

**COMMISSION REGULATION (EC) No 2614/95**  
**of 9 November 1995**  
**amending Regulation (EEC) No 2911/90 laying down detailed rules of application**  
**for aid for the production of certain varieties of grapes for drying**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2314/95 <sup>(2)</sup>, and in particular Article 6 (6) thereof,

Whereas Commission Regulation (EEC) No 2911/90 <sup>(3)</sup>, as last amended by Article 2 (c) of Regulation (EC) No 2475/94 <sup>(4)</sup>, lays down that Member States may grant aid to areas which, as a result of natural disasters, have a yield below the production threshold; whereas limiting that derogation to damaged areas with a yield equal to at least 50 % of the threshold could lead to unfair treatment for the producers most affected by such disasters; whereas that limitation should therefore be abolished;

Whereas experience has shown that certain measures to extend the scope and effectiveness of checks should be adopted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2911/90 is hereby amended as follows:

1. The second subparagraph of Article 2 (c) is replaced by the following:

‘However, the Member States shall be authorized, with the agreement of the Commission, to allow areas

which, by virtue of officially recognized natural disasters, have a yield below that threshold to qualify for aid’;

2. The second indent of the second subparagraph of Article 3 (1) is replaced by the following:

‘— authorize other producers to replace the cultivation declaration by a statement to the effect that there is no change as compared with the previous situation.’

3. The following paragraph 3 is added to Article 3a:

‘3. The aid application may relate to areas smaller than those shown in the cultivation declaration.’

4. Article 6 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) in the opening sentence ‘aid applications’ is replaced by ‘cultivation declarations and aid applications’;

(ii) the following indent is added after the first indent:

‘— the accuracy of the yields given in the aid applications,’

(b) Paragraph 2 is replaced by the following:

‘2. Member States shall organize on-the-spot checks in accordance with paragraph 3 covering a representative percentage of declarations submitted in each competent administrative unit. That percentage may not be less than 1 % and shall be increased to at least 15 % where a significant number of incorrect declarations is discovered.

On-the-spot checks shall cover:

— all declarations relating to an area of four hectares or more,

— all declarations in which discrepancies are revealed by the cross checks referred to in the final subparagraph of paragraph 1,

— a significant percentage of other declarations selected at random.’

(c) In the opening sentence of paragraph 3 ‘application’ is replaced by ‘cultivation declaration’.

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 233, 30. 9. 1995, p. 69.

<sup>(3)</sup> OJ No L 278, 10. 10. 1990, p. 35.

<sup>(4)</sup> OJ No L 264, 14. 10. 1994, p. 6.

5. Article 7 is amended as follows :

(a) Paragraph 1 (a) is replaced by the following :

'(a) smaller than that measured, the declared area shall be used for calculation of the aid.'

(b) Paragraph 2 is replaced by the following :

'2. No aid shall be paid in respect of the current marketing year and the following marketing year if the check establishes that the area declared is

greater by 15 % or more than that measured. For areas not exceeding one hectare, however, that percentage shall be 20 %.'

*Article 2*

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

Article 1 (2), (4) (b) and (5) shall apply from the 1996/97 harvest.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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