COMMISSION REGULATION (EC) No 779/1999

of 15 April 1999

laying down detailed rules for the application in 1999 of Council Regulation (EC) No 2275/96 introducing specific measures for live plants and floricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2275/96 of 22 November 1996 introducing specific measures for live plants and floricultural products [1], and in particular Article 5 thereof,

Whereas Regulation (EC) No 2275/96 provides for a Community financial contribution towards measures to increase the consumption of Community live plants and floricultural products within the Community and abroad;

Whereas the principal measures eligible for a Community financial contribution should be defined;

Whereas such measures must form part of a coherent strategy and provide guarantees as to the achievement in the medium term of the planned objectives and as to the satisfaction of Community interests; whereas they must commit the main operators in the sector, be presented in a standard form and contain the information necessary for their assessment;

Whereas the revenue from compulsory charges levied on operators may serve as the contribution from the professional organisations;

Whereas the procedure to be followed and the criteria to be applied for determining for 1999 the Member States in which the promotional measures are to be implemented and for allocating among them the overall amount available for the measures should be laid down;

Whereas the procedures for the submission of applications for assistance by the professional organisations and for the assessment and selection of the measures by the bodies authorised by the Member States should be laid down; whereas the procedures should allow the Commission to forward its observations to the Member States;

Whereas provision should be made for the possibility of a second round of financing;

Whereas the administrative and financial management of the contracts is covered by Commission Regulation (EC) No 481/1999 of 4 March 1999 laying down general rules for the management of promotional programmes for certain agricultural products [2]; whereas there is accordingly no need for this Regulation to lay down such rules;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for live plants,

HAS ADOPTED THIS REGULATION:

Article 1

1. Measures to increase the consumption of live plants and floricultural products within the Community and abroad as provided for in Article 1 of Regulation (EC) No 2275/96 shall be presented in the form of programmes.

2. 'Programme' means a coherent set of measures which are of sufficient scope to contribute to increasing the disposal of production and consumption and, where appropriate to that end, to help target production and adapt it to market requirements.

3. The period covered by programmes may not exceed one year from the date of signing of the contract.

Article 2

1. Programmes may cover the following measures:

(a) the organisation of generic publicity campaigns on radio and television, in the press and by means of posters;

(b) the organisation of information measures at points of sale;

(c) the organisation of and participation in fairs and other events;

(d) the production of publications and audiovisual material;

(e) the organisation of public relations campaigns for opinion-formers and the general public;

(f) the preparation of teaching aids.

[1] OJ L 308, 29.11.1996, p. 7.

[2] OJ L 57, 5.3.1999, p. 8.

2. The programmes may be accompanied by the following additional measures:

(a) the conducting of market studies and consumer surveys;

(b) the distribution of the results of marketing research to operators;

(c) the development of new packaging and presentations.

3. Measures attracting other Community assistance or other national or regional assistance shall not be eligible.

The use of funds raised from the compulsory charges on operators in the live plants and floricultural products sector and levied on products entirely obtained in the Member State concerned shall not be considered national or regional assistance for the purposes of this Article.

However, measures attracting other national or regional assistance not exceeding 20 % of the total budget may be taken into account for 1999.

Article 3

1. For 1999, the available Community financial contribution shall be distributed as follows.

Country	Allocation (EUR thousands)	Allocation (%)
Netherlands	4 443,225	29,62
Germany	2 637,805	17,59
Italy	2 614,916	17,43
France	1 534,418	10,23
United Kingdom	934,024	6,23
Spain	693,024	4,62
Denmark	565,477	3,77
Belgium	504,574	3,36
Austria	250,220	1,67
Sweden	199,229	1,33
Greece	188,341	1,26
Finland	134,283	0,90
Portugal	100,000	0,67
Ireland	100,000	0,67
Luxembourg	100,000	0,67
EUR 15	15 000,002	100,00

2. In the event that all or part of the amount allocated to a Member State for a given year is not used, that Member State may choose to allocate that amount to another selected project pending as a result of insufficient funding or to forego payment of the amount concerned. In that case, the available amount shall be redistributed pro rata by the Commission among the Member States concerned.

Article 4

1. Programmes as referred to in Article 1 shall be presented by representative groups of operators in one or more branches of the live plant and floricultural products sector, such as producer organisations or associations thereof and traders' organisations and associations thereof.

2. Groups submitting applications for assistance shall have sole responsibility for implementing the measures granted financial assistance. The groups must have the legal capacity necessary to implement the measures and shall have their head offices in the Community.

Article 5

1. Applications for assistance shall be submitted by 10 May 1999 to the competent body in the Member State where the group has its head office.

In the event of a second round of financing, the Commission shall specify the closing date for the submission of applications.

Applications shall contain all the information listed in the Annex and be accompanied by:

(a) details of the situation with regard to the marketing and consumption of live plants and floricultural products in the regions concerned;

(b) the anticipated results of the proposed measures and their capacity to achieve the general and specific objectives laid down in the programme.

2. The competent body shall verify the accuracy of the information given in applications and their compliance with Regulation (EC) No 2275/96 and this Regulation. Before 15 June 1999, the Member State concerned shall draw up, on the basis of the criteria referred to in Article 6, a provisional list of the measures selected to receive Community financial assistance within the limit of the amounts determined in accordance with Article 3. The financial assistance shall amount to 60 % of the actual eligible cost of the selected measures.

3. The Member State shall immediately forward the provisional list of measures selected with a copy of the relevant applications to the Commission. The Commission shall send the Member States any observations it may have on the measures in question with a view to guaranteeing their legality and their coordination at Community level. From the 31st day following the date specified in paragraph 2, each Member State shall draw up a final list of measures selected and shall forward it to the Commission without delay.

Article 6

The list of selected measures shall be drawn up, in particular, on the basis of the coherence of the strategies presented, the merits of the proposed measures, the expected impact of their implementation, and the groups' capacity to implement the measures and the guarantees presented as to the groups' efficiency and representativeness.

Member States shall give preference to measures to be implemented in the territories of more than one Member State.

Article 7

Save as otherwise provided in this Regulation, Regulation (EC) No 481/1999 laying down general rules for the management of promotional programmes for certain agricultural products shall apply.

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, 15 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

AID APPLICATION

I

GENERAL INFORMATION

1. **Title:**

2. **Products concerned:**

3. **Measures:**

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4. **Duration:** 1 year ☐ 2 years ☐ 3 years ☐

5. **Identification of applicant:**

5.1. *Group*

— Name or company name: .....

— Legal status: .....

..... Date established: .....

— Registered place of business:

Street: ..... No ..... Box: .....

Postal code: ..... Town: ..... Country: .....

Telephone: ..... Telex: ..... Fax: .....

— Bank details:

Name: ..... Agency or branch: .....

Street: ..... No ..... Box: ..... Town: ..... Country: .....

Account No: .....

5.2. *Partners* (one form for each)

Name or company name:	
Legal status:	Type: (1) OP ☐ IT ☐ D ☐ AS ☐ C ☐ O ☐
Main activity:	
Role in the group: — Partner ☐ — Prime contractor ☐	
Responsibility and contribution to implementation of the programme:	
Experience and references (field of activity):	
Contribution to financing of programme (in national currency): — first year: — second year: — third year: Total:	
Right to use the results:	

(1) OP = Producers' organisation.
IT = Processing firm.
AS = Association.
C = Trader
D = Retailer
O = Other

6. **Financing of the programme**

6.1. Total cost of programme [1] [2]: ..... EUR

6.2. Community contribution requested: ..... EUR

(a) year 1: ..... EUR

(b) year 2: ..... EUR

(c) year 3: ..... EUR

6.3. Contribution of the group: ..... EUR

of which:

— own funds: .....

— loans: .....

— payments in kind: .....

— other contributions: .....

7. **General information:**

Subcontractors: Yes ☐ No ☐

If yes, specify which: .....

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Specify task(s): .....

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.....

Type of commitment: Contract [3] ☐ Other [3] ☐

If other, specify which: .....

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8. **Declaration**

The undersigned declare(s):

(a) that he/they have the necessary funds to ensure full financing of the programme;

(b) that he/they are not receiving any other Community financial assistance or any other national or regional grant or subsidy equal to more the 20 % of the total budget.

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(Date) (Signature) [4]

[1] Exclusive of VAT.
[2] For the duration of implementation of the programme.
[3] Attach copy.
[4] Of the person authorised by the group or partners.

II

DESCRIPTION OF THE PROGRAMME

Programmes must contain at least the following:

1. A summary of the programme concerning the aspects referred to in points 3 to 6 (not more than two pages).
2. Reasons and objectives.
3. The proposed measures.
4. Strategy: targets, methods, the phases of implementation and the timetable.
5. Implementation of the measures: details of the technical, scientific, economic, financial, media, logistic aspects.
6. The anticipated results and advantages for the sector and the Community market.
7. The criteria for assessing progress and results on completion of the programme.
8. Outlook as regards use and dissemination of results.

III

BUDGET

The net budget for the measures, before tax, expressed in EUR, broken down and reasoned [1], showing how the amount is to be allocated by category and by year.

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[1] On the basis of estimations, fees etc. and in the case of subcontractors' offers.