COUNCIL REGULATION (EEC) No 3140/82
of 22 November 1982
on granting and financing aid granted by Member States to producers' organizations in the fishery products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (1), and in particular Articles 6 (6) and 26 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the general conditions and rules for the application of aid granted by Member States to producers' organizations and the procedure for financing those aids from the Guidance Section of the European Agricultural Guidance and Guarantee Fund must be adopted;

Whereas the higher aid provided for on a temporary basis in Regulation (EEC) No 3796/81 is to be granted to producers' organizations only if their formation brings about an improvement in production and marketing structures; whereas the criteria for assessing such improvement should therefore be defined;

Whereas, in the case of a producers' organization formed from organizations which are already recognized, the amount of the aid should be limited to the cost of setting up the said organization;

Whereas, to ensure that aid is granted and financed under consistent conditions, the methods for calculating the value of the production put up for sale under the auspices of the producers' organizations and the administrative expenses of these organizations should be defined; whereas this calculation must be based on reliable accounts; whereas the difficulty of having such accounts available in certain cases should be taken into account by making provision for an alternative flat-rate method in such cases;

Whereas the aid for which an association of producers' organizations is eligible should be limited to a maximum amount to take account of the fact that each of the member organizations may be eligible for aid for its formation and operation,

(1) OJ No L 379, 31. 12. 1981, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the general conditions and rules for granting and financing aid granted to producers' organizations in the fishery products sector, pursuant to Article 6 of Regulation (EEC) No 3796/81.

Article 2

1. A producers' organization shall be eligible for the aid provided for in Article 6 (2) (b) of Regulation (EEC) No 3796/81 only if it is shown to the satisfaction of the Member State concerned that the formation of such producers' organization:

— taking account, in particular, of the catch plans drawn up by the organization, encourages greater rationalization of fishing activity;

— ensures greater concentration of supply of products landed by its members.

2. However, if a producers' organization is recognized in a Member State or in a region of a Member State in which no other organization whose activity relates to the same products or to similar products has yet been recognized, the formation of such organization shall be considered in principle as bringing about, within the meaning of Article 6 (2) (b) of Regulation (EEC) No 3796/81, an improvement in production and marketing structures by comparison with the existing situation.

Article 3

In the case of a producers' organization formed from pre-existing organizations, the aid referred to in Article 6 (2) (a) and (b) of Regulation (EEC) No 3796/81 shall be granted only in respect of actual costs relating to the drawing up of the constituting act and of the statutes of the organization thus constituted.

Article 4

For the purpose of calculating the aid referred to in Article 6 (2) of Regulation (EEC) No 3796/81, account shall be taken of the production put up for sale by:

— producers who are members of the producers' organization on the date on which it was recognized and who were members of the organization throughout the year for which aid is claimed;

— producers who joined the producers' organization after the date on which it was recognized and who were members of the organization throughout the last nine months of the year for which aid is claimed.

Article 5

The value of the production put up for sale by a producers' organization for human consumption shall be calculated for each product covered by the activities of the producers' organization by multiplying:

— the average production referred to in the first indent of Article 6 (3) of Regulation (EEC) No 3796/81, ascertained in accordance with the procedure laid down in Article 6 of this Regulation and expressed in 100 kilograms net,

by

— the average price per product referred to in the second indent of Article 6 (3) of Regulation (EEC) No 3796/81, ascertained in accordance with the procedure laid down in Article 7 of this Regulation and calculated per 100 kilograms net.

Article 6

For the purpose of calculating the average production referred to in the first indent of Article 5, the production put up for sale by producer members shall be ascertained for each of the three calendar years immediately preceding membership:

— on the basis of reliable commercial and accounting records,

or

— if such supporting evidence is not available, on the basis of a flat-rate assessment made by the competent departments of the Member State, account being taken in particular of productive capacity in terms of equipment and manpower compared with available resources, and the result thus obtained being reduced by 10 % to cover the member's own consumption and non-commercial transactions.

Article 7

For the purpose of calculating the average price referred to in the second indent of Article 5, the average price obtained by producer members for each of the three calendar years immediately preceding membership shall be ascertained:

— on the basis of reliable commercial and accounting records,

or

— if such supporting evidence is not available, by calculating the average quotation for each product at the most representative wholesale market or the most representative port of the area in which the producers' organization concerned operates, such average quotation being the average of the representative quotations recorded during the reference year by the competent authorities of the Member State at that market or port.

Article 8

1. The amount of the administrative expenses referred to in Article 6 (2) of Regulation (EEC) No 3796/81, to be taken into consideration when the maximum amount of aid granted to producers' organizations is being calculated, must be established on the basis of reliable commercial and accounting records and be approved by the competent authorities of the Member States.

2. The administrative expenses mentioned in paragraph 1 shall be determined in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81.

Article 9

Aid to an association of producers' organizations may not exceed 120 000 ECU.

Article 10

1. Applications for financing must relate to expenditure incurred by Member States during a calendar year and must be submitted to the Commission annually before 1 May of the following year.

2. The Commission shall decide on these applications *en bloc* or separately, after consulting the Fund Committee.

3. Provisions concerning the information to be included in Member States' applications for financing, the form that such applications should take and the supporting evidence to be submitted to the Commission by the Member State concerned shall be adopted in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1], as last amended by Regulation (EEC) No 3509/80 [2].

[1] OJ No L 94, 28. 4. 1970, p. 13.
[2] OJ No L 367, 31. 12. 1980, p. 87.

Article 11

Council Regulation (EEC) No 106/76 of 19 January 1976 on granting and reimbursing aids granted by Member States to producers' organizations in the fishing industry [1] is hereby repealed.

However, the provisions of the said Regulation shall remain applicable, until they cease to have effect, to producers' organizations formed before 1 January 1982, irrespective of the date on which they were recognized.

Article 12

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

It shall apply with effect from 1 January 1982.

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

Done at Brussels, 22 November 1982.

For the Council

The President

U. ELLEMANN-JENSEN

[1] OJ No L 20, 28. 1. 1976, p. 42.