

Commission Regulation (EC) No 1121/2009 of 29 October 2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof (repealed)

TITLE II

SPECIFIC RULES CONCERNING TITLE IV OF REGULATION (EC) No 73/2009

CHAPTER 10

Beef and veal payments

Section 1

Special premium

Article 50

Applications

1 In addition to the requirements under the integrated system, each application for direct payments as referred to in Article 19 of Regulation (EC) No 73/2009 as regards the special premium provided for in this Chapter shall contain:

- a the breakdown of the number of animals by age bracket;
- b a reference to the passports or administrative documents accompanying the animals which are the subject of the application.

2 Applications may only be submitted in respect of animals which on the date of commencement of the retention period referred to in Article 53 are:

- a in the case of bulls, not less than 7 months old;
- b in the case of steers:
 - (i) not less than 7 months nor more than 19 months old in the case of the first age bracket;
 - (ii) at least 20 months old in the case of the second age bracket.

Article 51

Grant of premium

Animals which have not qualified for the special premium on account of the application of the proportional reduction provided for in Article 110(4) of Regulation (EC) No 73/2009 may no longer be the subject of an application for the same age bracket and shall be considered to have been the subject of payment of the premium.

Article 52

Passports and administrative documents

1 The competent authorities of the Member State shall ensure that passports referred to in Article 6 of Regulation (EC) No 1760/2000 or equivalent national administrative documents referred to in Article 110(3)(b) of Regulation (EC) No 73/2009 guarantee that only one premium is granted per animal and per age bracket.

Member States shall assist one another, as necessary, to this end.

2 Member States may provide that the national administrative document referred to in paragraph 1 shall take the form of:

- a a document accompanying each individual animal;
- b a comprehensive list, held by the farmer, containing all the information required for the administrative document, on condition that the animals concerned remain, from the date on which the first application is made, with the same farmer until they are placed on the market for the purpose of being slaughtered;
- c a comprehensive list, held by the central authorities, containing all the information required for the administrative document, on condition that the Member State or region of a Member State availing itself of this possibility carries out on-the-spot checks on all the animals covered by an application, checks the movements of those animals and makes a distinctive mark on each animal checked which the farmers shall be required to permit;
- d a comprehensive list, held by the central authorities, containing all the information required for the administrative document, on condition that the Member State takes the measures necessary to ensure that the premium is not granted twice for the same age bracket and provides information as to the premium status of each animal immediately upon request.

3 Member States which decide to avail themselves of one or more of the possibilities provided for in paragraph 2 shall notify the Commission thereof in due time and forward to it the relevant implementing provisions.

Article 53

Retention period

The duration of the retention period referred to in Article 110(3)(a) of Regulation (EC) No 73/2009 shall be 2 months, starting on the day following that on which the application is submitted.

However, Member States may provide that other starting dates may be set by the farmer on condition that they do not begin more than 2 months following the day on which the application is submitted.

Article 54

Regional ceiling

1 Where the application of the proportional reduction provided for in Article 110(4) of Regulation (EC) No 73/2009 gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the premium. For this purpose, account shall be taken of the first decimal place only.

2 Where Member States decide to introduce different regions within the meaning of Article 109(a) of Regulation (EC) No 73/2009, or to modify the existing regions within their territory, they shall inform the Commission of their decision before 1 January of the year concerned, giving a definition of the region and the ceiling set. Any subsequent modification shall be notified to the Commission before 1 January of the year concerned.

Article 55

Limits on the number of animals per holding

1 Where Member States decide to amend the limit of 90 heads of cattle per holding and per age bracket referred to in Article 110(1) of Regulation (EC) No 73/2009, or to derogate from it, they shall inform the Commission before 1 January of the calendar year concerned.

Where, moreover, Member States fix a minimum number of animals per holding, below which the proportional reduction will not be applied, they shall inform the Commission before 1 January of the calendar year concerned.

2 Any subsequent amendment in the application of paragraph 1 shall be notified to the Commission before 1 January of the year concerned.

Article 56

Granting of the premium at the time of slaughter

1 Member States may grant the special premium at the time of slaughter as follows:

- a in the case of bulls, for the single age bracket;
- b in the case of steers, for the first or second age bracket or by combining the granting of the premiums for the two age brackets.

2 Member States which decide to grant the special premium at the time of slaughter in accordance with paragraph 1 shall provide that the premium is also to be granted when eligible animals are being dispatched to another Member State or being exported to a third country.

3 Where Member States decide to grant the special premium at the time of slaughter in accordance with paragraph 1 of this Article, this Section and Article 77 and Article 78(1) and (2) shall apply *mutatis mutandis* to the grant of the premium.

4 In addition to the information referred to in Article 78(1), aid applications shall indicate whether the animal is a bull or a steer, and shall be accompanied by a document containing the details required for the purposes of Article 52. That document shall be one of the following, at the choice of the Member State:

- a the passport or a copy of the passport where the type used consists of several copies;

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- b a copy of the passport where the type of passport used consists of one copy only which must be returned to the competent authority referred to in Article 6 of Regulation (EC) No 1760/2000; in that case the Member State shall take steps to ensure that the information contained in the copy corresponds to the original;
- c the national administrative document where the passport is not available, under the conditions laid down in Article 6 of Regulation (EC) No 1760/2000.

Member States may suspend the application of the national administrative document. In that case they shall take the measures necessary to ensure that the premium is not granted twice for the same age bracket for animals which have been the subject of intra-Community trade.

Where the computerised databases as provided for in Article 3(b) of Regulation (EC) No 1760/2000 contain, to the satisfaction of the Member State, the information necessary to ensure that one premium only is granted for each animal and each age bracket, the aid application need not be accompanied by the document referred to in the first subparagraph of this paragraph.

By way of derogation from the first subparagraph of this paragraph, where Member States apply the option referred to in the first subparagraph of Article 78(2), they shall take the measures necessary to ensure that the farmer can determine the animals for which he is requesting a special premium.

5 In the case of bulls, proof of slaughter shall specify the carcase weight.

6 Where the animal is dispatched, proof of dispatch shall be provided by means of a statement by the consignor indicating the Member State of destination of the animal.

In that case, aid applications shall include:

- a the name and address of the consignor (or an equivalent code);
- b the identity number of the animal;
- c a statement that the animal is not less than 9 months old.

Aid applications shall be submitted before the animal leaves the territory of the Member State concerned and proof of dispatch shall be submitted within 3 months from the date of the animals leaving the territory of the Member State concerned.

Article 57

Details of the grant system

1 In case of the application of Article 56 and by way of derogation from Article 53, the premium shall be paid to farmers who have kept animals for a minimum retention period of 2 months ending less than 1 month before the date of slaughter or consignment or ending less than 2 months before the date of export.

In the case of steers, payment of the premium shall be subject to the following rules:

- a the premium in respect of the first age bracket shall be paid only if the farmer has kept the animal for a period of not less than 2 months between the time when the animal was not less than 7 months old and the time when it was less than 22 months old;
- b the premium in respect of the second age bracket may be paid only if the farmer has kept the animal aged not less than 20 months for a period of not less than 2 months;
- c the premiums in respect of the two age brackets may be paid together only if the farmer has kept the animal for not less than 4 consecutive months in compliance with the age requirements laid down in points (a) and (b);

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d the premium in respect of the second age bracket only may be paid if the animal was dispatched from another Member State when it had reached 19 months.

2 The carcase weight shall be established on the basis of a carcase within the meaning of Article 2 of Council Regulation (EC) No 1183/2006⁽¹⁾.

Where the carcase presentation differs from that definition, the corrective factors set out in Annex III to Commission Regulation (EC) No 1249/2008⁽²⁾ shall apply.

Where slaughter takes place in a slaughterhouse which is not subject to the application of the Community grading scale for carcasses of adult bovine animals, Member States may permit the weight to be established on the basis of the live weight of the slaughtered animal. In such cases the carcase weight shall be considered to be equal to or greater than 185 kilograms if the live weight of the slaughtered animal was equal to or greater than 340 kilograms.

Article 58

Notification

Member States shall notify the Commission before the start of the calendar year concerned of their decision, or any amendments thereto, concerning the application of Article 56 and the relevant procedures.

Section 2

Suckler cow premium

Article 59

Cows belonging to a meat breed

For the purposes of Article 109(d) and Article 115(2) of Regulation (EC) No 73/2009, cows belonging to the bovine breeds listed in Annex IV to this Regulation shall not be considered to be cows belonging to a meat breed.

Article 60

Maximum individual quota

1 Where Member States decide to change the maximum individual quota of 120 000 kilograms referred to in Article 111(2)(b) of Regulation (EC) No 73/2009 or to derogate from it, they shall inform the Commission before 1 January of the calendar year concerned.

2 Any subsequent change in the application of paragraph 1 shall be notified to the Commission by 31 December of the year concerned.

Article 61

Retention period

The 6-month retention period provided for in the second subparagraph of Article 111(2) of Regulation (EC) No 73/2009 shall start on the day following that on which the application is submitted.

Article 62

Applications

1 Without prejudice to the requirements under the integrated system, where the application for direct payments provided for in Article 19 of Regulation (EC) No 73/2009 includes an application for the premium to be granted pursuant to Article 111(2)(b) of Regulation (EC) No 73/2009, it shall contain:

- a a statement setting out the individual milk quota available to the producer on 31 March preceding the beginning of the 12-month period of application of the surplus levy scheme starting in the calendar year concerned; where this quantity is unknown on the date on which the application is submitted, it shall be notified to the competent authority at the earliest opportunity;
- b an undertaking by the farmer not to increase his individual quota above the quantitative limit laid down in Article 111(2)(b) of Regulation (EC) No 73/2009 during the 12-month period starting on the date on which the application is submitted.

Point (b) shall not apply if the Member State has abolished the quantitative limit.

2 Applications for suckler cow premium shall be submitted within an overall period of 6 months during a calendar year, to be determined by the Member State.

Member States may provide for separate periods or dates for submitting applications within that overall period and the number of applications that farmers may submit for the premium and per calendar year.

Article 63

Average milk yield

The average milk yield shall be calculated on the basis of the average yields set out in Annex V. However, for that calculation, Member States may use a document recognised by them certifying the farmer's dairy herd's average yield.

Article 64

Additional national premium

1 An additional national suckler cow premium as provided for in Article 111(5) of Regulation (EC) No 73/2009 may be granted only to a farmer who, in respect of the same calendar year, receives the suckler cow premium.

The additional national suckler cow premium shall be granted only within the limit of the number of animals qualifying for the suckler cow premium, if appropriate after application of the proportional reduction laid down in the second subparagraph of Article 115(1) of Regulation (EC) No 73/2009.

2 Member States may lay down additional conditions for the grant of the additional national suckler cow premium. They shall inform the Commission thereof in good time before those conditions are brought into effect.

3 The Commission shall decide by 31 August at the latest of each calendar year which Member States fulfil the conditions laid down in the third subparagraph of Article 111(5) of Regulation (EC) No 73/2009.

Article 65

Individual ceiling

Member States shall determine an individual ceiling per farmer in accordance with Article 112(1) of Regulation (EC) No 73/2009.

Article 66

Notification

1 Member States shall notify the Commission by 31 December each year:

- a of any change to the reduction referred to in the second subparagraph of Article 113(2) of Regulation (EC) No 73/2009;
- b where applicable, of any amendments to the measures taken pursuant to Article 113(3) (a) of that Regulation.

2 The Member States shall notify the Commission by electronic means using the form made available to them by the Commission the following information by 31 July at the latest for each calendar year:

- a the number of premium rights returned without compensatory payment to the national reserve following transfers of rights without transfers of holdings during the preceding calendar year;
- b the number of unused premium rights as referred to in Article 69(2) transferred to the national reserve during the preceding calendar year;
- c the number of rights granted under Article 114(3) of Regulation (EC) No 73/2009 during the preceding calendar year.

Article 67

Rights obtained free of charge

Except in duly justified exceptional cases, where a farmer has obtained premium rights free of charge from the national reserve he shall not be authorised to transfer and/or temporarily lease his rights during the three following calendar years

Article 68

Use of rights

1 A farmer holding rights may make use of them by availing himself of those rights and/or leasing those rights to another producer.

2 Where a farmer has not made use of at least the minimum percentage of his rights, fixed in accordance with paragraph 4, during each calendar year, the part not used shall be transferred to the national reserve, except:

- a in the case of a farmer holding a maximum of seven premium rights, where this farmer has not made use of the minimum percentage of his rights, fixed in accordance with paragraph 4, during each of two consecutive calendar years, the part not used during the last calendar year shall be transferred to the national reserve;
- b in the case of a farmer participating in an extensification programme recognised by the Commission;
- c in the case of a farmer participating in an early retirement scheme recognised by the Commission in which the transfer and/or temporary leasing of rights is not obligatory; or
- d in exceptional and duly justified cases.

3 Temporary leasing shall be only in respect of whole calendar years and shall involve at least the minimum number of animals provided for in Article 69(1). At the end of each period of temporary leasing, which may not exceed three consecutive years, a farmer shall, except in the event of a transfer of rights, recover all his rights for himself, for at least two consecutive calendar years. If the farmer does not avail himself of at least the minimum percentage of his rights, fixed in accordance with paragraph 4, during each of the 2 years, the Member State shall, except in exceptional and duly justified cases, withdraw and return annually to the national reserve that part of the rights not used by the farmer.

However, in the case of farmers participating in early retirement schemes recognised by the Commission, Member States may provide for the total duration of the temporary leasing on the basis of such schemes to be increased.

Farmers who have undertaken to participate in an extensification programme in accordance with the measure referred to in Article 2(1)(c) of Regulation (EEC) No 2078/92 or in an extensification programme in accordance with Articles 22 and 23 of Regulation (EC) No 1257/1999 or in an extensification programme in accordance with Article 39 of Regulation (EC) No 1698/2005 shall not be authorised to temporarily lease and/or to transfer their rights throughout the period of that participation. However, this subparagraph shall not apply in cases where the programme permits the transfer and/or temporary leasing of rights to farmers whose participation in the measures other than those referred to in this subparagraph requires the acquisition of rights.

4 The minimum percentage of use of rights to the premium shall be 70 %. However, the Member States may raise this percentage up to 100 %.

The Member States shall inform the Commission in advance of the percentage that they intend to apply or of any change of this one.

Article 69

Transfer of rights and temporary leasing

1 Member States may lay down, on the basis of their production structures, a minimum number of premium rights which may be the subject of a partial transfer not involving the transfer of a holding. This minimum may not exceed five premium rights.

2 Transfers of premium rights and temporary leasing of such rights shall be effective only after they have been notified jointly to the competent authorities of the Member State by the farmer transferring and/or leasing the rights and by the farmer receiving the rights.

Such notification shall take place within a deadline set by the Member State and not later than the date on which the farmer receiving the rights submits his premium application, except in those cases where the transfer of rights takes effect through an inheritance. In that case, the farmer who receives the rights shall be in a position to furnish appropriate legal documents to prove that he or she is the beneficiary of the deceased farmer.

Article 70

Change of individual ceiling

In the case of transfers or temporary leasing of premium rights, Member States shall set the new individual ceiling and shall notify the farmers concerned of the number of premium rights to which they are entitled not later than 60 days from the last day of the period during which the farmer submitted his application.

The first paragraph shall not apply in the case where the transfer takes effect through an inheritance.

Article 71

Farmers who do not own the land that they farm

Farmers farming only public land or collectively owned land who decide to discontinue the farming of such land and to transfer all their rights to another farmer shall be treated in the same way as farmers selling or transferring their holdings. In all other cases such farmers shall be treated in the same way as farmers transferring their premium rights only.

Article 72

Transfer through the national reserve

Where Member States provide that the transfer of rights without transfer of the holding is to take place through the national reserve in accordance with Article 113(3)(b) of Regulation (EC) No 73/2009, they shall apply national provisions analogous to those set out in Articles 69 to 71. In addition, in this event:

- Member States may provide that temporary leasing is to take place through the national reserve,

- when premium rights are transferred, or temporarily leased in cases where the first indent is applied, transfers to the reserve shall be effective only after they have been notified by the competent authorities of the Member State to the farmer transferring and/or leasing the rights, and transfers from the reserve to another farmer shall be effective only after they have been notified to that farmer by these authorities.

In addition, such provisions must ensure that a payment will be made by the Member State for that part of the rights other than the part referred to in the second subparagraph of Article 113(2) of Regulation (EC) No 73/2009 corresponding to that which would have resulted from a direct transfer between farmers, account being taken in particular of the trend of production in the Member State concerned. This payment shall be equal to the payment which will be claimed from farmers receiving equivalent rights from the national reserve.

Article 73

Partial rights

- 1 Where calculations to be made pursuant to Articles 65 to 72 produce numbers which are not whole numbers, only the first decimal place shall be taken into account.
- 2 Where application of the provisions of this Section results in partial premium rights, either for farmers or the national reserve, these partial rights shall be added up.
- 3 Where a farmer holds a partial right, this partial right shall only confer entitlement to the corresponding fraction of the unit amount of the premium and, where applicable, of the additional national premium referred to in Article 64.

Article 74

Special scheme for heifers

- 1 Member States wishing to make use of the possibility provided for in Article 115(1) of Regulation (EC) No 73/2009 shall inform the Commission thereof and, at the same time, notify the Commission of the relevant data allowing establishing whether the conditions laid down in Article 115(1) of that Regulation are met.

Member States concerned shall also, where applicable, communicate the specific ceiling that they have determined.

The Commission shall decide which Member States meet the conditions laid down in Article 115(1) of Regulation (EC) No 73/2009.

The decisions in force at the time of the entry into force of this Regulation shall continue to apply.

- 2 Member States meeting the conditions laid down in Article 115(1) of Regulation (EC) No 73/2009 shall notify the Commission, before 1 January of the year concerned, of any modification of the specific national ceiling that they have determined.
- 3 Member States applying the special scheme shall lay down criteria to ensure that the premium is paid to farmers whose herd of heifers is intended to restock cow herds. Those criteria may include in particular an age limit and/or breed requirements. Member States shall inform the Commission by 31 December of the year before the year concerned of the criteria adopted.

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Any subsequent modification shall be notified to the Commission by 31 December of the year before the year concerned.

4 Where the application of the proportional reduction referred to in the second subparagraph of Article 115(1) of Regulation (EC) No 73/2009 gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the premium and, where applicable, of the additional national premium referred to in Article 64. For this purpose account shall be taken of the first decimal place only.

5 In Member States applying the special scheme, the requirement laid down in Article 111(2) of Regulation (EC) No 73/2009 concerning the minimum number of animals to be held shall be met in full either by suckler cows if the farmer has lodged an application for suckler cows or by heifers if the farmer has lodged an application for heifers.

6 The provisions of Articles 65 to 73 shall not apply to this special scheme.

Article 75

Rounding-off of animal numbers

If the calculation of the maximum number of heifers as a percentage as laid down in the second subparagraph of Article 111(2) of Regulation (EC) No 73/2009 produces a result which is not a whole number, that number shall be rounded down to the nearest whole number if it is less than 0,5 and up to the nearest whole number if it is 0,5 or more.

Section 3

Provisions common to the special premium and the suckler cow premium

Article 76

Applications for the special premium and the suckler cow premium

Member States may, for administrative reasons, provide that aid applications for direct payments referred to in Article 19 of Regulation (EC) No 73/2009, as regards the special premium and the suckler cow premium, shall be for a minimum number of animals, provided that that number does not exceed three.

Section 4

Slaughter premium

Article 77

Statement of participation

Member States may provide that in order to qualify for the slaughter premium provided for in Article 116 of Regulation (EC) No 73/2009 for a given calendar year each farmer

shall, before or at the same time as making the first application for that calendar year, submit a statement of participation.

However, where the farmer makes no changes to the statement of participation, the Member State may accept that the previous statement remains valid.

Article 78

Applications

1 Aid applications shall include the information needed for payment of the slaughter premium, in particular the date of birth of the animal in the case of animals born after 1 January 1998.

Aid applications shall be submitted within a period to be determined by the Member State which may not exceed 6 months following slaughter of the animal or, where the animal is exported, after the date on which it leaves Community customs territory. That period shall expire no later than the end of February of the following year except in exceptional cases to be decided by the Member State concerned where animals are dispatched or exported. Subject to that time limit, the Member States may set periods and dates for the submission of aid applications and may determine the number of applications that each farmer may submit per calendar year.

Member States may permit applications to be submitted through a person other than the farmer. In such cases the application shall bear the name and address of the farmer who is liable to qualify for the slaughter premium.

In addition to the requirements introduced as part of the integrated system, each application shall contain:

- a in cases where the grant is made at the time of slaughter, a certificate from the slaughterhouse or any document produced or endorsed by the slaughterhouse containing at least the same information, showing:
 - (i) the name and address of the slaughterhouse (or an equivalent code);
 - (ii) the date of slaughter and the identity and slaughter numbers of the animal;
 - (iii) in the case of calves, the carcass weight, save where Article 79(4) applies;
- b in cases where the animal is exported to a third country:
 - (i) the name and address of the exporter (or an equivalent code);
 - (ii) the identity number of the animal;
 - (iii) the export declaration stating the age of the animal for animals born after 1 January 1998 and, in the case of calves, save where Article 79(4) applies, the live weight, which may not exceed 300 kilograms;
 - (iv) proof that the animal has left Community customs territory, shown in the same manner as for an export refund.

Member States may provide that the information referred to in points (a) and (b) of the fourth subparagraph shall be forwarded via a body or bodies approved by the Member State, which may use information technology.

Member States shall carry out regular, unannounced checks on the accuracy of the certificates or documents issued and, where appropriate, the information referred to in the fourth subparagraph.

2 By way of derogation from paragraph 1, Member States may provide that information on the slaughter of animals, entered in the computerised databases referred to in Article 3(b) of Regulation (EC) No 1760/2000, forwarded to the competent authority by slaughterhouses shall be regarded as applications for slaughter premiums on behalf of the farmers, on condition that those databases offer, to the satisfaction of the Member State, adequate assurances as to the accuracy of the data they contain for the purposes of the slaughter premium scheme and, where applicable, the payment on slaughter of the special premium.

However, Member States may provide that applications shall be submitted. In such a case they may determine the type of information that shall accompany the application.

Member States choosing to apply this paragraph shall inform the Commission of any subsequent change before it is implemented.

Member States shall ensure that the data made available to the paying agency includes all the information needed to pay the slaughter premium, in particular:

- a the types and quantities of animals as referred to in Article 116(1) of Regulation (EC) No 73/2009 slaughtered during the year concerned;
- b information regarding compliance with the age limits and carcase weight of the animals referred to in that Article and with the retention period referred to in Article 80 of this Regulation;
- c where applicable, the information needed to pay the special premium at the time of slaughter.

3 For animals which have been the subject of intra-Community trade after the retention period referred to in Article 80, even if the Member State where slaughter was carried out chose to apply the derogation laid down in paragraph 2 of this Article, the slaughterhouse shall issue the document referred to in point (a) of the fourth subparagraph of paragraph 1 of this Article.

However, where their data transfer systems are compatible, two Member States may agree to apply paragraph 2.

Member States shall assist one another to ensure effective controls on the authenticity of documents submitted and/or the accuracy of the data exchanged. To that end the Member State where payment is made shall forward regularly to the Member State where slaughter takes place a summary, grouped by slaughterhouse, of the slaughter certificates (or information in place thereof) received from the latter Member State.

Article 79

Weight and presentation of carcasses

1 For the purposes of Article 116(1)(b) of Regulation (EC) No 73/2009, veal carcasses shall be presented after skinning, evisceration and bleeding, without the head or the feet but with the liver, kidneys and kidney fat.

2 The weight to be taken into consideration shall be the weight of the carcase after chilling, or the warm weight of the carcase established as soon as possible after slaughter, reduced by 2 %.

3 Where carcasses are presented without the liver, kidneys and/or kidney fat, their weight shall be increased by:

- a 3,5 kilograms for the liver;
- b 0,5 kilogram for the kidneys;
- c 3,5 kilograms for the kidney fat.

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4 Member States may provide that where a calf is less than 6 months old at the time of slaughter or export, the weight requirement referred to in Article 116(1)(b) of Regulation (EC) No 73/2009 shall be deemed to have been met.

Where the carcass weight cannot be established in the slaughterhouse, the weight requirement referred to in Article 116(1)(b) of Regulation (EC) No 73/2009 shall be deemed to have been met if the live weight does not exceed 300 kilograms.

Article 80

Retention period

1 The slaughter premium shall be paid to the farmer who has held the animal for a minimum retention period of 2 months ending less than 1 month before slaughter or ending less than 2 months before export.

2 In the case of calves slaughtered before the age of 3 months, the retention period shall be 1 month.

Article 81

National ceilings

1 The national ceilings referred to in Article 116(1) and (3) of Regulation (EC) No 73/2009 are set out in Annex VI to this Regulation.

2 Where the application of the proportional reduction provided for in Article 116(4) of Regulation (EC) No 73/2009 gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the slaughter premium. For this purpose account shall be taken of the first decimal place only.

Section 5

General provisions

Article 82

Payment of advances

1 In accordance with Article 29(4)(a) of Regulation (EC) No 73/2009, on the basis of the results of administrative checks and on-the-spot checks, the competent authority shall pay to the farmer, for the number of animals deemed to be eligible, an advance equal to 60 % of the special premium, the suckler cow premium and the slaughter premium.

In the case of the special premium, the special scheme for heifers referred to in Article 74 and the slaughter premium, the advance percentage may be reduced by the Member States but may not be less than 40 %.

The advance may not be paid before 16 October of the calendar year in respect of which the premium is applied for.

2 The definitive payment of the premium shall be an amount equal to the difference between the advance payment and the amount of the premium to which the farmer is entitled.

Article 83

Allocation year

1 The date of submission of the application shall constitute the operative event for determining the year to which animals covered by the special premium and suckler cow premium schemes are allocated and the number of livestock units (LUs) to be used for calculating the stocking density.

However, if the special premium is granted in accordance with Article 56, the amount of the premium applicable shall be that in force on 31 December of the year in which slaughter or export took place in the following cases:

- a where the animal was slaughtered or exported no later than 31 December;
- b where the premium application for that animal is submitted after that date.

2 As regards the slaughter premium, for the purposes of applying the rate of aid and calculating the proportional reduction in accordance with Article 81, the allocation year shall be the year of slaughter or export.

Article 84

Penalties for the illegal use or holding of certain substances or products

In the event of repeated infringements through the illegal use or holding of substances or products not authorised by the relevant Community regulations in the veterinary sector, Member States shall determine, in the light of the seriousness of the infringement, the length of the exclusion from the aid schemes pursuant to the second subparagraph of Article 119(1) of Regulation (EC) No 73/2009.

Article 85

Determination of the individual quota for milk

Up to the end of the seventh consecutive period laid down in Article 66 of Regulation (EC) No 1234/2007, by way of derogation from the dates set out in Article 62(1)(a) of this Regulation, a Member State may decide that in the case of milk farmers who release or take over all or part of individual quota with effect on 31 March or 1 April respectively in accordance with Article 65(i) and (k) of Regulation (EC) No 1234/2007 or pursuant to national provisions adopted for the implementation of Articles 73, 74 and 75 of that Regulation, the maximum individual quota of milk available to qualify for the suckler cow premium and the maximum number of suckler cows shall be determined on 1 April.

Article 86

Determination of retention periods

The last day of the retention periods referred to in Articles 53, 57(1), 61 and 80 shall be the day, whether a working day or not, preceding the day which bears the same number as the starting day for the period.

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Article 87

Identification and registration of animals

The requirement to identify and register animals laid down in Article 117 of Regulation (EC) No 73/2009 shall apply, for animals born before 1 January 1998, in accordance with the procedure laid down in Council Directive 2008/71/EC⁽³⁾, save in the case of animals which are the subject of intra-Community trade.

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

- (1) OJ L 214, 4.8.2006, p. 1.
- (2) OJ L 337, 16.12.2008, p. 3.
- (3) OJ L 213, 8.8.2008, p. 31.