COUNCIL REGULATION (EEC) No 1187/90

of 7 May 1990

amending Regulation (EEC) No 1357/80 introducing a system of premiums for maintaining suckler cows

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to Article 2 of Regulation (EEC) No 1357/80 (4), as last amended by Regulation (EEC) No 573/89 (5), eligibility for the premium for maintaining suckler cows excludes any milk production other than for sale on the farm;

Whereas such dual activity is necessary for small producers keeping a dairy herd and a suckler herd on their holdings to obtain sufficient income; whereas they should accordingly qualify under the premium arrangements, while limiting the number of eligible cows;

Whereas the presence of two different herds on the same holding is likely to make checks on eligible cows more difficult; whereas, in order to facilitate such checks, provision should be made for suckler cows to bear a separate form of identification; whereas, in addition, provision should be made for additional detailed rules on controls to be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (6), as last amended by Regulation (EEC) No 571/89 (7),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1357/80 is hereby amended as follows:

1. The following subparagraph is added to Article 1:

   'According to the procedure provided for in Article 27 of Regulation (EEC) No 805/68, Member States may, for administrative reasons, be authorized to provide that applications relate to a minimum number of suckler cows.'

2. In the first subparagraph of Article 2 (2), 'for which the premium was granted' is replaced by 'for which the premium was requested'.

3. The following Article is inserted:

   'Article 2a

   1. By way of derogation from Article 2, milk producers whose actual available individual reference quantity as referred to in Article 5c of Regulation (EEC) No 804/68 (*), less quantities withdrawn pursuant to Regulation (EEC) No 775/87 (**), is less than, or equal to, 60 000 kilograms for the 12-month period during which the premium application is lodged may qualify for the premium for their suckler herds. In this case, the premium shall be limited to 10 animals per application and per holding.

      Checks to ascertain whether cows belong to a suckler herd or to a dairy herd shall be carried out, in particular, on the basis of the reference quantity of the producer qualifying referred to above and of an average milk yield to be determined according to the procedure provided for in Article 6.

   2. In these cases, the premium shall be granted subject to an undertaking by recipients to keep on their holdings for a minimum of six months from the day on which the application is lodged a number of suckler cows or replacement in-calf heifers at least equal to that for which the premium has been requested. In addition, animals which are the subject of an application for a premium on the basis of this Article must bear a separate identification which must be recorded in a special register kept by the farmer and on the premium application.

   (*) OJ No L 148, 28. 6. 1968, p. 13.
   (**) OJ No L 78, 20. 3. 1987, p. 5.'

4. In Article 5 (4), 'referred to in Article 2 (2)' is replaced by 'referred to in Articles 2 (2) and 2a (2)'.

5. In Article 5 (4), 'the holder of which delivers neither milk nor milk products' in the first subparagraph and 'the holder of which delivers neither milk nor milk products' in the third subparagraph are deleted.

6. Article 6 is replaced by the folowing:

   'Article 6

   The following in particular shall be laid down in accordance with the procedure provided for in Article 27 of Regulation (EEC) No 805/68:

(1) OJ No C 49, 28. 2. 1990, p. 56.
(2) OJ No C 96, 17. 4. 1990.
(3) OJ No C 112, 7. 5. 1990, p. 34.
(4) OJ No L 140, 5. 6. 1980, p. 1.
(5) OJ No L 63, 7. 3. 1989, p. 3.
(6) OJ No L 148, 28. 6. 1968, p. 24.
(7) OJ No L 61, 4. 3. 1989, p. 43.

(a) the time limits for lodging applications for the premium;

(b) the provisions for payment of premiums;

(c) the average milk yield referred to in Article 2a (1);

(d) the detailed rules for checking the number of suckler cows declared and observance of the undertaking referred to in Articles 2 and 2a;

(e) the additional detailed rules for checking the application of the provisions of Article 2a;

(f) the exceptional circumstances under which the undertaking referred to in Articles 2 and 2a may be waived;

(g) the other detailed rules for the application of this Regulation.'

Article 2

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

It shall apply to applications lodged from 15 June 1990.

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

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS