

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Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof (repealed)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 III

## **SPECIFIC RULES CONCERNING TITLE V OF REGULATION (EC) No 73/2009**

### CHAPTER 2

#### **Complementary national direct payments**

##### *Article 91*

#### **Coefficient of reduction**

Where in a given sector the complementary national direct payments would exceed the maximum level authorised by the Commission in accordance with Article 132(7) of Regulation (EC) No 73/2009, the rate of complementary national direct payments of the concerned sector shall be reduced proportionally by application of a coefficient of reduction.

##### *Article 92*

#### **Eligibility conditions**

For the purposes of Article 132(7)(b) of Regulation (EC) No 73/2009, the Commission shall in particular take into account the (sub)sector specific financial envelopes referred to in Article 132(5) of that Regulation and the eligibility conditions applicable to the corresponding direct payment then applicable to the Member States other than the new Member States referred to in the fourth subparagraph of Article 132(2) of that Regulation.

For the purposes of Article 132 of Regulation (EC) No 73/2009 and of this Chapter ‘corresponding direct payment then applicable to the Member States in the Member States other than the new Member States’ means any direct payment listed in Annex I to Regulation (EC) No 73/2009 granted in the year of application of the complementary national direct payments whose eligibility conditions are similar to that of the complementary national direct payment concerned.

##### *Article 93*

#### **Controls**

New Member States shall apply appropriate control measures in order to ensure that the conditions for the granting of the complementary national direct payments, as defined by the Commission authorisation in accordance with Article 132(7) of Regulation (EC) No 73/2009, are complied with.

#### *Article 94*

##### **Annual report**

New Member States shall submit a report providing information on the measures for the implementation of the complementary national direct payments before 30 June of the year following their implementation. The report shall cover at least the following:

- (a) any changes in the situation affecting the complementary national direct payments;
- (b) for each complementary national direct payment, the numbers of beneficiaries, the total amount of complementary national aid granted, the hectares, the number of animals or other units of payment paid;
- (c) a report on control measures applied in accordance with Article 93.

#### *Article 95*

##### **State aid**

Complementary national direct payments paid not in conformity with the authorisation by the Commission referred to in Article 132(7) of Regulation (EC) No 73/2009 shall be considered as unlawful State aid within the meaning of Council Regulation (EC) No 659/1999<sup>(1)</sup>.

(1) [OJ L 83, 27.3.1999, p. 1.](#)