COMMISSION REGULATION (EC) No 2278/1999

of 21 October 1999

laying down certain detailed rules for the application of Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution [1], as last amended by Regulation (EC) No 307/97 [2], and in particular Articles 2 and 4 thereof,

Whereas:

(1) Regulation (EEC) No 3528/86 provides for a financial contribution from the Community to measures under the Community scheme for the protection of forests against atmospheric pollution.

(2) Article 12 of that Regulation stipulates that the Community's contribution is to cover the periodic inventory of damage caused to forests, in particular by atmospheric pollution, the network of observation points for intensive and continuous monitoring of the forest ecosystems, experiments, and pilot and demonstration projects to improve the protection of forests against atmospheric pollution.

(3) In the interests of effectiveness and in order to simplify and rationalise procedures at national and Community level, the various measures for which Community financial assistance is requested should be brought together in an annual national programme for each Member State.

(4) Detailed rules should be adopted on how aid applications under the national programmes should be presented and the information they must contain in order to expedite examination thereof.

(5) A system of advance payments of Community assistance should be introduced to assist Member States in the proper financial management of their national programmes.

(6) The applications submitted to the Commission by the competent authority for the payment of advances and balances under the national programme must contain certain information to help establish the regularity of expenditure.

(7) The Commission must be informed that the measures are being implemented in accordance with the conditions and within the time limit laid down in the decision granting aid.

(8) The Member States must adopt the provisions necessary to ensure that effective checks are carried out on the implementation of measures under the national programmes.

(9) Article 14 of Regulation (EEC) No 3528/86 and Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests [3] require the Member States to ascertain the effective and regular nature of the operations financed by the Community and to recover sums lost as a result of irregularities or negligence. Such sums represent unjustified expenditure from the Community budget and must therefore be reimbursed to the Community.

(10) If the checks provided for in Article 14 of Regulation (EEC) No 3528/86 carried out by the Commission reveal an irregularity, the Member State must be able to express its opinion on the situation noted. Where the irregularity is confirmed and the sums concerned represent unjustified expenditure from the Community budget, they should be reimbursed to the Community.

(11) Commission Regulation (EEC) No 526/87 [4], Article 2 of Commission Regulation (EEC) No 1696/87 [5] as last amended by Regulation (EC) No 1398/95 [6] and Article 2 of Commission Regulation (EC) No 1091/94 [7], as last amended by Regulation (EC) No 1545/1999 [8] should be repealed.

(12) The Commission Regulation (EEC) No 1697/87 [9] of 10 June 1987 should also be repealed. That Regulation remains applicable to the payment of Community financial contributions under Regulation (EEC) No 3528/86 decided before 1 November 1999.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Forestry Committee,

[1] OJ L 326, 21.11.1986, p. 2.
[2] OJ L 51, 21.2.1997, p. 9.
[3] OJ L 312, 23.12.1995, p. 1.
[4] OJ L 53, 21.2.1987, p. 14.
[5] OJ L 161, 22.6.1987, p. 1.
[6] OJ L 139, 22.6.1995, p. 4.
[7] OJ L 125, 18.5.1994, p. 1.
[8] OJ L 180, 15.7.1999, p. 9.
[9] OJ L 161, 22.6.1987, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

1. The measures provided for in Articles 2 and 4 of Regulation (EEC) No 3528/86 shall be implemented under programmes to be drawn up each year by the Member States. National programmes must cover all the applications for assistance submitted under those Articles. They must contain the information and supporting documents indicated in Annex I to this Regulation and relate to the information specified in Article 2. Each year, before 1 November, the Member States shall send the Commission their programmes for the next year in duplicate.

2. National programmes as referred to in paragraph 1 must be completed not later than three years after the date of notification of the Commission Decision on financing and may not be extended.

Article 2

Programmes as referred to in Article 1 must also comprise:

— a schedule of the supporting documents to be provided by beneficiaries; 'supporting documents' means any document drawn up in accordance either with the laws or regulations of the Member State concerned, or with measures adopted by the competent authority, which afford evidence that the conditions attached to each individual application have been met. The schedule shall give the description of each document and the provisions or measures under which it is drawn up and a brief description of the content of such documents;

— specimens of the forms on which beneficiaries are to submit their applications for payment. Such forms must include at least a summary of the expenditure incurred and a comparative table giving a qualitative and quantitative description of the measures provided for and those implemented;

— a description of the checking and management methods put in place to ensure the effective implementation of measures under the programme, pursuant to Article 14 of Regulation (EEC) No 3528/86.

Member States shall also notify the Commission of subsequent updates of the documentation referred to in this Article.

Article 3

1. In accordance with Article 13 of Regulation (EEC) No 3528/86, the Member State shall designate the competent authority empowered to carry out the programme.

2. The competent authorities may apply for an advance of up to 50 % of the Community assistance to the national programme not earlier than 1 January of the year following the date of notification of the Commission Decision on the financing of the programme.

3. Competent authorities may apply for a second advance of not more than 30 % once they have furnished proof that 60 % of the first advance for the same programme has been utilised.

4. The balance shall be paid after the Commission has received and approved the final report, a definitive financial statement and the application for the final payment for the national programme.

Article 4

1. From 1 July of the year following the date of notification of the Commission Decision on the financing of the programme, the competent authorities shall forward six-monthly statements of the payments made to beneficiaries, in accordance with Annex II and accompanied by a statement describing the state of progress of the work.

2. The competent authorities must submit applications for the payment of advances and balances for the national programme to the Commission, in duplicate, in accordance with Annex III hereto.

Article 5

1. Any amounts lost through irregularities or negligence and recovered by a Member State shall be reimbursed to the Community.

2. Should the Commission, within four years following payment of the balance, note any irregularity in an operation financed by the Community where the amount concerned has not been reimbursed to the Community under paragraph 1, it shall inform the Member State thereof and give it an opportunity to comment.

3. If analysis of the situation and any comments by the Member State result in the Commission confirming the irregularity, the Member State shall reimburse the amounts concerned.

Article 6

Regulation (EEC) No 526/87, Article 2 of Regulation (EEC) No 1696/87 and Article 2 of Regulation (EC) No 1091/94 are repealed.

Article 7

Regulation (EEC) No 1697/87 is repealed. However, it shall continue to apply to the payment of Community financial contributions under Regulation (EEC) No 3528/86 decided before 1 November 1999.

Article 8

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, 21 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

PROTECTION OF THE COMMUNITY'S FORESTS AGAINST ATMOSPHERIC POLLUTION (REGULATION (EC) No 3528/86

Information on the national programme for 20..

MEMBER STATE:

1. Short description of the programme: Contact for the competent authority: (name, address, telephone and fax numbers, e-mail address of the contact person/body), starting and closing dates for implementation of the programme, total cost of the programme and aid applied for (percentage of total cost), breakdown of costs by measure, provisional scheduling of implementation and agency to which the Community financial assistance to the programme is to be paid (name, bank details), confirmation that work will not commence before the programme has been submited, confirmation that no applications under the programme will be submitted to other Community Funds, financial programming of the national programme: use forms 1 and 1b.
2. Individual aid applications under Article 2 of Regulation (EEC) No 3528/86 (intensive and continuous monitoring of forest ecosystems): use forms 2 and 2a and/or 2b and/or 2c and/or 2d.
3. Individual aid applications under Article 4 of Regulation (EEC) No 3528/86 (experiments, pilot and demonstration projects): use forms 3 and 3a.

Explanatory notes

Experiments and monitoring activities presented to the Commission with a view to their part-financing under Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution are to be collected together each year in one programme per Member State, Community financial assistance will be paid per programme to the competent authorities designated by the Member States which will then reimburse the respective responsible bodies.

All activities to be realised under Articles 2 and 4 of Regulation (EEC) No 3528/86 and its amendments for which Community part-financing is requested are to be included in the programme as individual applications.

Types of activities:

Programmes cover two types and four sub-types of activity:

Type A: Monitoring of forest ecosystems (Article 2 of Regulation (EEC) No 3528/86)

Sub-type A1: Systematic grid (16 × 16 km) and annual observation of state of crowns, possible repeat of soil survey or survey of the chemical composition of leaves.

Sub-type A2: Observations at intensive observation points.

Sub-type A3: Any additional activity required for intensive or continuous monitoring (such as tests of methods, special studies, etc).

Sub-type A4: Proposals for the evaluation of all data from the systematic grid or from intensive monitoring at European or regional level (including external evaluation).

Type B: Experimental activities (Article 4 of Regulation (EEC) No 3528/86)

Priorities:

Activities are divided into three priorities:

Priority 1: Compulsory observations and analyses with the required accuracy (QC/QA).

Priority 2: Important observations or analyses which are not compulsory (e.g. the analysis of optional parameters). Additional and temporary efforts to guarantee quality are also included here.

Priority 3: All other measures not specified in the manual or implementing regulation. This includes observations and analyses carried out using methods not specified in the implementing regulation or manual and experimental activities (Article 4).

The financial assistance rerquested is indicated separately in the programme for each of the three priority categories.

Forms

The following forms must be used for the prersentation of the programmes:

— a short description of the programme (form 1);
— a financial plan for the programme (form 1b);
— general information (forms 2 and 3);
— specific information (forms 2a, 2b, 2c and 2d).

The programme description form contains administrative information on the competent national authority and summary information on the various individual applications in the programme, along with a timetable. The form must bear the stamp of the competent national authority and be duly signed and dated by it, with the name of the signatory indicated below the signature. The financial plan for the programme contains information on the planned use of the Community financial assistance. A general information form (containing general information on the individual applications) and a specific information form (containing technical information on the individual applications) must be completed for each individual application for assistance (form 2 for Article 2 activities, form 3 for Article 4; forms 2a and/or 2b, and/or 2c, and/or 2d for technical information). The general information forms must bear the seal of the competent national authority and be duly signed and dated by it, with the name of the signatory indicated below the signature.

Form 1:	Programme description form containing administrative information on the competent national authority and summary information on the various individual applications in the programme, along with a timetable
Form 1b:	Financial plan for national programme
Form 2:	All applications relating to monitoring activities (Article 2): General information form (A1/A2/A3/A4 activities)
Form 2a:	Applications for type A1 activities: Technical information on systematic grid (level I)
Form 2b:	Applications for type A2 activities: Technical information on observations at intensive observation points (level II)
Form 2c:	Applications for type A3 activities: Technical information on additional aspects relating to intensive monitoring (level II)
Form 2d:	Applications for type A4 activities: Technical information on evaluation activities relating to intensive monitoring (level II)
Form 3:	All applications for experimental activities (Art. 4): General information form (type B activities)
Form 3a:	All applications for experimental activities (Art. 4): Specific information form (technical summary)

FORM 1

PROGRAMME SHEET

Summary of the individual requests

National Competent Authority: **Year: 20 . .**

(Member State)

Name	
contact person	Mr/Mrs/Ms:
address	
postcode and town	
tel	
fax	
e-mail	

Agency to which aid is to be paid (by the European Commission)

Name	
address	
postcode and town	
Bank and account number	

Programme elements submitted for co-financing under Regulation (EEC) No 3528/86 and amendments

(costs in . . . . . /€) (*)

Individual requests						Responsible agency	Total eligible costs (. . . /€) (*)	Aid requested Priority 1 (. . . /€) (*)	Aid requested Priority 2 (. . . /€) (*)	Aid requested Priority 3 (. . . /€) (*)	Aid requested Total (**) (. . . /€) (*)
No	Type	Sub-type									
		A1	A2	A3	A4						
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
Total											

(*) Costs to be specified in local currency or euro (€)

(**) The total aid requested has a maximum of 50 % of the total eligible cost

It is herewith confirmed that the work will not begin before the submission of the programme to the Commission and that no request has or will be submitted for other Community funding of part(s) of the programme elements above.

. . . . . .

FORM 1b

National programme ..... 20 . .

Financial programming of the national programme

	Year n + 1 (1)		Year n + 2		Year n + 3	
	1st half	2nd half	1st half	2nd half	1st half	2nd half
Amount of first advance						
Amount of second advance						
Payment of balance						

(1) The national programme is deemed to have been submitted in year n; the payment of the first advance could therefore be applied for from 1 January in year n + 1.

Time Schedule of activities (annex to form 1)

Individual request Number	N	D	20 . . . . J	F	M	A	M	J	J	A	S	O	N	D	20 . . . . J	F	M	A	M	J	J	A	S	O	N	D	20 . . . . J	F	M	A	M	J	J	A	S	O	N	D	20 . . . . J	F	M	A	M	J	J	A	S	O	N	D
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FORM 2

INDIVIDUAL REQUESTS (ARTICLE 2)

Individual request sheet (type A activities)

Request No (*):	

(*) To be filled in by the National Competent Authority

Title:	…… ……

Included types of activities

- — Systematic grid (level I) (Type A1)
- — Intensive Monitoring (Assessment) (Type A2)
- — Monitoring (Additional aspects) (Type A3)
- — Monitoring (Evaluation at European level) (Type A4)

Applicant

Institute		
contact person	Mr/Mrs/Ms:	
postal address		
postcode and town		
tel		
fax		
e-mail		

Responsible Agency

Agency		
contact person	Mr/Mrs/Ms:	
postal address		
postcode and town		
tel		
telefax		
e-mail		
legal status		

General information

General description .....

.....

Execution period from 1/. . /. . . till 31/. . /20. . duration . . . months

Total costs of the activities		in ..... /euro (*)
Total eligible costs		in ..... /euro (*)
Aid requested priority 1		in ..... /euro (*)
Aid requested priority 2		in ..... /euro (*)
Aid requested priority 3		in ..... /euro (*)
Total aid requested		in ..... /euro (*)

Note: Total aid requested has a maximum of 50 % of the total eligible costs

The remaining part of the eligible costs are obtained from:

..... for .... /euro (*)

..... for .... /euro (*)

(*) Costs to be specified in local currency or euro (€)

Agency to which aid is to be paid (by National Member State agent)

Name		
postal address		
postcode and town		
Bank and account number		

....

(date) *(signature and stamp)*

Mr/Mrs/Ms .....

FORM 2a

SHEET FOR SYSTEMATIC GRIDNET

Type A1 activities

Measure	Number of systematic gridnet points	Total cost (1)	Total elegible cost (1)	Aid requested			
				First priority (1)	Second priority (1)	Third priority (1)	Total (1)
To install and maintain plots of the systematic gridnet							
To establish and execute an inventory of the crown condition							
To establish and execute an inventory of the forest soil condition							
To establish and execute a survey on the chemical contents of the needles and leaves							
……							
Data management and evaluation							
Total							

(1) In national currency or euro (€)

FORM 2b

SHEET FOR INTENSIVE MONITORING

Type A2 activities

Measure	Number of intensive monitoring plots	Total cost (1)	Total eligible cost (1)	Aid requested			
				First priority (1)	Second priority (1)	Third priority (1)	Total (1)
To install and maintain plots for the intensive monitoring							
To establish and execute an inventory of the crown condition							
To establish and execute an inventory of the forest soil condition							
To establish and execute a survey on the chemical contents of the needles and leaves							
To establish and execute increment change measurements							
To establish and execute deposition monitoring							
To establish and execute meteorological monitoring							
To establish and execute soil solution monitoring							
To establish and execute ground vegetation surveys							
To apply aerial photography techniques (2)							
Integrated data management and data evaluation							
……							
Subtotal and percentage		%	%	%	%	%	%
Total							

(1) In national currency or euro (€)

(2) Reference is made to the manual on Remote Sensing Applications edited by the European Commission.

FORM 2c

SHEET FOR MONITORING

Type A3 activities

Which assessment is involved? And what part of the assessment?

— general plot lay-out, plot structure,
— crown condition
— soil, soil solution
— foliar, litterfall
— forest growth
— deposition and ambient air quality
— meteorology and phenology
— ground vegetation
— remote sensing
— .....

— methods
— sampling
— analysis
— calculation

— intercalibration
— QC/QA
— evaluation

Short description of activities

objectives:

set-up

expected results

Contact person:	Start date: . . / . . / 20 . .	End date: . . / . . / 20 . .
Tel:	Milestone 1: . . / . . / 20 . . of:	
Fax:	Milestone 2: . . / . . / 20 . . of:	
E-mail	Milestone 3: . . / . . / 20 . . of:	

FORM 2d

SHEET FOR MONITORING

Type A4 activities

Data needs (*)	Area(s) (*)	Year(s) (*)	Parameters (*)	Source (*)	Observations (*)
General plot info					
Crown Condition					
Soil					
Foliar					
Forest growth					
Deposition					
Meteorology					
Soil solution					
Ground vegetation					

(*) In the columns are the details of the data needed to be submitted, e.g. when soil data is needed for the Mediterranean area/region, for the year 1994/1995 on pH, Ca and Mg, this can be specified. When data that are not of the intensive monitoring programme will be used, then the source is to be indicated (e,g, EMEP, etc.).

Phases of evaluations intended	Number of intensive monitoring plots	Total cost (1)	Total eligible cost (1)	Aid requested			
				First priority (1)	Second priority (1)	Third priority (1)	Total (1)
1							
2							
3							
4							
5							
Total							

(1) In national currency or euro (€)

FORM 3

SHEET FOR ARTICLE 4 ACTIVITIES

Type B activities

Request No (*):	

(*): to be filled in by National Competent Authority

Title:	.....
(in English):	.....

General objective:
- — to improve the understanding of atmospheric pollution in forests
- — to improve the understanding of the effects of atmospheric pollution in forests
- — to improve methods of observing and measuring damage in forests
- — devise methods of maintaining an restoring damaged forests
- — pilot projects to maintain damaged forests
- — integrated projects

Applicant

Institute		
contact person	Mr/Mrs/Ms:	
postal address		
postcode and town		
tel		
fax		
e-mail		

Responsible Agency

Agency		
contact person	Mr/Mrs/Ms:	
postal address		
postcode and town		
tel		
fax		
e-mail		
legal status		

Execution period from 1 / . . / . . . . till 31 / . . / 20 . . duration . . . months

Total costs		in ..... /euro (*)
Total eligible costs		in ..... /euro (*)
Total aid requested		in ..... /euro (*)

Note: Total aid requested has a maximum of 50 % of the total elegible costs

The remaining part of the eligible costs are obtained from:

..... for .... /euro (*)

..... for .... /euro (*)

(*) Costs to be specified in local currency or euro (€)

Agency to which aid is to be paid (by the National Member State agent)

Name		
postal address		
postcode and town		
Bank and account number		

....

(date) *(signature and stamp)*

Mr/Mrs/Ms .....

FORM 3a

SHEET FOR ARTICLE 4 ACTIVITIES

Individual requests

Agency name	Applicant name

Brief description of activities

objectives:

set-up

expected results

Contact person:	Start date: . . / . . / 20 . .	End date: . . / . . / 20 . .
Tel:	Milestone 1: . . / . . / 20 . . of:	
Fax:	Milestone 2: . . / . . / 20 . . of:	
E-Mail	Milestone 3: . . / . . / 20 . . of:	

ANNEX II

Introductory remarks

Applications for advances and payment, six-monthly statements and progress reports must be submitted in duplicate to

European Commission
Directorate-General for Agriculture
Unit VI FII 2
Rue de la Loi/Wetstraat 200
B-1049 Brussels

Six-monthly statement of payments

Use the form in Table 1

State of progress of the work

Use the form in Table 2

Table 1

National programme ..... 20 . .

SIX-MONTHLY STATEMENT OF PAYMENTS FOR THE NATIONAL PROGRAMME FOR 20 . .

Period from 1/ . . /20 . . to 1/ . . /20 . . (period t)

(a)	(b)	(c)	(d)	(e) = (c) + (d)
Total assistance granted	Total advances received to date from the Commission for the 20 . . programme	Total payments made on behalf of the Commission to beneficiaries up to the end of period t-1 (1)	Payments made on behalf of the Commission to beneficiaries during period t (2)	Total payments made on behalf of the Commission to beneficiaries up to the end of period t

(1) Column (e) of previous statement.
(2) Payment made during the six months indicated in the title.

Table 2

National programme ..... 20 . .

STATE OF PROGRESS OF THE WORK

Period from 1/ . . /20 . . to 1/ . . /20 . .

Application No	Title	Applicant	Implementation (1)	Implementation rate	Remarks

(1) 1: being implemented; 2: completed; 3: abandoned.

ANNEX III

Application for the first advance payment for national programme ..... approved in 20 . . under Articles 2 and 4 of Regulation (EEC) No 3528/86

Number of national programme:

Amount of the advance requested [1]: EUR

Bank details:

Name of bank:

Address of branch/code:

Tel/fax, telex, e-mail address:

Account No:

Account name:

Done at Date:

For the competent authority
(Signature and stamp)

[1] Not more than 50% of aid granted to the national programme in the Commission Decision.

Application for the second advance payment for national programme …… approvated in 20 . . under Articles 2 and 4 of Regulation (EEC) No 3528/86

Number of national programme:

Amount of the advance requested [1]: EUR:

Declaration:

The competent authority hereby confirms that:

(1) A total of EUR …… (at least 60 % of the amount of the first advance payment) has been paid to the beneficiaries on the basis of the supporting documents referred to in Article 2 of Regulation (EC) No . . . . ;

(2) the checks have been carried out in accordance with the checking methods notified to the Commission.

Bank details:

Name of bank:

Address of branch/code:

Telephone/fax, telex, e-mail address:

Account No:

Account name:

Done at Date

For the competent authority
(Signature and stamp)

[1] Not more than 30 % of aid granted to the national programme in the Commission Decision.

Certificate for payment of the balance for national programme ..... of 20 . . under Articles 2 and 4 of Regulation (EEC) No 3528/86

Number of national programme:

Total payments made to date to beneficiaries on behalf of the Commission: EUR .....

Total payments received by the Commission: EUR .....

Amount of balance requested: EUR .....

The competent authority responsible for implementing the measures adopted pursuant to Regulation (EEC) No 3528/86, on protection of the Community's forests against atmospheric pollution, in accordance with Article 13 of the said Regulation, hereby certifies that:

(1) the supporting documents indicated in the schedule sent to the Commission under Article 2 of Regulation (EC) No . . . . have been checked;

(2) the work provided for by the scheme commenced on ..... at the scheduled site;

(3) the entire scheme was completed on ..... ;

(4) the actual costs of the eligible expenditure incurred total ..... ;

(5) the abovementioned costs are broken down by type of measure as specified in Table 3, annexed hereto;

(6) it has been noted in the field by ..... that the work carried out is as specified in the dossier attached to the aid application on which the Commission decision was based;

(7) the amount of recoverable value-added tax included in the declared expenditure is ..... ;

(8) Bank details:

Name of bank:

Address of branch/code:

Telephone/fax, telex, e-mail address:

Account No:

Account name:

Done at .... Date

For the competent authority
(Signature and stamp)

Table 3

Breakdown of costs for the ..... national programme — Year: ....

Individual application Nº	Article 2			Article 4 (EUR)	Total (EUR)
	Level I (EUR)	Level II (EUR)	Level I+II (EUR)		
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
Total					