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REGULATION (EEC) No 171/71 OF THE COUNCIL

of 26 January 1971

on granting and reimbursing aids granted by Member States to producers' organisations in the fishing industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organisation of the market in fishery products, and in particular Article 6 (5) and the second subparagraph of Article 22 (2) thereof;

Having regard to the proposal from the Commission;

Whereas the conditions and general rules to be applied to aids granted by Member States to producers' organisations and the procedure for reimbursing those aids from the Guidance Section of the European Agricultural Guidance and Guarantee Fund must be adopted;

Whereas to ensure that these aids are granted and reimbursed under identical conditions, the methods for calculating the value of the production marketed under the auspices of the producers' organisations and the administrative expenses of these organisations should be defined; whereas this calculation must be based on properly vouched accounts; whereas the difficulty of having such accounts available, in certain cases, should be taken into account; whereas a flat-rate method should be substituted in such cases;

HAS ADOPTED THIS REGULATION:

Article 1

When it submits its first claim for reimbursement, the Member State concerned shall provide the Commission with a certificate showing the date on which the producers' organisation was formed and the date on which it was recognised.

Article 2

The following classes of person shall be taken into consideration for the purpose of calculating the aids referred to in Article 6 (1) of Regulation (EEC) No 2142/70:

— producers who were members of the producers' organisation on the date on which it was recognised and who were members of the organisation throughout the year for which aid is claimed;

— producers who joined the producers' organisation after the date on which it was recognised and who were members of the organisation throughout the last nine months of the year for which aid is claimed.

Article 3

The value of the production marketed by a producers' organisation shall be calculated for each product by multiplying:

— the average marketed production referred to in the first indent of the third subparagraph of Article 6 (1) of Regulation (EEC) No 2142/70, ascertained in accordance with the procedure laid down in Article 4 below and expressed in 100 kg net for each product

by

— the average price referred to in the second indent of the third subparagraph of Article 6 (1) of Regulation (EEC) No 2142/70, ascertained in accordance with the procedure laid down in Article 5 below and calculated per 100 kg net for each product.

Article 4

For the purpose of calculating the average production referred to in the first indent of Article 3, the

[1] OJ No L 236, 27.10.1970, p. 5.

production marketed by producer members shall be ascertained for each of the three calendar years immediately preceding membership:

— on the basis of properly vouched commercial and accounting records as are available

or

— if such supporting evidence is not available, on the basis of a flat-rate assessment made by the competent services of the Member State, allowance being made in particular for productive capacity in terms of equipment and manpower; the result thus obtained shall be reduced by 10% to cover the member's own consumption and non-commercial transactions.

Article 5

For the purpose of calculating the average price referred to in the second indent of Article 3, the average price obtained by producer members for each of the three calendar years immediately preceding membership shall be ascertained:

— on the basis of properly vouched commercial and accounting records which are available

or

— if such supporting evidence is not available, by calculating the average quotation for each product on the most representative wholesale market or in the most representative port of the area in which the producers' organisation concerned operates, such average quotation being the average of the representative quotations recorded during the reference year by the competent authorities of the Member State on that market or in that port.

Article 6

1. The amount of the administrative expenses referred to in Article 6 (1) of Regulation (EEC) No 2142/70 to be taken into consideration when the maximum amount of aid granted to producers' organisations is being calculated, must be established on the basis of properly vouched commercial and accounting records and be approved by the competent authorities of the Member State.

2. The concept of administrative expenses shall be defined in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.

Article 7

Aid to an association of producers' organisations may not exceed a total of 50 000 units of account.

Article 8

1. Applications for reimbursement must relate to expenditure incurred by Member States during a calendar year and must be submitted to the Commission annually before 1 July of the following year.

2. The Commission shall decide on these applications en bloc or separately after consulting the Fund Committee.

3. Provisions concerning the information to be included in applications for reimbursement, the form that such applications should take and the supporting evidence to be submitted to the Commission by Member States shall be adopted in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70[1] of 21 April 1970 on the financing of the common agricultural policy.

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

Done at Brussels, 26 January 1971.

For the Council

The President

B. PONS

[1] OJ No L 94, 28.4.1970, p. 13.