

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Regulation (EC) amending Regulations (EEC) No 2328/91, (EEC) No 866/90, (EEC) No 1360/90, (EEC) No 1035/72 and (EEC) No 449/69 with a view to expediting the adjustment of production, processing and marketing structures within the framework of the reform of the common agricultural policy

(93/C 317/06)

COM(93) 443 final

(Submitted by the Commission on 18 October 1993)

The text of the proposal for a Council Regulation (EC) having the reference COM(93) 270 (1) is hereby amended as follows:

1. in the first recital, 'programming' is replaced by 'allocation';
2. in the second recital, 'particularly as regards the programming of assistance from the Funds' is deleted;
3. in the third recital, 'in order better to integrate measures under Objective 5 (a) into the programming of assistance from the Funds and' is deleted;
4. in the fourth recital, 'particularly those on programming' is deleted;
5. the eighth recital is replaced by the following:

"Whereas, as regards the application of Regulations (EEC) No 2328/91, (EEC) No 1360/78 and (EEC) No 1035/72, the allocation of appropriations between the Member States as provided for in Article 12 (4) of Regulation (EEC) No 2052/88 results in the laying down of conditions for the Community contribution by means of Commission decisions on financing plans for the various measures which are specific to each Member State; whereas, however, the procedure which was applicable until 31 December 1992 on fixing the rates of Community part-financing for the regions not covered by Objective 1 is to be applied until those financing plans take effect";

6. Article 1 is amended as follows:

(a) point 1 (c) is replaced by the following:

'(c) the following paragraph is added:

"3. Beneficiaries shall be entitled to aid pursuant to this Regulation only if all the

conditions of this Regulation are met and the financial resources resulting from the allocation of appropriations as referred to in Article 12 (4) of Regulation (EEC) No 2052/88 have not been exhausted";

(b) point 14 is replaced by the following:

"14. The second sentence of Article 29 (3) is deleted";

(c) point 15 is deleted;

(d) point 16 is replaced by the following:

"16. Articles 31 and 32 are replaced by the following:

"Article 31

1. On the basis of the data referred to in Article 29 (2) and to ensure consistency with the allocation of appropriations between the Member States pursuant to Article 12 (4) of Regulation (EEC) No 2052/88, the Member States shall establish for 1994 to 1999 indicative financing plans, including annual forecasts of expenditure.

Each financing plan shall cover aid pursuant to:

- this Regulation,
- Council Directive 72/159/EEC (*),
- Council Directive 72/160/EEC (**),
- Regulation (EEC) No 1035/72,
- Regulation (EEC) No 1360/78,

(1) OJ No C 235, 31. 8. 1993, p. 15.

— Council Regulation (EEC)
No 389/82 (***)

2. The Member States shall forward, together with the financing plans referred to in paragraph 1, an aid application submitted in accordance with Article 14 (1) and (2) of Regulation (EEC) No 4253/88.

3. In the case of regions covered by Objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88, the data in the financing plans referred to in paragraph 1 shall be included in the documents relating to the programming referred to in Article 8 (7) of the said Regulation and Article 5 (2) of Regulation (EEC) No 4253/88.

4. In the case of regions not eligible under Objective 1, the Member States shall transmit the financing plans referred to in paragraph 1 by 30 April 1994 at the latest, distinguishing the information relating to Objective 5 (b) areas from that relating to the rest of the region.

Article 32

In the case of financing plans transmitted in accordance with Article 31 (4), the Commission shall, in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88, decide on the conditions for a financial contribution from the Community so that consistency is ensured with the allocation of the appropriations between the Member States pursuant to the second subparagraph of Article 12 (4) of Regulation (EEC) No 2052/88, these conditions may be revised on an annual basis, in accordance with the same procedure, so as to take account of the take-up of appropriations for the whole set of measures referred to in Article 2 of Regulation (EEC) No 4256/88.

(*) OJ No L 96, 23. 4. 1972, p. 1.
(**) OJ No L 96, 23. 4. 1972, p. 9.
(***) OJ No L 51, 23. 2. 1982, p. 1.”;

(e) point 17 is replaced by the following:

‘17. Article 33 is replaced by the following:

“Article 33

1. Assistance shall be paid in accordance with Article 21 of Regulation (EEC) No 4253/88; however, in addition to the conditions listed in paragraph 4 of the said Article, payment of the balance shall be based on:

— a declaration of the expenditure effected by the Member States during a calendar year, and

— a report on the application of the measures during the calendar year in question, prepared in accordance with Article 25 (4) of the said Regulation,

both of which shall be submitted to the Commission before 1 July of the following year.

2. The Commission shall adopt detailed rules for the application of this Article after consulting the Committee referred to in Article 29 of Regulation (EEC) No 4253/88.”’;

(f) point 17a is inserted as follows:

‘17a. Article 34a is inserted as follows:

“Article 34a

The Commission shall, after consulting the Committee referred to in Article 29 of Regulation (EEC) No 4253/88, adopt detailed rules on monitoring and assessment to ensure in particular that the common measures referred to in Article 2 of Regulation (EEC) No 4256/88 are carried out in a manner consistent with the allocation of appropriations between the Member States pursuant to Article 12 (4).”’;

7. Article 2 is amended as follows:

(a) point 2 is replaced by the following:

‘2. The title of Title I is replaced by the following:

“TITLE I

PLANS, COMMUNITY SUPPORT FRAMEWORKS AND SELECTION CRITERIA”’;

(b) point 3 is replaced by the following:

‘3. Article 2 is replaced by the following:

“Article 2

Plans and Community support frameworks

1. In order to ensure that the marketing and processing sectors develop in a way that is consistent with Community policy, and particularly with the common agricultural policy, and to ensure the effectiveness of Community aid, the financing of investments must take place within the framework of plans designed to improve the structures relating to the various products in question to be drawn up by the Member States, and on the basis of the corresponding Community support frameworks.

2. Measures under this Regulation shall be included in the plans drawn up and presented by the Member States for the Objective 1 regions, in accordance with Article 8 (7) of Regulation (EEC) No 2052/88 and Article 5 (2) of Regulation (EEC) No 4253/88.

3. In the case of regions not eligible under Objective 1, the financing plans referred to in paragraph 1 shall be prepared with the information relating to Objective 5 (b) areas given separately from that relating to the rest of the region.”;

(c) point 4 is replaced by the following:

‘4. Article 3 is replaced by the following:

“*Article 3*

Content of the plans

1. The plans referred to in Article 2 must include at least the following information:

(a) demarcation of the sectors, and the reasons therefor;

(b) the initial situation and the trends which can be inferred from it, particularly as regards:

- the importance of agriculture and the prospective outlets for agricultural products,
- the situation as regards the processing and marketing of agricultural products and in particular the existing capacity of the undertakings concerned and their geographical distribution;

(c) the plan’s aims and means:

- the estimated time required for the execution of the plan, which in principle should be between three and six years,
- the needs to be met by the plan and the objectives which it is intended to achieve, in particular the capacity to be reached and the implications for agricultural undertakings,
- any aid measures established in the sector covered by the plan,
- the means proposed for achieving the objectives, particularly the total

amount of investment and the financial participation of the Member States,

- assessment of the environmental impact of the strategies and measures, the arrangements made to associate the competent environmental authorities designated by the Member State in the preparation and implementation of the measures laid down in the plan and to ensure compliance with Community rules on the environment.

2. The plans shall be submitted to the Commission by 30 April 1994 at the latest.”;

4a. Articles 4, 5 and 6 are deleted;

4b. Article 7 is replaced by the following:

‘*Article 7*

Community support frameworks

1. The Community support frameworks relating to the plans submitted to the Commission by the Member States shall be prepared in partnership, in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88, so as to ensure consistency with the allocation of appropriations between the Member States pursuant to the second subparagraph of Article 12 (4) of Regulation (EEC) No 2052/88.

2. In accordance with the rules laid down in Title III of Regulation (EEC) No 4253/88, Community support frameworks shall include a statement of the priorities for Community intervention, the total amount of the financial assistance chargeable to the Fund and an indicative figure for the rate of aid envisaged as the Fund’s contribution.

3. In the case of Objective 1 regions, the information specified in paragraph 2 shall be included in the Community support frameworks in accordance with Article 8 (7) of Regulation (EEC) No 2052/88.

4. In the case of regions not covered by Objective 1, the Community support frameworks must include two financial tables, one of which relates to Objective 5 (b) areas and the other to the rest of the region.’;

(d) in point 6, the text of Article 10 is replaced by the following:

*'Article 10***Application for aid**

Member States shall submit:

- (a) their aid applications in accordance with Article 14 (1) and (2) of Regulation (EEC) No 4253/88;
- (b) the laws, regulations and administrative provisions for implementing the common measure defined in Article 1 of this Regulation.

*Article 10a***Single programming document**

Both for regions covered by Objective 1 and those not covered by this Objective, Member States may submit a single programming document which includes all the information required in the plans and that required in the aid applications. If they do so, the Commission shall adopt a single decision on a single document in accordance with the last subparagraph of Article 10 (1) of Regulation (EEC) No 4253/88;

- (e) point 11 (a) is replaced by the following:

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

"1. The Commission shall decide on the granting of aid from the Fund in accordance with Article 14 of Regulation (EEC) No 4253/88 and, where appropriate, the second and third subparagraphs of Article 10 (1) of the said Regulation.";

- (f) the following paragraph is added to point 12:

'In Article 16 (4), "referred to in Article 14 (1)" is deleted.';

- (g) point 14 is replaced by the following:

'14. Articles 19a, 20 and 22 are deleted';

- (h) a new point 15 is added:

'15. Article 19 is replaced by the following:

*"Article 19***Transitional provisions**

1. Operational programmes submitted by 31 December 1993 pursuant to this Regulation but not accepted for aid from the Fund may be included in operational programmes to be financed in 1994 to 1999 if they meet the criteria and conditions of this Regulation and are included in a

Community support framework. Article 15 (2) of Regulation (EEC) No 4253/88 shall not apply.

2. The selection criteria referred to in Article 8 applying to the operational programmes referred to in paragraph 1 shall be those in force on the date of the Commission decision to grant aid.";

8. Articles 3 and 4 are replaced by the following:

'Article 3

Regulation (EEC) No 1360/78 is hereby amended as follows:

1. Article 12 is replaced by the following:

"Article 12

1. The set of measures provided for in this Regulation shall constitute a common measure within the meaning of Article 2 (1) of Council Regulation (EEC) No 4256/88 (*).

2. Beneficiaries shall be entitled to aid as provided for in this Regulation only if all the conditions of this Regulation are met and the financial resources resulting from the allocation of appropriations as referred to in Article 12 (4) of Council Regulation (EEC) No 2052/88 (**) have not been exhausted.

(*) OJ No L 374, 31. 12. 1988, p. 25.

(**) OJ No L 185, 15. 7. 1988, p. 9."

2. Articles 14 and 15 are replaced by the following:

"Article 14

The measures provided for in Article 10 (1), (2), (2a) and (3) of this Regulation and the aid resulting from the application of Regulation (EEC) No 389/82 shall be covered by the financing plans referred to in Article 31 (1) of Council Regulation (EEC) No 2328/91 (*).

Article 15

1. Assistance shall be paid in accordance with Article 21 of Council Regulation (EEC) No 4253/88 (**); however, in addition to the conditions listed in paragraph 4 of the said Article, payment of the balance shall be based on:

— a declaration of expenditure by the Member States during a calendar year, and

— a report on the application of the measures during the calendar year in question, prepared in accordance with Article 25 (4) of the said Regulation,

both of which shall be submitted to the Commission before 1 July of the following year.

2. The Commission shall adopt detailed rules for the application of this Article after consulting the Committee referred to in Article 29 of Regulation (EEC) No 4253/88.

(*) OJ No L 218, 6. 8. 1991, p. 1.

(**) OJ No L 374, 31. 12. 1988, p. 1.”

Article 4

Regulation (EEC) No 1035/72 is hereby amended as follows:

1. the second subparagraph of Article 14b (2) is deleted.

2. Article 36 is replaced by the following:

“Article 36

1. The provisions laid down by regulation on the financing of the common agricultural policy shall apply to the market in the products referred to in Article 1.

2. Aid granted by the Member States in accordance with Articles 14 (1), (2) and (3) and 14b (1) and (2) shall constitute a common measure within the meaning of Article 2 (1) of Council Regulation (EEC) No 4256/80 (*); this aid shall be covered by the financing plans referred to in Article 31 (1) of Council Regulation (EEC) No 2328/91 (**).

Beneficiaries shall be entitled to the aid referred to in this paragraph only if all the conditions of this Regulation are met and the financial resources resulting from the allocation of appropriations as referred to in Article 12 (4) of Council Regulation (EEC) No 2052/88 (***) have not been exhausted.

Article 36a

1. Assistance shall be paid in accordance with Article 21 of Council Regulation (EEC) No 4253/88 (****); however, in addition to the conditions listed in paragraph 4 of the said Article, payment of the balance shall be based on:

— a declaration of expenditure by the Member States during a calendar year, and

— a report on the application of the measures during the calendar year in question, prepared in accordance with Article 25 (4) of the said Regulation,

both of which shall be submitted to the Commission before 1 July of the following year.

2. The Commission shall adopt detailed rules for the application of this Article after consulting the Committee referred to in Article 29 of Regulation (EEC) No 4253/88.

(*) OJ No L 374, 31. 12. 1988, p. 25.

(**) OJ No L 218, 6. 8. 1991, p. 1.

(***) OJ No L 185, 15. 7. 1988, p. 9.

(****) OJ No L 374, 31. 12. 1988, p. 1.”;

9. in Article 6, point 1 of the third subparagraph is replaced by the following:

‘1. The procedure for fixing Community part-financing rates as provided for in the first subparagraph of Article 31 (2) of Regulation (EEC) No 2328/91 prior to its amendment by this Regulation shall continue to apply throughout the territory of the Community, including the regions not covered by Objective 1 as defined in Article 1 of Regulation (EEC) No 2052/88, until such time as new rules on part-financing are laid down for the regions concerned pursuant to Articles 31 (3) and 32 of Regulation (EEC) No 2328/91.’