

Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (repealed)

PART II

THE INTEGRATED ADMINISTRATION AND CONTROL SYSTEM

TITLE IV

BASIS FOR THE CALCULATION OF THE AID, REDUCTIONS AND EXCLUSIONS

CHAPTER I

Non-declaration of areas

Article 55

Non-declaration of all areas

1 If, for a given year, a farmer does not declare all the areas referred to in Article 13(8) and the difference between the overall area declared in the single application on the one hand and the area declared plus the overall area of the parcels not declared, on the other, is more than 3 % of the area declared, the overall amount of direct payments payable to that farmer for that year shall be reduced by up to 3 % depending on the severity of the omission.

2 Paragraph 1 shall also apply to payments related to schemes provided for in Articles 85p, 103q and 103r of Regulation (EC) No 1234/2007, where the farmer is subject to cross-compliance obligations in accordance with Articles 85t and 103z of that Regulation. The percentage of the reduction shall apply to the total amount to be paid divided by the number of years referred to in Articles 85t and 103z of the same Regulation.

CHAPTER II

Findings in relation to eligibility criteria

Section I

Single payment scheme and other area-related aid schemes

Article 56

General principles

1 For the purposes of this Section, the following crop groups shall be distinguished as appropriate:

- a areas declared for the purposes of activation of payment entitlements under the single payment scheme, as the case may be, each fulfilling the conditions particular to them;
- b areas for the purposes of the single area payment scheme in accordance with Chapter 2 of Title V of Regulation (EC) No 73/2009;
- c a group for each of the areas for the purpose of any other area-related aid scheme, for which a different rate of aid is applicable;
- d areas declared under the heading 'other uses'.

For the purposes of point (a) of the first subparagraph, the average of the values of different payment entitlements in relation to the respective area declared shall be taken into account.

2 Where the same area serves as the basis for an aid application under more than one area-related aid scheme, that area shall be taken into account separately for each of those aid schemes.

Article 57

Basis of calculation in respect of areas declared

1 In the case of applications for aid under area-related aid schemes, except for starch potato and seed as provided for in Sections 2 and 5 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, if the area of a crop group determined is found to be greater than that declared in the aid application, the area declared shall be used for calculation of the aid.

- 2 With regard to an application for aid under the single payment scheme;
- if there is a discrepancy between the payment entitlements declared and the area declared, the calculation of the payment shall be based on the lower size,
 - if the number of payment entitlements declared exceeds the number of payment entitlements at the farmer's disposal, the payment entitlements declared shall be reduced to the number of payment entitlements at the farmer's disposal,

3 Without prejudice to reductions and exclusions in accordance with Articles 58 and 60 of this Regulation, in the case of applications for aid under area-related aid schemes, except for starch potato and seed as provided for in Sections 2 and 5 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, if the area declared in a single application exceeds the area determined for that crop group, the aid shall be calculated on the basis of the area determined for that crop group.

However, without prejudice to Article 30 of Regulation (EC) No 73/2009, if the difference between the total area determined and the total area declared for payment under aid schemes established in Titles III, IV and V of Regulation (EC) No 73/2009 is less than or equal to 0,1 hectare, the area determined shall be set equal to the area declared. For this calculation only over-declarations of areas at crop group level shall be taken into account.

The second subparagraph shall not apply where that difference represents more than 20 % of the total area declared for payments.

Article 58

Reductions and exclusions in cases of over-declaration

If, in respect of a crop group, the area declared for the purposes of any area-related aid schemes, except those for starch potato and seed as provided for in Sections 2 and 5 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, exceeds the area determined in accordance with Article 57 of this Regulation, the aid shall be calculated on the basis of the area determined reduced by twice the difference found if that difference is more than either 3 % or two hectares, but no more than 20 % of the area determined.

If the difference is more than 20 % of the area determined, no area-linked aid shall be granted for the crop group concerned.

If the difference is more than 50 %, the farmer shall be excluded once again from receiving aid up to an amount equal to the amount which corresponds to the difference between the area declared and the area determined in accordance with Article 57 of this Regulation. That amount shall be off-set in accordance with Article 5b of Commission Regulation (EC) No 885/2006⁽¹⁾. If the amount cannot be fully off-set in accordance with that article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

Article 59

Reductions in cases of irregularities concerning the size of the areas declared for the payment of aid for starch potato and seed

1 If it is found that the area actually cultivated with potatoes is more than 10 % lower than the area declared for the payment of aid for starch potato as provided for in Section 2 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, the aid to be paid shall be reduced by twice the difference found.

2 If it is found that the area actually cultivated with seed is more than 10 % higher than the area declared for the payment of seed aid as provided for in Section 5 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, the aid to be paid shall be reduced by twice the difference found.

3 Where it is found that the irregularities referred to in paragraphs 1 and 2 result from intention of the farmer, the total amount of aid referred to in those paragraphs shall be refused.

In that case, the farmer shall be excluded once again from receiving aid equal to that amount. That amount shall be off-set in accordance with Article 5b of Regulation (EC) No 885/2006. If the amount cannot be fully off-set in accordance with that Article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

Article 60

Intentional over-declaration

Where differences between the area declared and the area determined in accordance with Article 57 result from over-declarations committed intentionally, the aid to which the farmer would have been entitled pursuant to Article 57 shall not be granted for the calendar year in question under the aid scheme concerned if that difference is more than 0,5 % of the area determined or more than one hectare.

Moreover, where that difference is more than 20 % of the area determined, the farmer shall be excluded once again from receiving aid up to an amount equal to the amount which corresponds to the difference between the area declared and the area determined in accordance with Article 57. That amount shall be off-set in accordance with Article 5b of Regulation (EC) No 885/2006. If the amount cannot be fully off-set in accordance with that article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

Article 61

Reductions and exclusions concerning seed aid applications

1 Where it is found that seed subject to an aid application was not actually marketed for sowing, as referred to in point (b)(iii) of the first subparagraph of Article 37, the aid to be paid for the species concerned, after application of any reductions to be applied in accordance with Article 59, shall be reduced by 50 % if the quantity not marketed amounts to more than 2 % but no more than 5 % of the quantity covered by the aid application. If the quantity not marketed exceeds 5 %, no seed aid shall be granted for the marketing year concerned.

2 Where it is found that aid has been claimed for seed not officially certified or harvested within the Member State in question during the calendar year in which the marketing year for which the aid has been set begins, no aid shall be granted for that marketing year nor for the following one.

Article 62

Reductions and exclusions concerning the crop specific payment for cotton

Without prejudice to any reductions and exclusions to be applied in accordance with Article 58 or 60 of this Regulation, where it is found that the farmer does not respect the obligations resulting from Article 30(1) and (2) of Regulation (EC) No 1121/2009, the farmer shall lose the right to the increase of the aid provided for in Article 92(2) of Regulation (EC) No 73/2009. Moreover, the aid for cotton per eligible hectare pursuant to Article 90 of Regulation (EC) No 73/2009 shall be reduced by the amount of the increase provided for in Article 92(2) of that Regulation for that farmer.

Section II

Livestock premiums

Article 63

Basis of calculation

- 1 Where an individual limit or individual ceiling is applicable, the number of animals shown in the aid applications shall be reduced to the limit or ceiling set for the farmer concerned.
- 2 In no case may aid be granted for a number of animals greater than that shown in the aid application.
- 3 Without prejudice to Article 65 and 66, if the number of animals declared in an aid application exceeds that determined as a result of administrative controls or on-the-spot checks, the aid shall be calculated on the basis of the animals determined.
- 4 Where cases of irregularities with regard to the system for the identification and registration for bovine animals are found, the following shall apply:
 - a a bovine animal which has lost one of the two ear tags shall be regarded as determined provided that it is clearly and individually identified by the other elements of the system for the identification and registration of bovine animals;
 - b where the irregularities found relate to incorrect entries in the register or the animal passports, the animal concerned shall only be deemed as not determined if such errors are found on at least two checks within a period of 24 months. In all other cases the animals concerned shall be deemed as not determined after the first finding.

Article 21 shall apply in relation to entries in, and notifications to, the system for the identification and registration of bovine animals.

Article 64

Replacement

- 1 Bovine animals present on the holding shall only be regarded as determined if they are identified in the aid application. However, suckler cows or heifers in respect of which aid is claimed in accordance with Article 111 or Article 115 of Regulation (EC) No 73/2009 may be replaced during the retention period within the limits provided for in those Articles without the loss of the right to the payment of the aid applied for.
- 2 Replacements pursuant to paragraph 1 shall occur within 20 days following the event necessitating the replacement and shall be entered in the register not later than three days after the day of replacement. The competent authority to which the aid application was submitted shall be informed within seven days after the replacement.

However, in the case a Member State makes use of the possibilities provided for in the second subparagraph of Article 16(3), that Member State may provide that the notifications to the computerised database for bovine animals of an animal having left the holding and another animal having arrived on the holding within the time limits provided for in the first subparagraph of this Article may substitute that information to be sent to the competent authority.

3 Where a farmer applies for aid in respect of both ewes and goats and where there is no difference in the level of aid paid, a ewe may be replaced by a goat and a goat by a ewe. Ewes and goats in respect of which aid is claimed in accordance with Article 101 of Regulation (EC) No 73/2009 may be replaced during the retention period within the limits provided for in that Article without the loss of the right to the payment of the aid applied for.

4 Replacements pursuant to paragraph 3 shall occur within 10 days following the event necessitating the replacement and shall be entered in the register not later than three days after the day of replacement. The competent authority to which the application was submitted shall be informed within seven days after the replacement.

Article 65

Reductions and exclusions in respect of bovine animals claimed for aid

1 Where, in respect of an application for aid under the bovine aid schemes, a difference is found between the number of animals declared and that determined in accordance with Article 63(3), the total amount of aid to which the farmer is entitled under those schemes for the premium period concerned shall be reduced by the percentage to be established in accordance with paragraph 3 of this Article, if no more than three animals are found with irregularities.

2 If more than three animals are found with irregularities the total amount of aid to which the farmer is entitled under the schemes referred to in paragraph 1 for the premium period concerned shall be reduced by:

- a the percentage to be established in accordance with paragraph 3, if it is not more than 10 %;
- b twice the percentage to be established in accordance with paragraph 3, if it is more than 10 % but not more than 20 %.

If the percentage established in accordance with paragraph 3 is more than 20 %, the aid to which the farmer would have been entitled pursuant to Article 63(3) shall be refused under those schemes for the premium period concerned.

If the percentage established in accordance with paragraph 3 of this Article is more than 50 %, the farmer shall, moreover, be excluded once again from receiving aid up to an amount corresponding to the difference between the number of animals declared and the number of animals determined in accordance with Article 63(3). That amount shall be off-set in accordance with Article 5b of Regulation (EC) No 885/2006. If the amount cannot be fully off-set in accordance with that Article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

3 In order to establish the percentages referred to in paragraphs 1 and 2, the bovine animals claimed under all bovine aid schemes during the premium period concerned and found with irregularities shall be divided by all bovine animals determined for the premium period concerned.

In the case of application of the second subparagraph of Article 16(3), potentially eligible animals found not to be correctly identified or registered in the system for identification and registration for bovine animals shall count as animals found with irregularities. As regards the slaughter premium provided for in Article 116 of Regulation (EC) No 73/2009, for the purpose of the application of this subparagraph, only animals actually slaughtered within the year in question shall count as potentially eligible animals.

As regards the suckler cow premium in accordance with Article 111 of Regulation (EC) No 73/2009, irregularities found with regard to the system for the identification and registration of bovine animals shall be allocated proportionately between the number of animals needed to receive the premium and the animals needed for the supply of milk or milk products pursuant to Article 111(2)(b) of that Regulation. However, such irregularities shall first be allocated to the number of animals not needed within the individual limits or ceilings referred to in Articles 111(2)(b) and 112 of that Regulation.

4 Where differences between the number of animals declared and that determined in accordance with Article 63(3) result from irregularities committed intentionally the aid to which the farmer would have been entitled pursuant to Article 63(3) shall be refused under the bovine aid scheme or schemes concerned for the premium period in question.

Where the difference established in accordance with paragraph 3 of this Article is more than 20 %, the farmer shall be excluded once again from receiving aid up to an amount corresponding to the difference between the number of animals declared and the number of animals determined in accordance with Article 63(3). That amount shall be off-set in accordance with Article 5b of Regulation (EC) No 885/2006. If the amount cannot be fully off-set in accordance with that Article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

Article 66

Reductions and exclusions in respect of ovine or caprine animals claimed for aid

1 Where, in respect of applications for aid under the ovine/caprine aid scheme, a difference is found between the number of animals declared and that determined in accordance with Article 63(3), Article 65(2), (3) and (4) shall apply mutatis mutandis as from the first animal in respect of which irregularities are found.

2 If it is established that a sheep producer marketing sheep's milk and sheep's milk products failed to declare on his premium application that he was doing so, the amount of the aid to which he is entitled shall be reduced to the premium payable to sheep producers marketing sheep's milk and sheep's milk products less the difference between that amount and the full amount of the ewe premium.

3 Where, in respect of applications for the supplementary premium, it is determined that less than 50 % of the area of the holding used for agriculture is located in areas referred to in Article 102(1) of Regulation (EC) No 73/2009, the supplementary premium shall not be paid and the ewe and goat premium shall be reduced by an amount equivalent to 50 % of the supplementary premium.

4 Where it is determined that the percentage of the area of the holding used for agriculture located in areas listed in Annex III to Regulation (EC) No 1121/2009 is below 50 %, the goat premium shall not be paid.

5 Where it is established that a producer practising transhumance who submits an application for the supplementary premium has not grazed 90 % of his animals for at least 90 days in an area referred to in Article 102(2)(b) of Regulation (EC) No 73/2009, the supplementary premium shall not be paid and the ewe or goat premium shall be reduced by an amount equivalent to 50 % of the supplementary premium.

6 Where it is found that the irregularity referred to in paragraphs 2, 3, 4 or 5 results from irregularities committed intentionally, the total amount of aid referred to in those paragraphs shall be refused.

In that case, the farmer shall be excluded once again from receiving aid equal to that amount. That amount shall be off-set in accordance with Article 5b of Regulation (EC) No 885/2006. If the amount cannot be fully off-set in accordance with that Article in the course of the three calendar years following the calendar year of the finding, the outstanding balance shall be cancelled.

7 In respect of farmers maintaining both ewes and goats entitled to the same level of premium, where an on-the-spot check reveals a difference in the composition of the flock in terms of numbers of animals per species, the animals shall be regarded as being of the same group.

Article 67

Natural circumstances

The reductions and exclusions provided for in Articles 65 and 66 shall not apply in cases where, owing to the impact of natural circumstances on the herd or flock, the farmer cannot meet his commitment to keep the animals in respect of which aid is claimed throughout the retention period, provided that he has informed the competent authority in writing within ten working days of finding any reduction in the number of animals.

Without prejudice to the actual circumstances to be taken into account in individual cases, the competent authorities may recognise, in particular, the following cases of natural circumstances of the herd or flock:

- (a) death of an animal as a consequence of a disease;
- (b) death of an animal following an accident for which the farmer cannot be held responsible.

Article 68

Incorrect certificates and declarations issued by slaughterhouses

As regards the declarations or certificates issued by slaughterhouses in connection with the special beef premium provided for in Article 110(6) of Regulation (EC) No 73/2009 and the slaughter premium provided for in Article 116 of that Regulation, if it is found that the slaughterhouse made an incorrect certification or declaration as a result of serious negligence or intentionally, the Member State concerned shall apply appropriate national penalties. Where such irregularities are found a second time, the slaughterhouse involved shall be excluded for a period of at least one year from the right to make declarations or to issue certificates valid for premium purposes.

Section III

Specific support

Article 69

Findings in relation to the specific support

As regards payment to be granted for specific support, the Member States shall, for each measure, provide for reductions and exclusions which shall, in substance, be equivalent to those provided for in this Title. In the case of area-related or livestock payments the provisions of this Title shall apply *mutatis mutandis*. Furthermore, where appropriate, Article 18 of Commission Regulation (EC) No 1975/2006⁽²⁾ shall apply *mutatis mutandis*.

As regards evidence provided by services, bodies or organisations as referred to in Article 29(2) of this Regulation, if it is found that incorrect evidence has been provided as a result of serious negligence or intentionally, the Member State concerned shall apply appropriate national penalties. Where such irregularities are found a second time, the service, body or organisation involved shall be excluded for a period of at least one year from the right to provide evidence valid for premium purposes.

CHAPTER III

Findings in relation to cross-compliance

Article 70

General principles and definition

- 1 For the purposes of this Chapter, Article 47 shall apply.
- 2 For the purpose of the application of Article 23(1) of Regulation (EC) No 73/2009 to farmers who are subject to cross-compliance under Articles 85t and 103z of Regulation (EC) No 1234/2007, the submission of an aid application referred to in Article 23(1) of Regulation (EC) No 73/2009 shall mean the yearly submission of the single application form.
- 3 Where more than one paying agency is responsible for the management of the different support schemes listed in Annex I to Regulation (EC) No 73/2009, of the measures referred to in Article 36(a)(i) to (v) and (b)(i), (iv) and (v) of Regulation (EC) No 1698/2005 and of payments related to schemes provided for in Articles 85p, 103q and 103r of Regulation (EC) No 1234/2007, Member States shall ensure that determined non-compliances and, where appropriate, the corresponding reductions and exclusions are brought to the attention of all paying agencies involved in those payments, including cases where the non respect of eligibility criteria also forms a non-compliance and vice versa. Member States shall ensure, when applicable, that one rate of reduction is applied.
- 4 Non-compliances shall be deemed to be ‘determined’ if they are established as a consequence of any kind of controls carried out in accordance with this Regulation or after having been brought to the attention of the competent control authority or, where applicable, the paying agency, in whatever other way.

5 Except in cases of force majeure and exceptional circumstances as referred to in Article 75 of this Regulation, where a farmer subject to cross-compliance obligations in accordance with Articles 85t and 103z of Regulation (EC) No 1234/2007 does not submit the single application form within the time limit provided for in Article 11 of this Regulation, a 1 % reduction per working day shall apply. The maximum reduction shall be limited to 25 %. The reduction shall apply to the total amount to be paid under payments related to schemes provided for in Articles 85p, 103q and 103r of Regulation (EC) No 1234/2007, divided by the number of years referred to in Articles 85t and 103z of the same Regulation.

6 Where more than one case of non-compliance with regard to various acts or standards of the same area of cross-compliance have been determined, those cases shall, for the purposes of the fixing of the reduction in accordance with Articles 71(1) and 72(1), be considered as one non-compliance.

7 A non-compliance with a standard which also constitutes a requirement shall be considered to be one non-compliance. For the purpose of the calculation of reductions, the non-compliance shall be considered as part of the area of the requirement.

8 For the application of reductions, the percentage of the reduction shall be applied to the total amount of:

- a the overall amount of direct payments that has been, or has to be, granted to the farmer concerned following aid applications he has submitted or will submit in the course of the calendar year of the finding, and
- b the total amount of payments related to schemes provided for in Articles 85p, 103q and 103r of Regulation (EC) No 1234/2007 divided by the number of years referred to in Articles 85t and 103z of that Regulation.

Article 71

Application of reductions in the case of negligence

1 Without prejudice to Article 77, where a non-compliance determined results from the negligence of the farmer, a reduction shall be applied. That reduction shall, as a general rule, be 3 % of the total amount as referred to in Article 70(8).

However, the paying agency may, on the basis of the assessment provided by the competent control authority in the evaluation part of the control report in accordance with Article 54(1)(c), decide either to reduce that percentage to 1 % or to increase it to 5 % of that total amount or, in the cases referred to in the second subparagraph of Article 54(1)(c), not to impose any reductions at all.

2 Where a Member State makes use of the possibility not to apply a reduction or exclusion as provided for in Article 23(2) of Regulation (EC) No 73/2009 and the farmer has not remedied the situation within a given deadline, the reduction or exclusion shall be applied.

The deadline shall be set by the competent authority and shall not be later than the end of the year following the one in which the finding was made.

3 Where a Member State makes use of the possibility to consider a case of non-compliance as minor, as provided for in the second and third subparagraphs of Article 24(2) of Regulation (EC) No 73/2009, and the farmer has not remedied the situation within a given deadline, a reduction shall be applied.

The deadline shall be set by the competent authority and shall not be later than the end of the year following the one in which the finding was made.

The non-compliance in question shall not be considered as minor and a reduction of at least 1 % as provided for in paragraph 1 shall be applied.

Furthermore, a non-compliance which has been considered as minor and which has been remedied by the farmer within the time limit set in the first subparagraph of this paragraph shall not be considered as a non-compliance for the purpose of paragraph 5.

4 Where more than one non-compliance with regard to different areas of cross-compliance has been determined, the procedure for the fixing of the reduction as set out in paragraph 1 shall be applied individually to each non-compliance.

The resulting percentages of reductions shall be added together. However, the maximum reduction shall not exceed 5 % of the total amount referred to in Article 70(8).

5 Without prejudice to cases of intentional non-compliance in accordance with Article 72, where repeated non-compliances have been determined, a percentage fixed in accordance with paragraph 1 of this Article with regard to the repeated non-compliance shall, in respect of the first repetition, be multiplied by the factor three. For this purpose, the paying agency shall, in the case where that percentage was fixed in accordance with Article 70(6), determine the percentage that would have been applied to the repeated non-compliance with the requirement or standard concerned.

In the case of further repetitions the multiplication factor three shall be applied each time to the result of the reduction fixed in respect of the previous repeated non-compliance. The maximum reduction shall, however, not exceed 15 % of the total amount referred to in Article 70(8).

Once the maximum percentage of 15 % has been reached, the paying agency shall inform the farmer concerned that if the same non-compliance is determined again, it shall be considered that he has acted intentionally within the meaning of Article 72. Where a further non-compliance is determined thereafter, the percentage reduction to be applied shall be fixed by multiplying the result of the previous multiplication, where applicable, before the limitation to 15 % as provided for in the last sentence of the second subparagraph has been applied, by a factor of three.

6 In the case where a repeated non-compliance is determined together with another non-compliance or another repeated non-compliance, the resulting percentage reductions shall be added together. Without prejudice to the third subparagraph of paragraph 5, the maximum reduction shall, however, not exceed 15 % of the total amount referred to in Article 70(8).

Article 72

Application of reductions and exclusions in cases of intentional non-compliance

1 Without prejudice to Article 77, where the non-compliance determined has been committed intentionally by the farmer, the reduction to be applied to the total amount referred to in Article 70(8) shall, as a general rule, be 20 % of that total amount.

However, the paying agency may, on the basis of the assessment provided by the competent control authority in the evaluation part of the control report in accordance with Article 54(1)(c), decide to reduce that percentage to no less than 15 % or, where appropriate, to increase that percentage to up to 100 % of that total amount.

2 Where the intentional non-compliance relates to a particular aid scheme, the farmer shall be excluded from that aid scheme for the calendar year in question. In cases of extreme

extent, severity or permanence or where repeated intentional non-compliances have been determined, the farmer shall, moreover, be excluded from the aid scheme concerned in the following calendar year.

CHAPTER IV

Common provisions

Article 73

Exceptions from the application of reductions and exclusions

1 The reductions and exclusions provided for in Chapter I and II shall not apply where the farmer submitted factually correct information or where he can show otherwise that he is not at fault.

2 The reductions and exclusions provided for in Chapters I and II shall not apply with regard to the parts of the aid application as to which the farmer informs the competent authority in writing that the aid application is incorrect or has become incorrect since it was lodged, provided that the farmer has not been informed of the competent authority's intention to carry out an on-the-spot check and that the authority has not already informed the farmer of any irregularities in the application.

The information given by the farmer as referred to in the first subparagraph shall have the effect that the aid application is adjusted to the actual situation.

Article 74

Amendments and adjustments of entries in the computerised database for bovine animals

In respect of claimed bovine animals, Article 73 shall apply from the time the aid application is submitted to errors and omissions in relation to entries in the computerised database for bovine animals.

As regards unclaimed bovine animals, the same shall apply in respect of reductions and exclusions to be applied in accordance with Chapter III.

Article 75

Force majeure and exceptional circumstances

1 If a farmer has been unable to comply with his obligations as a result of force majeure or exceptional circumstances as referred to in Article 31 of Regulation (EC) No 73/2009 he shall retain his right to aid in respect of the area or animals eligible at the time when the case of force majeure or the exceptional circumstance occurred. In addition, when the non-compliance resulting from such force majeure or exceptional circumstances concerns cross-compliance, the corresponding reduction shall not be applied.

2 Cases of force majeure and exceptional circumstances within the meaning of Article 31 of Regulation (EC) No 73/2009 shall be notified in writing to the competent authority,

with relevant evidence to the satisfaction of the competent authority, within ten working days from the date on which the farmer is in a position to do so.

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

- (1) OJ L 171, 23.6.2006, p. 90.
- (2) OJ L 368, 23.12.2006, p. 74.