COMMISSION REGULATION (EEC) No 3403/89

of 13 November 1989

amending Regulation (EEC) No 2159/89 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 1119/89 (2), and in particular Article 14g thereof,

Whereas Commission Regulation (EEC) No 2159/89 (3) lays down the conditions for granting the aid for which nut and locust-bean producers' organizations may qualify under certain conditions;

Whereas, in order to facilitate the way in which those producers' organizations operate and in order to implement the quality and marketing improvement plans more expeditiously, provision should be made for the payment of advances;

Whereas the conditions for granting such advances and the amount thereof should be specified; whereas, however, the payment of the advance must be conditional on the lodging of a security such as to guarantee fulfilment of the beneficiaries' obligations; whereas the conditions for the lodging and release of the security must be determined;

Whereas the provisional conversion rate applicable to the maximum amount of the annual aid must be fixed where advances are paid on aid for implementing quality and marketing improvement plans;

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:

Article 1

Regulation (EEC) No 2159/89 is hereby amended as follows:

1. The following paragraph is added to Article 19:

'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.'

2. The following Article 22a is inserted:

'Article 22a

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. The proof, accompanied by supporting documents, must relate to at least 20% of the estimate referred to in point 7 of Annex VII.

The amount of the advance shall not exceed 80% of the total financial contribution from the Member State and the Community to the annual cost of implementing the plan, as estimated by the producers' organization and referred to in point 7 of Annex VII.

Such advance must not, however, exceed 90% of the amount referred to in Article 2 of Regulation (EEC) No 790/89. To this end, the rate to be applied for the conversion of the abovementioned maximum amount into national currency shall be the agricultural conversion rate in force on 1 September preceding the application for the advance.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 118, 29. 4. 1989, p. 12.
(3) OJ No L 207, 19. 7. 1989, p. 19.

The application for payment of the balance of the aid, in respect of an annual phase of implementation of the plan, shall be submitted in the form set out in Annex VIII.

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.

The security shall be lodged in accordance with Title VIII of Commission Regulation (EEC) No 2220/85 (1).

5. The security shall be released forthwith :

(a) in respect of the advance on the aid referred to in paragraphe 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.

(1) OJ No L 205, 3. 8. 1985, p. 5.'

3. The Annex to this Regulation is added.

Article 2

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

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

Done at Brussels, 13 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

'ANNEX V

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

(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						

(1) I.e. either the marketing year following recognition or another subsequent marketing year.

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)

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

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: $\left(\frac{(f) \times 45}{55}\right)$: .....

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 ..

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 × 0,44)	.....
B. MAXIMUM PERMITTED AMOUNT OF ADVANCE:	
1. ECU × 0,90 ECU:	
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

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

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

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

.....

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

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

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

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

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 :	
4. 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	

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 :	

To be completed by the Member State :

Application received on : .....

	Amount
A. ELIGIBLE EXPENDITURE :	
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 $\left(\frac{C3 \times 45}{55}\right)$	.....