COUNCIL DIRECTIVE

of 19 June 1978

on a programme to accelerate drainage operations in the less-favoured areas of the west of Ireland

(78/628/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Article 39 (2) (a) of the Treaty provides that account should be taken of the social structure of agriculture and the structural and natural disparities between agricultural regions in determining the common agricultural policy;

Whereas, to achieve the objectives of the common agricultural policy set out in Article 39 (1) (a) and (b) of the Treaty, measures appropriate to the production conditions of the least-favoured agricultural areas should be adopted at Community level;

Whereas certain regions in the west of Ireland are in an unfavourable situation as regards agricultural incomes and suffer from under-employment both in agriculture and in other sectors;

Whereas the percentage of the total working population engaged in agriculture in these regions is particularly high;

Whereas action should be concentrated on a basic aspect of the structural development of these regions which will have rapid and lasting effects on agricultural incomes;

Whereas agricultural production in the west of Ireland is seriously handicapped by drainage problems owing both to the lack of arterial drainage and to the scarcity of field drainage;

Whereas Community aid is needed to accelerate the provision of drainage networks;

Whereas the conditions and limits laid down in Articles 14 and 19 of Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms (3) are not entirely appropriate in the case of drainage to the special structural situation obtaining in the west of Ireland;

Whereas field drainage will increase agricultural potential and therefore enable production to be better oriented;

Whereas public encouragement for drainage measures should be confined to those which concern areas showing worthwhile productivity and are carried out on rational lines, where possible by groups of farmers;

Whereas aid should be provided for the purchase of the machinery needed by agricultural cooperatives for drainage work;

Whereas these objectives should be furthered by a common measure combining these elements, covering all the less-favoured areas of the west of Ireland (western region) as defined in Council Directive 75/272/EEC of 28 April 1975 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Ireland) (4), and constituting a special programme extending over several years;

Whereas it follows from the foregoing that the measures referred to constitute a common measure within the meaning of 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 2788/72 (6),

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(1) OJ No C 131, 5. 6. 1978, p. 67.
(2) Opinion delivered on 29 and 30 March 1978 (not yet published in the Official Journal).
(3) OJ No L 96, 23. 4. 1972, p. 1.
(4) OJ No L 128, 18. 5. 1975, p. 68.
(5) OJ No L 94, 28. 4. 1970, p. 13.
(6) OJ No L 295, 30. 12. 1972, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

In order to increase agricultural incomes in less-favoured regions of the west of Ireland (western region) within the meaning of Directive 75/272/EEC by improving basic structures, thus contributing to the modernization of farms, a common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70, to be implemented by Ireland, shall be introduced for the purpose of accelerating arterial and field drainage operations.

Article 2

1. The conditions and limits laid down in Articles 14 (2) and 19 (1) and (3) of Directive 72/159/EEC shall not apply to drainage operations forming the subject of this common measure.

2. The financial contribution of the Community shall be used only in the framework of a comprehensive programme covering all drainage operations in less-favoured regions of the west of Ireland (western region) within the meaning of Directive 75/272/EEC. This programme shall be submitted to the Commission by Ireland.

3. The programme and any adjustments thereto shall be examined and approved, after consultation with the European Agricultural Guidance and Guarantee Fund (hereinafter referred to as 'the Fund') Committee, on the financial aspects thereof, in accordance with the procedure laid down in Article 18 (2) and (3) of Directive 72/159/EEC.

Article 3

The programme referred to in Article 2 shall include in particular the following information:

(a) with respect to public arterial drainage works:

— the extent of the catchment areas to be drained under the programme,

— the number of hectares of agricultural area whose drainage will be improved and the number of hectares to be fully drained as a result of the operation,

— the location of and timetable for the above works,

— a cost-benefit analysis for each catchment area concerned,

— the estimated cost of draining the catchment areas;

(b) with respect to field drainage works:

— the number of hectares to be drained under the programme,

— provisions ensuring that only those agricultural areas which, on completion of the work, will reach an adequate level of productivity will be drained,

— details of related works required to ensure rational utilization of the drained areas,

— provisions ensuring that drainage will be carried out in such a way as to exploit the productive potential of the land concerned to the full,

— details of measures to encourage joint drainage plans,

— details of arrangements made to encourage the execution of works by agricultural cooperatives, by providing aid for the purchase of machinery for drainage in areas where such operations are indispensable,

— the nature and amount of the aid envisaged and the estimated cost of such aid;

(c) documented estimates of public expenditure in the less-favoured areas of the west of Ireland in the fields referred to under (a) and (b) showing the complementary nature of the Community contribution.

Article 4

1. Expenditure on the following operations by Ireland under the programme referred to in Article 2 shall be eligible for aid from the EAGGF Guidance Section:

— public arterial drainage work as specified in Article 3 (a), up to a maximum of 30 000 hectares in the catchment areas concerned,

— field drainage work, as specified in Article 3 (b), up to a maximum of 100 000 hectares drained;

— grants towards the purchase by agricultural cooperatives during the first two years of the programme of the machinery referred to in the sixth indent of Article 3 (b), up to a maximum of 5% of the eligible expenditure for field drainage work referred to in the second indent of this paragraph.

2. The EAGGF Guidance Section shall reimburse 50% of the eligible expenditure to Ireland. However, the amount of the EAGGF contribution to the eligible expenditure referred to in the second indent of paragraph 1 shall not exceed 250 units of account per hectare drained and the contribution to the expenditure referred to in the third indent of paragraph 1 shall not exceed 25 % of the purchase price of the machinery.

Article 5

1. The duration of the measure shall be five years.

2. Before the period referred to in paragraph 1 expires, this Directive shall be reviewed by the Council acting on a proposal from the Commission.

3. The total estimated Fund share of the cost of the common measure shall be 26 million units of account for the entire period.

Article 6

When the programme is approved in accordance with Article 2 (3), the Commission shall determine, in agreement with Ireland, the manner in which it is to be periodically informed of the progress of the programme. Ireland shall at the same time designate, where appropriate, the body responsible for the technical execution of the programme.

Article 7

1. Requests for reimbursement shall relate to expenditure incurred by Ireland during one calendar year and shall be submitted to the Commission before 1 July of the following year.

2. Aid from the Fund shall be granted in accordance with Article 7 (1) of Regulation (EEC) No 729/70.

3. Advance payments may be granted by the Fund on the basis of the rules of financing adopted by Ireland and in the light of the progress of the programme.

4. Detailed rules for the application of this Article shall be adopted under the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 8

This Directive is addressed to Ireland.

Done at Luxembourg, 19 June 1978.

For the Council

The President

P. DALSAGER