

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 September 1985

concerning applications for reimbursement and the payment of advances in respect of certain measures to adjust capacity in the fisheries sector

(85/474/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 83/515/EEC of 4 October 1983 concerning certain measures to adjust capacity in the fisheries sector⁽¹⁾, and in particular Article 10 (4) thereof,

Whereas applications for reimbursement and the payment of advances to be submitted by the Member States to the Commission must contain certain particulars which show that the expenditure complies with Directive 83/515/EEC and relates to measures approved by the Commission in accordance with Article 7 of that Directive;

Whereas, in order to enable an effective check to be made, Member States must keep the supporting documents on the basis of which the aids were calculated at the disposal of the Commission for a period of three years following payment of the final reimbursement;

Whereas, in order to give effect to the possibility afforded the Commission of making advance payments, detailed rules and procedures must be laid down;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

Applications for reimbursement as referred to in Article 10 (1) of Directive 83/515/EEC shall comply with the tables contained in Annexes 1, 2 and 3.

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 15.

Article 2

Member States shall keep at the disposal of the Commission for a period of three years following payment of the final reimbursement all supporting documents or certified copies thereof on the basis of which the aids provided for in Directive 83/515/EEC were calculated, and the complete files of the beneficiaries.

Article 3

Applications for the advance payments referred to in Article 10 (3) of Directive 83/515/EEC shall be submitted by the relevant Member State. Such applications shall be drawn up in the form set out in Annex 4.

Article 4

1. Advance payments shall not exceed 25% of the amount of eligible expenditure expected to be incurred in the year to which such payment relates.

2. Advance payments which are not used in the year in respect of which they were paid shall be deducted from the advance payment to be made for the following year. The Commission may require the Member State concerned to reimburse all or part of the advance payment made where such deduction is not possible.

Article 5

1. At the end of each year for which advance payments have been made to them, Member States shall establish a report on the operations carried out during that year. This report shall reach the Commission by 1 June of the following year.

2. Advance payments for the following year shall not be made until the report referred to in paragraph 1 has been submitted to the Commission.

Article 6

The list of vessels for which the final cessation premium has been granted shall be drawn up using a form the model of which is shown in Annex 5. It shall be forwarded to the Commission prior to the application for reimbursement.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1985.

For the Commission
Frans ANDRIESEN
Vice-President

ANNEX 1

APPLICATION FOR REIMBURSEMENT OF EXPENDITURE INCURRED IN 19... PURSUANT TO
COUNCIL DIRECTIVE 83/515/EEC

SUMMARY TABLE

(in national currency)

1.	2	3	4	5	6
Nature of measure	Aid paid by Member State	Amount of eligible expenditure	Eligible reimbursement applied for	Advance payment already made by the Community	Balance to be reimbursed
Permanent reduction of capacity					
Temporary reduction of capacity					
Total					
Aid recovered by the Member State ⁽¹⁾					
Net total					

⁽¹⁾ Give details on an attached sheet.

It is hereby confirmed that:

Provisions concerning all measures

- the expenditure in respect of which reimbursement has been applied for relates to the measures approved by the Commission in Decision No of
- beneficiaries are notified in the appropriate manner of the percentage of the Community's financial contribution.

Provisions concerning the measures involving permanent reduction of capacity

Reimbursement is applied for only in respect of fishing vessels the length of which between perpendiculars is 12 meters or more which engaged in fishing for at least 100 days during the calendar year preceding the application for the final cessation premium.

This authority has taken the steps necessary to ensure that vessels for which a final cessation premium has been paid and which are listed in Annex are permanently barred from fishing in Community waters.

Provisions concerning measures involving temporary reduction of capacity

Reimbursement is applied for only in respect of vessels the length of which between perpendiculars is 18 meters or more and which were commissioned after 1 January 1958. Vessels for which reimbursement of the laying-up premium has been applied for engaged in fishing for at least 120 days during the calendar year preceding the first application for such a premium.

Date, stamp and signature of the competent authority

ANNEX 2

APPLICATION FOR REIMBURSEMENT OF EXPENDITURE INCURRED IN 19... PURSUANT TO ARTICLE 3 OF DIRECTIVE 83/515/EEC (TEMPORARY REDUCTION OF CAPACITY)

Beneficiaries of measure	Number of vessels			Total number of days laid up	Total number of supplementary days laid up ⁽¹⁾	Number of laying-up periods, whether consecutive or not			Aid paid by the Member State, eligible for the Community financial contribution (in national currency)	Reimbursement applied for
	18 to 24 m	24 to 33 m	> 33 m			45 to 90 days	90 to 180 days	> 180 days		
A. PRODUCER ORGANIZATION ⁽²⁾										
B. OTHER BENEFICIARIES ⁽³⁾										
Total										

⁽¹⁾ In relation to the average, recorded or assessed at a flat rate by category of vessel, of the days laid up in the three calendar years preceding the first application for the premium.

⁽²⁾ Business name or abbreviation.

⁽³⁾ Port of registration, home port or, where appropriate, fishing department.

ANNEX 3

APPLICATION FOR REIMBURSEMENT OF EXPENDITURE INCURRED IN 19... PURSUANT
TO ARTICLE 5 OF DIRECTIVE 83/515/EEC (PERMANENT REDUCTION OF CAPACITY)

Port or fishing department	Number of vessels	Gross registered tonnage	Aid paid by the Member State	Aid eligible for the Community financial contribution	Reimbursement applied for
			(in national currency)		

ANNEX 4

APPLICATION FOR AN ADVANCE PAYMENT FOR 19.. PURSUANT TO DIRECTIVE 83/515/EEC

A. Measures involving temporary reduction of production capacity

1	2	3
Vessels (estimated number)	Estimated total of eligible laying-up periods (days)	Average reference value of vessels concerned (in national currency)

- 1. Eligible expenditure expected to be incurred in 19 .. = (in national currency)
- 2. Amount of advance payment applied for (maximum 25 % of 1) = (in national currency)

B. Measures involving permanent reduction of production capacity

1 Vessels estimated (number)	2 Total expected gross registered tonnage (GRT)	3 Expected end-use as a percentage of the number		
		Scrapping	Sale to third countries	Purposes other than fishing

- 1. Eligible expenditure expected to be incurred in 19 .. = (in national currency)
- 2. Amount of advance payment applied for (maximum 25 % of 1) = (in national currency)

Date, stamp and signature of competent authority

ANNEX 5

DESCRIPTION OF EACH VESSEL FOR WHICH A FINAL CESSATION PREMIUM HAS BEEN GRANTED

1. Identification prior to transfer:

Name of vessel or last registration number:	Radio code (if available):
.....	LOA:
Year of construction:	LPP:
Shipyard:.....	GRT:
Type of vessel:	HP or kW:

2. Date of removal from register of fishing vessels

End-use:

- scrapping
- definitive transfer to a third country ⁽¹⁾
- assignment to purposes other than fishing ⁽²⁾

3. Amount of the premium paid by the Member State: (in national currency)

It is hereby certified that the above information concerning the vessel in question is accurate and accords with the facts.

Date, stamp and signature of competent authority

⁽¹⁾ Country of destination:.....

⁽²⁾ Specify future type of activity:.....