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**COMMISSION REGULATION (EEC) No 2385/91**

**of 6 August 1991**

**laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups**

(OJ L 219, 7.8.1991, p. 15)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Regulation (EEC) No 2425/91 of 8 August 1991	L 221	27	9.8.1991
► <b><u>M2</u></b>	Commission Regulation (EEC) No 3676/91 of 17 December 1991	L 349	14	18.12.1991
► <b><u>M3</u></b>	Commission Regulation (EEC) No 2564/92 of 2 September 1992	L 257	12	3.9.1992
► <b><u>M4</u></b>	Commission Regulation (EC) No 609/94 of 18 March 1994	L 77	10	19.3.1994
► <b><u>M5</u></b>	Commission Regulation (EC) No 826/94 of 13 April 1994	L 95	8	14.4.1994
► <b><u>M6</u></b>	Commission Regulation (EC) No 2569/95 of 31 October 1995	L 262	32	1.11.1995
► <b><u>M7</u></b>	Commission Regulation (EC) No 2143/96 of 7 November 1996	L 286	10	8.11.1996
► <b><u>M8</u></b>	Commission Regulation (EC) No 2254/1999 of 25 October 1999	L 275	9	26.10.1999



**COMMISSION REGULATION (EEC) No 2385/91  
of 6 August 1991**

**laying down detailed rules for certain special cases regarding the  
definition of sheepmeat and goatmeat producers and producer  
groups**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91 <sup>(2)</sup>, and in particular Article 5 (9) thereof,

Having regard to Council Regulation (EEC) No 3493/90 of 27 November 1990 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers <sup>(3)</sup>, and in particular Articles 1 and 2 (4),

Whereas Regulation (EEC) No 3493/90 establishes, in particular, the definitions of sheepmeat and/or goatmeat producer and producer group; whereas, furthermore, that Regulation lays down that the Commission, acting in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89, is to lay down detailed rules for the application of those definitions and in particular special cases arising from contractual forms provided for in agricultural law or covered by national customs and practices under which the farmer, while assuming the risks and/or organization of the rearing, is not the owner of all or part of the flock, and detailed rules for the application of the limits provided for in Article 5 (7) of Regulation (EEC) No 3013/89 concerning producer groups;

Whereas, as regards the abovementioned contractual forms, provisions should be laid down in particular to cover cases of shared ownership, livestock lease and placing of ewes in agistment and certain situations where the shepherd of a flock is also owner of part of the latter; whereas, however, as regards livestock leases, special provisions must be laid down in the United Kingdom for the National Trust where it is the lessor in the Lake District area, since the said lessor imposes particularly strict conditions on lessees in order to ensure that the environment is protected;

Whereas the limits provided for in Article 5 (7) of Regulation (EEC) No 3013/89 may, in the case of producer groups, be applied correctly using a single premium declaration signed by all the members and by means of certain provisions on penalties intended to ensure that the group assumes liability for declarations submitted;

Whereas, for the purposes of applying the abovementioned limits, rules should also be laid down for apportioning livestock in the case of groups where the animals belonging to each member cannot be identified; whereas the formula for apportionment applicable, in the case of disbanding, to the group's assets is suitable for the purpose;

Whereas, in order to prevent the limits in question from being circumvented, the concept of group should exclude any form of association featuring a lack of independence of or real participation by the members;

Whereas Regulation (EEC) No 3493/90 lays down the conditions under which farmers practising transhumance are to be considered producers in less-favoured areas; whereas that Regulation lays down in particular that, to that end, on farmers whose holdings are located in geographical areas to be determined according to certain criteria and in accordance with the

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.

<sup>(3)</sup> OJ No L 337, 4. 12. 1990, p. 7.

**▼B**

procedure provided for in Article 30 of Regulation (EEC) No 3013/89 are to be taken into account; whereas those criteria lead to the determination of the areas given in the Annex hereto;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Save as otherwise provided for in paragraph 4, in cases other than those referred to in Article 2 (1) where ownership of a flock of sheep and/or goats on the same farm is shared between two or more natural or legal persons, the producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3439/90 shall be deemed to be the person who has the greatest share of the sale of products from the flock in question.

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2. Where the owner of a flock of sheep and/or goats places the flock in agistment, the farmer in question shall remain the producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90. He shall identify the agister's holding in his premium application.

3. Where a flock of ewes and/or she-goats is held, in part or in whole, under a livestock lease and the lessee receives the product of the sale of the livestock products, the lessee shall be deemed to be the producer, with regard to the part in question, within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90.

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4. Where the shepherd of a flock of sheep and/or goats is an employee of a producer within the meaning of point 1 of Article 1 (1) of Regulation (EEC) No 3493/90 and at the same time is himself a producer within the meaning of the same Article with regard to a part of the flock, the shepherd shall be jointly and severally liable with the other producer where the penalties provided for in Commission Regulation (EEC) No 3887/92 <sup>(1)</sup> are applied in the event of the two parts of the flock not being identified separately.

The premium application submitted by each producer must specify the employer-employee relationship and identify the other producer.

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*Article 2*

1. Where a premium application is submitted by a producer group within the meaning of point 2 of Article 1 (1) of Regulation (EEC) No 3493/90, the producer group must submit a single premium application, which must be signed by all the producers within the meaning of point 1 of the said Article; such producers shall remain subject to the obligations imposed by Regulation (EEC) No 3007/84. The premium shall be paid directly to the group.

<sup>(1)</sup> OJ No L 391, 31. 12. 1992, p. 36.

**▼M5**

The rules on penalties referred to in Article 10 of Regulation (EEC) No 3887/92 shall apply to the group as such. However, the penalty provided for in that Article in the event of a false declaration intentionally made shall apply to those members who, while remaining producers in the following year, no longer form part of the group.

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2. Premium applications must state the number of animals brought to the group by each producer.

**▼M2**

However, where the nature of the group is such that ownership of individual animals cannot be assigned to each producer, the articles of association or the rules of procedure of the group must necessarily give a formula for apportioning the sheep and/or goat flock between the various producers concerned within the meaning of point 1 of the first paragraph of Article 1 of Regulation (EEC) No 3493/90.

That formula must correspond to the way the group's assets would be apportioned between the producer between the producer (SIC!) members were the group to be disbanded and shall be notified to the competent authority. This formula shall remain unaltered in subsequent marketing years unless the structure of the group which has been notified to the authority competent for granting the premium undergoes a substantial change; such a change shall be the result of:

- new members joining or old members leaving, or
- a change of 10 % or more in the apportionment of the members' assets as a whole.

Annual premium applications must specify the number of ewes attributed to each producer on the basis of the said formula.

**▼M5**


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**▼B***Article 3*

1. The geographical areas referred to in the second indent of Article 2 (3) of Regulation (EEC) No 3493/90 shall be as set out in the Annex hereto.

2. Premium applications submitted by producers the registered addresses of whose farms are in one of the areas referred to in paragraph 1 and who wish to qualify under the provisions of Article 2 (3) of Regulation (EEC) No 3493/90 must indicate:

- the place or places where transhumance is to be carried out for the current marketing year,
- the period of at least 90 days referred to in the said paragraph and laid down for the current marketing year.

**▼M6**

Notwithstanding Article 1 of Regulation (EEC) No 2700/93, documents containing information and the documents referred to in paragraph 3 relating to applications for the 1995 marketing year shall be submitted by farmers in Austria by 30 November 1995.

**▼B**

3. Premium applications from producers as referred to in paragraph 2 must be accompanied by documents certifying that transhumance has actually been carried out, except in cases of *force majeure* or duly justified natural circumstances, during two previous marketing years and in particular by an attestation from the local or regional authority at the place of transhumance certifying that the latter has actually taken place during at least 90 consecutive days.

**▼M6**

For the 1995 and 1996 marketing years, however, in the case of Austria, the attestation that transhumance took place during the previous two marketing years may be replaced by documents attesting that transhumance took place during the 1995 marketing year.

**▼M2**

Member States shall inform the Commission of the steps taken with regard to the designation or approval of the local authority competent to issue the attestations referred to in the first subparagraph.

The attestations must state:

- the place of transhumance,
- the dates of the transhumant animals' 'arrival and departure.

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4. In order to facilitate checks, the authority receiving the premium applications shall notify the authority responsible for verification of the place of transhumance.

5. The Member States shall monitor the application of the provisions of this Article in accordance with the detailed rules laid down in Article 5 of Regulation (EEC) No 3007/84. In addition, when carrying out administrative checks on applications, they shall ensure that the place of transhumance specified in the premium application is actually within one of the areas defined in Article 3 (3), (4) and (5) of Council Directive 75/268/EEC <sup>(1)</sup>.

6. Member States shall notify the Commission of the premium applications as referred to in paragraph 2, received for the current marketing year, broken down according to the list of regions referred to in Article 3 (4) of Regulation (EEC) No 3007/84 at the same time as the communication required in that Article.

**▼M5**


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**▼B***Article 5*

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

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

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<sup>(1)</sup> OJ No L 128, 19. 5. 1975, p. 1.



## ANNEX

LIST OF GEOGRAPHICAL AREAS REFERRED TO IN THE SECOND  
INDENT OF ARTICLE 3 OF REGULATION (EEC) No 3493/90

## I. SPAIN

Comunidad autónoma	Provincia	Comarcas
Andalucía	Almería	Nº 7: Campos Dalías Nº 8: Campos Níjar y Bajo Andárax
	Cádiz	—
	Córdoba	Nº 3: Campiña Baja
	Jaén	Nº 6: Campiña Sur
	Granada	Nº 1: De la Vega
	Huelva	Nº 3: Andevalo Oriental
	Málaga	Nº 1: Nortes o Antequera Nº 3: Centro o Guadalorce
	Sevilla	Nº 2: La Vega Nº 5: La Campina
Aragón	Huesca	Nº 4: Hoya de Huesca Nº 6: Los Monegros Nº 7: La Litera Nº 8: Bajo Cinca
	Teruel	—
	Zaragoza	Nº 1: Egea de los Caballeros Nº 2: Borja Nº 5: Zaragoza
Asturias	Asturias	—
Baleares	Baleares	—
Cantabria	Cantabria	—
Castilla y León	Ávila	—
	Burgos	—
	León	Nº 6: Tierras de León
	Palencia	Nº 2: Campos
	Salamanca	Nº 3: Salamanca
	Segovia	—
	Soria	—
	Valladolid	Nº 2: Centro
Zamora	Nº 4: Campos-Pan	
Castilla-La Mancha	Albacete	Nº 4: Centro
	Ciudad Real	Nº 2: Campos de Calatrava Nº 5: Pastos
	Cuenca	—
	Guadalajara	—
	Toledo	Nº 1: Talavera

▼**M3**

Comunidad autónoma	Provincia	Comarcas
Cataluña	Barcelona	Nº 6: Anoia Nº 7: Bages Nº 11: Baix Llobregat Nº 17: Garraf Nº 21: Maresme Nº 24: Osona Nº 40: Vallès Occidental Nº 41: Vallès Oriental
	Girona	Nº 2: Alt Empordà Nº 10: Baix Empordà Nº 34: La Selva
	Lleida	Nº 23: Noguera Nº 27: Pla d'Urgell Nº 33: Segrià Nº 38: Urgell
	Tarragona	Nº 1: Alt Camp Nº 9: Baix Ebre Nº 12: Baix Penedès Nº 29: Priorat Nº 36: Tarragonès

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Extremadura	Badajoz	Nº 3: Don Benito Nº 6: Badajoz
	Cáceres	—
Galicia		—
Madrid	Madrid	—
Murcia	Murcia	Nº 4: Río Segura Nº 5: Suroeste y Valle de Guadalentín
Navarra	Navarra	Nº 5: La Ribera
La Rioja	La Rioja	—

▼**M8**

Valenciana	Alicante Castellón Valencia	Comarca No 2 — Bajo Maestrazgo Comarca No 3 — Campos de Liria Comarca No 5 — La Hoya de Buñuel Comarca No 6 — Sagunto Comarca No 8 — Riberas del Júcar
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País Vasco		—
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## II. FRANCE

*Provence-Alps-Côte d'Azur*

The non-less-favoured areas in the departments of Alpes-de-Haute-Provence, Alpes Maritimes, Var and Vaucluse, and the whole of the department of Bouches-du-Rhône.

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*Rhône-Alps*

The non-less-favoured areas in the departments of Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie and Haute-Savoie.

*Midi-Pyrénées*

The non-less-favoured areas in the departments of Haute-Garonne, Hautes-Pyrénées and Tarn-et-Garonne.

*Aquitaine*

The non-less-favoured areas in the department of Pyrénées-Atlantiques.

*Alsace*

The non-less-favoured areas in the departments of Bas-Rhin and Haut-Rhin.

*Lorraine*

The non-less-favoured areas in the departments of Meurthe-et-Moselle, Moselle and the whole of the department of Meuse.

*Auvergne*

The non-less-favoured areas in the departments of Allier and Puy-de-Dôme.

*Languedoc-Roussillon*

The non-less-favoured areas in the departments of Aude, Gard, Hérault and Eastern Pyrénées.

## III. GREECE

Lowland areas from which animals are (by tradition) moved every year to mountain, hill and less-favoured areas, as specified in Articles 3 (3), 4 and 5 of Directive 75/268/EEC.

Νομός	Επαρχία
1. Νομός Λακωνίας	Λακεδαίμονος, Επιδαύρου, Λιμήρας
2. Νομός Ιωαννίνων	Ιωαννίνων
3. Νομός Φωκίδος	Παρνασσίδος, Δωρίδος
4. Νομός Πρέβεζας	Νικοπόλεως
5. Νομός Κιλκίς	Κιλκίς
6. Νομός Αττικής	Μεγαρίδος, Αττικής, Πειραιώς
7. Νομός Αχαΐας	Πατρών, Αιγιαλείας
8. Νομός Αργολίδας	Άργους, Ναυπλίου
9. Νομός Βοιωτίας	Λιβαδειάς, Θήβας
10. Νομός Αρκαδίας	Κοινορίας, Μαντινείας
11. Νομός Ημαθίας	Νάουσας, Βέροιας
12. Νομός Ηλείας	Ηλείας, Ολυμπίας
13. Νομός Μαγνησίας	Βόλου, Αλμυρού
14. Νομός Κορινθίας	Κορινθίας
15. Νομός Ροδόπης	Κομοτινής
16. Νομός Πέλλας	Έδεσσας, Αλμωπίας, Παννιτσών
17. Νομός Φθιώτιδας	Φθιώτιδος, Δομοκού, Λοκρίδος
18. Νομός Χανίων	Κυδωνίας, Κισάμου, Αποκορώνου
19. Νομός Ευβοίας	Χαλκίδας, Καριστίας, Ιστιαίας
20. Νομός Αιτωλοακαρνανίας	Μεσολογγίου, Τριγωνίδας, Βάλτου, Ξηρομέρου, Ναυπάκτου
21. Νομός Μεσσηνίας	Τριφυλίας, Μεσσήνης, Πυλίας
22. Νομός Τρικάλων	Τρικάλων
23. Νομός Ρεθύμνης	Ρεθύμνης
24. Νομός Πιερίας	Πιερίας
25. Νομός Δράμας	Δράμας
26. Νομός Άρτας	Άρτας
27. Νομός Θεσσαλονίκης	Θεσσαλονίκης, Λαγκαδά
28. Νομός Θεσπρωτίας	Θιάμδος



▼**B**

Νομός	Επαρχία
29. Νομός Καρδίτσας	Καρδίτσας, Σοφάδων, Παλαμά, Μουζακίου
30. Νομός Καβάλας	Καβάλας, Παγγαίου
31. Νομός Λάρισας	Λάρισας, Φαρσάλων, Αγιάς, Ελασσώνας, Τυρνάβου

▼**M2**

## IV. GERMANY

**Baden-Württemberg** (in the following urban and rural districts):

Stuttgart (town)  
 Böblingen  
 Esslingen  
 Göppingen  
 Ludwigsburg  
 Rems-Murr-Kreis  
 Heilbronn (town)  
 Heilbronn  
 Hohenlohekreis  
 Schwäbisch Hall  
 Main-Tauber-Kreis  
 Heidenheim  
 Ostalbkreis  
 Baden-Baden (town)  
 Rastatt  
 Karlsruhe (town)  
 Karlsruhe  
 Heidelberg (town)  
 Mannheim (town)  
 Sigmaringen  
 Rhein-Neckar-Kreis  
 Neckar-Odenwald-Kreis  
 Pforzheim (town)  
 Enzkreis  
 Calw  
 Freudenstadt  
 Freiburg im Breisgau (town)  
 Breisgau Hochschwarzwald  
 Emmendingen  
 Ortenaukreis  
 Konstanz  
 Lörrach  
 Waldshut  
 Reutlingen  
 Tübingen  
 Zollernalbkreis  
 Ulm (town)  
 Alb-Donau-Kreis  
 Biberach

▼M2

Bodenseekreis

Ravensburg

**Bavaria** (in the following urban and rural districts):

Alchach-Friedberg

Altötting

Ansbach (zone north-west)

Aschaffenburg

Augsburg

Bad Tölz-Wolfratshausen (zone north)

Berchtesgadener Land (zone north)

Dachau

Deggendorf

Dillingen

Dingolfing-Landau

Donau-Ries

Ebersberg

Eichstätt (south)

Erding

Erlangen (south)

Freising

Fürstenfeldbruck

Fürth

Günzburg

Kelheim

Kitzingen

Landsberg/Lech

Landshut

Lindau (west)

Main-Spessart (south)

Miesbach (zone north)

Miltenberg

Mühldorf

Munich

Neuburg-Schrobenhausen

Neustadt/Aisch — Bad Windsheim (west)

Neu Ulm

Nürnberger Land (west)

Ostallgäu (zone north)

Passau (zone south-west)

Pfaffenhofen

Regensburg

Rosenheim (zone north)

Rottal-Inn

Starnberg

Straubing-Bogen

Schweinfurt

Traunstein (zone north)

Unterallgäu

Würzburg

**▼M4****Brandenburg** (in the following urban and rural districts):

Prignitz  
 Uckermark  
 Märkisch-Oderland  
 Elbe-Elster  
 Dahme-Spreewald  
 Teltow-Fläming  
 Oder-Spree  
 Oberhavel  
 Ostprignitz  
 Spree-Neiße  
 Potsdam-Mittelmark  
 Oberspreewald-Lausitz

**▼M2****Hesse** (in the following urban and rural districts):

Wetteraukreis  
 Gießen  
 Marburg-Biedenkopf  
 Fulda  
 Kassel  
 Limburg-Weilburg

**Lower Saxony** (in the following urban and rural districts):

Gifhorn  
 Göttingen  
 Peine  
 Hannover  
 Hildesheim  
 Holzminden  
 Hameln  
 Nienburg  
 Schaumburg  
 Uelzen  
 Verden

▶**M7** Lüneburg ◀**▼M7****Mecklenburg-Western Pomerania** (in the following urban and rural districts):

Bad Doberan  
 Demmin  
 Güstrow  
 Ludwigslust  
 Mecklenburg-Strelitz  
 Nordvorpommern  
 Nordwestmecklenburg  
 Ostvorpommern  
 Parchim  
 Uecker-Randow

**▼M2**

**Rhineland-Palatinate** (in the following rural districts and towns):

Koblenz  
Ahrweiler  
Bad Kreuznach  
Cochem-Zell  
Mayen-Koblenz  
Neuwied  
Rhein-Lahn-Kreis  
Trier  
Bernkastel-Wittlich  
Trier-Saarburg  
Frankenthal  
Kaiserslautern (town and rural district)  
Landau i.d. Pfalz  
Ludwigshafen (town and rural district)  
Mainz  
Neustadt a.d.W.  
Speyer  
Worms  
Zweibrücken  
Alzey-Worms  
Bad-Dürkheim  
Germersheim  
Südliche Weinstraße  
Mainz-Bingen  
Pirmasens  
Donnerbergkreis

**▼M7**

**Saxony** (in the following urban and rural districts):

Torgau-Oschatz  
Delitzsch  
Muldentalkreis  
Riesa-Großenhain  
Meißen-Radebeul  
Sächsische Schweiz  
Bautzen  
Löbau-Zittau  
Niederschlesischer Oberlausitzkreis  
Freiberg  
Chemnitzer Land  
Zwickauer Land  
Kamenz

**Saxony-Anhalt** (in the following urban and rural districts):

Anhalt-Zerbst  
Sangerhausen  
Weißenfels  
Ohrekreis  
Jerichower Land  
Halberstadt

▼**M7**

Stendal  
Salzwedel

**Thuringia** (in the following urban and rural districts):

Nordhausen  
Kyffhäuser Kreis  
Unstrut-Hainich-Kreis  
Sömmerda  
Wartburg Kreis  
Gotha  
Weimar-Land  
Ilm-Kreis  
Holzlandkreis  
Altenburg  
Erfurt  
Weimar

▼**M2**

V. ITALY

**Non-less-favoured areas of the regions**

Tuscany  
Umbria  
Marche  
Sicily  
Sardinia  
Lazio  
Abruzzo (SIC! Abruzzo)  
Molise  
Campania  
Basilicata  
Puglia  
Calabria

**Non-less-favoured areas of the provinces**

Cuneo  
Vercelli  
Bergamo  
Brescia  
Treviso  
Pavia  
Parma  
Reggio Emilia  
Modena  
Bologna  
Forli

▼M6

## VI. AUSTRIA

Non-less-favoured areas in *Gemeinde* or parts of *Gemeinde* in the following *Bezirke*:

**Bundesland Vorarlberg:**

Feldkirch  
Dornbirn  
Bregenz

**Bundesland Kärnten:**

Klagenfurt  
Klagenfurt-Land  
Wolfsberg

**Bundesland Salzburg:**

Salzburg  
Salzburg-Umgebung

**Bundesland Steiermark:**

Graz  
Graz-Umgebung  
Leibnitz  
Radkersburg  
Weiz  
Feldbach  
Fürstenfeld  
Hartberg

**Bundesland Oberösterreich:**

Braunau am Inn  
Ried im Innkreis  
Schärding  
Vöcklabruck  
Gieskirchen  
Eferding  
Wels-Land  
Gmunden  
Urfahr-Umgebung  
Kirchdorf an der Krems  
Steyr-Land  
Linz und Perg

**Bundesland Niederösterreich:**

Amstetten  
Melk  
Scheibbs  
St. Pölten-Land  
Wien-Umgebung  
Krems an der Donau  
Krems-Land  
Horn  
Mödling

▼**M6**

Baden  
Neunkirchen  
Wiener Neustadt-Land

**Bundesland Burgenland:**

Neusiedl am See  
Eisenstadt-Land  
Mattersburg  
Oberpullendorf  
Oberwart  
Güssing