

Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (repealed)

## TITLE VII

### IMPLEMENTING, TRANSITIONAL AND FINAL PROVISIONS

#### CHAPTER 2

##### **Transitional and final provisions**

###### *Article 143*

##### **Amendments of Regulation (EC) No 1290/2005**

Regulation (EC) No 1290/2005 is amended as follows:

1. Article 12(2) shall be replaced by the following:
2. The Commission shall set the amounts which, pursuant to Articles 9, 10(4), 134, 135 and 136 of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers<sup>(1)</sup>, Article 4(1) of Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003<sup>(2)</sup> and Article 23(2) of Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine<sup>(3)</sup>, are made available to the EAFRD.;
2. Article 18(3) shall be replaced by the following:
3. National ceilings for direct payments referred to in Article 8(2) of Regulation (EC) No 73/2009, corrected by the adjustments laid down in Article 11(1) of that Regulation, shall be deemed to be financial ceilings in euro..

###### *Article 144*

##### **Amendments of Regulation (EC) No 247/2006**

Regulation (EC) No 247/2006 is amended as follows:

1. Article 23(2) shall be replaced by the following:
2. The Community shall finance the measures provided for in Titles II and III of this Regulation up to an annual maximum as follows:

*Status: Point in time view as at 22/12/2009.*

**Changes to legislation:** Council Regulation (EC) No 73/2009 (repealed), CHAPTER 2 is up to date with all changes known to be in force on or before 25 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(EUR million)

	<b>Financial year 2007</b>	<b>Financial year 2008</b>	<b>Financial year 2009</b>	<b>Financial year 2010</b>	<b>Financial year 2011 and subsequent</b>
French overseas departments	126,6	262,6	269,4	273,0	278,41
Azores and Madeira	77,9	86,98	87,08	87,18	106,21
Canary Islands	127,3	268,4	268,4	268,4	268,42

2. The following Article shall be inserted:

*Article 24b*

1. By 1 August 2009, Member States shall submit to the Commission the draft amendments to their overall programme to reflect the changes made to Article 23(2) by Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers<sup>(4)</sup>.

2. The Commission shall evaluate the amendments submitted and decide on their approval within four months of their submission in accordance with the procedure referred to in Article 26(2). The amendments shall apply from 1 January 2010.

*Article 145*

**Amendments of Regulation (EC) No 378/2007**

Regulation (EC) No 378/2007 is amended as follows:

1. Article 1 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

3. Reductions under voluntary modulation shall be made on the same basis of calculation as that applicable to modulation pursuant to Article 7 of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers<sup>(4)</sup>.

(b) the following paragraph shall be added:

5. The modulation rates applicable to a farmer resulting from the application of Article 7 of Regulation (EC) No 73/2009 reduced by 5 percentage points shall be deducted from the rate of voluntary modulation applied by Member States pursuant to paragraph 4 of this Article. Both the percentage to be deducted and the final voluntary modulation rate shall be equal to or higher than 0.;

2. In Article 3(1), point (a) shall be replaced by the following:

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- (a) by derogation from Article 1(3) of this Regulation, to apply the reductions under modulation on the basis of calculation applicable to modulation pursuant to Article 7 of Regulation (EC) No 73/2009, without taking into account the exclusion of EUR 5 000 provided for in paragraph 1 of that Article; and/or.

#### Article 146

##### Repeals

1 Regulation (EC) No 1782/2003 is hereby repealed.

[<sup>F1</sup>However, Article 20(2), Article 64(2), Articles 66, 68, 68a, 68b and 69, Article 70(1) (b) and (2) and Chapters 1 (durum wheat), 5 (energy crops), 7 (dairy premium), 10 (arable crops area payment), 10b (aid for olive groves), 10c (tobacco production aid) and 10d (hops area payment) of Title IV of that Regulation shall continue to apply for 2009.]

2 The references made in this Regulation to Regulation (EC) No 1782/2003 shall be understood as referring to that Regulation such as it was in force before its repeal.

References made in other acts to Regulation (EC) No 1782/2003 shall be construed as being made to this Regulation and shall be read in accordance with the correlation table set out in Annex XVIII.

##### Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1250/2009 of 30 November 2009 amending Regulation \(EC\) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.](#)

#### [<sup>F2</sup>Article 146a

##### Sheep and goat payments in 2009

In 2009, Member States having granted payments in the sheepmeat and goatmeat sector in accordance with Section 2 of Chapter 5 of Title III of Regulation (EC) No 1782/2003 may retain up to 50 % of the component of national ceilings referred to in Article 41 of this Regulation corresponding to the sheep and goat payments listed in Annex VI of Regulation (EC) No 1782/2003.

In this case and within the limit of the ceiling fixed in accordance with Article 64(2) of Regulation (EC) No 1782/2003, the Member States concerned shall make, in 2009, an additional payment to farmers.

The additional payment shall be granted to farmers rearing sheep and goats under the conditions provided for in Chapter 11 of Title IV of Regulation (EC) No 1782/2003.]

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#### Textual Amendments

- F2** Inserted by Council Regulation (EC) No 1250/2009 of 30 November 2009 amending Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

#### Article 147

##### Transitional rules

The Commission, in accordance with the procedure referred to in Article 141(2), may adopt the measures required to facilitate the transition from the arrangements provided for in Regulation (EC) No 1782/2003 to those established by this Regulation.

#### Article 148

##### Transitional arrangements for the new Member States

Where transitional measures are necessary in order to facilitate, for the new Member States, the transition from the single area payment scheme to the single payment scheme and other aid schemes referred to in Titles III and IV, such measures shall be adopted in accordance with the procedure referred to in Article 141(2).

#### Article 149

##### Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

However:

- (a) Article 138 shall apply from 1 January 2010;
- (b) the standards on establishment/and or retention of habitats, compliance with authorisation procedures in case of use of water for irrigation and the specification of landscape features, as provided for in Annex III, shall apply from 1 January 2010;
- (c) the standard on establishment of buffer strips along water courses, as provided for in Annex III, shall apply from 1 January 2010 at the earliest and by 1 January 2012 at the latest.

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- (1) [OJ L 30, 31.1.2009, p. 16.](#)
- (2) [OJ L 95, 5.4.2007, p. 1.](#)
- (3) [OJ L 148, 6.6.2008, p. 1.](#)’;
- (4) [OJ L 30, 31.1.2009, p. 16.](#)’

**Status:**

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**Changes to legislation:**

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