COMMISSION

COMMISSION DECISION

of 25 June 1976

concerning application for reimbursement in respect of aid granted by Member States pursuant to Directive 75/268/EEC

(76/627/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming in certain less-favoured areas (1), and in particular Article 13 thereof,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms (2), and in particular Article 21 (4) thereof,

Whereas applications forwarded to the Guidance Section of the European Agricultural Guidance and Guarantee Fund for reimbursement in respect of aid for the improvement of agriculture on mountains, hill and certain less-favoured areas granted by Member States should include certain particulars which, to facilitate verification that applications comply with the Directive and the taking of decisions thereof, should be submitted by all Member States in a standard form;

Whereas, in order to enable an effective check to be kept on applications for reimbursement, Member States should hold the supporting documents on the basis of which the aids were calculated at the disposal of the Commission for a period of three years;

Whereas in order to enable the Commission to exercise its power to make payments on account to Member States, the amount and dates for payment on account by the Commission should be specified;

Whereas, since expenditure under Title III of Directive 75/268/EEC relates to Directive 72/159/EEC the reimbursement of such expenditure should be made under the provisions laid down for this purpose in Commission Decision 74/581/EEC of 16 October 1974 concerning applications for reimbursement of aid granted by Member States pursuant to Directives 72/159/EEC, 72/160/EEC and 72/161/EEC (3);

Whereas, in order to differentiate between less-favoured and normal areas benefiting under Council Directive 72/159/EEC, the standard form as presented in Commission Decision 74/581/EEC should be modified;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Fund Committee,

HAS ADOPTED THIS DECISION:

Article 1

Applications for reimbursement of expenditure, incurred in a calendar year, prepared by Member States in accordance with Article 13 of Directive 75/268/EEC and Article 21 (1) of Directive 72/159/EEC shall be submitted in the form provided by the present decision before 1 July of the following year.

(1) OJ No L 128, 19. 5. 1975, p. 1.
(2) OJ No L 96, 23. 4. 1972, p. 1.
(3) OJ No L 320, 29. 11. 1974, p. 1.

Article 2

Applications for reimbursement of expenditure under Titles II and IV (Article 11) of Directive 75/268/EEC shall be submitted in the forms set out in the Annexes to this Decision.

Applications for reimbursement concerning Title III of Directive 75/268/EEC shall be submitted along with applications for reimbursement of expenditure on Directive 72/159/EEC under the provisions laid down in Commission Decision 74/581/EEC of 16 October 1974.

Article 3

Annexes 1 and 4 of Commission Decision 74/581/EEC of 16 October 1974 shall be modified in the manner given at Annex II to this Decision.

Article 4

The Member State should hold the supporting papers (originals or certified copies), which provide the basis for calculating the aid under Directive 75/268/EEC and complete case files for the beneficiaries, at the disposition of the Commission for a period of three years from the date of the last reimbursement.

Article 5

1. The Commission, acting on the basis of particulars contained in the application for reimbursement, shall before 1 November make a payment on account of 75% of the amount requested in respect of Titles II and IV (Article 11) expenses, if the application is complete and submitted in due form and in good time.

2. The balance of the amount to be reimbursed shall be paid by the Commission to the Member State not later than 31 March of the following year, provided the application is in order in all aspects.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX I

Applications for reimbursement of expenditure relating to Titles II and IV (Article 11) of Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas

IMPORTANT NOTE

As all expenditure under Title III of Directive 75/268/EEC relates to Directive 72/159/EEC and is reimbursed in accordance with Decision 74/581/EEC, it should not figure in this application.

Form of application for reimbursement to be submitted to the Commission of the European Communities

For the attention of the European Agricultural Guidance and Guarantee Fund

(To be completed by the Commission of the European Communities)

Serial No .....

Date of receipt .....

Reference .....

Application for reimbursement of expenditure relating to the

AID OF LESS-FAVOURED FARMING AREAS

pursuant to Council Directive 75/268/EEC of 28 April 1975

PART A: GENERAL DATA

			Remarks (1)
1.	Member State submitting application	.....	
2.	Year to which application for reimbursement relates	.....	
3.	Total aid paid out by Member State	.....	
4.	Total reimbursement requested by Member State	.....	

(1) Should detailed remarks be called for, they should be set out on a separate sheet attached to the application. The reference number of the sheet should be entered in this column.

PART B: PARTICULARS OF COMPENSATORY ALLOWANCE, AS PROVIDED UNDER TITLE II OF THE DIRECTIVE

			Remarks
5.1	**General data**		
5.1.1	Total number of farmers aided	.....	
5.1.2	Amount of aid paid by Member State	.....	
5.1.3	Amount of reimbursement requested by Member State	.....	
5.2	**Particulars of aid based on livestock units**		
5.2.1	Number of beneficiaries	.....	
5.2.2	Total number of livestock units	.....	
5.2.3	Total forage area (Ha)	.....	
5.2.4	Amount of aid paid by Member States	.....	
5.2.5	Amount of reimbursement requested by Member State	.....	
5.3	**Particulars of aid based on surface area**		
5.3.1	Number of beneficiaries	.....	
5.3.2	Area aided (Ha)	.....	
5.3.3	Amount of aid paid by Member State	.....	
5.3.4	Amount of reimbursement requested by Member State	.....	

PART C: PARTICULARS OF AID, AS PROVIDED UNDER TITLE IV (ARTICLE 11) OF THE DIRECTIVE

			Remarks
6.1	**General data**		
6.1.1	Total number of schemes aided	.....	
6.1.2	Amount of aid paid by Member State	.....	
6.1.3	Amount of reimbursement requested by Member State	.....	
6.2	**Particulars of aid to joint investment for fodder production**		
6.2.1	*Joint investment scheme in respect of which aid is being received for the first time*	.....	
	— number of schemes		
	— amount of aid paid by Member State		
	— amount of reimbursement requested by Member State		
6.2.2	*Joint investment scheme in respect of which aid has previously been received*	.....	
	— number of schemes		
	— amount of aid paid by Member State		
	— amount of reimbursement requested by Member State		
6.3	**Particulars of aid granted in respect of the improvement of pasture and hill grazing farmed jointly**		
6.3.1	*Improvement schemes in respect of which aid is being received for the first time*	.....	
	— number of schemes		
	— amount of aid paid by Member State		
	— amount of reimbursement requested by Member State		
6.3.2	*Improvement schemes in respect of which aid has previously been received*	.....	
	— number of schemes		
	— amount paid by Member State		
	— amount of reimbursement requested by Member State		

ANNEX I 1

Particulars of compensatory allowance, as provided under Title II of the Directive

Aid paid out by Member State during the calendar year ....

The particulars required in this Annex are to be supplied in respect of:

— each province in Belgium and the Netherlands,

— each Land in Germany,

— each department in France,

— each divisional county and area office in the United Kingdom,

— each county in Ireland,

— each amt in Denmark,

— each region in Italy.

Aid paid out by Member State
for calendar year ....

ANNEX I 1 A

PARTICULARS OF COMPENSATORY ALLOWANCE, AS PROVIDED UNDER TITLE II OF THE DIRECTIVE

Administrative unit	Aid based on livestock units (Article 7 (1a))				Aid based on surface area (Article 7 (1b))			Amount of total aid paid	Amount of reimbursement requested from EAGGF
	Number of beneficiaries (1)	Forage area (ha)	Total number of livestock units	Total amount of aid paid	Number of beneficiaries	Area aided (ha)	Total amount of aid paid		
1	2	3	4	5	6	7	8	9	10
Total									

ANNEX I 1 B

Declaration to be submitted along with applications for reimbursement under Title II of Directive 75/268/EEC

IT IS HEREBY DECLARED

(a) that the utilized agricultural area of the recipients, which is the subject of this request for reimbursement, is situated in less-favoured farming areas as defined in Article 3 of Directive 75/268/EEC;

(b) that the farms of the recipients have an area of at least three hectares of utilized agricultural land in the less-favoured farming areas;

(c) that the recipients have undertaken to pursue a farming activity in accordance with the aims of Directive 75/268/EEC for at least five years;

(d) that reimbursement is not requested for aid paid to farmers who are in receipt of a retirement pension;

(e) that the compensatory allowance is at least 15 [1] units of account per livestock unit or per hectare;

(f) that, in the case of cattle, sheep and goats, the compensatory allowance does not exceed 50 [1] units of account per livestock unit and no farm has received a total allowance exceeding 50 [1] units of account per hectare of the total forage area;

(g) that cows whose milk is intended for marketing were only taken into consideration in the calculation of livestock units in areas defined in Article 3 (3) of Directive 75/268/EEC and only in areas defined in Article 3 (4) and (5) of that Directive where dairy products form an important part of the farming activity and in the areas defined in Article 3 (4) and (5) the compensatory allowance did not exceed 80 % of the unit amount of the compensatory allowance granted to other livestock units in the area and the maximum number of dairy cows taken into consideration did not amount to more than 10 livestock units;

(h) that, in the case of production other than cattle, sheep and goats in areas defined in Article 3 (3) of Directive 75/268/EEC, the allowance, not exceeding 50 [1] units of account per hectare, was calculated on the area farmed excluding the area required for feeding livestock and excluding any area given over to wheat growing and excluding any area exceeding 50 ares per farm comprising fully planted apple, pear or peach orchards;

(i) that the bases for calculating the allowances paid to the recipients have been effectively checked;

(j) that, the eligible expenditure, in respect of which, application for reimbursement is made, relates to aid granted during 1975 and thereafter.

.....
(Place)

.....
(Date)

(Signature and official stamp of competent authority of Member State)

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[1] As last amended by Commission Regulation (EEC) No 571/76 of 3 March 1976 (OJ No L 68, 15. 3. 1976, p. 1).

ANNEX I 2

Particulars of aid as provided under Title IV (Article 11) of the Directive

Aid paid out by Member State during the calendar year ....

The particulars required in this Annex are to be supplied in respect of:

— each province in Belgium and the Netherlands,

— each Land in Germany,

— each department in France,

— each divisional county and area office in the United Kingdom,

— each county in Ireland,

— each amt in Denmark,

— each region in Italy.

Aid paid out by Member State
in calendar year ....

ANNEX I 2 A

PARTICULARS OF AID TO JOINT INVESTMENT SCHEMES FOR FODDER PRODUCTION AS PROVIDED UNDER TITLE IV (ARTICLE 11) OF DIRECTIVE 75/268/EEC

Administrative unit	Number of schemes (1)		Total cost of investments		Total Member State aid		Reimbursement requested from EAGGF	
	new (2)	old	new	old	new	old	new	old
1	2	3	4	5	6	7	8	9
Total								

(1) Enclose a list of code numbers of schemes arranged by administrative unit; for the following years notice of code numbers of new schemes is sufficient.
(2) New refers to a scheme receiving aid for the first time.

ANNEX I 2 B

Declaration to be submitted along with the application for reimbursement under Title IV, Article 11, joint investments aid of Directive 75/268/EEC

IT IS HEREBY DECLARED

(a) that the utilized agricultural area of the recipients, which is the subject for reimbursement, is situated in less-favoured farming areas as defined in Article 3 of Directive 75/268/EEC;

(b) that the request reimbursement for eligible expenditure does not exceed 20 000 units of account per joint investment scheme;

(c) that the eligible expenditure, in respect of which application for reimbursement is made, relates to aid granted during 1975 and thereafter.

.....
(Place)

.....
(Date)

(Signature and official stamp of competent authority of Member State)

Aid paid out by Member State
in calendar year ....

ANNEX I 2 C

PARTICULARS OF IMPROVEMENT AND EQUIPMENT SCHEMES FOR PASTURE AND HILL GRAZING FARMED JOINTLY, PURSUANT TO TITLE IV (ARTICLE 11) OF DIRECTIVE 75/268/EEC

Administrative unit	Number of schemes (1)		Total cost of pasture or improvement of equipment		Total Member State aid		Reimbursement requested from EAGGF	
	new (2)	old	new	old	new	old	new	old
1	2	3	4	5	6	7	8	9
Total								

(1) Enclose a list of code numbers of schemes arranged by administrative unit; for the following years notice of code numbers of new schemes is sufficient.
(2) New refers to a scheme receiving aid for the first time.

ANNEX I 2 D

Declaration to be submitted along with applications for reimbursement under Title IV, Article 11, pasture or mountain land improved or provided with equipment, of Directive 75/268/EEC

IT IS HEREBY DECLARED

(a) that the utilized agricultural area of the recipients, which is the subject of this request for reimbursement, is situated in less-favoured farming areas as defined in Article 3 of Directive 75/268/EEC;

(b) that the requested reimbursement for eligible expenditure does not exceed 100 units of account per hectare of pasture or mountain land improved or provided with equipment;

(c) that the eligible expenditure, in respect of which application for reimbursement is made, relates to aid granted during 1975 and thereafter.

.....
(Place)

.....
(Date)

(Signature and official stamp of competent authority of Member State)

ANNEX II

Modifications of Commission Decision 74/581/EEC of 16 October 1974

The tables found in Annexes IA, IB, IC, ID and IE and in Annex 4 to Commission Decision 74/581/EEC of 16 October 1974 should be modified so that in each case the body of the table is subdivided horizontally in two sections, these being:

(a) normal areas,

(b) less-favoured farming areas,

and subtotals should be given for each section. The footnote in each case should be as follows: 'Enclose a list of code numbers of schemes arranged by administrative unit separating those of normal areas from those from less-favoured farming areas; in following years notice of numbers of new schemes is sufficient'. The 'Individual Information Sheet in Respect of Aid for Implementation of a Development Plan' *(Official Journal of the European Communities* No L 320 of 29 November 1974, page 16) should have the following added:

— to point 2,

'Less favoured farming area: Yes/No (1)

If "Yes" which type of zone: — zone defined in Article 3 (3) (1)

— zone defined in Article 3 (4) (1)

— zone defined in Article 3 (5) (1)

of Directive 75/268/EEC'

— to point 4,

'— detail any investment relating to a tourist and/or craft industry from investments under Directive 72/159/EEC'

— footnote to be inserted:

'(1) Delete the inapplicable'

— to point 7 (page 18),

'— earned income from non-agricultural activity .....

— amount of compensatory allowance, if received .....'

— to point 9 (page 19),

'— if the premium has been increased due to the provisions of Article 9 (2) of Directive 75/268/EEC, give details of the increase, and give the stocking rate in livestock units per hectare of forage area....'

The declaration to accompany reimbursement application under Annex 1 of Commission Decision 74/581/EEC (OJ No L 320, 29. 11. 1974, page 20) should be as follows:

IT IS HEREBY DECLARED

(a) that the recipients practise farming as their main occupation in accordance with the conditions laid down in Article 3 (1) of Directive 72/159/EEC;

(b) that the recipients possess adequate occupational skill and competence as defined in accordance with Article 3 (2) of Directive 72/159/EEC;

(c) that the recipients have undertaken that from the start of the development plan they will keep accounts in accordance with Article 11 of Directive 72/159/EEC;

(d) that the recipient's earned income satisfies the conditions of Article 2 (2) of Directive 72/159/EEC;

(e) that the development plans aided show that, upon their conclusion, the farms undergoing modernization will be capable of attaining as a minimum, for either one or two man-work units, a level of earned income comparable to that received for non-agricultural work in the region in question, or comparable to that of reference farms which, at the time when the application is made, have an earned income equivalent to a comparable income as defined in Article 4 (2) of Directive 72/159/EEC; however, in areas defined in Article 3 (3) of Directive 75/268/EEC this earned income derived from the farm business will be at least equal to 70 % of a comparable income as defined in Article 4 (2) of Directive 72/159/EEC);

(f) that, in the case of any development plan which makes provision for income to be earned from non-agricultural activities, on completion of the plan the amount of such income will not exceed 20 % of the total earned income, and that in such case the earned income derived from the farm business will be at least equal to the comparable earned income for one man-work unit; however, in areas defined in Directive 75/268/EEC the income from non-agricultural activities does not exceed 50 % of the total earned income; and the earned income from the farm business will be at least 70 % of the comparable earned income for one man-work unit for those areas defined in Article 3 (3) of the above Directive;

(g) that, upon conclusion of the development plans, the comparable earned income will be attainable by means of an annual working period not exceeding 2 300 hours;

(h) that, subject to any exceptions authorized for certain regions under the procedure laid down in Article 18 of Directive 72/159/EEC, the objectives of the development plans are to be achieved over periods not exceeding six years;

(i) that the development plans submitted for the approval of the authorities responsible for examining applications contain all the necessary particulars for assessing whether the farms concerned satisfy the conditions laid down in Articles 2 and 4 of Directive 72/159/EEC, and that development plans concerning the areas defined in Directive 75/268/EEC satisfy the conditions as modified by Article 10 of the latter Directive;

(j) that the development plans were examined and approved by the competent authorities appointed by the Member State;

(k) that the aid granted in connection with the development plans have not included aid for the purchase of land or for the purchase of pigs, poultry, or calves intended for slaughter;

(l) that only the initial purchase provided for by the development plan has been taken into account with regard to aid granted for the purchase of livestock;

(m) that, where the development plans provide for the purchase of cattle or sheep, the granting of the aid provided for in Article 8 (1) (b) and (c) of Directive 72/159/EEC was subject to the condition that the proportion of sales from the cattle and sheep enterprises on completion of the development plan will be greater than 60 % of the total sales of the business;

(n) that, where the development plans provide for an investment in pig farming, the granting under Article 8 (1) (b) and (c) of Directive 72/159/EEC of the aid to investment was subject to the condition that the investment be not less than 10 000 (1) units of account, or more than 40 000 (1) units of account and that the farm or, in the case of joint production by more than one farm, any one or more of the farms, will be capable on conclusion of the plan of producing at least 35 % of the feedingstuffs consumed by the pigs;

(o) that, in the case of development plans for farms situated in the areas defined in Directive 75/268/EEC which are suitable for the development of a tourist or craft industry and where provision is made for an investment on these farms in a tourist or craft industry, the granting under Article 8 (1) (b) and (c) of Directive 72/159/EEC of aid was applied to an amount of investments not exceeding 10 000 (1) units of account per farm;

(p) that the eligible expenditure in respect of which application for reimbursement is made relates to aid granted in pursuance of decisions taken after the date on which Directive 72/159/EEC took effect; for development plans benefiting from the eased conditions defined in Directive 75/268/EEC, however, the eligible expenditure shall relate to aid granted during 1975 and thereafter.

.....
(Place)

.....
(Date)

(Signature and official stamp of competent authority of Member State)

The declaration to accompany reimbursement application under Annex 4 of Commission Decision 74/581/EEC (OJ No L 320, 29. 11. 1974, page 31) should have point (b) deleted and have the following two points added:

(b) that, on those farms which benefited from an increased premium under Article 9 (2) of Directive 75/268/EEC, the farms are located in an area as defined in Article 3 of the Directive and that the stocking rate on these farms was more than 0·5 livestock units per hectare of forage area,

(c) that the eligible expenditure in respect of which application for reimbursement is made relates to aid granted in pursuance of decisions taken after the date on which Directive 72/159/EEC took effect and in these cases where the premium has been increased under Article 9 (2) of Directive 75/268/EEC it relates to aid granted in pursuance of decisions taken after the date on which Directive 75/268/EEC took effect.

(1) As last amended by Regulation (EEC) No 571/76.