

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,

1 January 2009. However, some of its provisions continue to apply with regard to 2009.

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.
- (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with the first subparagraph of Article 146(1) of Regulation (EC) No 73/2009, Regulation (EC) No 1782/2003 was repealed as of

- (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.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1.

⁽²⁾ OJ L 30, 31.1.2009, p. 16.

- (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,

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

**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	19 389				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 under hops			2 277			98			27		149			
Tomatoes — Article 68b(1)				10 720	28 117	4 017	91 984			16 667				
Fruit and vegetables other than tomatoes — Article 68b(2)				17 920	93 733	43 152	9 700							
Article 69, all sectors													3 434	
Article 69, arable crops				47 323			141 712			1 878		5 840		
Article 69, rice										150				
Article 69, beef and veal				8 810	54 966		28 674			1 681	4 455	10 118		29 800
Article 69, sheep and goat meat				12 615			8 665			616				
Article 69, cotton					13 432									
Article 69, olive oil				22 196						5 658				
Article 69, tobacco				7 578	2 353									
Article 69, sugar				2 938	19 743		10 880			1 256				
Article 69, dairy products					19 763									

ANNEX II

**BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED IN ACCORDANCE WITH ARTICLE 70
OF REGULATION (EC) No 1782/2003 AND ARTICLE 87 OF REGULATION (EC) No 73/2009**

2009 calendar year

(thousand EUR)

	Belgium	Greece	Spain	France	Italy	Netherlands	Portugal	Finland
Article 87 of Regulation (EC) No 73/2009:								
— Aid for seeds	1 397	1 400	10 347	2 310	13 321	726	272	1 150
Article 70(1)(b) of Regulation (EC) No 1782/2003:								
— Arable crops payments			23					
— Grain legumes aid			1					
— Specific aid for rice				3 053				
— Tobacco aid							166	
— Dairy premiums							12 608	
— Additional payments to dairy producers							6 254	

ANNEX III

BUDGETARY CEILINGS FOR THE SINGLE PAYMENT SCHEME

2009 calendar year

Member State	(thousand EUR)
Belgium	509 444
Denmark	996 538
Germany	5 767 977
Ireland	1 335 268
Greece	2 249 213
Spain	3 626 688
France	6 184 896
Italy	3 838 239
Luxembourg	37 518
Malta	3 752
Netherlands	749 864
Austria	652 424
Portugal	434 709
Slovenia	75 084
Finland	524 473
Sweden	722 202
United Kingdom	3 956 095

ANNEX IV

ANNUAL FINANCIAL ENVELOPES FOR THE SINGLE AREA PAYMENT SCHEME

2009 calendar year

Member State	(thousand EUR)
Bulgaria	289 797
Czech Republic	517 895
Estonia	60 655
Cyprus	29 482
Latvia	83 723
Lithuania	221 622
Hungary	768 875
Poland	1 718 551
Romania	619 883
Slovakia	227 613

ANNEX V

MAXIMUM AMOUNT OF FUNDING AVAILABLE TO MEMBER STATES FOR GRANTING THE SEPARATE SUGAR PAYMENTS REFERRED TO IN ARTICLE 126 OF REGULATION (EC) No 73/2009

2009 calendar year

Member State	(thousand EUR)
Czech Republic	44 245
Latvia	6 616
Lithuania	10 260
Hungary	41 010
Poland	159 392
Romania	3 536
Slovakia	17 712

ANNEX VI

MAXIMUM AMOUNT OF FUNDING AVAILABLE TO MEMBER STATES FOR GRANTING THE SEPARATE FRUIT AND VEGETABLE PAYMENTS REFERRED TO IN ARTICLE 127 OF REGULATION (EC) No 73/2009**2009 calendar year**

Member State	(thousand EUR)
Czech Republic	414
Hungary	4 756
Poland	6 715
Slovakia	516

ANNEX VII

BUDGETARY CEILINGS FOR TRANSITIONAL PAYMENTS IN THE FRUIT AND VEGETABLE SECTOR REFERRED TO IN ARTICLE 128 OF REGULATION (EC) No 73/2009**2009 calendar year**

(thousand EUR)			
Member State	Cyprus	Romania	Slovakia
Tomatoes — Article 128(1)		869	509
Fruit and vegetables other than tomatoes — Article 128(2)	4 478		

ANNEX VIII

BUDGETARY CEILINGS FOR SPECIFIC SUPPORT REFERRED TO IN ARTICLE 69(3) OF REGULATION (EC) No 73/2009**2009 calendar year**

Member State	(thousand EUR)
Ireland	7 000