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COMMISSION REGULATION (EEC) No 2159/89 of 18 July 1989 laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72

(OJ No L 207, 19. 7. 1989, p. 19)

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Commission Regulation (EEC) No 3403/89 of 13 November 1989	L 328	23	14. 11. 1989
Commission Regulation (EEC) No 1304/91 of 17 May 1991	L 123	27	18. 5. 1991
Commission Regulation (EEC) No 2286/91 of 29 July 1991	L 209	5	31. 7. 1991
Commission Regulation (EEC) No 3746/91 of 18 December 1991	L 352	53	21. 12. 1991
Commission Regulation (EEC) No 1461/92 of 4 June 1992	L 153	9	5. 6. 1992
Commission Regulation (EC) No 1363/95 of 15 June 1995	L 132	8	16. 6. 1995

COMMISSION REGULATION (EEC) No 2159/89
of 18 July 1989
laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ([1]), as last amended by Regulation (EEC) No 1119/39 ([2]), and in particular Article 14g 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 ([3]), as last amended by Regulation (EEC) No 1636/87 ([4]), and in particular Article 5 (3) thereof,

Whereas Title IIa of Regulation (EEC) No 1035/72 provides for various specific measures to make good the inadequacy of production and marketing facilities for certain nuts and locust beans; whereas the aids provided for are granted to producers' organizations which have received specific recognition and which have submitted a plan approved by the competent national authority for improving the quality and the marketing of their produce;

Whereas it should be made clear that such specific recognition is not subject to prior recognition under Article 13 of Regulation (EEC) No 1035/72; whereas it is granted irrespective of the latter once the special conditions laid down for the granting thereof have been met;

Whereas the conditions laid down for the granting of recognition must provide some reasonable assurance that the producers' organizations receiving Community aid will, by virtue of the scope and duration of their activities and the very manner of their operation, help to bring about the desired improvement in production and marketing facilities for the products in question; whereas, to ensure that such producers' organizations enjoy at least a degree of stability, minimum limits should be laid down for the number of members and for the quantities of nuts and locust beans produced, depending on the characteristics of the various Community regions; whereas, to the same end, it must be made a requirement that the statutes of such organizations are to include clauses which explicitly state that the producers are to control the decisions and verify the operation of the organization and clauses laying down penalties for any infringement of the agreed rules;

([1]) OJ No L 118, 20. 5. 1972, p. 1.
([2]) OJ No L 118, 29. 4. 1989, p. 12.
([3]) OJ No L 164, 24. 6. 1985, p. 1.
([4]) OJ No L 153, 13. 6. 1987, p. 1.

Whereas, in the interests of efficiency and good management, the aid granted by the Member State and the Community towards plans for the improvement of quality and marketing arrangements should be used only to finance marginal plantations; whereas the minimum area of a specialized orchard should even be defined for each region of, production;

Whereas definitions should be laid down for the types of measures which may be included in plans where the primary objective is to improve the quality of production pursuant to Article 14d of Regulation (EEC) No 1035/72; whereas, although the national authorities will be responsible for approving the plans, there must be consultation and administrative cooperation with the Commission so that the aims of the regulations are upheld and so that the Commission can, if necessary, request alterations to the draft plan or even refuse to approve the granting of national or Community financial aid;

Whereas it should be made clear what measures to develop and improve Community consumption and utilization of nuts and locust beans will qualify for financial aid from the Community; whereas, to this end, the plans submitted must offer some guarantee that they are in the Community interest, that the measures taken will be effective, and that their direct or indirect impact will be to increase the consumption and utilization of the products concerned; whereas plans must be submitted by trade bodies or groups with some technical experience or by representatives of the economic sectors concerned; whereas, save as otherwise provided by the Commission, the performance or direct supervision of the work by the body or group which submitted the plan may be taken as evidence of the good falth (SIC! faith) of the parties concluding a contract with the Commission; whereas it should be stipulated that the various rules governing the fulfilment of the undertakings given are to be laid in a contract;

Whereas certain general rules should be laid down for financing the aid to be charged to the EAGGF Guarantee Section in accordance with Title IIa of Regulation (EEC) No 1035/72; whereas it should be made clear that Community aid may be paid out by the Member State only after, or at any rate not before, the national aid hasbeen paid only after the proper checks have been carried out;

Whereas the aid for implementing plans to improve quality and marketing arrangements should be paid annually on the basis of the work actually carried out in accordance with the approved plans: whereas the maximum amount of aid per hectare, as fixed by Council Regulation (EEC No 790/89 ([1]), should be converted into the national currency concerned at the agricultural conversion rate applicable on the first day of each marketing year, in accordance with the provisions of Regulation (EEC) No 1676/85;

Whereas, for the purpose of implementing the various specific measures in question, the producers' organizations receiving the aid must be obliged to transmit detailed and precise information, at pre-set intervals, to the authority designated by the Member State so that the said authority can monitor the fulfilment of the undertakings given by the producers' organizations;

Whereas the beneficiaries' obligation to provide information cannot in itself guarantee proper management of the measures concerned; whereas, therefore, it should be made clear what verification of documents and on-the-spot checks are to be made by the national authorities in connection with the various types of aid provided for in Title IIa of Regulation (EEC) No 1035/72;

Whereas the most serious failures to fulfil the obligations laid down in Regulation (EEC) No 1035/72 or in this Regulation must be penalized in the appropriate manner;

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:

([1]) OJ No L 85, 30. 3. 1989, p. 6.

Article 1

1. Procedure' (SIC! Producers') organizations engaged in the production and marketing of nuts and/or locust beans

— which have received specific recognition in accordance with Title I,

— and which have submitted a quality and marketing improvement plan meeting the requirements of Title II and approved by the Member State concerned

shall qualify for the specific measures provided for in Title IIa of Regulation (EEC) No 1035/72, subject to the rules laid down in Titles II, III and IV of this Regulation.

2. The Community shall contribute, on the terms laid down in Titles IV and V towards financing measures to expand and improve the consumption and utilization of the abovementioned products.

TITLE I

Specific recognition of producer's organizations for nuts and/or locust beans

Article 2

Member States shall grant specific recognition to organizations and groups of producers (hereinafter referred to as 'producers' organizations') engaged in the production and marketing of nuts and/or locust beans:

l. Which have been set up at the instigation of the producers themselves with a view to achleving (SIC! achieving), in the nut and locust bean sector, the objectives referred to in Articles 13 (1) (a) of Regulation (EEC) No 1035/72;

2. which require their members to meet the obligations listed in this Article;

3. which make available to their members technical facilities for pre-sale operations, including storage and packaging of the products concerned;

4. whose statutes:

   (a) make it compulsory for producers to have all their production of nuts and/or locust beans sold by the producers' organization;

   (b) include provisions designed to ensure that producers have control over the organization and the decisions which it takes;

   (c) lay down penalties for any infringement of the organization's rules by producers belonging thereto;

(d) make it compulsory for producers:

— to belong to the producers' organization for a period of at least three years,

— to give at least 12 months' advance notice of their departure therefrom;

(e) include provisions concerning the fees to be paid by their members;

5. which provide evidence of a sufficient level of economic activity, representing at the same time:

— a minimum number of producers,

— a minimum production per product and per region of production (Annexe I);

6. which give a written undertaking to submit a quality and marketing improvement plan in accordance with Title II;

7. which keep separate accounts for their activities relating to nuts and/or locust beans.

Article 3

1. Producers' organizations shall submit their application for specific recognition to the competent authority designated by the Member State, together with their articles of incorporation and the particulars listed in Annex II.

2. The competent authority shall check the accuracy of the particulars supplied by scrutiny of documents and by on-the-spot inspections. In doubtful cases the competent authority shall carry out any appropriate checks to ensure compliance with the conditions laid down in Article 2.

3. Specifric (SIC! Specific) recognition shall be granted within three months of lodging the application, subject to any delay resulting from additional enquiries.

4. Each year, before 1 November, producers' organizations shall forward to the competent authority all updated version of the particulars listed in Annex II.

Article 4

The competent authority shall make periodic checks, and at least every three years, to ensure that the producers' organizations recognized in accordance with Article 3 are operating in the correct manner and that they are observing the conditions laid down for their recognition.

The competent authority shall withdraw specific recognition if it finds that:

— the obligations on which recognition is conditional have not been met,

— the particulars referred to in Article 3 (4) have not been supplied, or

— the particulars supplied are deliberately misleading.

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Article 5

Each year, by 31 December, forward to the Commision:

1. a list of the producers' organizations for nuts and/or locust beans which have received specific recognition
2. for each producers' organization, the form shown in Annex II, duly completed.

TITLE II

The quality and marketing improvement plan

Article 6

For the purposes of this Regulation, a homogeneous and cohesive area used for the growing of nuts and/or locust-beans, hereinafter, referred to as an 'orchard', shall mean a plantation which is not intersected by other crops or plantations and which is geographically continuous. A single row of nut trees and/or locust trees planted alongside roads or other crops shall not be considered an orchard.

The area of orchards taken into account for the purposes of applying this Title and for the granting of financial aid from the Member State and the Community may not be less than a surface area of 0,20 hectares.

Article 7

The quality and marketing improvement plan, hereinafter referred to as the 'plan', which the producers' organization undertakes to implement on all or some of the orchards belonging to its members, shall provide for one or more of the following types of measure, with a view to improving productivity in the long term:

— the grubbing of nut trees and/or locust trees, followed by the planting of new trees,

— varietal conversion,

— the improvement of techniques for the growing, maintenance and pruning of orchards,

— genetic improvement and certification, stimulation and pollination,

— soil preparation, fertilization and improvement,

— planning and implementation of pest control,

— the provision of technical assistance to the members fo (SIC! of) the organization, in the form of training and guidance of crop management,

– the acquisition and use of market-preparation, storage, packaging and other facilities, 2159/89

– technical assistance with sales management.

Measures qualifying for financial aid under the structural regulations shall not be eligible under this Regulation.

Article 7a 2286/91

1. The maximum of ECU 573,57 per hectare set at point 1 of Article 2 of Regulation (EEC) No 790/89 shall be paid for five years in regard to areas on which, under the quality and marketing improvement plan all nut and locust bean trees are grubbed and new trees planted or varietal conversion is carried out by top grafting. 1363/95

2. For the other years of the plan the maximum of ECU 241,50 per hectare set in the last indent of point 1 of the abovementioned Article 2 shall be paid in regard to these areas other than those already covered by aid as foreseen in the said paragraph.' 1363/95

Article 8 2159/89

1. Producers' organizations shall submit their draft plans for approval by the competent authority designated by the Member State in the form shown at Annex III together with all the supporting documents. 2286/91

The draft plan shall give precise details of

— the orchard areas to be grubbed and replanted or converted to another variety by top grafting in the first three years of the plan and in three further years; these areas shall be identified by a cadastral reference or lot numbering,

— a timetable detailing the execution of the various measures indicated in Article 7 in each year of the plan, specifying the plots involved.

Implementation of the plan may not commence before it has been approved by the competent national authority.

1a. In the case of quality and marketing improvement plans approved before 23 July 1991, requests for modifications shall be lodged with the competent authority of the Member State not later than 31 December 1992. 3746/91

The five-year period for granting the aid referred to in Article 2 (1) of Regulation (EEC) No 790/89 in respect of these plans shall commence on 1 September 1993. However, the areas covered by operations carried out since the date on which the plan was initially approved may not exceed 40 % of the total area of the orchard. 3746/91

2. The competent authority shall take a decision on the draft plan within five months of receiving the latter. Requests for changes as referred to in paragraph 3 (b) shall result in an interruption of that period. 2159/89

The competent authority shall:

— use all appropriate means, including on-the-spot inspections, to check the accuracy of the information provided on the condition and the composition of the orchards belonging to the members of the producers' organization at the time when the plan is submitted,

— check that the plan has been submitted in the form shown in Annex III and that it is in line with the objectives of this Title,

— verify the economic self-consistency and technical validity of the draft plan, the validity of the estimates and the financing plan, and the timetable for implementation.

Before the end of the second month following receipt of the draft plans, the competent authority shall forward to the Commission those which may, in its opinion, be approved under Article 14d of Regulation (EEC) No 1035/72, together with a general assessment of their compliance with the criteria referred to in the third indent of the preceding subparagraph.

Within 60 days of receiving such communication, the Commission shall, if necessary, request the competent authority to reject plans or to have them modified.

3. The competent authority shall:

(a) either approve plans if they meet the requirements of Article 14d of Regulation (EEC) No 1035/72 and the requirements of this Title;

(b) or request changes to draft plans, either on its own initiative or at the Commission's request. Draft plans must not be approved until they incorporate the changes requested;

(c) or reject plans, either on its own initiative or at the Commission's request.

4. Where there is a request to change the plan, the competent authority shall take a decision after examining in detail the supporting documents provided and in the light of the criteria laid down in the second subparagraph of paragraph 2, and in accordance with the procedure set out in this paragraph. 1304/91

Only one request may be made to change a plan on the grounds of a wish to extend the surface area covered by the plan, in particular following an increase in the number of member producers, and that as from the fourth year following approval of the plan. The request shall be accompanied by a report setting out the changes in the surface area of the orchards of the organization covered by the plan as a result of new members joining or of the members leaving since the plan was submitted, and setting out the progress made in implementing the plan since it was approved. 1304/91

The competent authority shall take its decision in respect of those requests after having carried out an on-the-spot inspection of the various aspects referred to in the second subparagraph of paragraph 2 and of the progress made in implementing the plan, as well as of all supporting documents in relation to the request to change the plan. A report on this inspection shall be attached to the communication sent to the Commission in accordance with the abovementioned paragraph.

Under no circumstances may the time limit for the implementation of the amended plan exceed that originally laid down.

5. During the implementation of each plan the competent authority shall make periodic checks, by means of their reports which are to be sent to it each year by the producers' organizations concerned and by means of on-the-spot inspections, on the progress being made with the implementation of the approved plan, on whether the work done complies with the technical and financial requirements, and on the accuracy of the supporting documents submitted. 2159/89

At least two on-the-spot inspections shall be conducted on each plan in the course of implementation.

The competent authority shall note any reduction in the surface area of the orchards covered by the plan that results from a decrease in the number of members of the producers' organization. 1304/91

Article 9 2159/89

Each year, by 31 December, the competent authority shall forward to the Commission a report on the progress made in the implementation of the approved plans and on the outcome of the inspections carried out and shall provide the Commission with all relevant information should any difficulties arise in the course of implementation which could jeopardize fulfilment of the undertakings given by the producers' organizations.

TITLE III

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Aid for the formation of producers' organizations and for the establishment of a revolving fund

Article 10

For the purposes of calculating the additional flat-rate aid for the formation of producers' organizations as provided for in Article 14b of Regulation (EEC) No 1035/72:

1. the quantities to be taken into consideration shall be those of products which have not been shelled; in the case of locust beans, the quantities to be taken into consideration shall be those of beans in the pod;

2. the quantities marketed shall be taken to mean those actually sold during the first marketing year following that of specific recognition.

Where the last paragraph of Article 1 of Regulation (EEC) No 790/89 is applied, the quantities marketed relate to quantities actually sold during the second marketing year following the date of specific recognition.

1461/92

Article 11

2159/89

To qualify for the specific aid for the establishment of a revolving fund as provided for in Article 14c of Regulation (EEC) No 1035/72, producers' organizations shall communicate to the competent authority:

1. the structure of the capital of the revolving fund and proof of the producers' organization's contribution to the said capital;

2. the arrangements for financing the revolving fund so that it can operate in a proper manner with a view to attaining the objectives laid down in Article 4c (2); such proof may be provided in the form of statements from a separate bank account;

3. the supporting documents attesting to the value of the produce marketed:

   — during the first marketing year following the date of specific recognition,

   — or during another marketing year following recognition.

   The value of the produce marketed shall be determined on the basis of:

   — the annual volume of sales during the said marketing year,

   — the average producer prices obtained over that marketing year.

Article 12

During the three marketing years following the payment of the aid in accordance with Article 18, the competent authority shall carry out checks to ensure:

– that the fund has operated and has been sustained as stated in the communication sent pursuant to Article 11 (2),

— that, at the beginning of each marketing year, the fund is reconstituted. The value of stocks of produce may be taken into account for the purposes of evaluating compliance with this obligation.

For inspection purposes, the producers' organization shall at all times keep at the disposal of the competent authority the bank statements and supporting documents attesting to transactions relevant to the operation of the fund.

TITLE IV

Promotional measures

Article 13

1. Measures aimed at developing and improving consumption and use of nuts and/or locust beans in the Community, as provided for in Article 4e of Regulation (EEC) No 1035/72, shall be of the following types:

— market research,

— the search for new outlets,

— economic studies relating to the design of packaging and presentation,

— the organization of contacts between the various economic operators,

— the organization of, and participation in, trade fairs and other trade-related events,

— promotional measures other than advertising campaigns,

— consumer surveys and tests,

— specialized publications,

— nutritional and dietetic studies.

2. To qualify for Community financing, the measures proposed must:

— place particular emphasis on the fact that the products are of Community origin,

— have an appreciable scope in terms of the market situation and market trends,

— ofter (SIC! offer) some guarantee as to their satisfactory completion,

— be submitted either by a body with specific and substantiated technical experience or by an association or group which is representative of the various trade sectors or economic activities concerned within the Community. The measures shall be proposed by bodies, associations or groups established within the Community.

Measures which are brand-oriented or which make reference to a particular country or region of production shall be ineligible.

Article 14

Except where otherwise decided, by the Commission, measures must be carried out by the body, association or group which submitted the draft plan.

Only measures begun after the Commission's approval of the draft plan shall be eligible for financing under this Regulation.

Overhead costs incurred on the measures concerned shall qualify for financing only where the percentage specified in the contract concluded with the Commission is not exceeded.

Article 15

1. Proposals for measures shall be submitted in duplicate to the Commission by 31 December of each year.

2. Proposals must include at least the following information:

(a) the title of the proposal, that is, a reference to the relevant measure or measures specified in Article 13;

(b) the name of (SIC! or) business name of those submitting the proposal;

(c) a summary outline of the proposed measure, including an introduction clearly defining the objectives (diagnosis of problems, targets to te pursued, strategy to be followed, etc.):

— the expected results, and in particular the direct or indirect impact which the measure is expected to have on the marketing and consumption of the products concerned,

— the successive phases of implementation, the timetable for implementation;

(d) the cost of the proposed measure or measures, expressed in ecus and net of tax, with an item-by-item breakdown (based on comparative estimates, where necessary) and the relevant financing plan;

(e) where appropriate, the most recent report available on the activities of the body or group concerned.

3. The Commission shall inform the body, association or group concerned of the decision taken on its proposal by 1 June the following year. The Commission shall conclude contracts for the measures referred to in Article 14 with those applicants whose proposals have been selected.

Article 16

1. On application by the recipient, an advance of up to 50 % of the Community contribution to the cost of the measure shall be paid, from the fourth month following the signature of the contract referred to in Article 14, on presentation of suitable supporting documents. Payment of advances shall be subject to the lodging, in favour of the Commission, of a security of an equivalent amount. Such security may only be released with the agreement of the Commission.

2. Payment of the balance of the Community contribution shall be subject to the proper execution of the contract and to submission, no later than three months after the measure has been implemented, of a report drawn up by the recipient assessing the results of the measure or measures.

Article 17

Recipients of aid shall forward to the Commission, either on their own initiative or on request, all information relating to the implementation of plans and shall submit to any verifications or inspections carried out by the Commission.

TITLE V

General and financial provisions

Article 18

The specific aid for the establishment of a revolving fund, comprising both the aid from the Member State and the Community aid, shall be paid by the competent national authority to the producers' organizations within a maximum of three months of the aid application, once compliance with the provisions of Article 11 has been verified.

Article 19

To obtain the Community aid for their quality and marketing improvement plans, the producers' organizations qualifying therefor shall submit an aid application to the competent national authority at the end of each reference period.

'Reference period' means each annual period of the plan's implementation running from the anniversary of the plan's approval.

Aid applications shall be submitted each year in accordance with Annex IV, within the two months following the anniversary of the plan's approval, and must be accompanied by the invoices and all other documentary evidence relating to the work done. | 2159/89

Aid applications shall include all necessary information to enable the geographical location of that section of the orchard covered by each type of work carried out during the annual period in question to be ascertained. The invoices and supporting documents shall give a detailed reference to the part of the orchard in which the work in question has been carried out. | 1304/91

Except in cases of *force majeure*, an application submitted after the abovementioned period shall result in a 5 % reduction of the aid; no application can be accepted after a delay exceeding 30 days. | 3403/89

Article 20 | 2159/89

The competent authorities of the Member States, having checked the aid applications and the documentary evidence produced in support thereof, shall pay, each year within the two months following the lodging of the aid application, the aid granted by the Member State and the Community in accordance with Article 14d (2) of Regulation (EEC) No 1035/72.

~~*Article 21*~~ | 3322/89 – deleted

Article 22 | 2159/89

1. Should any aid have been paid in error, Member States shall, except in cases of *force majeure*, recover the amounts paid, plus the interest thereon from the date when the aid was paid until the date when it is recovered. The rate of interest to be applied shall be that in force for similar recovery operations under national law.

Member States shall recover all aid paid pursuant to Title IIa of Regulation (EEC) No 1035/72 for those producers' organizations which cease their activities before the end of the third year following the date of the specific recognition referred to in Title I of this Regulation or from which specific recognition has been withdrawn under Article 4.

2. Aid recovered shall be paid to the disbursing agencies or departments and deducted by the latter from expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community financing.

3. The financial consequences arising from inability to recover sums paid shall be borne by the Commission in proportion to the Community financing.

Article 22a 3403/89

1. Member States may grant to producers' organizations which apply therefor advances on the aid for the establishment of a revolving fund and on the aid for implementing quality and marketing improvement plans.

2. In the case of aid for the establishment of the revolving fund, and advance may be paid once only:

— in respect of an application submitted at the latest within the 18 months following specific recognition and in the form set out in Annex V,

— where the applicant producers' organization furnishes proof that the fund's capital has been constituted as provided for in Article 14c (3) of Regulation (EEC) No 1035/72.

The amount of the advance shall not exceed 60% of the total financial contribution from the Member State and the Community to the financing of the revolving fund set up on the basis of estimated sales data for the marketing year following specific recognition, in accordance with point 6 of Annex V.

Where the advance is paid, the application for the balance of the aid shall be submitted in the form set out in Annex VI.

3. In the case of aid for implementing the plan, applications for an advance may be submitted, in the form set out in Annex VII, after approval of the plan. Only one application shall be submitted for each year of implementation of the plan on the submission of proof that the annual phase of implementation has begun. Such proof shall be constituted by supporting documents relating to at least 50 % of the estimate referred to in point 7 of Annex VII. The application shall include all the information required to identify that section of the orchard covered by the different types of work that make up the annual phase. 1304/91

The payment made as an advance on the Community contribution shall not exceed 50 % of the annual financial contribution by the Community as defined in Article 14d (2) of Regulation (EEC) No 1035/72. This payment shall be subject to payment of 50 % of the Member State's contribution as defined in the abovementioned Article having actually been made.

The total of the advances referred to in the preceding subparagraph may not, however, exceed 50 % of the amount laid down in Article 2 of Regulation (EEC) No 790/89. The rate to be applied for the conversion of the maximum amount of the advances into national currency shall be the agricultural conversion rate in force on 1 September preceding the application for the advance.

No advance and no payment of the aid in respect of an annual phase of implementation of the plan may be made before all payments relating to the previous annual phase have been completed under the conditions laid down in Articles 19 and 20. 1304/91

4. The payment of the advances referred to in paragraphs 2 and 3 shall be conditional on the applicants' furnishing proof that a security equal to 110 % of the advance has been lodged. 3403/89

The security shall be lodged in accordance with Title VIII of Commission Regulation (EEC) No 2220/85 ([2]).

5. The security shall be released forthwith:

(a) in respect of the advance on the aid referred to in paragraphe (SIC! paragraph) 2, once the balance of the aid has been paid;

(b) in respect of the advance on the aid referred to in paragraph 3, once the balance of the annual tranche of aid has been paid.

6. The security shall be forfeit in part if the advance exceeds the amount of the aid to be paid in the year; the security shall remain forfeit to the extent of the amount paid in error.

7. The security shall be forfeit in full:

— in respect of the aid for the setting-up of the revolving fund, if the application for aid has not been lodged within four months of the end of the second marketing year following the date of specific recognition of the producers' organization,

— in respect of the aid for the plan, if the application for the balance of the aid for the year has not been submitted in accordance with the third subparagraph of Article 19.

Without prejudice to paragraph 6, if applications for the balance of the aid for the year are submitted after the abovementioned time limit but within a delay of not more than 15 days, 10 % of the security shall be forfeit.

Article 23 2159/89

Member States shall take the necessary steps to penalize any serious failure to fulfil the undertakings given or the obligations contracted under Title IIa of Regulation (EEC) No 1035/72 and under this Regulation.

TITLE VI

Financial provisions

Article 24

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

([2]) OJ No L 205, 3. 8. 1985, p. 5.

ANNEX I

MINIMUM REPRESENTATIVE DATA RELATING TO ECONOMIC ACTIVITY, REFERRED TO IN ARTICLE 2 (5)

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CN code	Product	Producer's association		Region
		Minimum number of members	Minimum production (1)	
080211	Almonds			France:
		10	100 tonnes	all regions
				Spain:
		50	1 000 tonnes	— mountain and hill areas and less-favoured areas (2) and islands
		50	2 000 tonnes	— others
				Portugal:
		10	150 tonnes	all regions
				Greece:
		30	50 tonnes	all regions
				Italy:
		40	3 000 tonnes	— Sicily
		40	2 500 tonnes	— Puglia
		30	1 000 tonnes	— Sardinia and other regions
		10	50 tonnes	Other Member States
0802 21 00	Hazelnuts and filberts			France:
		100	1 000 tonnes	all regions
				Spain:
		50	1 000 tonnes	— mountain and hill areas and less-favoured areas (2) and islands
		50	2 000 tonnes	— others
				Portugal:
		10	50 tonnes	all regions
				Greece:
		30	40 tonnes	all regions
				Italy:
		30	1 000 tonnes	— Sicily
		40	3 000 tonnes	— Campania
		40	2 500 tonnes	— Lazio
		30	1 000 tonnes	— Piemonte and other regions
		10	40 tonnes	Other Member states
0802 31 00	Walnuts			France:
		25	250 tonnes	all regions
				Spain:
		25	250 tonnes	— mountain and hill areas and less-favoured areas (2) and islands
		25	500 tonnes	— other
				Portugal:
		10	50 tonnes	all regions

CN code	Product	Producer's association		Region
		Minimum number of members	Minimum production ([1])	
				Luxembourg:
		5	10 tonnes	all regions
				Greece:
		40	15 tonnes	all regions
				Italy:
		30	2 000 tonnes	all regions
		5	10 tonnes	Other Member States
0802 50 00	Pistachios			Greece:
		30	25 tonnes	all regions
				Italy:
		20	150 tonnes	all regions
		20	25 tonnes	Other Member States
1212 10 10	Locus (SIC! Locust) beans			Spain:
		50	1 000 tonnes	— mountain and hill areas and less-favoured areas ([2]) and islands
		50	2 000 tonnes	— other
				Portugal:
		25	100 tonnes	all regions
				Greece:
		50	25 tonnes	all regions
				Italy:
		20	500 tonnes	all regions
		20	25 tonnes	Other Member States

([1]) If the producers' organization handles various nuts and/or locust beans, the minimum production to be achieved is the sum of the minimum quantities laid down for each of the products and the regions concerned.

([2]) Within the meaning of Council Directive 86/466/EEC of 14 July 1986 concerning the Community list of less-favoured farming areas within the meaning of directive 75/268/EEC (Spain). OJ No L 273, 24. 9. 1986, p. 104.

ANNEX II

DATA SHEET FOR PRODUCERS' ORGANIZATIONS

Member State: .....

Year: .....

The data provided below relate to the Marketing year: .....

1. **Business name**: .....
   .....
2. **Legal form**: .....
   .....
3. **Statutes** (Attach a copy):
4. **Address** (Street, number, locality, telephone number, telex number)
   — of the administrative headquarters: .....
   .....
   — of the sales headquarters: .....
   .....
5. **Territory covered**: .....
   .....
6. **Number of members**: .....
   — Number of producers .....
   — Number of non-producer members (where applicable)
7. **Particulars of members:**

   Please enclose a list of members, providing the following particulars:

   — surname and first name
   — number of plots used to grow nuts and/or locust beans, together with the registration numbers of these plots
   — area of irrigated and non-irrigated land used to grow almonds, hazelnuts or filberts, walnuts, pistachios and/or locust beans
   — quantities harvested, broken down by species
   — yield obtained per hectare of irrigated and non-irrigated land, broken down by species

8 **Funding provided by members:**

   Membership fees ☐ Other form of funding ☐

   Joining fee .....

   Annual fees:

   a) for the revolving fund: .....
      — flat-rate amount .....
      — percentage .....
   b) other purposes (please specify) .....
      .....
      — flat rate amount .....
      — percentage .....

9. **Rules laid down by the producer's organization:**

— Rules relating to farming skills: YES ☐ NO ☐

— Rules relating to production:

— Rules relating to production

(please enclose a copy of these rules)

10. **Technical facilities made available to members:**

A. Preparation and packaging station: YES ☐ NO ☐

Brief description of the facility (constituent parts, area covered, etc.): .....

.....

.....

.....

.....

B. Equipment installed:

— refrigerated storage: YES ☐ NO ☐ capacity ..... m^3 or ..... t

— grading: YES ☐ NO ☐ throughput: ..... t/h

— shelling YES ☐ NO ☐ throughput: ..... t/h

— drying YES ☐ NO ☐ throughput: ..... t/h

— other (please specify): .....
..... throughput: ..... t/h

11. **Staff** responsible for:

— administration: .....

— management: .....

— preparation, packaging, storage: .....

— technical assistance: .....

— other activities: .....

12. **Total area of member' (SIC! members') orchards:**

Products	Area (ha)	
	irrigated	non-irrigated
Nuts — almonds — hazelnuts/filberts — walnuts — pistachios — Other ([1])		
Locust beans		
Other fruit and vegetables ([1])		
([1]) Optional.		

13. **Sales data for the preceding marketing year** ([1]) ([2])

Products	Produce harvested (t)	Unsold stocks (t)	Losses (t)	Produce marketed (t)	Avèrage (SIC! Average) price obtained (nat. currency/t)	Value of produce marketed
almonds hazelnuts walnuts pistachios Locust beans						
Total						

14. **Profit or loss on operations during the preceding marketing year:**

. . . . . .
. . . . . .
. . . . . .
. . . . . .

15. **Capital of revolving fund** ([2]):

a) originally constituted: . . . . . (national currency)

b) for organizations alreay recognized:

— own funds: . . . . . (national currency)

— public funds: . . . . . (national currency)

Total: . . . . . .

16. **Quality and marketing improvemnent plan:**

a) Date of submission ([2]); . . . . . .

Date of approval ([2]): . . . . . .

Date of implementation: . . . . . .

b) brief description of the measures planned/proposed/in progress (delete where inapplicable):

— Varietal conversion: . . . . . .
. . . . . .

— Marketing improvements: . . . . . .
. . . . . .

([1]) Unshelled products.
([2]) Where applicable.

To be completed by the member state

17. RECOGNITION
— under Article 13 of Regulation (EEC) No 1035/72 for nuts and/or locust beans (after 20 March 1989)
— under Article 5 of Regulation (EEC) No 1360/78 for locust beans (before 20 March 1989)

Date: . . . . . Decision No: . . . . .

Published in: . . . . . on: . . . . .

18. SPECIFIC RECOGNITION UNDER ARTICLE 14b OF REGULATION (EEC) No 1035/72

Date: . . . . . Decision No: . . . . .

Published in: . . . . . on: . . . . .

19. ADDITIONAL FLAT-RATE AID GRANTED (where applicable):

— amount of the aid: . . . . .

— date of the granting of the aid: . . . . .

20. WITHDRAWAL OF SPECIFIC RECOGNITION

Date: . . . . . Decision No: . . . . .

Published in: . . . . . on: . . . . .

21. CHECKS CARRIED OUT

Date: . . . . .

Subject: . . . . .

. . . . .

Comments: . . . . .

. . . . .

. . . . .

ANNEX III

2286/91

DESCRIPTION OF QUALITY AND MARKETING IMPROVEMENT PLAN
ARTICLE 8 (1)

A. **Delimitation of geographical area**

B. **Description of initial situation**

1. *Production*

— number of holdings, area cultivated, average yield per hectare, volume of production and its percentage of national production (separate figures must be given for each species and variety of nut and locust bean),

— state of orchards (age, density, three shaped, grafts, other fruit trees),

— technical infrastructures of exploitations.

2. *Technical assistance*

3. *Marketing*

Brief description of existing facilities, equipment and capacity.

C. **Production potential: aims and outlooks for disposal**

D. **Aims of plan in regard to initial situation and market requirements:**

1. *Production*

— grubbing and replanting (new varieties or replacement by other fruit trees and/or locust beans),

— varietal conversion (choice of varieties and root stocks),

— training and shaping systems, correction of orchard density,

— pollination (pollinating trees, bees),

— soil preparation, fertilization and improvement (soil analysis, correction of nutritional defects, maintenance of fertility),

— genetic improvement (production of new hybrids),

— adaptation of new varieties (trial orchards for study of behaviour and yield),

— production of certified material (nurseries and orchards producing scions for breeding and cloning),

— pest control. 2286/91

The plan must clearly indicate on which plots each activity will be carried out.

2. *Technical assistance* (personnel requirements for production, training, sales and administration).

3. *Marketing* (purchase of equipment required for market preparation, packaging, storage, computerization and stock management).

E. **Investment required**

1. Estimated cost broken down by type of measure and year to indicate the unit cost of each measure and its component

2. The total cost of the plan, with a breakdown by measure, for the entire period.

F. **Timetable**

Spread out the different measures, section by section of the area, annually.

ANNEX IV 3746/91

AID APPLICATION PROVIDED FOR IN ARTICLE 19

Business name of the producers' organization: . . . . . .

Administrative address:

(Street, number, locality, telephone number, telex number): . . . . . .
. . . . . .

Bank and account number to which the aid should be paid: . . . . . .

Specific recognition pursuant to Article 14b of Regulation (EEC) No 1035/72:

Date: . . . . . Decision No: . . . . . .

Total area af the orchard covered by the plan(s):

Reference period from**:** . . . . . .

to: . . . . . .

Date approval of plan: . . . . . .

List of measures carried out during the period from . . . . . to . . . . . which correspond to the . . . . . th year of implementation:

a) eligible for the amount of ECU 573,57 referred to in Article 2 (1) of Regulation (EEC) No 790/89, as amended by Regulation (EEC) No 2145/91 1363/95

Type of measure	Single cost per hectare	Area (*)	Amount (national currency)
1. Grubbing/replanting			
Invoice No . . . . . of			
(or supporting documents)			
Invoice No . . . . . of			
Invoice No . . . . . of			
Invoice No . . . . . of			
Invoice No . . . . . of			
2. Varietal conversion (double grafting)			
Invoice No . . . . . of			
(or supporting documents)			
Invoice No . . . . . of			
Invoice No . . . . . of			
Invoice No . . . . . of			
Total			
Areas which have benefited from measures under a) during the previous year			
Overall total (A)			

G/A % $\leq$ 40 %

(*) Only areas which the measures have been implemented exhaustively may be selected as eligible for aid.

3746/91

b) eligible for the maximum amount of ECU 241/ha referred to in Article 2 (1) of Regulation (EEC) No 790/89, as amended by Regulation (EEC) No 2145/91; measures provided for in Article 7 of Regulation (EEC) No 2159/89 except for grubbing and conversion 1363/95

Type of measure List of measures	Single cost per hectare	Area covered	Amount
1. Measures			
Invoice No . . . . . of			
Invoice No . . . . . of			
Invoice No . . . . . of			
2. Measures			
Invoice No . . . . . of			
Invoice No . . . . . of			
3. Measures			
Invoice No . . . . . of			
Invoice No . . . . . of			
Total (A)			

c) eligible for the maximum amount of ECU 241,50/ha referred to in Article 2 (2) of Regulation (EEC) No 790/89, as amended by Regulation (EEC) No 2145/91; measures provided for in Article 7 of Regulation (EEC) No 2159/89 except for grubbing and conversion 1363/95

Type of measure List of measures	Single cost per hectare	Area covered	Amount
1. Measures			
Invoice No . . . . . of			
Invoice No . . . . . of			
Invoice No . . . . . of			
2. Actions			
Invoice No . . . . . of			
Invoice No . . . . . of			
3. Actions			
Invoice No . . . . . of			
Invoice No . . . . . of			
Total (A)			

Total expenditure for the reference period

To be completed by the Member State	
Application received on:	
A. Eligible expenditure	
1. Total expenditure declared	
2. Total sums not eligible in the plan	
3. (1 – 2) Expenditure to be taken into consideration	
B. Maximum permitted amount	
1. ECU:	
2. Rate on 1 September 19..	
3. total area	
4. (1 × 2 × 3) Total eligible amount	
C. Amount to be paid	

Paid on: . . . . . .
. . . . . .

ANNEX V

3403/89

APPLICATION FOR AN ADVANCE ON THE AID REFERRED TO IN ARTICLE 18

Member State : .....

Year: .....

The following data relate to: Marketing year: .....

1. **Business name**: .....
   .....
2. **Legal form**: .....
   .....
3. **Address** (street, number, locality, telephone number, telex number)
   — of the administrative headquarters: .....
   .....
   — of the sales headquarters: .....
   .....
4. **Specific recognition under Article 14b of Regulation (EEC) No 1035/72**
   Date: ..... Decision No: .....
   Published in: ..... on: .....
5. **Date of submission of plan**: .....
   .....
6. **Estimated sales data for the marketing year following specific recognition:**

Product	Produce harvested (tonnes)	Unsold stocks (tonnes)	Losses (tonnes)	Produce marketed (tonnes)	Average price obtained (national currency/tonne	Value produce marketed
	(a)	(b)	(c)	(d) = (a) – (b) – (c)	(e)	(f) = (d) × (e)
Almonds						
Hazelnuts						
Walnuts						
Pistachios						
Locust beans						
Total						

7. **Members' funding of the capital of the revolving fund:**
   a) Membership fees: ..... Other form of funding: .....
   b) Structure of the capital of the revolving fund constituted:
      .....
   c) Amount of the revolving fund constituted:
      ..... (national currency)
   d) Advance applied for = $\left(\frac{C \times 33}{45}\right)$:
      ..... (national currency)
   e) Particulars of the security lodged (bank, amount, etc):
      .....
      .....

8. **To be completed by the Member State**

3403/89

a) Provisional estimated limit on advance total (f) of point 6 × 0,099: .....

b) Advance applied for: .....

c) Advance granted (amount (a) or (b), whichever is the lower): .....

d) Amount to be borne by the EAGGF $\left(\frac{C \times 45}{55} \right)$: .....

ANNEX VI

APPLICATION FOR THE PAYMENT OF THE AID REFERRED TO IN ARTICLE 18 OR OF THE BALANCE THEREOF

Member State: . . . . . .

Year: . . . . . .

The following data relate to: Marketing year: . . . . . .

1. **Business name**: . . . . . .
. . . . . .

2. **Legal form**: . . . . . .
. . . . . .

3. **Address** (street, number, locality, telephone number, telex number)

— of the administrative headquarters: . . . . . .
. . . . . .

— of the sales headquarters: . . . . . .
. . . . . .

4. **Specific recognition under Article 14b of Regulation (EEC) No 1035/72**

Date: . . . . . Decision No: . . . . . .

Publication in: . . . . . on: . . . . . .

5. **Date of submission of plan**: . . . . . .
. . . . . .

6. **Sales data for the reference marketing year** ([1]):

Product	Produce harvested (tonnes)	Unsold stocks (tonnes)	Losses (tonnes)	Produce marketed (tonnes)	Average price obtained (national currency/tonne)	Value of produce marketed
	(a)	(b)	(c)	(d) = (a) – (b) – (c)	(e)	(f) = (d) × (e)
Almonds Hazelnuts Walnuts Pistachios Locust beans						
Total						

7. **Member's funding of the capital of the revolving fund:**

a) Membership fees: . . . . . Other form of funding: . . . . . .

b) Structure of the capital of the revolving fund constituted:
. . . . . .

c) Amount of the revolving fund constituted:
. . . . . (national currency)

([1]) I.e. either the marketing year folllowing recognition or another subsequent marketing year.

8. **To be completed by the Member State** 3403/89

CALCULATION OF SPECIFIC AID

a) Revolving fund constituted:
..... (national currency)

b) Specific national and Community aid $\left(\frac{(a) \times 55}{45} : \right)$
..... (national currency)

c) Maximum limit on basis of produce marketed = total (f) of point 6 × 0,165:
..... (national currency)

d) Specific aid granted (amount (b) or (c), whichever is the lower): .....
.....

e) Advance already granted: .....

f) Balance to be paid (d) − (e): .....

g) Amount to be borne by the EAGGF $\left(\frac{(f) \times 45}{55} : \right)$ .....

3403/89

ANNEX VII

APPLICATION FOR AN ADVANCE ON THE AID REFERRED TO IN ARTICLE 19

1. **Business name of producers' organization:** . . . . . .
. . . . . .

2. **Administrative address** (street, number, locality, telephone number, telex number): . . . . . .
. . . . . .

3. **Bank and account number** into which the aid is to be paid: . . . . . .
. . . . . .

4. **Specific recognition under Article 14b of Regulation (EEC) No 1035/72:**

   Date: . . . . . Decision No: . . . . . .

5. **Total area of orchard** (covered by the plan): . . . . . .

6. **Reference period** from: . . . . . .

   to: . . . . . .

7. **Annual cost estimated by producers' organization for the implementation of the plan:**

Type of measure	Amount in national currency
A. Grubbing-up of nut/or locust trees followed by planting of new trees B. Varietal conversion C. Improvement of growing techniques, management and pruning D. Genetic improvement and certification, stimulation of pollination E. Soil preparation, fertilization and improvement F. Pest control G. Provision of technical assistance in the form of training and guidance on crop management H. Acquisition and use of facilities for market preparation, storage, packaging, etc. I. Technical assistance with sales management	
Total expenditure on improvement plan over the reference period	

DATE OF SUBMISSION OF APPLICATION FOR ADVANCE . ./. ./19. . 3403/89

To be completed by the Member State

	Amount
A. ELIGIBLE EXPENDITURE	
1. Total expenditure declared	. . . . .
2. Total of sums not eligible	. . . . .
3. Expenditure to be taken into consideration (1 – 2)	. . . . .
4. Amount of advance if less than maximum permitted amount (3 × 0,275)	. . . . . 1304/91
B. MAXIMUM PERMITTED AMOUNT OF ADVANCE	
1. ECU × 0,50 ECU:	1304/91
2. Rate on 1. 9. 19. .:	
3. Area covered by plan ha:	
4. Maximum amount of advance (1 × 2 × 3) if less than A.4	. . . . .
C. ADVANCE GRANTED	. . . . .
D. AMOUNT TO BE BORNE BY THE EAGGF $\left(\frac{C \times 45}{55}\right)$	. . . . .

ANNEX VIII

3403/89

APPLICATION FOR THE PAYMENT OF THE AID REFERRED TO IN ARTICLE 19 OR OF THE BALANCE THEREOF

1. **Business name of the producers' organization:** . . . . . .
. . . . . .

2. **Administrative address**
(street, number, locality, telephone number, telex number): . . . . . .
. . . . . .

3. **Bank and account number** into which the aid should be paid: . . . . . .
. . . . . .

4. **Specific recognition under article 14b of regulation (EEC) No 1035/72**:

Date: . . . . . Decision No: . . . . . .

5. **Total area of the holding** (covered by the plan): . . . . . .

6. **Reference period** from**:** . . . . . .

to: . . . . . .

LIST OF MEASURES CARRIED OUT DURING THE PERIOD

Type of measure and supporting documents enclosed	Amount in national currency
A. Grubbing-up of nut trees and/or locust trees followed by planting of new trees:	
1. Invoice No: . . . . . of:	
2. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
B. Varietal conversion:	
1. Invoice No: . . . . . of:	
2. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
4. Invoice No: . . . . . of:	
C. Improvement of growing, management and pruning techniques:	
1. Invoice No: . . . . . of:	
2. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
4. Invoice No: . . . . . of:	
D. Genetic improvement and certification, stimulation of pollination:	
1. Invoice No: . . . . . of:	
2. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
4. Invoice No: . . . . . of:	
E. Soil preparation, fertilization and improvement:	
1. Invoice No: . . . . . of:	
2. Invoice No: . . . . . of:	
3. Invoice No: . . . . . of:	
4. Invoice No: . . . . . of:	
to be carried forward	

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Type of measure and supporting documents enclosed	Amount in national currency
brought forward	
F. Pest control:	
1. Invoice No: ..... of:	
2. Invoice No: ..... of:	
3. Invoice No: ..... of:	
4. Invoice No: ..... of:	
G. Provision of technical assistance in the form of training and guidance on crop management:	
1. Invoice No: ..... of:	
2. Invoice No: ..... of:	
3. Invoice No: ..... of:	
4. Invoice No: ..... of:	
H. Acquisition and use of facilities for market preparation, storage, packaging, etc.:	
1. Invoice No: ..... of:	
2. Invoice No: ..... of:	
3. Invoice No: ..... of:	
4. Invoice No: ..... of:	
I. Technical assistance with sales management:	
1. Invoice No: ..... of:	
2. Invoice No: ..... of:	
3. Invoice No: ..... of:	
4. Invoice No: ..... of:	
Total expenditure on improvement plan over the reference period:	

3403/89

To be completed by the Member State:	
Application received on:	
A. ELIGIBLE EXPENDITURE:	Amount
1. Total expenditure declared	. . . . .
2. Total sums not eligible	. . . . .
3. Expenditure to be taken into consideration (1 – 2)	. . . . .
4. Eligible expenditure (3 × 0,55)	. . . . .
B. MAXIMUM PERMITTED AMOUNT:	
1. ECU:	
2. Rate on 1. 9. 19. .:	
3. Total area covered by plan:	
4. Maximum eligible amount (1× 2 × 3)	. . . . .
C. AID:	
1. Total amount of aid (amount A.4 or B.4, whichever is the lower)	. . . . .
2. Advance already granted	. . . . .
3. Balance to be paid (1 – 2)	. . . . .
D. AMOUNT TO BE BORNE BY THE EAGGF $\left(\frac{C3 \times 45}{55}\right)$	. . . . .