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Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 2893/77 of 20 December 1977 amending Regulation (EEC) No 2396/71 implementing the Council Decision of 1 February 1971 on the reform of the European Social Fund 1
 - ★ Council Regulation (EEC) No 2894/77 of 20 December 1977 amending Regulation (EEC) No 858/72 on certain administrative and financial procedures for the operation of the European Social Fund 5
 - ★ Council Regulation (EEC) No 2895/77 of 20 December 1977 concerning operations qualifying for a higher of intervention by the European Social Fund 7
-

II *Acts whose publication is not obligatory*

Council

77/801/EEC:

- ★ Council Decision of 20 December 1977 amending Decision 71/66/EEC on the reform of the European Social Fund 8

77/802/EEC:

- ★ Council Decision of 20 December 1977 amending certain Decisions adopted pursuant to Article 4 of Decision 71/66/EEC on the reform of the European Social Fund 10

77/803/EEC:

- ★ Council Decision of 20 December 1977 on action by the European Social Fund for migrant workers 12

77/804/EEC:

- ★ Council Decision of 20 December 1977 on action by the European Social Fund for women 14

1

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is not obligatory)

COUNCIL REGULATION (EEC) No 2893/77
of 20 December 1977

amending Regulation (EEC) No 2396/71 implementing the Council Decision of
1 February 1971 on the reform of the European Social Fund

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 127 thereof,

Having regard to Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽¹⁾, as amended by Decision 77/801/EEC ⁽²⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, in view of the amendments made to Decision 71/66/EEC, Council Regulation (EEC) No 2396/71 of 8 November 1971 implementing the Council Decision of 1 February 1971 on the reform of the European Social Fund ⁽⁵⁾, as amended by the Act of Accession, should be adopted;

Whereas, in the light of experience and the development of the employment situation in the Community, the general rules governing the action and operation of the Fund should be improved;

Whereas the categories of aid that may benefit from Fund assistance should be defined so that they may become immediately operational; whereas, therefore, Council Regulation (EEC) No 2397/71 of 8 November 1971 on aid which may qualify for assistance from the European Social Fund ⁽⁶⁾, as amended by Regulation (EEC) No 1761/74 ⁽⁷⁾, must be repealed;

Whereas, to make it possible to take future requirements of the labour market into account,

other categories of aid should be determined and defined according to requirements;

Whereas Fund assistance for the various types of intervention should be granted on the basis of unit costs defined in collaboration with the Member States;

Whereas it is desirable to facilitate the assessment and selection of applications on the basis of multiannual guidelines determined by the Commission after consultation with the European Social Fund Committee;

Whereas the procedure for presenting applications for assistance should be adapted and provision made for their grouping together by field of intervention to enable the Commission to manage the Fund more rationally;

Whereas Article 1 (2) of Decision 77/801/EEC extends the scope of the Fund to persons who are to pursue activities as self-employed persons; whereas, consequently, Council Regulation (EEC) No 2398/71 of 8 November 1971 on assistance from the European Social Fund for persons who are to pursue activities in a self-employed capacity ⁽⁸⁾ must be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2396/71 shall be amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. Assistance may be granted from the Fund pursuant to Article 5 (1), first subparagraph, (a), (b) or (c) of Decision 71/66/EEC for operations which:

⁽¹⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No C 133, 6. 6. 1977, p. 39.

⁽⁴⁾ OJ No C 126, 28. 5. 1977, p. 2.

⁽⁵⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽⁶⁾ OJ No L 249, 10. 11. 1971, p. 58.

⁽⁷⁾ OJ No L 185, 9. 7. 1974, p. 1.

⁽⁸⁾ OJ No L 249, 10. 11. 1971, p. 61.

(a) are directed towards eliminating long-term structural unemployment or under-employment, for the benefit of persons who are unemployed or who would become so after a specific period, or those who are under-employed or have had to cease pursuing an activity as a self-employed person;

(b) are aimed at the training of workers whose qualifications must be adapted to permit the pursuit of occupations requiring high qualifications.

2. Assistance may be granted from the Fund pursuant to Article 5 (1), first subparagraph, (d) of Decision 71/66/EEC for operations in favour of handicapped persons who it is assumed may be able to pursue an occupation after functional rehabilitation, vocational adaptation or re-adaptation.

3. Save in exceptional cases, the operations referred to in this Article shall contribute towards the implementation of a specific programme directed at remedying the causes of the imbalance of employment; such programme shall be set up for the region, branch of the economy, groups of undertakings or categories of handicapped persons concerned. It shall, in particular, indicate clearly the economic context of the operations being planned and shall state the objectives and methods for attaining them.'

2. Article 2 shall be replaced by the following:

'Article 2

For each financial year at least 60 % of the appropriations available for assistance from the Fund pursuant to Article 5 of Decision 71/66/EEC shall be reserved as a matter of priority for operations which are aimed at eliminating long-term structural unemployment or under-employment in those regions referred to in Article 5 (1), first subparagraph, (a) of Decision 71/66/EEC.'

3. The following Article shall be inserted:

'Article 2a

Assistance from the Fund may not be granted to finance the initial training of young people immediately after completion of their compulsory schooling; nevertheless, assistance from the Fund may be granted for young people who, although available on the labour market, are unable to find work because of lack of qualifications or because there is no demand for the qualifications they possess.'

4. Article 3 shall be replaced by the following:

'Article 3

1. Assistance may be granted from the Fund pursuant to Articles 4 and 5 of Decision 71/66/EEC for the following categories of aid:

(a) aid to facilitate the training of persons who need to acquire, widen, adapt or improve occupational knowledge or ability, and which is intended to cover:

— expenditure in respect of the preparation, operation and management of training courses, including the training of instructors. In the regions referred to in Article 5 (1), first subparagraph, (a) of Decision 71/66/EEC depreciation costs relating to operations carried out in such regions may be calculated over a six-year period;

— the cost of attendance at courses, including the cost of providing trainees with an income;

(b) aid to facilitate the transfer of persons, together with members of their families, who are obliged to change their place of residence in order to pursue an occupation;

(c) aid to facilitate the integration into a new social and working environment of persons, together with members of their families, who are obliged to change their place of residence in order to pursue an occupation;

(d) aid to eliminate obstacles which make access to available employment difficult:

— for handicapped persons, to facilitate the adaptation of jobs to their requirements or to facilitate their vocational adaptation or re-adaptation;

— for workers more than 50 years old, to maintain their salary levels during the first six months of their vocational re-adaptation;

(e) aid to promote better conditions of employment in the regions referred to in Article 5 (1), first subparagraph, (a) of Decision 71/66/EEC with a view to covering expenses incurred in the payment by undertakings of an allowance to newly-engaged workers. The aim of paying such allowances shall be to ensure that workers are fully remunerated; the cost of the allowance may be met for a maximum period

of six months and be equal to 30 % of the average gross wage or salary established in the undertaking in respect of corresponding occupations. The workers concerned must be receiving further vocational training in the undertaking or, owing to lack of practical experience, be unable to ensure the output expected from the qualifications recorded at the time of their engagement.

2. The following expenditure shall not be eligible for the aid referred to in paragraph 1:

- (a) social security benefits including benefits hitherto normally granted under an unemployment insurance scheme provided for under the social security legislation of the Member States;
- (b) medical expenses incurred in the functional rehabilitation of handicapped persons;
- (c) capital expenditure;
- (d) depreciation of that part of capital expenditure for which non-returnable aid would have been granted by another Community instrument;
- (e) costs incurred in the normal education of the children of migrant workers.

3. Assistance from the Fund may also be granted, in the light of developments in requirements of the labour market, and under the conditions and within the limits to be defined by the Council on a proposal from the Commission, for categories of aid not referred to in paragraph 1, particularly the following categories of aid designed to:

- (a) maintain, for a fixed period, the income of persons who have lost their employment, or have been put on short time, or temporarily suspended and who are awaiting training or employment;
- (b) help to inform and guide persons seeking employment or re-employment;
- (c) promote employment in the regions referred to in Article 5 (1), first subparagraph, (a) of Decision 71/66/EEC.

4. Assistance from the Fund shall be granted on the basis of unit costs per person and per unit of time determined by the Commission after consultation with the Member State concerned when approving the application.

The Commission shall determine these unit costs on the basis of information provided by the Member State concerned and of expenditure for which assistance from the Fund has already been received in the context of similar operations carried out in the same Member State.

If the Commission does not have sufficient data to enable it to determine unit costs, assistance from the Fund shall be granted on the basis of actual costs.'

5. The following Article shall be inserted:

'Article 3a

1. The Commission shall each year adopt guidelines for the administration of the Fund during the following three calendar years. It shall forward them to the European Parliament and to the Council for information.

The Commission shall publish these guidelines in the *Official Journal of the European Communities* before 1 May of each year.

2. The guidelines shall be geared to the economic and social situation in the Community. They shall take account, with a view to ensuring the harmonious development of the Community, of the extent of the imbalances in the labour market and the economic capacity available for correcting them.'

6. Article 5:

(a) The following paragraph shall be inserted:

'1a. The Member State shall describe how, in qualitative and quantitative terms, the operations fit into the overall context of the labour market.'

(b) Paragraph 2:

— The following text shall be added to the second sentence of the first subparagraph:

'...it shall also give the information necessary for the assessment of its conformity with the Regulations and Decisions governing this matter.'

— The third subparagraph is hereby deleted.

(c) The following paragraph shall be added:

'3. The Member States shall submit their applications grouped together by fields of intervention:

— before 21 October each year in the case of operations due to begin in the first half of the succeeding year,

— before 1 April each year in the case of operations due to begin in the second half of the same year, provided that the nature and size of the operations planned are announced before 21 October of the preceding year.

Member States may submit applications which are not grouped together in as much as they:

- cover operations to be undertaken in response to unforeseen developments affecting the labour market, or
- take the place of grouped applications or parts of grouped applications where the applications have been approved but where the operations covered by them have not been carried out.

7. Article 10:

(a) The present text shall become paragraph 1.

(b) Paragraph 1:

— The following shall be added to (d):

'...including the assessment of the unit costs.'

— The following subparagraph shall be inserted:

'(fa) guidelines for the administration of the Fund;'

(c) The following paragraph shall be added:

'2. Where the Commission receives an application for assistance relating to an exceptional and urgent case, it may take a decision on receipt of the application. When it exercises this option, it shall inform the Committee of its decision.'

8. Article 12 is hereby deleted.

9. The following subparagraph shall be added to Article 13:

'The Commission shall adopt provisions concerning the evaluation, from the point of view of the labour market policy, of the results of measures which have been the object of assistance from the Fund.'

10. Article 14 is hereby deleted.

Article 2

Subject to Article 3, Regulations (EEC) No 2397/71 and (EEC) No 2398/71 are hereby repealed.

Article 3

Regulation (EEC) No 2396/71, in the version in force before the date of entry into force of this Regulation, and Regulations (EEC) No 2397/71 and (EEC) No 2398/71 shall continue to apply to operations the scheme of which or application for which is submitted before 1 January 1978 and which receive the approval of the Commission before 1 April 1978.

Article 4

Article 1 (6) (c) shall apply for the first time to applications relating to operations due to begin during the first half of 1980.

Article 5

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 20 December 1977.

For the Council
The President
H. SIMONET

COUNCIL REGULATION (EEC) No 2894/77
of 20 December 1977
amending Regulation (EEC) No 858/72 on certain administrative and financial
procedures for the operation of the European Social Fund

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 127 and 209 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas, in the light of experience and of the development of the employment situation in the Community, the general rules governing the action and operation of the Fund should be improved and in particular Council Regulation (EEC) No 858/72 of 24 April 1972 on certain administrative and financial procedures for the operation of the European Social Fund ⁽³⁾ should be amended;

Whereas, in order to simplify and speed up the procedures for the granting and payment of assistance from the Fund, such procedures should be changed and should in particular provide for the possibility of payment of advances at the request of the Member State concerned;

Whereas provision should be made for arrangements whereby sums already paid, particularly those paid in advance, can be recovered in cases where irregularities or substantial changes occur in the nature or conditions of an operation;

Whereas the Member States should submit claims for payment to the Commission and certify their accuracy;

Whereas transitional provisions should be laid down to enable the new rules to be implemented progressively and to speed up the settlement of claims for payment already approved by the Commission,

Article 1

Regulation (EEC) No 858/72 shall be amended as follows:

1. The words '(or, in Member States where this concept is unknown, from equivalent entities)' shall be added after the words 'or other entity governed by private law' in Article 2 (1).
2. Article 3 shall be replaced by the following:

'Article 3

1. The Commission shall acknowledge receipt of all applications for assistance. It shall decide on applications for assistance properly submitted and shall notify the Member State concerned, which shall inform the party responsible for the operation, of all decisions granting or refusing approval.

2. Decisions granting approval shall specify the total amount of the appropriations made available by way of assistance from the Fund, broken down into instalments in the case of multiannual operations.'

3. Article 4 shall be replaced by the following:

'Article 4

1. An amount equal to 30 % of the assistance granted shall be paid, by way of advance, as soon as the Member State concerned has certified that the operation has begun. Where appropriate, the Commission shall inform the party responsible for the operation that the payment has been made.

A second advance, up to an equal amount, may be paid as soon as the Member State has certified that half the operation has been carried out within the framework of the conditions laid down in the decision granting approval.

Where a decision granting approval relates to multiannual operations:

⁽¹⁾ OJ No C 133, 6. 6. 1977, p. 39.

⁽²⁾ OJ No C 126, 28. 5. 1977, p. 2.

⁽³⁾ OJ No L 101, 28. 4. 1972, p. 3.

- advances shall be paid on the basis of each instalment,
- additional payments may be made after the completion of each instalment as soon as the Commission has received a claim for payment from the Member State concerned accompanied by a report on the completion of the instalment and, if the assistance is granted on the basis of actual costs, a general statement of expenditure.

The balance shall be paid as soon as the Commission has received a claim for payment from the Member State concerned, accompanied by a report on the completion of the operation and, if the assistance is granted on the basis of actual costs, a general statement of expenditure.

The Member State shall certify the factual and accounting accuracy of the particulars given in each claim for payment.

2. The Commission shall inform the Member State concerned of any payment made. The Member State concerned shall then inform the party responsible for the operation.

At the request of the Member State concerned the Commission shall inform it of the problems encountered in paying the assistance.

3. If a check reveals irregularities or an important change not approved by the Commission in the nature or circumstances of an operation receiving assistance from the Fund, assistance may be suspended, reduced or terminated by a decision taken by the Commission after the Member State has had an opportunity to submit its comments.

The liability of the Member State concerned shall be secondary to that of the party responsible for the operation as regards the sums to be reimbursed.

To the extent that the Member State with secondary liability pays to the Community the sums to be reimbursed by the party responsible for the operation, it shall be subrogated to the rights of the Community.

The decision of the Commission shall specify the amount of any sums to be recovered and the procedures for recovery.

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

Done at Brussels, 20 December 1977.

The decision of the Commission shall be notified to the Member State concerned and to the party responsible for the operation.'

4. Article 6 shall be replaced by the following:

'Article 6

Every year the Commission shall, before 1 July, submit to the European Parliament and to the Council a report on the activities of the Fund carried out during the past financial year giving *inter alia* a breakdown of the appropriations committed for operations during that financial year. The report shall also cover the foreseeable developments in the coming three years regarding expenditure relating to actions undertaken pursuant to Articles 4 and 5 of Decision 71/66/EEC.'

Article 2

1. Regulation (EEC) No 858/72, in the version in force before the date of entry into force of this Regulation, shall continue to apply to operations or parts of operations carried out before 1 January 1978.

2. By way of derogation from paragraph 1, where claims for payment are submitted:

- before 1 July 1978 in the case of operations or parts of operations carried out before 1 January 1977,
- before 1 January 1979 in the case of operations or parts of operations carried out during 1977,

payments on account of 85 % of the amounts set out in the claims within the limits of the approved sums may be made provided that the Member State concerned certifies the factual and accounting accuracy of the particulars given in the claim for payment.

Where this paragraph applies, the balance shall be paid in accordance with Regulation (EEC) No 858/72, as amended by this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1978 and shall apply to operations or parts of operations carried out from that date.

For the Council
The President
 H. SIMONET

COUNCIL REGULATION (EEC) No 2895/77
of 20 December 1977
concerning operations qualifying for a higher rate of intervention by the European Social Fund

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 127 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas, for the application of Article 8 (3) of Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽³⁾, as amended by Decision 77/801/EEC ⁽⁴⁾, the regions characterized by an especially serious and prolonged imbalance in employment, in which operations carried out with assistance from the Social Fund shall qualify for a higher rate of intervention, must be defined;

Whereas particular account must be taken, in defining these regions, of the lower level of their economic and social development, their peripheral location in the Community and their significance for their respective national economies,

HAS ADOPTED THIS REGULATION:

Article 1

Operations carried out in Greenland, the French overseas departments, Ireland, Northern Ireland and the Mezzogiorno shall qualify for the higher rate of intervention provided for in Article 8 (3) of Council Decision 71/66/EEC.

Article 2

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 20 December 1977.

For the Council
The President
H. SIMONET

⁽¹⁾ OJ No C 266, 7. 11. 1977, p. 15.

⁽²⁾ Opinion delivered on 26 and 27 October 1977 (not yet published in the Official Journal).

⁽³⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽⁴⁾ See page 8 of this Official Journal.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 December 1977

amending Decision 71/66/EEC on the reform of the European Social Fund
(77/801/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 126 thereof,

Having regard to the opinion of the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽³⁾ may, in accordance with Article 11 thereof, be amended on the basis of a further opinion of the Commission based on Article 126 of the Treaty;

Whereas in order to respond more effectively to the requirements of the employment situation, self-employed persons should be eligible for assistance from the Fund;

Whereas the respective fields in which the Fund may intervene should be redefined in view of trends on the labour market and of experience gained since the reform of the Fund;

Whereas Fund intervention should be concentrated to a greater extent on the most acute problems at Community level, and particularly in regions where

there is an especially serious and prolonged imbalance in employment;

Whereas activities of the Fund in supplying the assistance provided for in Article 125 of the Treaty came to an end on 31 December 1976;

Whereas Decision 71/66/EEC, in its new version, should be reviewed not later than 31 December 1982,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 71/66/EEC shall be amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

The assistance provided for in Article 125 of the Treaty shall no longer be granted.'

2. Article 3 shall be replaced by the following:

'Article 3

The Fund may grant assistance for members of the labour force who, having benefited from a measure taken within the scope of the Fund, are to pursue activities as employed or self-employed persons.'

⁽¹⁾ OJ No C 133, 6. 6. 1977, p. 39.

⁽²⁾ OJ No C 126, 28. 5. 1977, p. 2.

⁽³⁾ OJ No L 28, 4. 2. 1971, p. 15.

3. Article 4 (2), second subparagraph, (c) is hereby deleted.

4. Article 5 (1) shall be replaced by the following:

'1. The Fund can also take action to assist operations which are carried out in the Member States as part of their employment policy and which:

- (a) are aimed at solving the problems which arise in those regions which, because they are less developed or there is a decline in their main activities, suffer a serious and prolonged imbalance in employment; or
- (b) are aimed at facilitating the adaptation to the requirements of technical progress of those branches of economic activity in which such progress gives rise to substantial changes in manpower and vocational knowledge and skill; or
- (c) are undertaken because of substantial changes in the conditions of production or in the distribution of products in groups of undertakings carrying on the same or connected activities which are thus forced to cease, reduce or transform their activities permanently; or
- (d) concern the entry or re-entry of the handicapped into economic activity.

Assistance from the Fund shall be granted having regard to the magnitude of the employment problems and to the economic capacity of the regions in which the operations are carried out.'

5. Chapter II, Section C, shall be replaced by the following:

'C. Submission by Member States of applications for assistance and approval by the Commission

Article 6

The Member State or States concerned shall submit to the Commission applications for assistance to respond to the situations referred to in Article 4 or 5.

Article 7

The Commission shall submit the applications referred to in Article 6 for consideration by the European Social Fund Committee as provided for in Article 124 of the Treaty, and shall approve them up to the amount of the appropriations available if they comply with the conditions laid down in the relevant Regulations and Decisions.'

6. Article 8:

(a) Paragraph 2:

The phrase '(or, in Member States where this concept is unknown, by equivalent entities)' shall be inserted after the words '... entities governed by private law'.

(b) The following paragraph shall be added after paragraph 2:

'3. When operations are carried out in regions where there is an especially serious and prolonged imbalance in employment, such regions to be defined by the Council on the basis of a proposal from the Commission, the amount of assistance from the Fund calculated in accordance with paragraph 1 or 2 of this Article shall be increased by 10 %.'

7. Article 9:

(a) The words 'two-year' shall be deleted in paragraph 1, second subparagraph.

(b) Paragraph 2, second subparagraph, first sentence, shall be replaced by the following:

'Appropriations for interventions in respect of operations under Article 5 (1) which are carried out in regions referred to in Article 5 (1) (a) shall not, in any year, be less than 50 % of the total appropriations available.'

8. Article 10 (2) is hereby deleted.

9. Article 11, first sentence, shall be replaced by the following:

'The Council shall review this Decision not later than 31 December 1982.'

Article 2

Decision 71/66/EEC, in the version in force before the date of entry into force of this Decision, shall continue to apply to operations the scheme of or application for which is submitted before 1 January 1978 and which receives the approval of the Commission before 1 April 1978.

Article 3

This Decision shall be published in the *Official Journal of the European Communities* and shall enter into force on 1 January 1978.

Done at Brussels, 20 December 1977.

For the Council
The President
H. SIMONET

COUNCIL DECISION

of 20 December 1977

amending certain Decisions adopted pursuant to Article 4 of Decision 71/66/EEC on the reform of the European Social Fund

(77/802/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽¹⁾, as amended by Decision 77/801/EEC ⁽²⁾, and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas Article 1 (2) of Council Decision 77/801/EEC of 20 December 1977 amending Decision 71/66/EEC on the reform of the European Social Fund extends the scope of the Fund to persons who are to pursue activities as self-employed persons;

Whereas Article 1 (4) of Council Regulation (EEC) No 2893/77 of 20 December 1977 amending Regulation (EEC) No 2396/71 implementing the Council Decision of 1 February 1971 on the reform of the European Social Fund ⁽⁵⁾ provides for a simplification of the categories of aid;Whereas, to take account of the abovementioned amendments, it is necessary to amend Council Decision 72/428/EEC of 19 December 1972 on assistance from the European Social Fund for persons leaving agriculture to pursue non-agricultural activities ⁽⁶⁾, Council Decision 75/459/EEC of 22 July 1975 on action by the European Social Fund for persons affected by employment difficulties ⁽⁷⁾, as amended by Decision 77/475/EEC ⁽⁸⁾, and Council Decision 76/206/EEC of 9 February 1976 on intervention by the European Social Fund in favour ofpersons occupied in the textile and clothing industries ⁽⁹⁾, as amended by Decision 77/475/EEC;

Whereas, in the Community, the employment situation for young people under 25 who are unemployed or seeking employment and the employment situation in the textile and clothing sectors continue to be affected by quantitative and qualitative imbalances,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 72/428/EEC shall be amended as follows:

1. The following shall be substituted for Article 1:

'Article 1

Operations which are aimed at facilitating the employment and the geographical and occupational mobility of persons who cease to pursue an activity directly and principally in agriculture in order to take up a non-agricultural activity shall be eligible to receive assistance from the Fund under Article 4 of the Council Decision of 1 February 1971.'

2. The following shall be substituted for Article 3:

'Article 3

The aids eligible for assistance from the Fund pursuant to this Decision shall be those laid down in Article 3 (1) of Regulation (EEC) No 2396/71, as amended by Regulation (EEC) No 2893/77.'

Article 2

Decision 75/459/EEC shall be amended as follows:

1. The following shall be substituted for Article 3:

⁽⁹⁾ OJ No L 39, 14. 2. 1976, p. 39.

⁽¹⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No C 133, 6. 6. 1977, p. 39.

⁽⁴⁾ OJ No C 126, 28. 5. 1977, p. 2.

⁽⁵⁾ See page 1 of this Official Journal.

⁽⁶⁾ OJ No L 291, 28. 12. 1972, p. 158.

⁽⁷⁾ OJ No L 199, 30. 7. 1975, p. 36.

⁽⁸⁾ OJ No L 196, 3. 8. 1977, p. 13.

'Article 3

The aids eligible for assistance from the Fund pursuant to this Decision shall be those laid down in Article 3 (1) of Regulation (EEC) No 2396/71, as amended by Regulation (EEC) No 2893/77.'

2. Article 4 is hereby deleted.
3. The second subparagraph of Article 5 shall be replaced by the following:

'It shall apply to operations covered by applications for assistance which have received the approval of the Commission before 1 January 1981.'

Article 3

Decision 76/206/EEC shall be amended as follows:

1. The following shall be substituted for Article 1:

'Article 1

Operations which are aimed at facilitating the employment and the geographical and occupational mobility of persons occupied in the textile industry, including the processing of chemical fibres, and in the clothing industry, whose activities are directly affected, or are in danger of being affected, by quantitative or qualitative measures for structural adaptation and who are to pursue activities either within

those industries or outside them, shall be eligible for assistance from the Social Fund pursuant to Article 4 of Decision 71/66/EEC.'

2. The following shall be substituted for Article 2:

'Article 2

The aids eligible for assistance from the Fund pursuant to this Decision shall be those laid down in Article 3 (1) of Regulation (EEC) No 2396/71, as amended by Regulation (EEC) No 2893/77.'

3. The following shall be substituted for the second paragraph of Article 3:

'It shall apply to operations covered by applications for assistance which have received the approval of the Commission before 1 January 1981.'

Article 4

This Decision shall be published in the *Official Journal of the European Communities* and shall enter into force on 1 January 1978.

Done at Brussels, 20 December 1977.

For the Council

The President

H. SIMONET

COUNCIL DECISION
of 20 December 1977
on action by the European Social Fund for migrant workers
 (77/803/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽¹⁾, as amended by Decision 77/801/EEC ⁽²⁾, and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the period referred to in the second paragraph of Article 4 of Council Decision 74/327/EEC of 27 June 1974 on action by the European Social Fund for migrant workers ⁽⁵⁾ expired on 14 July 1977;

Whereas Article 1 of Council Decision 77/476/EEC of 25 July 1977 on action by the European Social Fund for migrant workers and handicapped persons ⁽⁶⁾ provides that Articles 1, 2 and 3 of Decision 74/327/EEC shall continue to apply to operations of which the draft has received the approval of the Commission before 31 December 1977;

Whereas the imbalances in employment within the Community call for specific joint action in favour of migrant workers and members of their families;

Whereas on 9 February 1976 the Council adopted the resolution on an action programme for migrant workers and members of their families ⁽⁷⁾;

Whereas the procedures of the Fund are defined in Council Regulation (EEC) No 2396/71 of 8 November 1971 implementing the Council Decision of 1 February 1971 on the reform of the European

Social Fund ⁽⁸⁾, as amended by Regulation (EEC) No 2893/77 ⁽⁹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Integrated programmes

1. Operations forming part of an integrated programme designed to facilitate the employment and the geographical and occupational mobility of persons, other than frontier workers, moving or having moved from one Community country to another in order to take up work therein, shall be eligible to receive assistance from the Fund under Article 4 of Decision 71/66/EEC.

An integrated programme shall be taken to mean all the measures necessary to ensure the effectiveness and continuity of action throughout successive phases of migration, which may run from preparation for emigration to return to the country of origin.

Integrated programmes must be consistent with the objectives of industrial and regional development policy laid down in the joint actions decided upon by the Community.

2. The aids eligible for assistance from the Fund, pursuant to paragraph 1, shall be those laid down in Article 3 (1) of Regulation (EEC) No 2396/71.

Article 2

Integration measures

1. Operations which, although not part of an integrated programme, are intended to facilitate the reception and integration into their social and working environment of persons, other than frontier workers, who have left their country of origin to take up work in a Community country, and of members of their families, shall also be eligible to receive assistance from the Fund under Article 4 of Decision 71/66/EEC.

⁽¹⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No C 133, 6. 6. 1977, p. 39.

⁽⁴⁾ OJ No C 126, 28. 5. 1977, p. 2.

⁽⁵⁾ OJ No L 185, 9. 7. 1974, p. 20.

⁽⁶⁾ OJ No L 196, 3. 8. 1977, p. 14.

⁽⁷⁾ OJ No C 34, 14. 2. 1976, p. 2.

⁽⁸⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽⁹⁾ See page 1 of this Official Journal.

2. The aids eligible for assistance from the Fund, pursuant to paragraph 1, shall be those laid down in Article 3 (1) (c) of Regulation (EEC) No 2396/71.

Article 3

Welfare workers and teachers

1. Operations to facilitate the basic and advanced training of welfare workers as well as of teachers responsible for integration courses for migrant workers or their children shall also be eligible to receive assistance from the Fund under Article 4 of Decision 71/66/EEC.

2. The aids eligible for assistance from the Fund pursuant to paragraph 1, shall be those laid down in Article 3 (1) (a), (b) and (c) of Regulation (EEC) No 2396/71.

Article 4

This Decision shall be published in the *Official Journal of the European Communities* and shall enter into force on 1 January 1978.

It shall apply to operations covered by applications for assistance which have received the approval of the Commission before 1 January 1981.

Done at Brussels, 20 December 1977.

For the Council
The President
H. SIMONET

COUNCIL DECISION
of 20 December 1977
on action by the European Social Fund for women
 (77/804/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 71/66/EEC of 1 February 1971 on the reform of the European Social Fund ⁽¹⁾, as amended by Council Decision 77/801/EEC ⁽²⁾, and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the Heads of State or of Government, meeting in Rome on 25 and 26 March 1977, agreed on the need to undertake action to resolve certain specific labour market problems, especially as regards the training and employment of women;

Whereas the situation as regards women who are unemployed or seeking employment shows the need for specific joint action aimed at improving the balance between supply and demand on the Community labour market;

Whereas, in order to overcome specific obstacles to the entry or re-entry of women into working life, vocational training for women must be accompanied by complementary measures; whereas it is also essential to encourage the vocational adaptation of instructors;

Whereas the procedures of the Fund have been defined in Council Regulation (EEC) No 2396/71 of 8 November 1971 implementing the Council Decision of 1 February 1971 on the reform of the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2893/77 ⁽⁶⁾,

⁽¹⁾ OJ No L 28, 4. 2. 1971, p. 15.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No C 266, 7. 11. 1977, p. 13.

⁽⁴⁾ Opinion delivered on 26 and 27 October 1977 (not yet published in the Official Journal).

⁽⁵⁾ OJ No L 249, 10. 11. 1971, p. 54.

⁽⁶⁾ See page 1 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

1. Assistance may be granted from the Fund, pursuant to Article 4 of Decision 71/66/EEC, for operations to encourage the employment of women of or over 25 years of age with no vocational qualifications or with insufficient vocational qualifications where the entry or re-entry of these persons into working life proves particularly difficult, provided that these operations are for:

- women who wish to exercise an occupation for the first time or after a long break, or
- women who have lost their employment.

Such operations must include vocational training measures in the framework of measures aimed, on the one hand, at preparing for working life or at motivating new choices of occupation and, on the other, at facilitating entry into occupations where there are job prospects.

2. Assistance may also be granted from the Fund pursuant to Article 4 of Decision 71/66/EEC for vocational adaptation operations for instructors where these persons pursue their activities in connection with the operations referred to in paragraph 1.

Article 2

The aids eligible for assistance from the Fund pursuant to this Decision shall be those laid down in Article 3 (1) of Regulation (EEC) No 2396/71.

Article 3

This Decision shall be published in the *Official Journal of the European Communities* and shall enter into force on 1 January 1978.

It shall apply to operations covered by applications for assistance which have received the approval of the Commission before 1 January 1981.

Done at Brussels, 20 December 1977.

For the Council

The President

H. SIMONET