a partial transfer.

Article 10

- 1 Each Member State shall maintain a national reserve of premium rights.
- 2 Any premium rights withdrawn pursuant to Article 9(2) or other Community provisions shall be added to the national reserve.
- 3 Member States may allocate premium rights to producers, within the limits of their national reserves. When making the allocation they shall give precedence in particular to newcomers, young farmers or other priority producers.
- 4 Detailed rules for the application of this Article, in particular, rules concerning the withdrawal and reallocation of unused premium rights, shall be laid down in accordance with the procedure referred to in Article 25(2).

CHAPTER II

ADDITIONAL PAYMENTS

Article 11

- 1 Member States shall, on a yearly basis, make additional payments totalling the global amounts set out in Annex II.

Member States may decide to supplement the global amounts set out in Annex II by reducing the amounts of the payments referred to in Article 4. The reduction in the amounts, which may be applied on a regional basis, shall not exceed one euro.

The payments shall be made, on a yearly basis, according to objective criteria including, in particular, the relevant production structures and conditions, and in such a way as to ensure equal treatment between producers and to avoid market and competition distortions. Payments shall be made within the time limit provided for in Article 6. Moreover, such payments shall not be linked to fluctuations of market prices. They may be made on a regional basis.

- 2 Payments may include, in particular, the following:
 - payments to producers engaged in specific types of production, in particular related to quality, which are important for the local economy or the protection of the environment;
 - an increase in the premium set out in Article 4. The additional amounts may be subject to the application of stocking density requirements, to be determined by the Member State according to local conditions;
 - support for restructuring of producers' holdings or the development of producers' organisations;
 - area payments to producers, to be granted per hectare of forage area, which is available to a producer during the calendar year concerned and in respect of which no payments are claimed for the same year under the support system for producers of certain arable

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- crops, under the aid system for dried fodder and under Community aid schemes for other permanent or horticultural crops;
 - payments to producers who surrender their rights on a voluntary basis pursuant to Article 9(2);
 - support for the improvement and rationalisation of processing and marketing of sheep and goatmeat.
- 3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

f^{F2}Article 11a

The global amounts referred to in Article 11(1) shall be applied in accordance with the schedule of increments as set out in Article 1a of Council Regulation (EC) No 1259/1999.]

Textual Amendments

- F2** Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

CHAPTER III

PRIVATE STORAGE

Article 12

- 1 The Commission may decide to grant private storage aid when there is a particularly difficult market situation in one or more quotation areas. Quotation area shall mean:
- a Great Britain;
 - b Northern Ireland;
 - c every other Member State taken separately.

The aid shall be introduced in the framework of a tendering procedure.

However, it may be decided to grant aid in the framework of an advance fixing procedure where urgent recourse to private storage proves necessary.

- 2 Detailed rules for the application of this Article shall be adopted and the granting of aids for private storage shall be decided in accordance with the procedure referred to in Article 25(2).

TITLE II

TRADE WITH THIRD COUNTRIES

Article 13

- 1 Imports into the Community, or exports therefrom, of any of the products listed in Article 1 may be subject to presentation of an import or export licence.

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Import and export licences shall be valid throughout the Community.

Licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to measures taken for the application of Article 16.

The issuing of such licences may be subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence; except in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is carried out only partially, within that period.

2 The list of products for which export licences are required, the term of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 14

The rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

Article 15

1 In order to prevent or counteract adverse effects on the market in the Community which may result from imports of certain products listed in Article 1, imports of one or more of such products at the rate of duty laid down in the Common Customs Tariff shall be subject to payment of an additional import duty if the conditions to be determined by the Commission pursuant to paragraph 4, are fulfilled, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2 Imports made at a price below the level notified by the Community to the World Trade Organisation ('trigger price') may be subject to an additional import duty.

If the volume of imports in any year in which the adverse effects referred to in paragraph 1 arise or are likely to arise exceeds a level based on market access opportunities defined as imports as a percentage of the corresponding domestic consumption during the three previous years ('trigger volume'), an additional import duty may be imposed.

3 The import prices to be taken into consideration for imposing an additional import duty pursuant to paragraph 2, first subparagraph, shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked to that end against the representative prices for the product on the world market or on the Community import market for that product.

4 The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 25(2). Such rules shall specify in particular the products to which additional import duties may be applied.

Article 16

1 Tariff quotas for the products listed in Article 1 resulting from agreements concluded in accordance with Article 300 of the Treaty or from any other act of the Council shall be opened and administered in accordance with detailed rules adopted under the procedure laid down in Article 25(2).

2 Quotas shall be administered by applying one of the following methods or a combination of them:

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- a method based on chronological order of the lodgement of applications ('first-come, first served' principle);
- b method of distribution in proportion to the quantities requested when the applications were lodged (using the 'simultaneous examination method');
- c method based on taking traditional trade patterns into account (using the 'traditional/new arrival method').

Other appropriate methods may be adopted. They must avoid any discrimination between the operators concerned.

3 The methods of administration adopted shall, where appropriate, give due weight to the supply requirements of the Community market and the need to safeguard the equilibrium of that market.

- 4 The detailed rules referred to in paragraph 1 shall:
- a provide for annual quotas, suitably phased over the year, if necessary;
 - b determine the administrative method to be used;
 - c include, where appropriate, guarantees covering the nature, provenance and origin of the product and, where appropriate, the maintenance of traditional trade patterns;
 - d provide for recognition of the document used for verifying the guarantees referred to in (c); and
 - e establish the conditions under which import licences are issued and their term of validity.

Article 17

1 To the extent necessary for the proper working of the common organisation of the market in the products referred to in Article 1 of this Regulation, the Council, acting in accordance with the voting procedure laid down in Article 37(2) of the Treaty on a proposal from the Commission, may, in special cases, prohibit in whole or in part the use of inward processing arrangements in respect of products referred to in the said Article 1.

2 By way of derogation from paragraph 1, if the situation referred to in paragraph 1 arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward or outward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.

3 Measures decided on by the Commission may be referred to the Council by any Member State within a week of the day on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission decision.

If the Council has not acted within three months, the Commission decision shall be deemed to have been repealed.

Article 18

1 The general rules for the interpretation of the Combined Nomenclature and the detailed rules for its application shall apply to the tariff classification of products referred to in Article 1. The tariff nomenclature resulting from the application of this Regulation shall be incorporated into the Common Custom Tariff.

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2 Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

- a the levying of any charge having equivalent effect to a customs duty;
- b the application of any quantitative restriction or measure having equivalent effect.

Article 19

1 If, by reason of an increase in imports or exports, the Community market in one or more of the products referred to in Article 1 of this Regulation is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority, on a proposal from the Commission, shall adopt general rules for the application of this paragraph and shall define the circumstances and limits within which Member States may adopt protective measures.

2 If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. It shall notify the Member States of those measures, which shall apply immediately. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3 Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

4 This Article shall be applied having regard to the Community's obligations, including its international obligations.

TITLE III

GENERAL PROVISIONS

Article 20

Member States shall record prices of ovine animals and of meat of ovine animals on the basis of rules to be established by the Commission in accordance with the procedure referred to in Article 25(2).

Article 21

1 When a substantial rise or fall in prices is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken in accordance with the procedure referred to in Article 25(2).

2 Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure referred to in Article 25(2).

Article 22

In order to take account of any restrictions on free movement which might result from the application of measures to prevent the spread of animal diseases, exceptional measures to support any market affected by such restrictions may be taken under the

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procedure referred to in Article 25(2), but only to the extent that and for such period as is strictly necessary for the support of that market.

Article 23

Save as otherwise provided in this Regulation, Articles 87, 88 and 89 of the Treaty shall apply to the production of, and trade in, the products referred to in Article 1 of this Regulation.

Article 24

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

Rules for the communication and distribution of such information shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 25

1 The Commission shall be assisted by the Management Committee for Sheep and Goats composed of representatives of the Member States and chaired by the representative of the Commission.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 The Committee shall adopt its rules of procedure.

Article 26

Measures which are both necessary and duly justified to resolve, in an emergency, practical and specific problems shall be adopted in accordance with the procedure referred to in Article 25(2).

Such measures may derogate from certain parts of this Regulation, but only to the extent that, and for such a period, as is strictly necessary.

Article 27

Regulation (EC) No 1258/1999 and the provisions adopted in implementation thereof shall apply to the expenditure incurred by the Member States in carrying out obligations under this Regulation.

Article 28

By 31 December 2005 at the latest, the Commission shall report to the European Parliament and the Council on the environmental consequences of sheep and goat farming in certain regions of the Community as well as on the impact of the premium regime and on the functioning of the additional payments system, taking into account the consequences of the improvement in the identification and registration of sheep and goat. If appropriate the report shall be accompanied by proposals. The report shall take account in particular of reports made by Member States on the implementation of measures provided for under Article 3 of Regulation (EC) No 1259/1999.

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Article 29

Regulations (EEC) No 2644/80, (EEC) No 3901/89, (EEC) No 1323/90, (EEC) No 3493/90, (EEC) No 338/91, and (EC) No 2467/98 are hereby repealed.

References to the repealed Regulations shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex III.

Article 30

The measures required to facilitate the transition from the arrangements provided for in the Regulations referred to in Article 29 to those established by this Regulation shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 31

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

2 It shall apply as from 1 January 2002.

3 Regulations (EEC) No 2644/80, (EEC) No 3901/89, (EEC) No 1323/90, (EEC) No 3493/90, (EEC) No 338/91, and (EC) No 2467/98 shall continue to apply in relation to the 2001 marketing year.

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

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- (1) [OJ L 355, 5.12.1992, p. 1](#). Regulation as last amended by Regulation (EC) No 495/2001 ([OJ L 72, 14.3.2001, p. 6](#)).

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