Commission Regulation (EC) No 889/2009 of 25 September 2009 amending Council Regulation (EC) No 73/2009 and establishing budgetary ceilings for 2009 for the partial or optional implementation of the Single Payment Scheme, provided for in Council Regulation (EC) No 1782/2003, the annual financial envelopes for the Single Area Payment Scheme and the budgetary ceilings applicable to transitional payments for fruit and vegetables and for specific support, provided for in Regulation (EC) No 73/2009

COMMISSION REGULATION (EC) No 889/2009

of 25 September 2009

amending Council Regulation (EC) No 73/2009 and establishing budgetary ceilings for 2009 for the partial or optional implementation of the Single Payment Scheme, provided for in Council Regulation (EC) No 1782/2003, the annual financial envelopes for the Single Area Payment Scheme and the budgetary ceilings applicable to transitional payments for fruit and vegetables and for specific support, provided for in Regulation (EC) No 73/2009

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001[(1)], and in particular Articles 64(2) and 70(2) thereof,

Having regard to 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 and (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003[(2)], and in particular Article 8(2), Article 69(3), Article 87(3), Article 123(1), the second subparagraph of Article 128(1) and the second subparagraph of Article 128(2) thereof,

Whereas:

(1) Annex IV to Regulation (EC) No 73/2009 establishes, for each Member State, the ceilings which may not be exceeded by the total amounts of direct payments which may be awarded during a calendar year in the Member State concerned.

(2) In 2009, due to the reduction in its sugar quota, Spain requested the application of the support scheme for beetroot and sugar cane producers provided for in Section 7 of Chapter 1 of Title IV of Regulation (EC) No 73/2009. The ceilings established in Annex IV to that Regulation should therefore be amended with regard to Spain.

Changes to legislation: *Commission Regulation (EC) No 889/2009 is up to date with all changes known to be in force on or before 17 March 2022. 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) View outstanding changes*

(3) In accordance with the first subparagraph of Article 146(1) of Regulation (EC) No 73/2009, Regulation (EC) No 1782/2003 was repealed as of 1 January 2009. However, some of its provisions continue to apply with regard to 2009.

(4) For Member States implementing, in 2009, the Single Payment Scheme provided for under Title III of Regulation (EC) No 1782/2003, the budgetary ceilings for each of the payments referred to in Articles 66 to 69 of that Regulation should be established for 2009 under the conditions laid down in Section 2 of Chapter 5 of Title III of Regulation (EC) No 1782/2003.

(5) For the Member States making use, in 2009, of the option provided for in Article 70 of Regulation (EC) No 1782/2003 and Article 87 of Regulation (EC) No 73/2009, the budgetary ceilings applicable to the direct payments excluded from the Single Payment Scheme should be fixed for 2009.

(6) For the sake of clarity, the 2009 budgetary ceilings for the Single Payment Scheme, after deduction of the ceilings established for the payments referred to in Articles 66 to 70 of Regulation (EC) No 1782/2003 and Article 87 of Regulation (EC) No 73/2009 from the ceilings given in Annex VIII to Regulation (EC) No 73/2009, should be published.

(7) For Member States implementing, in 2009, the Single Area Payment Scheme provided for in Chapter 2 of Title V of Regulation (EC) No 73/2009, the annual financial envelopes for 2009 should be established in accordance with Article 123(1) of that Regulation.

(8) For the sake of clarity, the maximum amount of funds available to Member States applying the Single Area Payment Scheme for granting separate sugar payments in 2009 under Article 126 of Regulation (EC) No 73/2009, established on the basis of their notification, should be published.

(9) For the sake of clarity, the maximum amount of funds available to Member States applying the Single Area Payment Scheme for granting separate fruit and vegetable payments in 2009 under Article 127 of Regulation (EC) No 73/2009, established on the basis of their notification, should be published.

(10) For Member States applying the Single Area Payment Scheme, the 2009 budgetary ceilings applicable to transitional payments for fruit and vegetables in accordance with Article 128(1) and (2) of Regulation (EC) No 73/2009, should be established on the basis of their notification.

(11) The 2009 budgetary ceilings applicable to the specific support provided for in Chapter 5 of Title III of Regulation (EC) No 73/2009 should be established, in accordance with Article 69(3) of that Regulation in respect of those Member States granting such support on the basis of Article 72(4) of that Regulation, as established on the basis of their notification.

(12) Regulation (EC) No 73/2009 should be amended accordingly.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

***Changes to legislation:** Commission Regulation (EC) No 889/2009 is up to date with all changes known to be in force on or before 17 March 2022. 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) View outstanding changes*

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Regulation (EC) No 73/2009, the sums relating to Spain for 2009 and subsequent years shall be replaced as follows:

2009	:	5 043,7
2010	:	5 038,4
2011	:	5 021,0
2012	:	5 032,8.

Article 2

1 The budgetary ceilings for 2009 referred to in Articles 66 to 69 of Regulation (EC) No 1782/2003 are set out in Annex I to this Regulation.

2 The budgetary ceilings for 2009 referred to in Article 70(2) of Regulation (EC) No 1782/2003 and Article 87(3) of Regulation (EC) No 73/2009 are set out in Annex II to this Regulation.

3 The budgetary ceilings for the Single Payment Scheme for 2009 referred to in Title III of Regulation (EC) No 73/2009 are set out in Annex III to this Regulation.

4 The annual financial envelopes for 2009 referred to in Article 123(1) of Regulation (EC) No 73/2009 are set out in Annex IV to this Regulation.

5 The maximum amounts of funding available to the Czech Republic, Latvia, Lithuania, Hungary, Poland, Romania and Slovakia for granting the separate sugar payment for 2009, as referred to in Article 126(1) of Regulation (EC) No 73/2009, are set out in Annex V to this Regulation.

6 The maximum amounts of funding available to the Czech Republic, Hungary, Poland and Slovakia for granting the separate fruit and vegetable payment in 2009, as referred to in Article 127(1) of Regulation (EC) No 73/2009, are set out in Annex VI to this Regulation.

7 The budgetary ceilings for 2009 referred to in the second subparagraph of Article 128(1) and (2) of Regulation (EC) No 73/2009 are set out in Annex VII to this Regulation.

8 The budgetary ceilings for 2009 referred to in Article 69(3) of Regulation (EC) No 73/2009 are set out in Annex VIII to this Regulation.

Article 3

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

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

Done at Brussels, 25 September 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Changes to legislation: Commission Regulation (EC) No 889/2009 is up to date with all changes known to be in force on or before 17 March 2022. 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) View outstanding changes

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ANNEX I

BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED IN ACCORDANCE WITH ARTICLES 66 TO 69 OF REGULATION (EC) NO 1782/2003

2009 calendar year

(thousand EUR)

	BE	DK	DE	EL	ES	FR	IT	NL	AT	PT	SI	FI	SE	UK
Arable crops area payments					372 670	1 154 046								
Durum wheat supplementary payment					42 025	14 820								
Suckler cow premium	77 565				261 153	734 416			70 578	78 695				
Additional suckler cow premium	19 589				26 000				99	9 462				
Special beef premium		33 085									7 557	24 420	37 446	
Slaughter premium, adults					47 175	101 248		62 200	17 348	8 657				
Slaughter premium, calves	6 384				560	79 472		40 300	5 085	946				
Sheep and goat premium		855			183 499					21 892	519	600		
Sheep premium						66 455								
Sheep and goat supplementary premium					55 795					7 184	178	200		
Sheep supplementary premium						19 572								
Aid for area			2 277			98			27		149			