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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3808/89
of 12 December 1989**

**amending Regulation (EEC) No 797/85, (EEC) No 1096/88, (EEC) No 1360/78,
(EEC) No 389/82 and (EEC) No 1696/71 with a view to expediting the
adjustment of agricultural production structures**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 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 Article 1 (3) of Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ⁽⁴⁾ provides that the Council is to decide before 31 December 1989 on any alterations to the common measures introduced under Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁶⁾, in order to achieve the objective referred to in Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽⁷⁾, in conformity with the rules laid down by Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European

Investment Bank and the other existing financial instruments ⁽⁸⁾, and in conformity with Regulation (EEC) No 4256/88 itself;

Whereas, following the Council decisions on the reform of the Structural Funds, the measures financed by the EAGGF, Guidance Section, should be adapted so that they can fully perform their role of expediting the adjustment of agricultural structures with a view to the reform of the common agricultural policy within the meaning of objective 5 (a) of Article 1 of Regulation (EEC) No 2052/88; whereas the necessary amendments should therefore be made to the measures to be taken in line with that objective, namely the common measures of horizontal application;

Whereas, if European agriculture is to maintain a presence on world markets, the common agricultural policy must continue to aim at increasing the efficiency and competitiveness of agricultural holdings; whereas, while the majority of the adjustments necessary to ensure the long-term competitiveness of Community agriculture must be made through the markets policy, the structural policy, too, must make its contribution by strengthening production and marketing structures as far as possible but without in any way worsening the imbalance between the productive resources allocated to agriculture and the foreseeable outlets; whereas emphasis must be placed on the structural improvement of holdings which at present are weak and on the setting-up of young farmers under viable conditions;

Whereas, on the basis of these principles, amendments should be made to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽⁹⁾, as last amended by Regulation (EEC) No 2156/89 ⁽¹⁰⁾;

Whereas the aim of Community investment aid is to modernize agricultural holdings and thus improve their competitiveness in the context of the rational development of agricultural production; whereas this

⁽¹⁾ OJ No C 240, 20. 9. 1989, p. 6.

⁽²⁾ OJ No C 304, 4. 12. 1989.

⁽³⁾ Opinion delivered on 16 November 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 374, 31. 12. 1988, p. 25.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁶⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁷⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁸⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽⁹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽¹⁰⁾ OJ No L 207, 19. 7. 1989, p. 12.

aspect of the structural policy must be adjusted so as to permit the modernization and diversification of agriculture while remaining consistent with the measures taken to limit surplus production; whereas, at present, in order to qualify for Community investment aid, a farmer must practise farming as his main occupation, that is, he must devote at least half of his working time to his holding and derive at least half of his income therefrom; whereas investment aid should be extended to persons who do not practise farming as their main occupation provided that on their holding they engage in forestry, tourism or craft activities or activities designed to safeguard the environment and maintain the countryside and whereas the means of thus extending investment aid should be defined;

Whereas, with regard to the objective of investment plans for agricultural holdings, a distinction should no longer be made, so far as Community aid is concerned, between plans aimed at maintaining the level of income and those aimed at improving it substantially; whereas there is justification for maintaining the derogation concerning the holding of simplified accounts within the framework of investment plans for areas which at present benefit therefrom;

Whereas, under the existing provisions, aid may be granted in particular for investments which are not aimed at increasing production capacity but rather at improving the quality of production facilities; whereas this aid could be extended to investments aimed at finding new sources of income, such as tourism or craft activities or the farm-based manufacture and sale of farm products, and to investments aimed at improving conditions for the hygiene and welfare of animals;

Whereas, as regards the limits placed on investment aids in certain agricultural sectors, the present restrictions (on the production of milk, pigs, eggs and poultry) must be supplemented by restrictions in the beef and veal sector, bearing in mind the situation on the market for the products concerned and the need to provide no incentive to intensive production; whereas, however, such restrictions would not apply to aid for the protection of the environment;

Whereas the increase in the investment aid rates should be maintained in the Member States concerned;

Whereas, in view of the ever-increasing cost of setting up of an agricultural holding, the maximum amount eligible for a Community contribution towards the aid for the setting-up of young farmers should be increased from ECU 7 500 to ECU 10 000 in the case of both the installation premium and the capitalized value of the interest subsidy; whereas the detailed rules for the application of

this measure should also be amended so that wider and more effective use can be made thereof;

Whereas, in the areas referred to in Article 13 (1) of Regulation (EEC) No 797/85, there is justification for extending the stock-farming aid provided for in Article 17 of that Regulation to activities other than stock-farming where this constitutes a peripheral activity;

Whereas, in the interests of rational production, encouragement should be given to the formation of mutual assistance groups which would use new technologies and practices aimed at safeguarding and improving the environment and preserving the countryside and to the formation of groups which would introduce alternative agricultural methods such as biological techniques, integrated crop-protection techniques and extensive farming techniques;

Whereas the effectiveness of the current scheme to assist hill-farming and farming in certain less-favoured areas could be improved by increasing the Community assistance for the less prosperous regions and by making certain technical adjustments; whereas, in order to reduce the drawbacks both in terms of markets and the environment, the allowance should be granted for only 1,4 livestock units (LU) per hectare of the total forage area of the holding; whereas, in addition, as regards the maximum amount of Community aid per holding, the administrative difficulties should be overcome by replacing the existing scheme by a simpler one designed to concentrate the Community's efforts on those holdings which are in greatest need, that is, the Community contribution would be restricted to the equivalent of 120 units, be they livestock units or area units;

Whereas the amounts currently eligible for aid in areas which are sensitive in terms of the environment, natural resources and the preservation of the countryside are significantly lower than the loss of income resulting from the use of ecological methods and therefore provide too little incentive, especially in less-favoured areas; whereas, in order to ensure that this measure is more widely applied not only in rural areas which are experiencing the pressures of a changing world close to large population centres but also in less-favoured areas, it is necessary to increase the maximum amount eligible to ECU 150 per hectare;

Whereas Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming⁽¹⁾ should be amended, in particular to take account of the fact that in the context of the reform of the Structural Funds the option of early retirement with restructuring is no longer a horizontal measure under objective 5 (a) but a regionalized measure to be included in regional/rural development plans under objectives 1 and 5 (b);

⁽¹⁾ OJ No L 110, 29. 4. 1988, p. 1.

Whereas, in accordance with the principles of the reform of the Structural Funds, and in particular with Articles 5 and 11 of Regulation (EEC) No 2052/88, the EAGGF may help to finance national aid schemes by reimbursing expenditure incurred by Member States; whereas the rate of Community part-financing may be differentiated on the basis of the criteria and within the limits laid down in Article 13 of the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 797/85 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. With a view to expediting the adjustment of agricultural structures in the Community pursuant to objective 5 (a) as set out in Article 1 of Regulation (EEC) No 2052/88 (*), a common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 (**), to be implemented by the Member States, is hereby introduced with the following objectives:

- (i) to help restore the balance between production and market capacity;
- (ii) to help improve the efficiency of farms by developing and reorganizing their structures and by promoting supplementary activities;
- (iii) to maintain a viable agricultural community and thus help develop the social fabric of rural areas by ensuring a fair standard of living for farmers and by offsetting the effects of natural handicaps in mountain areas and less-favoured areas;
- (iv) to contribute to the safeguarding of the environment and the preservation of the countryside, including the long-term conservation of natural farming resources.

2. In accordance with Article 5 (2) (b) and 11 (4) of Regulation (EEC) No 2052/88, the EAGGF Guidance Section, hereinafter called 'the Fund', shall, acting under the common measure referred to in paragraph 1, provide part-financing for national aid schemes by reimbursing, on the terms laid down in Title VIII, expenditure incurred by the Member States on:

- (a) schemes designed to encourage the conversion and extensification of production;
- (b) measures relating to investments in agricultural holdings, in particular to reduce production costs, to improve the living and working conditions of

farmers, to promote the diversification of their activities, including the marketing of products on the farm, and to preserve and improve the natural environment;

- (c) measures to encourage the setting-up of young farmers;
- (d) back-up measures to assist agricultural holdings, involving the introduction of accounts and the launching of groups, services and facilities for the benefit of several holdings;
- (e) measures to support farm incomes and to maintain viable agricultural communities in mountain or less-favoured areas by means of agricultural aid for offsetting natural handicaps;
- (f) measures to protect the environment and safeguard the countryside by encouraging appropriate farming methods;
- (g) forestry measures to assist agricultural holdings;
- (h) vocational training projects connected with the measures referred to in paragraphs (a) to (d).

In accordance with Title VIII, the Guarantee and Guidance Sections of the Fund shall contribute equally, under the common measure referred to in paragraph 1, towards measures linked with the scheme to encourage the set-aside of arable land. In the case of the share of expenditure financed by the Guidance Section of the Fund, the financial rules for the application of the common measure shall, by way of exception, be those which apply to the Guarantee Section.

(*) OJ No L 185, 15. 7. 1988, p. 9.

(**) OJ No L 374, 31. 12. 1988, p. 25.

2. In Article 2 (1):

- (a) Point (a) is replaced by the following:

'(a) practises farming as his main occupation.

Member States may, however, apply the aid scheme referred to in Articles 2 to 6 to farmers who, while they do not practise farming as their main occupation, derive at least 50 % of their total income from farming, forestry, tourism or craft activities or activities for maintaining the countryside which qualify for public aid, carried out on the holding, provided that the proportion of income deriving directly from farming on the holding is not less than 25 % of the farmer's total income and that off-farm activities do not account for more than half the farmer's total working time.'

(b) Point (c) is replaced by the following :

'(c) submits a plan for materially improving his holding. This plan must show by means of specific calculations that the investments are justified from the point of view of the situation of the holding and its economy and that implementation of the plan will bring about a lasting improvement of that situation, and in particular of the labour income per man-work (MWU) employed on the holding, or is necessary for maintaining the present level of labour income per MWU.'

(c) In point (d), the second subparagraph is replaced by the following :

'However, in the less-favoured areas determined in accordance with Articles 2 and 3 of Directive 75/268/EEC, the Kingdom of Spain, the Hellenic Republic and the Italian Republic, as regards the Mezzogiorno including the islands, and the Portuguese Republic, as regards its entire territory, shall be authorized to accept improvement plans submitted until 31 December 1991 by holdings which do not satisfy the condition laid down in this point, provided that the volume of work on the holding does not require more than the equivalent of one man-work unit (MWU) and that projected investments do not exceed ECU 25 000.'

3. Article 3 is hereby amended as follows :

(a) Paragraph 1 is replaced by the following :

'1. The aid scheme referred to in Article 2 may be applicable to investments relating to :

- the qualitative improvement and conversion of production in line with market requirements,
- the diversification of activities on the holding, in particular by the introduction of tourism and craft activities or the manufacture and sale of farm produce on the farm,
- the adaptation of the holding for the purposes of reducing production costs and saving energy,
- the improvement of living and working conditions,
- the improvement of the hygiene conditions of livestock enterprises and compliance with Community animal welfare standards, or, failing these, national standards until Community standards are adopted,
- the protection and improvement of the environment.'

(b) The following paragraph is inserted :

'4a. Save where decisions subsequently taken pursuant to paragraph 2 provide otherwise, aid as provided for in paragraph 1 and granted for investments relating to the beef sector, other than aid for safeguarding the environment, shall be

restricted to livestock enterprises where the beef-cattle stocking rate does not, at the end of the plan, exceed three livestock units (LSU) per hectare of total forage area used for feeding the cattle ; the LSU conversion table is given in the Annex.

However, until 31 December 1991, this limit of 3 LSUs shall not be applied when evidence is adduced that there is no proposal to increase production capacity. Before 31 December 1991, the Commission shall examine the application of this provision and submit a report to the Council.'

4. In Article 4 (2) :

— the second subparagraph is replaced by the following :

'The value of the aid provided for in paragraph 1, expressed as a percentage of the amount of the investment, shall not exceed :

(a) In the case of the areas referred to in Article 2 and 3 of Directive 75/268/EEC ;

- 45 % for fixed assets ;
- 30 % for other types of investments ;

(b) in the case of other areas :

- 35 % for fixed assets ;
- 20 % for other types of investment.

Where the aid is not granted in the form of a capital grant, Member States shall draw up each year a table showing the value of the aid, expressed as a percentage of the amount of the investment, taking into consideration the average annual rate of interest on non-subsidized loans, the value of the interest subsidy, the term of the loans, deferred interest subsidies and repayments and any other factor used for expressing the aid in grant equivalent terms.'

— the last subparagraph shall be replaced by the following :

'However, until 31 December 1991, the value of the maximum aid referred to in the second subparagraph shall be increased by 10 % of the amount of the investments in Spain, Greece, Ireland, Italy and Portugal for investments shown in the improvement plans submitted by that date.'

5. Article 7 is hereby replaced by the following and an Article 7a is inserted :

'Article 7

1. Member States may grant setting-up aid to young farmers under 40 years of age on condition that :

- the young farmer sets up as head of the holding, which means that he assumes civil and tax liability or joint liability for the management of the holding and the social status accorded in the Member State concerned to self-employed heads of holding,

- the young farmer sets up as a farmer practising farming as his main occupation or begins, after having set up as a part-time farmer, to practise farming as his main occupation,
- the occupational qualifications of the young farmer are at a satisfactory level at the time of his setting up or at the latest two years thereafter, and
- the holding requires a volume of work equivalent to at least one MWU, which must be achieved at the latest two years after the setting up.

2. The setting-up aid may comprise :

- (a) a single premium of a maximum eligible amount of ECU 10 000. The premium may be paid over a period not exceeding five years. Member States may replace the premium by an equivalent interest subsidy;
- (b) an interest subsidy on loans taken out with a view to covering the costs arising from setting up.

The rate of interest subsidy shall be not more than 5 % for a period of 15 years ; the capitalized value of the interest subsidy may not exceed ECU 10 000.

Member States may pay, in the form of a grant, the equivalent of the interest subsidy resulting from the volume and duration of the loans taken out.

3. Member States shall define :

- the conditions governing setting up,
- specific conditions in a situation where a young farmer does not set up as sole head of the holding, in particular where he sets up as a member of an association or cooperative whose principal object is the management of an agricultural holding ; these conditions must be equivalent to those required for setting up as a sole head of a holding,
- the agricultural training which a young farmer must have had at the time of his setting up, or must achieve within two years thereafter, in order for the premium to be eligible under the Fund,
- the conditions under which it will be recognized that the volume of work equivalent to at least one MWU has been achieved within the maximum time of two years after setting up,
- the amount of the setting-up aid.

Article 7a

Member States may grant young farmers under 40 years of age additional aid for investments to be made under a material improvement plan within the meaning of Article 2 (1) (c), amounting to a maximum of 25 % of the aid granted pursuant to Article 4 (2), provided that the young farmer submits

the improvement plan within five years of setting up and provided that he possesses the occupational qualifications referred to in Article 7 (1).

6. In Article 8 (5), the following indent is added after the fifth indent :

- ‘— measures in respect of investments for the purpose of improving hygienic conditions or of compliance with Community animal welfare standards, or national standards where these are stricter from Community standards, provided that these investments do not give rise to an increase in production.’

7. In Article 10, the first subparagraph is hereby replaced by the following :

‘Member States may, on request, grant to recognized groups which have as their object :

- mutual aid between holdings, including the use of new technologies and practices for safeguarding and improving the environment and preserving the countryside,
- the introduction of alternative farming practices,
- the more rational joint use of agricultural means of production,
- the operation of a group holding,

and which are formed after the entry into force of this Regulation, launch aid as a contribution to their operating costs during not more than the first five years after their formation.’

8. Article 14 (3) is replaced by the following :

‘3. Member States may lay down additional or limiting conditions for the grant of the compensatory allowance, including conditions which encourage the use of practices compatible with the need to safeguard the environment and preserve the countryside.’

9. Article 15 is hereby amended as follows :

- (a) The first subparagraph of paragraph 1 (a) is replaced by the following :

‘(a) in the case of farms keeping cattle, sheep, goats or equidae, the allowance shall be calculated in relation to livestock numbers. The allowance may not exceed ECU 102 per LU. The total amount of the allowance granted may not exceed ECU 102 per hectare of total forage area of the holding. A conversion table for expressing cattle, equidae, sheep and goats as LUs is given in the Annex.

However, in less-favoured agricultural areas where the permanent natural handicaps are serious enough to justify it, the total allowance granted may be increased to ECU 121,2 per LU and per hectare.

The allowance shall be granted in respect of not more than 1,4 LUs per hectare of the total forage area of the holding.'

(b) In paragraph 1, (c) is replaced by the following :

'(c) Member States may vary the compensatory allowance on the basis of the economic situation of the holding and of the income of the farmer qualifying for the compensatory allowance. The amount of the allowance may also be adjusted in the light of the use of agricultural practices compatible with the requirements for safeguarding the environment and preserving the countryside; the benefit of any increases may not, however, be combined with the aid referred to in Article 19.'

(c) The following paragraph is added :

'3. The maximum amount eligible under the fund shall be limited to the equivalent of 120 units per holding, whether livestock units (LSU) or area units (ha); moreover, beyond the equivalent of the first 60 units, the maximum amount eligible per LSU or hectare shall be reduced to half the maximum amount of the allowance referred to in paragraph 1.'

(d) Paragraph 4 is deleted.

10. Article 16 is deleted.

11. Article 17 (1) is replaced by the following :

'1. In the areas referred to in Article 13 (1), Member States may grant aid to joint investment schemes for fodder production, including the storage and distribution of fodder, and for the improvement and equipping of pastures which are farmed jointly and, in mountain areas, to joint or individual investment in water points, in minor roads for immediate access to pastures, including mountain pastures, and in shelters for herds.

However, where stock-breeding constitutes a peripheral activity in these areas, the aid provided for in the first subparagraph shall be extended to agricultural activities other than stock-breeding.'

12. Article 18 and the title preceding it are deleted.

13. In Article 19c, '101' is replaced by '150' and the second sentence is deleted.

14. Article 21 is hereby amended as follows :

(a) The first subparagraph of paragraph 1 is replaced by the following :

'1. In so far as no provision is made for their financing in Regulation (EEC) No 4255/88 (*), Member States may, in regions where the need is apparent and with a view to the smooth implementation of the relevant measures, introduce a

system of special aid for the improvement of the agricultural skills of persons covered by the measures referred to in Articles 1b and 2 to 12 and young farmers under forty years of age.

(*) OJ No L 374, 31. 12. 1988, p. 21.'

(b) In paragraph 2, (c) is deleted.

15. Article 22 is deleted.

16. Article 23 is deleted.

17. In Article 24 (3) the second sentence is replaced by the following :

'Within two months of the receipt of any draft, the Commission shall, after consulting the Committee on Agricultural Structures and Rural Development, issue an opinion thereon.'

18. Article 25 is replaced by the following :

'Article 25

With regard to provisions forwarded pursuant to the second indent of Article 24 (1) or to Article 24 (4), the Commission shall decide within two months of their being forwarded, in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88 (*), whether, in the light of their compliance with this Regulation and having regard to the objectives of this Regulation and to the need to ensure that the various measures are properly related, such provisions satisfy the conditions for a financial contribution by the Community to the common measure referred to in Article 1.

(*) OJ No L 374, 31. 12. 1988, p. 1.'

19. Article 26 is replaced by the following :

'Article 26

1. Expenditure incurred by Member States in connection with the measures provided for in Article 1b, 1c, 3 to 7a, 9 to 17 and 19, 20, 20a and 21 shall be eligible for aid from the Guidance Section of the Fund. Expenditure incurred by the Member States in connection with the measures provided for in Article 1a shall be eligible for aid from the Guarantee and Guidance Section of the Fund.

2. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88, the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88. It shall take its first decisions within one month of the entry into force of Regulation (EEC) No 3808/89 (*). If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For those regions not covered by objective 1, the rates shall be fixed by the Commission under the same conditions; however, the Commission shall submit, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.

(^(*)) OJ No L 371, 20. 12. 1989, p. 1.'

20. Article 28 is hereby amended as follows:

- (a) In paragraph 1, '1 July' is replaced by '1 June';
- (b) Paragraph 2 is deleted;
- (c) Paragraph 4 is replaced by the following:
'4. The Commission shall adopt detailed rules for the application of this Article.'

21. Article 29 is deleted.

22. In Article 31 (1) and (2), 'Article 7, second paragraph point 2, Article 8 (2), (3) and (4)' is replaced by 'Article 7a, Article 8 (3) and (4)'.

23. The following Article is inserted:

Article 31a

Pursuant to Article 23 of Regulation (EEC) No 4253/88, Member States shall make provision for effective monitoring which shall include at least verification of the essential aspects of the beneficiary's undertaking and of the supporting documents, and on-the-spot checks to verify that the information contained in the application corresponds to the true situation.

Where appropriate, detailed rules for the application of this Article shall be laid down by the Commission, in accordance with the procedure provided for in Article 29 of Regulation (EEC) No 4253/88.'

24. In Article 32 (1), the last subparagraph is replaced by the following:

'As regards the amendments made to this Regulation (EEC) No 3808/89, "The Member States shall bring into force the measures necessary to comply with those amendments within six months of the date of entry into force of that Regulation, except as regards provisions relating to Articles 13 to 15, for which the date of implementation shall be postponed until 1 January 1991.'

Article 2

Regulation (EEC) No 1096/88 is hereby amended as follows:

- 1. In Article 1, 'within the meaning of Article 6 (1) of Regulation (EEC) No 729/70' is replaced by 'within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 (^(*))', and the following footnote is added:

(^(*)) OJ No L 374, 31. 12. 1988, p. 25.'

2. Article 4 (1) is replaced by the following:

'1. The annual allowance referred to in the first indent of Article 3 (1) may be granted to farmers who practise farming as their main occupation within the meaning of Article 2 (5) of Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures (^(**)), as last amended by Regulation (EEC) No 2156/89 (^(***)), who are over 55 years of age and who permanently cease all farming activities, provided that agricultural production on the agricultural area of the holding is halted throughout the whole period from the time of cessation of farming to the time when the farmer reaches the normal retirement age as fixed by the social security arrangements currently applicable to farming in the Member State concerned. This period must be not less than five years but for this purpose it may be extended, where appropriate, beyond the normal retirement age.

In the case of leased holdings, Member State may permit up to one-third of the area to be taken over by the owner without the cessation of production on that fraction of the area.

(^(**)) OJ No L 93, 30. 3. 1985, p. 1.

(^(***)) OJ No L 207, 19. 7. 1989, p. 12.'

3. Article 6 (1) is replaced by the following:

'1. The supplementary annual premium per hectare referred to in the second indent of Article 3 (1) shall be granted per hectare of agricultural area actually withdrawn from agricultural production.'

4. Article 7 is hereby amended as follows:

- (a) Paragraph 1 is amended as follows: the words 'the first indent of' preceding 'Article 4 (1)' are deleted.

- (b) Paragraph 2 is replaced by the following:

'2. The supplementary annual premium per hectare referred to in the second indent of Article 3 (1) shall not be eligible for a financial contribution from the European Agricultural Guidance and Guarantee Fund (hereinafter called "The Fund") if it is paid in respect of areas for which a premium for the permanent abandonment of areas under vines is paid in accordance with the rules laid down in Article 2 of Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas (^(***)); it shall not be paid in respect of areas for which a premium for the permanent abandonment of areas under vines is granted in the form of an annual premium in accordance with the rules laid down in Article 9 of Regulation (EEC) No 1442/88.

(^(***)) OJ No L 132, 28. 5. 1988, p. 3.'

5. The last indent of Article 8 is deleted.

6. Article 9 is hereby amended as follows :

(a) The words 'the first indent of' preceding 'Article 4 (1)' in the first sentence of paragraph 1 are deleted ;

(b) Paragraph 2 is replaced by the following :

'2. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88 (*), the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88 (**). It shall take its first decisions within one month of the entry into force of Regulation (EEC) No 3808/89 (***). If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For those regions not covered by objective 1, the rates shall be fixed by the Commission under the same conditions ; however, the Commission shall present, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.

(*) OJ No L 185, 15. 7. 1988, p. 9.

(**) OJ No L 374, 31. 12. 1988, p. 1.

(***) OJ No L 371, 20. 12. 1989, p. 1.'

7. Article 10 is deleted.

8. Article 11 is amended as follows :

(a) The first indent of paragraph 3 is replaced by the following :

'— where the scheme applied to the abandoned farm is eligible under Article 9' ;

(b) Paragraph 4 is replaced by the following :

'4. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88, the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88. It shall take its first decisions within one month of the entry into force of Regulation (EEC) No 3808/89. If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For those regions not covered by objective 1, the rates shall be fixed by the Commission under the same conditions ; however, the Commission shall present, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.'

9. Article 12 is replaced by the following :

'Article 12

Five years after the entry into force of this Regulation, the detailed rules for its application shall be

reviewed by the Council, on a proposal from the Commission.'

10. The second sentence of Article 13 (3) is replaced by the following :

'Within two months of the receipt of any draft, the Commission shall, after consulting the Committee on Agricultural Structures and Rural Development, issue an opinion thereon.'

11. Article 14 is replaced by the following :

'Article 14

With regard to provisions forwarded pursuant to the second indent of Article 13 (1) or to Article 13 (4), the Commission shall decide within two months of their being forwarded, in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88, whether, in the light of their compliance with this Regulation and having regard to the objectives of this Regulation and to the need to ensure that the various measures are properly related such provisions satisfy the conditions for a financial contribution by the Community to the common measures referred to in Article 1.'

12. Article 16 is deleted.

13. Article 17 is hereby amended as follows :

(a) In paragraph 1, '1 July' is replaced by '1 June' ;

(b) Paragraph 2 is deleted ;

(c) Paragraph 4 is replaced by the following :

'4. The Commission shall adopt detailed rules for the application of this Article.'

Article 3

Regulation (EEC) No 1360/78 is hereby amended as follows :

1. The first sentence of Article 6 (3) is replaced by the following :

'3. Within six months of the entry into force of Regulation (EEC) No 3808/89 (*) and in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88 (**) detailed rules of application shall be adopted concerning :

(*) OJ No L 371, 20. 12. 1989, p. 1.

(**) OJ No L 374, 31. 12. 1988, p. 1.'

2. In Article 11 (3), 'laid down in Article 16' is replaced by 'laid down in Article 29 of Regulation (EEC) No 4253/88'.

3. Article 12 is hereby replaced by the following :

'Article 12

All the measures laid down in this Regulation shall constitute a common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 (***).

(***) OJ No L 374, 31. 12. 1988, p. 25.'

4. In Article 13, paragraphs 3 and 4 are deleted.

5. Article 14 (2) is replaced by the following:

'2. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88 (*), the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88. It shall take its first decisions within one month of the entry into force of Regulation (EEC) No 3808/89. If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For those regions not covered by objective 1 the rates shall be fixed by the Commission under the same conditions; however, the Commission shall present, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.

(*) OJ No L 185, 15. 7. 1988, p. 9.'

6. Article 15 is hereby amended as follows:

(a) In paragraph 1, '1 July' is replaced by '1 June';

(b) Paragraph 2 is deleted;

(c) Paragraph 4 is replaced by the following:

'4. The Commission shall adopt detailed rules for the application of this Article.'

7. Article 16 is deleted.

Article 4

Regulation (EEC) No 389/82 is hereby amended as follows:

1. Article 8(1) is replaced by the following:

'1. Within six months of the date of receipt of each programme or of modifications thereto and on condition that all the details specified in Article 6 of this Regulation have been provided, the Commission shall take a decision as to their approval in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88 (*).

(*) OJ No L 374, 31. 12. 1988, p. 1.'

2. Article 9 is replaced by the following:

Article 9

All the measures provided for in this Regulation shall constitute a common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 (**).

(**) OJ No L 374, 31. 12. 1988, p. 25.'

3. Article 10 (3) and (4) is deleted.

4. Article 11 is hereby amended as follows:

(a) Paragraph 2 is replaced by the following:

'2. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88 (*), the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88. It shall take its first decisions within one month of the entry into force of Regulation (EEC) No 3808/89 (**). If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For these regions not covered by objective 1, the rates shall be fixed by the Commission under the same conditions; however, the Commission shall present, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.

(*) OJ No L 185, 15. 7. 1988, p. 9.

(**) OJ No L 371, 20. 12. 1989, p. 1.'

(b) Paragraph 3 is deleted.

5. Article 12 is hereby amended as follows:

(a) Paragraph 2 is deleted;

(b) Paragraph 4 is replaced by the following:

'4. The Commission shall adopt detailed rules for the application of this Article.'

Article 5

Article 17 of Regulation (EEC) No 1696/71 is hereby amended as follows:

1. Paragraph 2 is replaced by the following:

'2. The measures provided for in Articles 8 and 9 shall constitute a common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 (*).

(*) OJ No L 374, 31. 12. 1988, p. 25.'

2. Paragraph 3 is replaced by the following:

'3. For the regions covered by objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88 (*), the Commission shall determine the rates of Community part-financing for the different measures in accordance with the criteria and within the limits laid down in Article 13 of the said Regulation under the procedure provided for in Article 29 of Regulation (EEC) No 4253/88 (**). It shall take its first decisions within one month of the entry into force of Regulation (EEC) No

3808/89 (***). If a Member State so requests, these rates shall be applied to expenditure incurred with effect from 1 January 1989.

For these regions not covered by objective 1 the rates shall be fixed by the Commission under the same conditions; however, the Commission shall present, before 31 December 1992, a report to the Council, together with proposals concerning the fixing of the said rates for subsequent years.

(^(*)) OJ No L 185, 15. 7. 1988, p. 9.

(^(**)) OJ No L 374, 31. 12. 1988, p. 1.

(^(***)) OJ No L 371, 20. 12. 1989, p. 1.'

3. In paragraph 4, '30 June' is replaced by '1 June'.

4. Paragraph 7 is replaced by the following:

'7. The Commission shall adopt detailed rules for the application of this Article.'

Article 6

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.

Done at Brussels, 12 December 1989.

For the Council

The President

H. NALLET

COMMISSION REGULATION (EEC) No 3809/89

of 19 December 1989

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3707/89 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 18 December 1989;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1915/89 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 1989.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 19 December 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies (ECU/tonne)	
	Portugal	Third country
0709 90 60	27,61	125,36 ⁽²⁾ ⁽³⁾
0712 90 19	27,61	125,36 ⁽²⁾ ⁽³⁾
1001 10 10	32,83	172,58 ⁽¹⁾ ⁽³⁾
1001 10 90	32,83	172,58 ⁽¹⁾ ⁽³⁾
1001 90 91	27,99	119,36
1001 90 99	27,99	119,36
1002 00 00	54,03	122,56 ⁽⁴⁾
1003 00 10	45,03	115,87
1003 00 90	45,03	115,87
1004 00 10	36,43	118,43
1004 00 90	36,43	118,43
1005 10 90	27,61	125,36 ⁽²⁾ ⁽³⁾
1005 90 00	27,61	125,36 ⁽²⁾ ⁽³⁾
1007 00 90	45,03	133,53 ⁽¹⁾
1008 10 00	45,03	16,61
1008 20 00	45,03	64,84 ⁽⁴⁾
1008 30 00	45,03	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	45,03	0,00
1101 00 00	52,92	181,78
1102 10 00	89,37	184,35
1103 11 10	65,47	283,12
1103 11 90	56,37	195,54

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 3810/89

of 19 December 1989

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 18 December 1989;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.
2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 1989.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 19 December 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0,53
0712 90 19	0	0	0	0,53
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,53
1005 90 00	0	0	0	0,53
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	18,63
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3811/89
of 19 December 1989

**amending Regulations (EEC) No 1557/89, (EEC) No 1558/89, (EEC) No 1559/89,
(EEC) No 1642/89, (EEC) No 3190/89, (EEC) No 3197/89 and (EEC) No 3200/89
opening standing invitations to tender for the export of cereals held by the
intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 2418/87⁽⁴⁾,

Whereas the last partial invitation to tender under Regulations (EEC) No 1557/89⁽⁵⁾, (EEC) No 1558/89⁽⁶⁾, (EEC) No 1559/89⁽⁷⁾, (EEC) No 1642/89⁽⁸⁾, (EEC) No 3190/89⁽⁹⁾, (EEC) No 3197/89⁽¹⁰⁾ and (EEC) No 3200/89⁽¹¹⁾ should be postponed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 4 (3) of Regulations (EEC) No 1557/89, (EEC) No 1558/89, (EEC) No 1559/89, (EEC) No 1642/89, (EEC) No 3190/89, (EEC) No 3197/89 and (EEC) No 3200/89 is hereby replaced by the following:

'3. The last partial invitation to tender shall expire on 28 March 1990.'

2. Article 4 (2) of Regulations (EEC) No 1557/89, (EEC) No 1558/89, (EEC) No 1559/89 and (EEC) No 1692/89 is hereby replaced by the following:

'2. The last partial invitation to tender shall expire on 28 March 1990.'

Article 2

This Regulation shall enter into force on the day of 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.

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 153, 6. 6. 1989, p. 10.

⁽⁶⁾ OJ No L 153, 6. 6. 1989, p. 12.

⁽⁷⁾ OJ No L 153, 6. 6. 1989, p. 14.

⁽⁸⁾ OJ No L 162, 13. 6. 1989, p. 10.

⁽⁹⁾ OJ No L 309, 26. 10. 1989, p. 9.

⁽¹⁰⁾ OJ No L 309, 26. 10. 1989, p. 23.

⁽¹¹⁾ OJ No L 309, 26. 10. 1989, p. 29.

**COMMISSION REGULATION (EEC) No 3812/89
of 19 December 1989**

**correcting Regulation (EEC) No 3719/89 fixing the rates of the refunds applicable
to eggs and eggs yolks exported in the form of goods not covered by Annex II to
the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2771/75
of 29 October 1975 on the common organization of the
market in eggs ⁽¹⁾, as last amended by Regulation (EEC)
No 1834/89 ⁽²⁾, and in particular the first sentence of the
fifth subparagraph of Article 9 (2) thereof,

Whereas the rates of the refunds applicable from 13
December 1989 to eggs and eggs yolks exported in the
form of goods not covered by Annex II to the Treaty were
fixed by Commission Regulation (EEC) No 3719/89 ⁽³⁾;

Whereas a check has shown that the amounts in the
Annex thereto do not correspond to the measures
submitted for an opinion to the Management Committee;

whereas the Regulation in question should be corrected
accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3719/89 under CN
code ex 0408 99 10, '25,00' is replaced by '20,00'.

Article 2

This Regulation shall enter into force on the day of 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.

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 363, 13. 12. 1989, p. 22.

COMMISSION REGULATION (EEC) No 3813/89**of 19 December 1989****laying down detailed rules for the application of the system of transitional aids to agricultural income**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agricultural income⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾, and in particular Article 2 (2) thereof,

Whereas the system of aids to agricultural income provides for positive action to assist the family agricultural holdings referred to in Article 1 of Regulation (EEC) No 768/89, while Article 11 of that Regulation in principle prohibits any national agricultural income aid if the conditions and rules governing its grant differ from those laid down in the said Regulation; whereas the concept of agricultural income aid within the meaning of the Community provisions in question should therefore be defined, bearing in mind in particular the objectives set out in Article 1 of Regulation (EEC) No 768/89;

Whereas it is necessary to define the concept of a family agricultural holding and to specify the main components to be taken into account when determining the overall family income per work unit, namely the agricultural component generated on the holding in question and any income from other sources; whereas such income must be assessed on a basis which makes it comparable with gross domestic product per member of the working population;

Whereas, in order to quantify the injury suffered by potential aid beneficiaries as a result of the adjustment of the markets in the context of the reform of the common agricultural policy and of the adjustment of the common organizations of the markets, it is necessary to specify the period and other relevant factors to be taken into account when calculating this loss with sufficient precision so as to help to ensure no overcompensation; whereas it is necessary to exclude certain measures and price developments from any calculation of such income loss; whereas in order to take account of inflation or deflation,

which varies considerably across the Community, Member States must be given the possibility to express injury in real terms; whereas a minimum annual rate of reduction in the level of aid to each beneficiary must be set in order to ensure its degressivity; whereas to help to ensure that the aid in question does not stimulate agricultural production or bring about distortion of competition, a ceiling must be placed on its level per work unit in relation to overall earnings per work unit in the relevant region of the Community; whereas various other limits governing eligibility for aid need to be set both to facilitate its management and to help to ensure attainment of the objectives of the measures; whereas the proportion of household income from farming which constitutes a negligible part of total household income should be defined;

Whereas circumstances may arise where it is desirable to allow beneficiaries to receive the aid in capitalized form; whereas the size of any such form of payment must be related to the level of non-capitalized payments; whereas capitalized payments must not increase the burden on the Community budget in any given year;

Whereas it is necessary to place limits on the financial benefits under this aid scheme where payments in respect of more than one programme of agricultural income aid per holding are made; whereas the Member State concerned may, for each holding, set an upper limit on the number of annual work units which may be taken into account, having regard to what is considered usual for holdings of the size and type concerned; whereas, in order to simplify management of each programme of agricultural income aid, the status of a beneficiary thereunder should, as a general rule, be that obtaining when entitlement is determined, even in cases where such status changes during the period when aid is payable;

Whereas Article 8 (3) of Regulation (EEC) No 768/89 stipulates that the appropriations entered in the Community budget are not to be exceeded by the Community contribution towards the aid eligible and appropriate provisions need accordingly to be adopted;

Whereas for reasons of clarity it is desirable, having regard to the ceilings provided for in the second subparagraph of Article 6 (2) and Article 8 (2) (a) of Regulation (EEC) 768/89, to define precisely the exchange rate for conversion between national currencies and ecus;

Whereas for reasons of sound management it is necessary for the Member States to provide on a periodic basis information pertinent to the application of programmes of agricultural income aid; whereas given the nature of

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

the income aid system it is necessary to lay down special control conditions; whereas it is necessary to take specific account, where appropriate, of relevant aspects of the accession conditions affecting Spain, Greece and Portugal; whereas it is also necessary for the Member States to notify programmes of agricultural income aid on a standardized basis;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Agricultural Income Aid, the EAGGF Committee having been consulted on the financial aspects of the additional conditions relating to Community budget expenditure referred to in Article 8 (3) of Regulation (EEC) No 768/89,

HAS ADOPTED THIS REGULATION:

TITLE I

DEFINITIONS AND MEASUREMENT

Article 1

Agricultural income aid

1. 'Agricultural income aid' (hereinafter referred to as 'AIA') means any public financial contribution granted exclusively to farmers, or to farmers and members of their families working on the holding, which supplements the overall family income within the meaning of the third subparagraph of Article 4 (1) of Regulation (EEC) No 768/89 and is not subject to any conditions relating to its use. Notwithstanding the foregoing and without prejudice to Articles 92 and 93 of the Treaty, public financial contributions granted through the taxation and social security systems, provided they are justified on the basis of criteria inherent in these systems, shall not be deemed AIA.

2. Where aids designed to achieve the objectives set out in Article 1 (2) (a), (b) and (c) of Regulation (EEC) No 768/89 are granted in accordance with Articles 2 to 6 of that Regulation and in accordance with this Regulation, they shall not be considered subject to conditions on their use.

Article 2

Family and farmer's family

1. For the purposes of this Regulation family agricultural holding shall, in addition to the definition of family under national law, also cover members of units where there is a distinctly greater social and/or economic

interdependence between the individuals concerned than that normally obtaining between economic partners. However the Member State concerned shall be free to lay down a more restrictive definition of a family agricultural holding for any 'programme of agricultural income aid' (hereinafter referred to as 'PAIA').

2. For the purposes of determining the composition of the family in accordance with Article 4 (1) of Regulation (EEC) No 768/89, account shall be taken of the farmer, plus those members of the farmer's family who work on the holding provided their individual contribution to such work corresponds to at least 25 % of an annual agricultural work unit and is subject to some form of remuneration which under national rules could give rise to the imposition of tax. For each PAIA the Member State concerned may fix a percentage higher than 25. However the Member State concerned shall be free when determining the composition of the family to include the farmer's spouse regardless of the spouses' contribution to work on the holding. The provisions of this paragraph shall be without prejudice to those of Article 7 (4);

3. For the purposes of this Regulation, 'annual work units' and 'annual agricultural work units', or fractions thereof, shall be determined by reference to an annual total of 1 800 hours actually worked unless another total is provided for under national provisions governing contracts of employment. However the Member State concerned instead of using hours actually worked may alternatively use a flat-rate duly substantiated basis, the details of which shall be set out in the draft PAIA.

Article 3

Family income

1. For the purposes of this Regulation references to income shall be understood to apply on an annual basis, and references to net agricultural income understood to mean family farm income.

2. For the purposes of determining the overall family income referred to in the third subparagraph of Article 4 (1) of Regulation (EEC) No 768/89 the income of all members of the family included under Article 2 (2) shall be taken into account as follows:

(a) income derived from the holding referred to under Article 2 (2) shall be determined as its gross value added at factor cost. However, where, pursuant to Article 6 (3) (b) of Regulation (EEC) No 768/89, the holding's net agricultural income is used, the GDP indicator referred to in the second subparagraph of Article 4 (1) of that Regulation shall be applied, adjusted by a corrective reflecting the difference between income assessed on this basis and that of gross value added.

(b) all income other than that under (a) shall be determined, in each case before taxes and other compulsory charges, and include, in particular:

- earnings,
- income from capital and fixed assets,
- pensions,
- social security benefits but excluding:
 - child allowances,
 - invalidity and handicap payments wherever these are linked to costs borne by the recipients, and
 - reimbursement of all medical expenses.

3. Income derived from the holding under paragraph 2 (a) and all other income under paragraph 2 (b) shall be determined on the basis of data used for income tax purposes for the years in question. However in instances where it is not appropriate to use this basis, Member States may employ any other objective system the details of which and justification for use shall be set out in the draft PAIA. Member States shall apply correctives to the income data so determined to establish amounts comparable with those retained under paragraph 2.

4. The annual overall family income shall be determined for each family by reference to the income under paragraph 2 as the average of the two most recent years, or financial years, for which data are normally available. In instances where any of the income data to determine this average are not available for the years in question the Member State concerned may determine an alternative two-year period.

5. For holdings where no labour is employed other than that provided by the farmer and members of the farmer's family, and for holdings where net agricultural income data is used, the annual overall family income per work unit shall be the annual overall family income of each family divided by the sum of:

- (a) the annual work units, and fractions thereof worked by the farmer and members of the farmer's family on the holding; and
- (b) all other annual work units, and fractions thereof, worked by the farmer and members of the farmer's family in respect of income under paragraph 2 (b).

6. For holdings not covered by paragraph 5, the annual overall family income per work unit shall be the sum of A and B divided by C where:

A is the income under paragraph 2 (a) divided by the sum of the annual work units, and fractions thereof worked on the holding by anyone, the resultant amount being multiplied by the sum of the annual work units, and fractions thereof, worked by the

farmer and members of the farmer's family on the holding;

B is the income under paragraph 2 (b);

C is the sum of the annual work units, and fractions thereof, worked by the farmer and members of the farmer's family in respect of the sum of the income under subparagraphs 2 (a) and (b).

7. The number of annual work units that may be taken into account for the purposes of paragraphs 5 and 6 shall not exceed one unit per individual.

8. For reasons of control of the number of annual work units referred to in paragraphs 5 and 6, the Member State concerned may determine the number worked on a more recent base than the two years referred to in paragraph 4. However in no case shall this base be less than one year or earlier than the second year of the two-year period.

9. The national, or regional, gross domestic product determined at factor cost for the second year of the two-year period referred to in paragraph 4 shall be used when applying the threshold referred to in the second subparagraph of Article 4 (1) of Regulation (EEC) No 768/89.

TITLE II

SPECIFIC PROVISIONS

Article 4

Calculation of the injury

1. Subject to paragraphs 2 to 10, Member States shall determine for each PAIA the specific method by which the injury shall be determined. The determination may be made on the basis of readily available data upon which, if necessary, flat-rate duly substantiated adjustments may be made to take account of particular aspects of any PAIA including their regional geographic limits.

2. The reference period in respect of which, in accordance with Article 5 (2) (a) and (3) of Regulation (EEC) No 768/89, the injury referred to in paragraph 1 of the said Article is to be determined shall be 1 January 1980 to 31 December 1984, or the corresponding financial years which most closely relate to this period.

3. The overall injury for each PAIA shall be determined as follows:

- (a) where the AIA is established on a flat-rate basis: the difference between the annual average overall agricultural income determined as its gross value added at factor cost in the PAIA application area and/or sector in the period referred to under paragraph 2 and the corresponding annual average based on at least the two most recent years, or financial years, for which data are available:

- (b) where the AIA is established on an individual basis: the difference between the annual average individual income determined as its gross value added at factor cost of the holding concerned in the period referred to under paragraph 2 and the corresponding annual average based on a uniform period for all holdings within a given PAIA of at least the two most recent years, or financial years, for which data are normally available. In instances where the income data for the years in question are not available for a given holding the Member State concerned may determine for each holding what constitutes the relevant years.
4. Overall injury for each PAIA shall be defined as the difference between the two annual averages referred to in paragraph 3 multiplied by the number of years used to determine the annual average based on at least the two most recent years retained under paragraph 3.
5. Where the PAIA is limited to one or several sectors, the income loss shall be assessed only in terms of the relevant sector or sectors.
6. Within the overall injury the Member State concerned shall identify, on a product-by-product basis for the sectors concerned in the PAIA, that injury which has arisen from the adjustment of the markets in the context of the reform of the common agricultural policy and of the adjustment of the common organizations of the markets (hereinafter referred to as 'CAP reform').
7. The injury due to CAP reform which sets the maximum amount of AIA that may be paid in a given PAIA, shall be the sum of annual amounts of such injury for all sectors concerned in the PAIA for each of the years used to determine the annual average based on at least the two most recent years retained under paragraph 3. This injury shall be limited to that suffered by the potential beneficiaries of the AIA and thus exclude injury recorded on holdings which due to their location, scale, enterprise mix or any other circumstance would, *ab initio*, be excluded from any benefit under the PAIA in question.
8. The determination of injury due to CAP reform for any product which takes account of reductions in producer prices greater than those in the relevant institutional prices may be taken into account only where supporting evidence is provided which demonstrates that such reductions are due to CAP reform.
9. The following shall not be included in any determination of injury due to CAP reform:
- (a) losses relating to products not covered by a market organization or where the provisions of the market organization do not involve any price or aid mechanism unless supporting evidence is provided which demonstrates that such losses are due to CAP reform;
- (b) losses relating to the additional levy provided for in Article 5 (c) of Council Regulation 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾;
- (c) losses determined on the basis of reductions in producer prices which in real terms have fallen at a rate no steeper than the trend in the Member State in question recorded prior to 1984.
10. The identification of injury due to CAP reform must set out in full the principal economic data entering into all calculations and take full account of inter-sectoral effects be they positive or negative, in terms of income.
11. Within a given PAIA, only one system of determination of the AIA may be used, namely a flat-rate or individual system.
- ### Article 5
- #### Inflation
- Member States shall be authorized to express the overall injury and the injury due to the CAP reform in real terms by applying the national GDP deflator, and to revise the amount of the injury so determined to maintain its value in real terms until the first year of payment of the AIA.
- ### Article 6
- #### Degressivity
- Multi-annual AIA payments to any beneficiary, even where the relevant PAIA is amended in accordance with Article 7 of Regulation (EEC) No 768/89, shall decrease in real terms by at least 15 % per annum. This decrease shall be determined by reference to the national GDP deflator estimated by the Commission for the relevant year.
- ### Article 7
- #### AIA ceiling and limits
1. Subject to a limit of ECU 2 500, the initial annual amount of the AIA may not exceed, per annual agricultural work unit worked on the holding concerned by the farmer and members of the farmer's family, an amount corresponding to 35 % of the annual gross domestic product at factor cost per member of the working population recorded in the most recent year for which data are available.
- Such gross domestic product shall be either that recorded at national level or that recorded at regional level in the PAIA notification in question, depending on the
- (¹) OJ No L 148, 28. 6. 1968, p. 13.

threshold adopted by the Member State concerned under the second subparagraph of Article 4 (1) of Regulation (EEC) No 768/89.

2. Where the overall injury is less than the injury due to CAP reform, the maximum amount of the AIA shall be limited to the level of the overall injury.

3. (a) Where the PAIA is limited to one or to several sectors, any holding to benefit from the PAIA must generate at least 20 % of its total final agricultural production from the sectors concerned.

In addition, where the AIA is established on a flat-rate basis per holding, the aid payable per holding shall be that determined under the PAIA reduced by a coefficient equal to the proportion of final agricultural production of the holding accounted for by the sectors not concerned in the PAIA.

(b) The production referred to in subparagraph (a) shall be defined as the annual average of the years used to determine the annual average retained under Article 3 (4).

(c) In applying subparagraph (a), Member States instead of applying final agricultural production criteria may alternatively use standard gross margins, or when available, actual gross margins.

4. For each holding Member States may, by reference to what is considered usual for holdings of the size and type concerned, set an upper limit on the number of annual work units that may be taken into account for the purposes of applying Article 3 (5) and (6).

Article 8

Capitalization

1. A Member State that plans to apply the capitalization facility referred to in Article 6 (3) (a) of Regulation (EEC) No 768/89 shall indicate in the relevant PAIA notification the conditions to be fulfilled by the potential beneficiaries of such capitalization.

2. Where capitalization facilities are provided for in a given PAIA all potential beneficiaries fulfilling the conditions set out in Article 1 (2) (a) and (b) of Regulation (EEC) No 768/89 may be offered a choice between capitalized or non-capitalized payments. Where no such choice is granted the Member State concerned shall indicate in the draft PAIA the non-capitalized basis upon which the capitalized payments are to be made.

3. A capitalized aid shall be limited to a sum no greater than the non-capitalized payments discounted to their present value using an interest rate equivalent to that generally applying for deposits of comparable size at the time when the PAIA is notified.

Article 9

Eligibility conditions

1. Households where farming accounts for less than 10 % of the total household income shall be excluded from any PAIA. For each PAIA the Member State concerned may fix a percentage greater than 10. The percentage shall be determined on the same period as retained under Article 3 (4). However for households where the income derived from the holding is not representative the Member States concerned may fix another period.

2. Once a beneficiary has received an AIA payment, the holding may also be eligible under any subsequent PAIA. However the sum of payments per work unit relating to the first year of payment under each AIA shall not exceed the limit referred to in Article 7 (1) for the initial PAIA for the holding concerned.

3. Beneficiaries having fulfilled the requirements for receiving aid under a PAIA may retain this status irrespective of the degree to which they are dependent upon agriculture during the period when the aid is payable.

Article 10

Community financial contribution

1. All notifications of, or proposed amendments to, a PAIA shall include an assessment of the potential Community financial contribution referred to in Article 9 of Regulation (EEC) No 768/89. This assessment shall be broken down into annual amounts.

2. The limit of two work units per holding laid down in Article 8 (2) (a) of Regulation (EEC) No 768/89 shall be interpreted as meaning annual agricultural work units.

3. When the PAIA, or proposed amendments thereto, are approved by the Commission in accordance with Article 7 (3) of Regulation (EEC) No 768/89, the maximum amounts that may be charged on an annual basis to the Community budget as a result of such approval shall be determined by the Commission, having consulted the EAGGF Committee, in order to ensure that the relevant appropriations entered in the Community budget are not exceeded.

4. At the request of the Member State concerned or on its own initiative, the Commission, having consulted both the Committee provided for in Article 13 of Regulation (EEC) No 768/89 and the EAGGF Committee, may adjust the maximum amounts referred to in paragraph 3. No reduction in such amounts may be made where this would call into question the percentages referred to in Article 9 of Regulation (EEC) No 768/89.

5. Income aids which are eligible for Community finance in accordance with Article 8 (1) of Regulation (EEC) No 768/89 may retain this status even where, during the period when the aids are payable, the condition of 'main occupation' laid down in that Article is no longer fulfilled.

6. Where capitalization facilities are applied the Community contribution referred to in Article 9 of Regulation (EEC) No 768/89 shall be made each year to the Member State concerned on the basis of the annual sums that would have been due had all such payments been made on a non-capitalized basis.

7. The limit of ECU 1 000 per work unit per year referred to in Article 8 (2) (a) of Regulation (EEC) No 768/89 shall be interpreted as applying to a given holding irrespective of the number of PAIA for which it is eligible.

Article 11

Conversion between national currencies and ecus

Conversion between national currencies and ecus for the purposes of applying the limit of ECU 2 500 referred to in the second subparagraph of Article 6 (2) of Regulation (EEC) No 768/89 and the limit of ECU 1 000 referred to in Article 8 (2) (a) of the said Regulation, shall be at the agricultural conversion rate valid when the draft PAIA is notified to the Commission and provided for in the Annexes to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽¹⁾:

- for Portugal under the heading 'Other products with the exception of those mentioned in Article 259 of the Act of Accession', for as long as special provisions apply,
- for all other Member States under the heading 'All other products'.

Article 12

Reports

1. Each year, by every anniversary of approval of the PAIA concerned, until the last year when payments under it are made, the Member State concerned shall notify the Commission of progress in the PAIA and problems encountered.

2. Progress notified shall include at least information on the uptake of aid in relation to the levels anticipated when the PAIA was approved.

3. By 31 December 1991 at the latest, all Member States which have implemented PAIAs shall provide the Commission with information pertinent to the report referred to in Article 14 (1) of Regulation (EEC) No 768/89. This information shall include, *inter alia*, that

concerning changes or planned changes in overall agricultural production on those holdings run by farmers in receipt of the AIA in comparison with other holdings.

4. By one year at the latest after the scheduled completion date of a PAIA, the Member State concerned shall provide the Commission with a final report on its implementation. This report shall include at least the following information:

- (a) that required under paragraph 2;
- (b) progress towards objectives set when the PAIA was notified;
- (c) the current and prospective income situation of the beneficiaries;
- (d) changes or planned changes in overall agricultural production on those holdings run by farmers in receipt of the AIA in comparison with other holdings.

Article 13

Control

1. When a PAIA is notified Member States shall forward to the Commission information concerning:

- (a) the legal and administrative measures taken to ensure verification of compliance with the conditions governing payment of the aid;
- (b) the name(s) of the organization(s) responsible for the verifications and controls mentioned under (a).

2. (a) Member States shall conduct representative checks on the data supplied by the potential beneficiaries. Such checks shall involve at least 2 % of all files. For the purposes of controls all data relating to a given holding, in particular the overall family income, the number of annual work units and fractions thereof worked, and the total household income, shall be certified as correct by the farmer.

(b) In instances where irregularities are found with more than 5 % of the files subject to checks the Commission shall be informed forthwith.

3. By every anniversary of approval of the PAIA concerned until the year following its last year of implementation, the Member State concerned shall provide the Commission with a detailed report of controls carried out by the organizations mentioned under paragraph 1 (b).

Article 14

Greece, Spain and Portugal

Account may be taken of the specific circumstances of Greece, Spain and Portugal in the light of the provisions of their respective Acts of Accession in order to avoid any discrimination stemming in particular from the provisions of Articles 4 and 7 (2) of this Regulation. Any draft PAIA notified by any of these countries shall include appropriate details of any aspect or aspects that the relevant authorities consider should be taken into account in

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 11.

this context. The rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 768/89.

Article 15

Notification of PAIA

When notifying the Commission of a PAIA the Member State concerned shall present the relevant information

required under Articles 4, 5 and 6 of Regulation (EEC) No 768/89 and under this Regulation, in accordance with the model set out in the Annex hereto.

Article 16

Entry into force

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.

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

For each PAIA notified to the Commission the following presentation shall be made:

I. Framework provisions

1. The objectives, in as much as they may be quantified, of the PAIA (especially with regard to Article 1 of Regulation (EEC) No 768/89).
2. The geographical area of the PAIA and/or the agricultural sector(s) concerned.

II. Selection of beneficiaries and level of aid

3. Definition of potential beneficiaries:
 - 3.1. The minimum fraction of a work unit that the members of the farmer's family must perform on the holding (Article 2 (2)).
 - 3.2. Where it is necessary, according to Article 2 (3) the national provisions governing contracts of employment concerning 'annual work units' and 'annual agricultural work units'.
 - 3.3. Details of the measurement method used to determine the gross value added at factor cost at farm level as set out in Article 3 (2) (a).
 - 3.4. Where Article 6 (3) (b) of Regulation (EEC) No 768/89 applies: details of the coefficient to make net agricultural income comparable with gross value added at factor cost.
 - 3.5. Assessment of income when, in accordance with the provisions of Article 3 (3), a basis is used other than that for income tax purposes (justification and description of the basis).
 - 3.6. The level of the threshold (Article 4 (1) of Regulation (EEC) No 768/89).
 - 3.7. National or regional gross domestic product at factor cost as control figure.
 - 3.8. Minimum percentage for the part of household income accounted for by farming when this is greater than the minimum set out in Article 9 (1).
 - 3.9. Where the PAIA is limited to one or several sectors: for any holding the minimum relation of the final production in the sector(s) concerned to the total final production on the farm (Article 7 (3)).
4. Detailed calculations of the injury (Article 4) including the principal economic data.
 - 4.1. Calculation of the income situation (determined as gross value added at factor cost) in the reference period.
 - 4.2. Calculation of the income situation (determined as gross value added at factor cost) in at least the two most recent available years.
 - 4.3. Determination of the overall loss and the injury due to CAP reform.
5. Calculation of the annual gross domestic product at factor cost per member of the working population in the most recent year for which data are available (Article 7 (1)).
6. If applied setting of an upper limit on the number of annual work units (Article 7 (4)).

III. Payments

7. Method of payment of aid to the beneficiaries including any particular conditions set by the Member State.
8. Where applicable the details of the method of deflation as described in Article 5.
9. The detailed rules for payments as regards duration and degressivity (Article 6).
10. Where the provisions of Article 6 (3) (a) of Regulation (EEC) No 768/89 are applied: indication of the conditions to be fulfilled by the potential beneficiaries and specification of the interest rate (in accordance with Article 8).

IV. Financial contribution of the Community

11. Estimates of the overall levels of expenditure year by year.
12. Estimates of the expenditure referred to under point 11 that is likely to qualify for a Community contribution.

V. Application modalities

13. Form to be used by applicants for the AIA.
14. Organizations involved in monitoring the scheme.
15. Description of the control mechanisms as laid down in Article 13.
16. The legal text which implements the PAIA.

VI. Resume of PAIA

17. A resumé of the PAIA setting out the key components in no more than 1 500 words.
-

COMMISSION REGULATION (EEC) No 3814/89
of 19 December 1989

**fixing the Community offer prices for certain fresh fruit and vegetables
applicable to Spain for the period 1 January 1990 to the end of the 1989/90
marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on exports of fruit and vegetables originating in Spain⁽¹⁾, and in particular Article 4 (1) thereof,

Whereas, pursuant to Article 152 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', from 1 January 1990, of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries;

Whereas, in accordance with Article 152 (2) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetables sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulation (EEC) No 3709/89, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet Quality Class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for lemons, apples, pears, artichokes, cabbage lettuce, broad-leaf (Batavian) endives, mandarins, clementines and sweet oranges for the period 1 January to the end of the 1989/90 marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 January to the end of the 1989/90 marketing year, the Community offer prices for lemons, apples, pears, artichokes, cabbage lettuce, broad-leaf (Batavian) endives, mandarins, clementines and sweet oranges shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

ANNEX

COMMUNITY OFFER PRICES 1989/90 MARKETING YEAR

LEMONS

(CN code 0805 30 10)

(ECU/100 kg net)

Period	Community offer price
January to April	42,49
May	41,99

APPLES

(CN codes 0808 10 93 and 99)

(ECU/100 kg net)

Period	Community offer price
January	47,90
February	46,30
March	47,55
April	43,41
May	43,45
June	42,76

PEARS

(CN codes 0808 20 31 and 33)

(ECU/100 kg net)

Period	Community offer price
January to April	51,01

ARTICHOKES

(CN code 0709 10 00)

(ECU/100 kg net)

Period	Community offer price
January to April	73,04
May	74,95
June	63,53

CABBAGE LETTUCE

(CN codes 0705 11 10 and 90)

(ECU/100 kg net)

Period	Community offer price
January and February	75,60
March to May	82,34

BROAD-LEAF (BATAVIAN) ENDIVES

(CN code 0705 29 00)

(ECU/100 kg net)

Period	Community offer price
January	58,79
February to March	63,44

MANDARINES

including tangerines and satsumas, wilkings and other similar citrus hybrids, with the exception of clementines

(CN codes 0805 20, 30, 50, 70, 90)

(ECU/100 kg net)

Period	Community offer price
January and February	27,51

CLEMENTINES

(CN code 0805 20 10)

(ECU/100 kg net)

Period	Community offer price
January and February	51,40

SWEET ORANGES

(CN codes 0805 10 11, 15, 19, 21, 25, 29, 31, 35, 39, 41, 45 and 49)

(ECU/100 kg net)

Period	Community offer price
January to May	22,66

Note: The prices given in this Annex relate to products in Quality Class I, all sizes, presented packaged.

COMMISSION REGULATION (EEC) No 3815/89

of 19 December 1989

laying down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating in Spain⁽¹⁾, and in particular Article 4 (1) thereof,

Whereas Regulation (EEC) No 3709/89 lays down in particular the general rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain, introduced by Article 152 of the Act of Accession;

Whereas detailed rules should be laid down for recording and forwarding prices of products in the Community of Ten and Spain, which is required for the operation of the compensation mechanism;

Whereas the data which are already forwarded by the Member States to the Commission under Commission Regulation (EEC) No 2118/74 of 9 August 1974 laying down detailed rules for the application of the system of reference prices for fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 3811/85⁽³⁾, should be used as far as possible;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION :—

Article 1

1. The prices to be used for fixing the Community offer price referred to in Article 152 (2) (a) of the Act of Accession shall be the prices defined in Article 1 (1) of

Regulation (EEC) No 2118/74 and forwarded by the Member States of the Community of Ten pursuant to Article 2 of that Regulation.

2. The amount to be added for transport costs to the arithmetic average of the producer prices in each Member State of the Community of Ten shall be calculated on a flat-rate basis by each product each year when the Community offer price is fixed.

Article 2

1. The prices to be used for calculating the offer price for Spanish products referred to in Article 152 (2) (b) or the Act of Accession shall be the prices for the product as defined in Article 3 (1) of Regulation (EEC) No 2118/74 and recorded in the Member States of the Community of Ten.

2. The prices for the Spanish products shall be recorded and calculated in accordance with the provisions of Article 5 of Regulation (EEC) No 2118/74.

Each marketing day and in respect of each product, the Member States of the Community of Ten shall forward those prices to the Commission under the conditions laid down in Article 6 (a) of Regulation (EEC) No 2118/74.

At the same time they shall forward :

- insofar as possible, the abovementioned prices, multiplied by the coefficients in force,
- the items laid down in Article 6 (b) of that Regulation, account being taken of the provisions of Article 152 (2) (c) of the Act of Accession,
- the data laid down in Article 6 (d), (e), (f) and (g) of that Regulation.

Article 3

The information referred to in Article 2 shall be forwarded no later than the day following the marketing day to which it relates.

Article 4

This Regulation shall enter into force on 1 January 1990.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽³⁾ OJ No L 368, 31. 12. 1985, p. 1.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3816/89

of 19 December 1989

re-establishing the preferential customs duty on imports of small-flowered roses
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EEC) No 2396/89⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 3327/89⁽⁴⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, laid down detailed rules for the application of these arrangements;

Whereas to permit the import arrangements to function in the normal manner prices on importation should be calculated using:

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for other currencies a conversion rate based on the arithmetic mean of the spot market rate of the currency, recorded for a given period, against the Community currencies indicated in the preceding indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EEC) No 2396/89 was suspended by Commission Regulation (EEC) No 3622/89⁽⁹⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the first indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN code ex 0603 10 51) originating in Israel the preferential customs duty set by Regulation (EEC) No 2396/89 is reintroduced.

Article 2

This Regulation shall enter into force on 20 December 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 9.

⁽⁴⁾ OJ No L 321, 4. 11. 1989, p. 41.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁹⁾ OJ No L 351, 2. 12. 1989, p. 24.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3817/89
of 19 December 1989
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs ⁽³⁾, as last amended by Regulation (EEC) No 4155/87 ⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 2867/89 ⁽⁵⁾, last fixed for the period 1 October to 31 December 1989, they must be fixed anew for the period 1 January to 31 March 1990; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 July to 30 November 1989;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding

quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 January to 31 March 1990;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas Commission Regulation (EEC) No 630/86 of 28 February 1986 on the application of import levies on egg products from Portugal and amending Regulation (EEC) No 176/86 ⁽⁶⁾ suspended the application of import levies on egg products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other; whereas that situation still pertains;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2771/75, in respect of the products specified in Article 1 (1) thereof and the sluice-gate prices provided for in Article 7 thereof, in respect of the like products, shall be as set out in the Annex hereto.

2. For imports from Portugal of products specified in paragraph 1, application of the levies specified in the Annex shall be suspended.

Article 2

This Regulation shall enter into force on 1 January 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 276, 26. 9. 1989, p. 12.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 10.

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

Done at Brussels, 19 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 19 December 1989 fixing the sluice-gate prices and levies for eggs

CN code	Sluice-gate price	Levy
1	2	3
	ECU/100 units	ECU/100 units
0407 00 11	53,32	12,34
0407 00 19	11,54	3,76
	ECU/100 kg	ECU/100 kg
0407 00 30	88,56	32,19
0408 11 10	428,00	150,65
0408 19 11	193,19	65,67
0408 19 19	205,89	70,17
0408 91 10	359,01	145,50
0408 99 10	94,97	37,34

COMMISSION REGULATION (EEC) No 3818/89

of 19 December 1989

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽¹⁾, as amended by Regulation (EEC) No 4001/87⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1840/89 of 26 June 1989 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 2866/89⁽⁴⁾, last fixed for the period 1 October to 31 December 1989, they must be fixed anew for the period 1 January to 31 March 1990; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 3817/89 of 19 December 1989 fixing the sluice-gate prices and levies for eggs⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been altered by the said Regulation; whereas

it is therefore necessary likewise to alter the sluice-gate prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 2866/89;

Whereas Commission Regulation (EEC) No 632/86 of 28 February 1986 on the application of import duties on ovalbumin and lactalbumin products from Portugal and amending Regulation (EEC) No 178/86⁽⁶⁾ suspended the application of import levies on ovalbumin and lactalbumin products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other; whereas that situation still pertains;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties provided for in Article 2 of Regulation (EEC) No 2783/75, in respect of the products specified in Article 1 thereof and the sluice-gate prices provided for in Article 5 thereof, in respect of the like products, shall be as set out in the Annex hereto.

2. Application of the duties shown in the Annex shall be suspended in respect of imports from Portugal of the products specified in paragraph 1.

Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 180, 27. 6. 1989, p. 13.

⁽⁴⁾ OJ No L 276, 26. 9. 1989, p. 10.

⁽⁵⁾ See page 32 of this Official Journal.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 12.

ANNEX

to the Commission Regulation of 19 December 1989 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

CN code	Sluice-gate price	Import duty
1	2	3
	ECU/100 kg	ECU/100 kg
3502 10 91	409,10	130,69
3502 10 99	54,86	17,70
3502 90 51	409,10	130,69
3502 90 59	54,86	17,70

COMMISSION REGULATION (EEC) No 3819/89
of 19 December 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 3803/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 1989.

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

Done at Brussels, 19 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 370, 19. 12. 1989, p. 12.

ANNEX

to the Commission Regulation of 19 December 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	29,95 ⁽¹⁾
1701 11 90	29,95 ⁽¹⁾
1701 12 10	29,95 ⁽¹⁾
1701 12 90	29,95 ⁽¹⁾
1701 91 00	36,20
1701 99 10	36,20
1701 99 90	36,20 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 December 1989

on applications for advance and final payments of aids granted by Member States for the measures referred to under Article 21 (6) of Regulation (EEC) No 4253/88

(89/643/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, and in particular Article 21 (6) thereof,

Whereas applications for advance and final payments to be introduced by Member States to the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, must include certain items of information making it possible to verify that the expenditure complies with the provisions of the actions linked to the speeding up of the adjustment of agricultural structures (objective 5 (a));

Whereas, to enable effective checks to be conducted, Member States must keep all supporting documents, on the basis of which the aids have been calculated, at the disposal of the Commission for a period of three years after payment of the last final payment;

Whereas, to govern the payment of advances by the Commission, detailed conditions and procedures must be laid down for the purpose;

Whereas the detailed rules of application relating to applications for advances and final payments must be reviewed in the context of the adaptation of the regulations on agricultural structures with a view to objective 5 (a); whereas this Decision should accordingly apply only until 30 June 1990;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The applications to the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, for advance payment as referred to in Article 21 (6) of Regulation (EEC) No 4253/88 must conform to the table in Annex I.

Article 2

Advances from the EAGGF, Guidance Section, may be equal to a maximum of 80 % of the Community contribution to the financing of expenditure anticipated in the reference year.

Article 3

Advances which are not spent during the year in respect of which they were paid shall be deducted from the advance to be paid for the following year.

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

Article 4

Advances for the following year may not be paid before the undermentioned documentation had been forwarded to the Commission :

- either a report established conforming to the table in Annex II, on the progress of the operations carried out during the year for which advances have been paid,
- or the application for the final payments established conforming to Article 5.

Article 5

1. Applications for final payments as referred to in Article 21 (6) of Regulation (EEC) No 4253/88 for actions which entered into force after 1 January 1989 and for which financial Community participation has been granted must conform to the tables in Annexes III and IV.

2. With the first application for the final payment, the Member States shall forward to the Commission the texts of national implementing provisions and administrative instructions, together with any other documents relating to the administrative implementation of the measure.

3. For a period of three years after the payment of the last final payment the Member States shall keep available

for the Commission all supporting documents or certified copies thereof which are in its possession, on which the aid provided for by the actions linked to the speeding-up of the adjustment of agricultural structures (objective 5 (a)) are based.

4. Applications for final payments as referred to in Article 21 (6) of Regulation (EEC) No 4253/88 for actions which entered into force before 1 January 1989 and for which financial community participation has been granted, must conform to the selective application regulation.

Article 6

This Decision shall apply until 30 June 1990.

Article 7

This Decision is addressed to all the Member States.

Done at Brussels, 11 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Application for advance payment for 19... pursuant Article 21 (6) of Regulation (EEC) No 4253/88

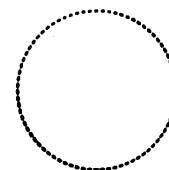
Data relating to agricultural income aid

Administrative unit and regions of objective 1 and 5 (b)	Quantification ⁽¹⁾ of the measure ⁽²⁾ for which an advance is applied for	Total estimated expenditure of Member States	Eligible estimated expenditure	Repayment to be applied for the EAGGF	Advance applied for
(1)	(2)	(3)	(4)	(5)	(6)
Total					

⁽¹⁾ Indicate the relevant date such as number of beneficiaries, ha, LSU, etc.

⁽²⁾ Indicate which measure is envisaged (No of Regulation, Article).

.....
(Date, signature and stamp of the competent body of the Member State)



ANNEX II

Report on utilization of advances paid for 19... pursuant Article 21 (6) of Regulation (EEC) No 4253/88

Data relating to agricultural income aid

Administrative unit and regions of objective 1 and 5 (b)	Quantification ⁽¹⁾ of the measure ⁽²⁾ for which an advance is applied for			Total expenditure of the Member State			Total eligible expenditure			Advance		
	Estimated ⁽³⁾	Actual ⁽⁴⁾	% ⁽⁵⁾	Estimated ⁽³⁾	Actual ⁽⁴⁾	% ⁽⁵⁾	Estimated ⁽³⁾	Actual ⁽⁴⁾	% ⁽⁵⁾	Received ⁽⁶⁾	Paid ⁽⁷⁾	% ⁽⁷⁾
Total												

⁽¹⁾ Indicate the relevant date such as number of beneficiaries, ha, LSU, etc.

⁽²⁾ Indicate which measure is envisaged (No of Regulation, Article).

⁽³⁾ Figures of Annex I.

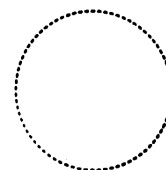
⁽⁴⁾ Quantities/expenditure realized during the year for which the advance payment has been granted.

⁽⁵⁾ Advance received from the EAGGF.

⁽⁶⁾ Advances paid to recipients bearing the financial burden for the operations.

⁽⁷⁾ If the percentage is lower than 80 % or higher than 120 % attach a detailed explanation sheet.

.....
(Date, signature and stamp of the competent body of the Member State)



ANNEX III

Application for final payment for 19... for expenditure of the Member State pursuant Article 21
(6) of Regulation (EEC) No 4253/88

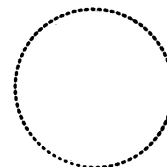
Data relating to agricultural income aid

Administrative unit and regions of objectives 1 and 5 b	Quantification ⁽¹⁾ of the measure ⁽²⁾ for which an advance has been applied for	Total expenditure of the Member State	Total eligible expenditure	Repayment applied for to the EAGGF
(1)	(2)	(3)	(4)	(5)
Total				
			Advance received	
			Net amount applied for	

⁽¹⁾ Indicate the relevant data such as number of beneficiaries, ha, LSU, etc.

⁽²⁾ Indicate which measure is envisaged (N. of Regulation, Article).

.....
(Date, signature and stamp of the competent body of the Member State)



ANNEX IV

Amounts recovered during 19... in respect of aid paid pursuant to Article 21 (6) of Regulation
(EEC) No 4253/88

Administrative unit and regions of objectives 1 and 5 b	Quantification ⁽¹⁾ of the measure ⁽²⁾ for which an advance has been applied for	National aid recovered	Eligible aid recovered	Amount to be deducted from EAGGF contribution	Measure concerned and grounds for recovery	Where appropriate, code No of communication made pursuant to (EEC) Regulation No 283/72 ⁽³⁾
(1)	(2)	(3)	(4)	(5)	(6)	(7)

⁽¹⁾ Indicate the relevant data such as number of beneficiaries, ha, LSU, etc.

⁽²⁾ Indicate which measure is envisaged (No of Regulation, Article).

⁽³⁾ The submission of this table does not preclude the dispatch of the documents referred to in Articles 3 and 5 of Council Regulation (EEC) No 283/72 of 7 February 1972 concerning irregularities and the recovery of sums unduly paid in connection with the financing of the common agricultural policy and the organization of a notification system in this field (OJ No L 36, 10. 2. 1972, p. 1.) consequently, if recovery concerns an irregularity, notification of which has been provided by means of the arrangements referred to above, the number under which such notification was given must be quoted.

.....
(Date, signature and stamp of the competent body of the Member State)

