COMMISSION REGULATION (EC) No 1796/95

of 25 July 1995

laying down detailed rules for the implementation of assistance granted by the Financial Instrument for Fisheries Guidance (FIFG) for schemes defined by Regulation (EC) No 3699/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products [1], as amended by Regulation (EC) No 1624/95 [2], and in particular Article 18 (3) thereof,

Having regard to Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the Financial Instrument for Fisheries Guidance [3], and in particular Article 9 (1) thereof, having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector [4], and in particular Articles 44 to 46 thereof and Council Regulation (EEC) No 4042/89 of 19 December 1989 on the improvement of the conditions under which fishery and aquaculture products are processed and marketed [5], and in particular Article 15 thereof, in as much as these Articles are still applicable to certain grants,

Whereas Article 1 of Regulation (EEC) No 2080/93 lays down that measures are to be financed within the general programming framework of the Structural Funds;

Whereas the programmes must be executed in accordance with Council Regulation (EEC) No 4253/88 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [6], as last amended by Regulation (EC) No 3193/94 [7], and Title VI in particular;

Whereas, with the aim of standardizing payment applications, a harmonized system of declarations of expenditure should be established;

Whereas applications for the payment of balances must include certain information to facilitate verification that the expenditure complies with the provisions of the relevant programmes and Regulation (EC) No 3699/93;

Whereas, although they have been repealed, the provisions of Regulations (EEC) No 4028/86 and (EEC) No 4042/89 remain applicable to applications for aid submitted before 1st January 1994 and approved by the Commission before 1 November 1994; whereas these requests have been included in the Commission Decisions approving the Community programmes for interventions in the sector based on Article 4 (2) of Regulation (EC) No 3699/93; whereas the information required concerning projects based on Regulatons (EEC) No 4028/86 and (EEC) No 4042/89 must therefore be included in half-yearly statements and annual reports as stipulated by this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Management Committee for Fisheries Structures,

HAS ADOPTED THIS REGULATION:

Article 1

Half-yearly statements

Half-yearly statements of eligble expenses incurred by final beneficiaries, as well as payments made to final beneficiaries, must be presented in accordance with the declaration in Annex I.

Article 2

Annual implementation reports

Annual implementation reports which form an integral part of the monitoring and assessment arrangements referred to in Title VII of Regulation (EEC) No 4253/88 must be presented in accordance with the table contained in Annex II, each year before 1 April.

Article 3

Payment applications

1. Payment applications must be presented to the Commission in accordance with the declaration contained in Annex I.

[1] OJ No L 346, 31. 12. 1993, p. 1.
[2] OJ No L 155, 6. 7. 1995, p. 1.
[3] OJ No L 193, 31. 7. 1993, p. 1.
[4] OJ No L 376, 31. 12. 1986, p. 7.
[5] OJ No L 388, 30. 12. 1989, p. 1.
[6] OJ No L 374, 31. 12. 1988, p. 1.
[7] OJ No L 337, 24. 12. 1994, p. 11.

2. Payment of the balance of the FIFG contribution for annual instalments under Regulation (EC) No 3699/93 shall moreover be conditional on the presentation of the annual implementation report referred to in Article 2 of this Regulation.

Article 4

The rules referred to in Articles 1 to 3 shall also apply to applications for assistance which have been the subject of Commission decisions pursuant to Article 9 of Regulation (EEC) No 2080/93.

Article 5

The information referred to in Articles 1 to 3 shall be transmitted on paper and also, the case of the report referred to in Article 2, in electronic form.

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, 25 July 1995.

For the Commission

Emma BONINO

Member of the Commission

ANNEX I

FINANCIAL INSTRUMENT FOR FISHERIES GUIDANCE — REGULATION (EEC) No 3699/93

HALF-YEARLY STATEMENT OF EXPENDITURE / PAYMENT APPLICATION

a separate statement / application should be submitted for each operational programme or single programming document

[to be sent to the European Commission, DG XIV-A-2, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel. fax : (32-2) 296 59 52]

ARINCO reference No ..... **Commission Decision No** ..... **of** .....
(most recent)

Objective 1 regions / Objective 6 regions / Other regions (Delete where inapplicable)

Half-yearly statement of expenditure

(to arrive at the latest six weeks after the period concerned)

Situation on 31 March 19... 30 September 19... (complete one of the two dates)

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

..... / ..... / ..... (reference date according to decision)
(day) (month) (year)

(with the exception of expenditure relating to applications for assistance approved after 1 January 1994 under Regulations (EEC) No 4028/86 and (EEC) No 4042/89, the date of eligibility of which is the subject of specific provisions), and amounts to

....
(curency) (quantity)

The statement of expenditure is as follows :

		Payment of instalments						Aggregate payments 1994/1999
		1994	1995	1996	1997	1998	1999	
Eligible expenditure actually incurred by final beneficiaries								
Public aids paid to final beneficiaries	Member State, regions, etc.							
	FIFG							

I also certify 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.

Dossier in the charge of : ..... Tel. : ..... Fax : .....

(Date, official stamp, position and signature of the competent authority in the Member State)

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)

Instalment	1994	1995	1996	1997	1998	1999
First advance						
Second advance						
Balance						

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

The breakdown of eligible expenses incurred by final beneficiaries is as follows :

areas (within the meaning of the programmes)	forecasts according to the financial plan (whole of the programme)	1994	1995	1996	1997	1998	1999	cumulative 1994/1999
adjustment of fishing effort								
renewal and modernization of the fleet								
aquaculture								
Totals								

The payment should be made to :

Account holder .....

Bank .....

Account number .....

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

(tick the appropriate box)

	is enclosed
	has been submitted

and I confirm that the information contained therein is accurate.

Dossier in the charge of : .....

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

(Date, official stamp, position and signature of the competent authority in the Member State)

DECLARATION TO BE PRESENTED WITH EVERY PAYMENT APPLICATION

IT IS HEREBY CONFIRMED THAT:

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

(b) the expenditure is genuine, regular and was incurred after the date of receipt by the Commission of the assistance application concerned, without prejudice to the application of Article 33 (2) of Regulation (EEC) No 4253/88. In the case of applications for assistance approved after 1 January 1994 under Regulations (EEC) No 1028/86 and (EEC) No 4042/89, the date of eligibility of expenditure is determined by the specific provisions governing each application;

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

(d) amounts recovered for sums wrongly paid have been deducted from the expenditure declared; in the case of irregularities, the Commission has been duly informed in accordance with Commission Regulation (EC) No 1681/94 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organization of an information system in this field [1];

(e) the Member State has at its disposal the means for effectively checking the information determining the grant and calculation of aids eligible for FIFG financing;

(f) the aids granted by the Member State in national currency remain with the limits laid down by the Community rules;

(g) where the payment application is presented in ecus, the amounts of expenditure incurred in national currency are converted into ecus using the rate applicable in the month during which the expenditure was recorded in the accounts of the bodies responsible for the financial management of implementation of the measures [2];

(h) the supporting documents are and will remain available in accordance with the conditions laid down in Article 23 (3) of Regulation (EEC) No 4253/88;

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

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

(Date, official stamp, position and signature of the competent authority in the Member State)

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[1] OJ No L 178, 12. 7. 1994, p. 43.
[2] See Article 5 (2) of Commission Regulation (EEC) No 1866/90 (OJ No L 170, 3. 7. 1990, p. 36).

ANNEX II

FINANCIAL INSTRUMENT FOR FISHERIES GUIDANCE — REGULATION (EC) No 3699/93

ANNUAL IMPLEMENTATION REPORT

a separate report should be presented for each operational programme or single programming document

(to be sent to the European Commission, DG XIV-A-2, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel. Fax : (32-2) 296 59 52)

ARINCO reference No ..... Commission Decision No ..... of ..... (most recent) year .....

Objective 1 regions/Objective 6 regions/Other regions
(Delete where inapplicable)

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

Currency unit : ..... (currency used for the report, either ecu or national currency) ecu/national currency exchange rate in accordance with Article 5 (2) of Regulation (EEC) No 1866/90 (arrangements for using the ecu for the purposes of the budgetary management of the Structural Funds)

Project number	Location of implementation of project		Beneficiary (business name)	Classification		Quantification		State	Statement of eligible expenditure and public aid (NB : do not mention other expenditure)		
				Area	Measure(s)	Output indicators	Quantity		Eligible expenditure paid by final beneficiaries	Public aid paid to final beneficiaries	
	Commune	NUTS III								Member State	FIFG
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
								Total for programme			

NB : Mention all the measures completed, being implemented or scheduled under the programme from its origin up to the date of the present report, including measures approved after 1 January 1994 under Regulations (EEC) No 4028/86 and (EEC) No 4042/89.

(1) Reference number of project (serial number); where the project relates to a vessel, the internal number of the vessel must be given.

(5) Code number of the area of assistance given in the financing programme ("area of assistance" within the meaning of Annex I, 1 of Regulation (EC) No 3699/93).

(6) Code number of the measure within the meaning of the programming document (an individual project may relate to several measures).

(7), (8) According to the indications in the programming document (an individual project may be characterized by several output indicators).

(9) Code 1 (under way); code 2 (interrupted after partial execution); code 3 (abandoned after partial execution); code 4 (fully executed).

(10) Give only the amounts which have been verified in accordance with the inspection methods communicated to the Commission.

(11) Including subsidies, public aid and investments at national, regional or local level.

Dossier in the charge of : ..... Tel. : ..... Fax : .....

(Date, official stamp, position and signature of the competent authority in the Member State)