COMMISSION REGULATION (EC) No 1844/94

of 27 July 1994

on detailed rules for the financing of aid granted by the European Agricultural Guidance and Guarantee Fund, Guidance Section, submitted under common measures as defined in Council Regulations (EEC) No 866/90 and (EEC) No 867/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products [1], as last amended by Regulation (EC) No 3669/93 [2], and in particular Article 23 thereof,

Whereas, pursuant to Article 1 of Council Regulation (EEC) No 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products [3], the measures instituted by Regulation (EEC) No 866/90 may be applied for the purposes of developing or rationalizing the marketing and processing of forestry products;

Whereas Article 2 (1) of Regulation (EEC) No 866/90 provides that the financing of investments must take place within the framework of plans designed to improve the structures relating to the various products in question to be drawn up by the Member States, and on the basis of Community support frameworks;

Whereas Article 2 (2) of Regulation (EEC) No 866/90 stipulates that measures under that Regulation must be included in the plans drawn up and presented by the Member States for the Objective 1 regions as referred to in Article 1 of Regulation (EEC) No 2052/88 [4], as amended by Regulation (EEC) No 2081/93 [5], in accordance with Article 8 (7) of Council Regulation (EEC) No 2052/88 and Article 5 (2) of Council Regulation (EEC) No 4253/88 [6], as amended by Regulation (EEC) No 2082/93 [7];

Whereas Article 2 (3) of Regulation (EEC) No 866/90 stipulates that in the case of regions not eligible under Objective 1 the plans must distinguish between Objective 5 (b) areas, as referred to in Article 1 of Regulation (EEC) No 2052/88, and the rest of the territory;

Whereas Article 17 (1) of Regulation (EEC) No 866/90 provides that payment of the aid is to be carried out in accordance with Article 21 of Regulation (EEC) No 4253/88 and in accordance with the aforementioned Article 17;

Whereas, in order to standardize aid applications, the Commission should introduce a system of declarations of expenditure which can also be used for other assistance from the Structural Funds wherever possible;

Whereas applications for the payment of balances must include certain information in order to facilitate verification that the expenditure complies with the provisions of the operational programmes concerned and with Regulations (EEC) No 866/90 and (EEC) No 867/90;

Whereas, therefore, Commission Regulation (EEC) No 3206/91 on applications for commitment of advances on and payment of the balance of aid granted by the EAGGF Guidance Section for operational programmes involving investmens to improve the conditions under which agricultural and forestry products are processed and marketed [8] should be replaced;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Quarterly statements

The quarterly statements of the payments made to recipients as referred to in Article 17 (3) of Regulation (EEC) No 866/90 must be presented in accordance with the declaration of expenditure in Annex I.

Article 2

Annual reports

The annual implementation reports referred to in Article 17 (4) of Regulation (EEC) No 866/90 must be presented in accordance with the table in Annex II.

(1) OJ No L 91, 6. 4. 1990, p. 1.
(2) OJ No L 338, 31. 12. 1993, p. 26.
(3) OJ No L 91, 6. 4. 1990, p. 7.
(4) OJ No L 185, 15. 7. 1988, p. 9.
(5) OJ No L 193, 31. 7. 1993, p. 5.
(6) OJ No L 374, 31. 12. 1988, p. 1.
(7) OJ No L 193, 31. 7. 1993, p. 20.
(8) OJ No L 303, 1. 11. 1991, p. 59.

Article 3

Payment applications

1. In the regions covered by Objective 1 as referred to in Article 1 of Regulation (EEC) No 2052/88, where the measures provided for in Regulations (EEC) No 866/90 and (EEC) No 867/90 are implemented on the basis of a decision to grant aid which also covers other measures, payments shall be made within the framework of the financial implementation of the said decision to grant aid.

2. In other cases, payment applications must be presented to the Commission in accordance with the declaration of expenditure in Annex I.

3. Payment of the balance of the EAGGF contribution for annual instalments of operational programmes under Regulations (EEC) No 866/90 and (EEC) No 867/90 shall be subject to presentation of Annex II.

Article 4

Management and control arrangements

Member States shall include with their first application for payment of the balance a description of the management and control arrangements introduced to ensure the effective implementation of the measures, in accordance with Article 23 (1) of Regulation (EEC) No 4253/88.

Article 5

Regulation (EEC) No 3206/91 is hereby repealed.

Article 6

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, 27 July 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

DECLARATIONS TO BE PRESENTED WITH ALL PAYMENT APPLICATIONS

IT IS HEREBY CONFIRMED THAT:

(a) the expenditure declared eligible has been carried out in accordance with the relevant regulations;

(b) the expenditure is real, regular and was incurred after the date of receipt by the Commission of the aid application in question, without prejudice to the application of Article 33 (2) of Regulation (EEC) No 4253/88 and of Article 19 of Regulation (EEC) No 866/90.

In the case of operational programmes approved before 1 January 1994, work did not commence more than six months before the date of receipt by the Commission of the aid application in question;

(c) payments to the final beneficiaries were made without deduction or withholding of any amount which might reduce the amount of financial assistance to which they are entitled;

(d) the amounts recovered in respect of sums wrongly paid have been deducted from the declared expenditure; the Commission has been informed of any irregularities in accordance with Commission Regulation (EC) No 1681/94 (1) on irregularities and the recovery of sums wrongly paid within the framework of the financing of the structural policies and the organization of information arrangements in this area;

(e) the Member State possesses the means to effectively check the information determining the grant and the calculation of aid eligible for EAGGF financing;

(f) the aid granted by the Member State in national currency remains within the limits laid down by the Community rules;

(g) where the payment application is presented in ecus, the amount of expenditure carried out in national currency is converted into ecus using the rate applicable in the month during which the expenditure was entered in the accounts of the bodies responsible for the financial management of the implementation of the measures;

(h) the supporting documents are and will remain available under the terms of Article 23 (3) of Regulation (EEC) No 4253/88;

(i) the operations financed are consistent with the Treaties and the acts adopted pursuant thereto, as well as with the Community's policies;

(j) measures receiving Community financial assistance have been the subject of adequate publicity directed at public opinion and potential and actual beneficiaries.

Done at ....., ... (date)

Signature and stamp
of the competent authority of the Member State

(1) PB nr. L 178, 12. 7. 1994, p. 43.

EUROPEAN AGRICULTURAL GUIDANCE AND GUARANTEE FUND, GUIDANCE SECTION

REGULATIONS (EEC) No 866/90 AND No 867/90

Quarterly statement of expenditure/Payment application

(to be sent to the European Commission, DG VI-G.5, 200 rue de la Loi, B-1049 Brussels, Fax: 296 59 64)

Programme .....

Commission Decision (most recent) No ..... of .....

ARINCO reference No: .....

Objective 1 / 5 (b) / other (Delete where inapplicable. A separate statement should be presented for each Objective)

Quarterly statement of expenditure

The undersigned, ...

hereby declares that the total eligible expenditure paid in accordance with the progress of the programme was incurred after:

		199.

and amounts to

(currency)

Reference date in accordance with the Decision or, failing that, in accordance with Article 15 (2) of Regulation (EEC) No 4253/88,

with respect to which the statement of expenditure is as follows:

Unit: ..... (Currency used for the declaration: ecu or national currency. If the expenditure is declared in ecus, indicate the rates used each month)

	Planned amount	Payment 1994 instalment	Payment 1995 instalment	Payment 1996 instalment	Payment 1997 instalment	Payment 1998 instalment	Payment 1999 instalment	Aggregate for 1994-1999
Eligible expenditure actually incurred								
Payments made to beneficiaries								

I also declare that the measure is progressing at a satisfactory rate in accordance with the objectives laid down, and that the supporting documents are and will remain available as provided for in Article 23 (3) of Regulation (EEC) No 4253/88.

Payment application

In accordance with the most recent financing plan in force, I hereby request payment of the amount corresponding to: (tick the appropriate box)

Instalments	1994	1995	1996	1997	1998	1999
1st instalment						
2nd instalment						
Balance						

N.B.: If the amount of the expenditure declared is sufficient and all the conditions have been met, the payment by the EAGGF will automatically represent, as applicable, 50 %, 30 % or 20 % of the value of the instalment fixed in the financing plan in force. If the EAGGF must pay a smaller amount, specify the amount requested in ecus and the reason for the reduction.

The payment should be made to :

(Beneficiary)	
(Bank and account number)	

Where the payment application concerns the balance, the annual report required under Article 2 of this Regulation :

	is attached
	has been submitted

and I confirm the accuracy of the information contained therein.

Dossier in the charge of : .....

Tel. : ..... ; Fax : .....

Date, stamp, position and signature of the competent authority

ANNEX II

EUROPEAN AGRICULTURAL GUIDANCE AND GUARANTEE FUND, GUIDANCE SECTION

Regulations (EEC) No 866/90 and (EEC) No 867/90

ANNUAL IMPLEMENTATION REPORT

(to be sent to the European Commission, DG VI-G.5, 200 Rue de la Loi, B-1049 Brussels, Fax : (32 2) 296 59 64)

ARINCO reference No .....

Commission Decision No ..... of ..... (most recent)

Date of the most recent update of the declared information .....

Objective 1 / 5 b) / Other (Delete where inappropriate. A separate report should be presented for each Objective)

Currency unit : ..... (the currency used for the report : ECU or national currency. If expenditure is declared in ecus, indicate the rates used for each month)

Investment No (1)	Region (2)	Sector (3)	Beneficiary	Implementation rate (%)	Eligible expenditure paid by beneficiaries (4)	State aids paid to beneficiaries	EAGGF assistance paid to	Comments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			Total programme					

(1) Member State's identification number of the investment. Indicate at all investments carried out under the programme up to the date of this report.
(2) NUTS level II name and NUTS level I unit in which it is located.
(3) Sector code within the framework of Regulation (EEC) No 866/90 and (EEC) No 867/90 in accordance with Annex III.
(4) Indicate only the amounts which have been verified in accordance with the control methods notified to the Commission.

Dossier in the charge of : .....

Tel. : ..... Fax : .....

Date, Stamp, position and signature of the competent authority of the Member State

ANNEX III

SECTOR CODES — PROCESSING AND MARKETING BRANCH

(Regulations (EEC) No 866/90 and (EEC) No 867/90)

Main sector	Code	Sector	Code	Sub-sector	Code
Foresty products	1000	Forestry products	1010	Timber	1011
				Cork	1012
				Other foresty products	1019
Animal products	2000	Meat	2010	Slaughtering and cutting	2011
				Processing	2012
				Non-edible products	2013
				Other meats	2019
		Milk and milk products	2020	Milk collection	2021
				Liquid milk	2022
				Milk products	2023
				Other dairy products	2029
		Eggs and poultry	2030	Eggs	2031
				Poultry	2032
				Other (including rabbits)	2039
		Sundry animals	2990	Livestock markets	2991
				Honey	2992
				Other animal products	2999
Vegetable products	3000	Cereals	3010	Cereals (excluding rice)	3011
				Rice	3012
		Sugar	3020		
		Oil seeds	3030	Olive oil	3031
				Oil-bearing seeds	3032
				Other oil seeds	3039
		Protein plants	3040		
		Wine and alcohol	3050		
		Fruit and vegetables	3060	Fresh fruit and vegetables	3061
				Processed fruit and vegetables	3062
				Other fruit and vegetables	3069
		Flowers and plants	3070		
		Seeds	3080		
		Potatoes	3090	Unprocessed potatoes	3091
				Processed potatoes	3092
		Tobacco	3100		
		Sundry vegetables	3990		
Various products	4000	Multi-purpose markets and distribution	4010		
		Animal feedingstuffs	4020		
		Other	4990		
Misceallaneous marketing and processing	9000	Miscellaneous marketing and processing	9990		