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 mat 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 estimed 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)	% (5)
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 benificiaries, 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)