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## I

*(Acts whose publication is obligatory)*

**REGULATION (EC) No 1783/1999 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 12 July 1999  
on the European Regional Development Fund (\*)**

THE EUROPEAN PARLIAMENT,  
THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 162 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

- (1) Whereas Article 160 of the Treaty provides that the European Regional Development Fund (ERDF) is intended to help redress the main regional imbalances in the Community; whereas the ERDF therefore contributes to reducing the gap between the levels of development of the various regions and the extent to which the least-favoured regions and islands, including rural areas, are lagging behind;
- (2) Whereas Article 2(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds <sup>(5)</sup> provides that the main task of the ERDF is to contribute to the attainment of Objectives 1 and 2, as referred to in Article 1, first subparagraph, points 1 and 2 (hereinafter referred to as 'Objectives 1 and 2') of that Regulation; whereas Articles 20 and 21 of the same Regulation provide that the ERDF is to contribute to financing cross-border, transnational and interregional cooperation as well as to economic and social regeneration of cities and urban neighbourhoods in crisis under the Community Initiatives; whereas Articles 22 and 23 of the Regulation in

question state that it is to support innovative measures at Community level and technical assistance measures;

- (3) Whereas the provisions common to the Structural Funds are set out in Regulation (EC) No 1260/1999; whereas the type of measures which may be financed by the ERDF under Objectives 1 and 2, the Community Initiatives and innovative measures should be defined;
- (4) Whereas the contribution of the ERDF, in the context of its task of promoting regional development, to the harmonious, balanced and sustainable development of economic activity, to a high degree of competitiveness, to a high level of employment, to equality between women and men and to a high level of protection and improvement of the environment should be defined;
- (5) Whereas the ERDF should provide assistance within the framework of a comprehensive and integrated strategy for sustainable development and ensure synergy with assistance from the other Structural Funds;
- (6) Whereas, as part of its tasks, the ERDF should support the productive environment and the competitiveness of enterprises, especially small and medium-sized enterprises; local economic development and employment, including in the fields of culture and tourism where these contribute to the creation of sustainable jobs; research and technological development; the development of local, regional and trans-European networks including the provision of suitable access to the said networks in the sectors of transport infrastructure, telecommunications and energy; the protection and improvement of the environment taking into account the principles of precaution and that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay and by fostering the clean and efficient utilisation of energy and the development of renewable energy sources; and equality between women and men in the field of employment;

(\*) This publication cancels and replaces the publication which appeared in OJ L 161, 26.6.1999, p. 43.

(1) OJ C 176, 9.6.1998, p. 35 and OJ C 52, 23.2.1999, p. 12.

(2) OJ C 407, 28.12.1998, p. 74.

(3) OJ C 51, 22.2.1999, p. 1.

(4) European Parliament Opinion of 19 November 1998 (OJ C 379, 7.12.1998, p. 178), Council Common Position of 14 April 1999 (OJ C 134, 14.5.1999, p. 1) and European Parliament Decision of 6 May 1999 (not yet published in the Official Journal). Council Decision of 21 June 1999.

(5) OJ L 161, 26.6.1999, p. 1.

- (7) Whereas the ERDF should play a particular role in favour of local economic development, in the context of improving the quality of life and developing the territory, especially by promoting territorial employment pacts and new sources of employment;
- (8) Whereas the ERDF should as part of its task support investment in favour of the rehabilitation of abandoned areas with a view to local, rural or urban economic development;
- (9) Whereas measures of Community interest undertaken at the initiative of the Commission have an important role to play in achieving the general objectives of Community structural action referred to in Article 1 of Regulation (EC) No 1260/1999; whereas, to that end, in view of the value it adds at Community level, it is important that the ERDF continue to promote cross-border, transnational and inter-regional cooperation, including in the regions located on the external frontiers of the Union within the meaning of the Treaty, the least-favoured islands and the outermost regions, in view of their special features and difficulties; whereas in the context of that cooperation, the harmonious, balanced and sustainable development of the whole of the Community territory, including in connection with spatial planning, adds value to action to promote economic and social cohesion; whereas the contribution of the ERDF to that development should be continued and increased; whereas moreover it is desirable to support the economic and social regeneration of cities and urban neighbourhoods in crisis with a view to promoting sustainable urban development;
- (10) Whereas it is appropriate to lay down the powers for adoption of the implementing provisions and to set out transitional provisions;
- (11) Whereas Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund <sup>(1)</sup> should be repealed,

HAVE ADOPTED THIS REGULATION:

#### Article 1

##### Tasks

Pursuant to Article 160 of the Treaty and Regulation (EC) No 1260/1999, the European Regional Development Fund (ERDF) shall contribute towards the financing of assistance as defined in Article 9 of that Regulation to promote economic and social cohesion by correcting the main regional imbalances and participating in the development and conversion of regions.

To that end, the ERDF shall also contribute to promoting sustainable development and the creation of sustainable jobs.

<sup>(1)</sup> OJ L 374, 31.12.1988, p. 15. Regulation as last amended by Regulation (EEC) No 2083/93 (OJ L 193, 31.7.1993, p. 34).

#### Article 2

##### Scope

1. As part of its tasks as defined in Article 1, the ERDF shall contribute towards the financing of:

- (a) productive investment to create and safeguard sustainable jobs;
- (b) investment in infrastructure:
  - (i) which, in regions covered by Objective 1, helps to increase the economic potential, development, structural adjustment and creation or maintenance of sustainable jobs in those regions, including investment in infrastructure contributing to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures taking into account the need to link to the central regions of the Community regions suffering from a structural handicap because of their insular, landlocked or peripheral status;
  - (ii) which, in regions and areas covered by Objectives 1 and 2 or the Community initiatives referred to in Article 20(1)(a) and (b) of Regulation (EC) No 1260/1999, concerns the diversification of economic sites and industrial areas suffering from decline, the renewal of depressed urban areas and the revitalisation of and improved access to rural areas and areas dependent on fisheries; instruments in infrastructure where modernisation or regeneration is a prerequisite for the creation or development of job-creating economic activities, including infrastructure links on which the development of such activities depends;
- (c) the development of endogenous potential by measures which encourage and support local development and employment initiatives and the activities of small and medium-sized enterprises, involving in particular:
  - (i) assistance towards services for enterprises, in particular in the fields of management, market studies and research and services common to several enterprises,
  - (ii) financing the transfer of technology, including in particular the collection and dissemination of information, common organisation between enterprises and research establishments and financing the implementation of innovation in enterprises,
  - (iii) improvement of access by enterprises to finance and loans, by creating and developing appropriate financing instruments, as referred to in Article 28 of Regulation (EC) No 1260/1999,
  - (iv) direct aid to investment as defined in Article 28(3) of Regulation (EC) No 1260/1999 where no aid scheme exists,
  - (v) the provision of infrastructure on a scale appropriate to local and employment development,
  - (vi) aid for structures providing neighbourhood services to create new jobs but excluding measures financed by the European Social Fund (ESF);

- (d) technical assistance measures as referred to in the second subparagraph of Article 2(4) of Regulation (EC) No 1260/1999.

In the regions designated under Objective 1, the ERDF may contribute towards the financing of investment in education and health that is beneficial to the regions' structural adjustment.

2. In application of paragraph 1, the financial contribution of the ERDF shall support, *inter alia*, the following:

- (a) the productive environment, in particular to increase competitiveness and sustainable investment by firms, especially the small and medium-sized enterprises, and to make regions more attractive, particularly by improving the standard of their infrastructure;
- (b) research and technological development with a view to promoting the introduction of new technologies and innovation and the strengthening of research and technological development capacities contributing to regional development;
- (c) the development of the information society;
- (d) the development of tourism and cultural investment, including the protection of cultural and natural heritage, provided that they are creating sustainable jobs;
- (e) the protection and improvement of the environment, in particular taking account of the principles of precaution and preventative action in support of economic development, the clean and efficient utilisation of energy and the development of renewable energy sources;
- (f) equality between women and men in the field of employment, principally through the establishment of firms and through infrastructure or services enabling the reconciliation of family and working life;
- (g) transnational, cross-border and inter-regional cooperation on sustainable regional and local development.

#### Article 3

##### Community initiative

1. Pursuant to Article 20 of Regulation (EC) No 1260/1999, the ERDF shall, in accordance with Article 21 of that Regulation, contribute to the implementation of the Community initiative for cross-border, transnational and inter-regional

cooperation intended to encourage the harmonious, balanced and sustainable development of the whole of the Community's territory ('Interreg') as well as to the implementation of the Community initiative for economic and social regeneration of cities and urban neighbourhoods in crisis with a view to promoting sustainable urban development ('URBAN').

2. In accordance with Article 21(2) of Regulation (EC) No 1260/1999, the scope laid down in paragraph 1 of this Article shall be extended by the decision on the Funds' contribution to the financing of measures eligible under Regulations (EC) No 1784/1999<sup>(1)</sup>, (EC) No 1257/1999<sup>(2)</sup> and (EC) No 1263/1999<sup>(3)</sup> with a view to implementing all the measures set out in the Community initiative programme concerned.

#### Article 4

##### Innovative measures

1. In accordance with Article 22(1) of Regulation (EC) No 1260/1999, the ERDF may also contribute to financing:

- (a) studies initiated by the Commission to identify and analyse regional development problems and solutions, particularly with a view to the harmonious, balanced and sustainable development of the whole of the Community's territory, including the European Spatial Development Perspective;
- (b) pilot projects to identify or test new regional and local development solutions with a view to their inclusion in assistance after demonstration of their feasibility;
- (c) exchanges of experience relating to innovation with the aim of turning to account and transferring experience gained in the regional or local development field.

2. In accordance with Article 22(2) of Regulation (EC) No 1260/1999, the scope laid down in paragraph 1 of this Article shall be extended by the decision on the Funds' contribution to the financing of measures eligible under Regulations (EC) No 1784/1999, (EC) No 1257/1999 and (EC) No 1263/1999 with a view to implementing all the measures in the pilot project concerned.

#### Article 5

##### Implementing rules

Any detailed implementing rules for this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 48 of Regulation (EC) No 1260/1999.

#### Article 6

##### Repeal

Regulation (EEC) No 4254/88 shall be repealed with effect from 1 January 2000.

References to the repealed Regulation shall be construed as references to this Regulation.

<sup>(1)</sup> See page 5 of this Official Journal.

<sup>(2)</sup> Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development by the European Guidance and Guarantee Fund (EAGGF) (OJ L 160, 26.6.1999, p. 80).

<sup>(3)</sup> Council Regulation (EC) No 1263/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 54).

*Article 7***Review clause**

On a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 31 December 2006.

They shall act on this proposal in accordance with the procedure laid down in Article 162 of the Treaty.

*Article 8***Transitional provisions**

The transitional provisions referred to in Article 52 of Regulation (EC) No 1260/1999 shall apply *mutatis mutandis* to this Regulation.

*Article 9***Entry into force**

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

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

Done at Brussels, 12 July 1999.

*For the European Parliament*

*The President*

J.M. GIL-ROBLES

*For the Council*

*The President*

S. NIINISTÖ

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**REGULATION (EC) No 1784/1999 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 12 July 1999**  
**on the European Social Fund (\*)**

THE EUROPEAN PARLIAMENT,  
 THE COUNCIL OF THE EUROPEAN UNION,

the fields of human resource development and employment;

Having regard to the Treaty establishing the European Community, and in particular Article 148 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with Article 251 of the Treaty <sup>(4)</sup>,

(1) Whereas Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds <sup>(5)</sup> replaces Regulation (EEC) No 2052/88 <sup>(6)</sup> and Regulation (EEC) No 4253/88 <sup>(7)</sup>; whereas it is also necessary to replace Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund <sup>(8)</sup>;

(2) Whereas Regulation (EC) No 1260/1999 defines the general arrangements governing the Structural Funds as a whole and it is necessary to define which activities are eligible for financing by the European Social Fund (hereinafter the 'Fund') within the framework of Objectives 1, 2 and 3, referred to in Article 1, first subparagraph, points 1, 2 and 3 of the said Regulation (hereinafter referred to as 'Objectives 1, 2 and 3'), in the framework of the Community initiative for combating all forms of discrimination and inequalities in connection with the labour market, and within the framework of innovative measures and technical assistance;

(3) Whereas it is necessary to define the mission of the Fund in relation to the tasks prescribed in the Treaty and in the context of the priorities agreed by the Community in

(4) Whereas the Conclusions of the Amsterdam European Council in June 1997 and its Resolution on growth and employment <sup>(9)</sup> initiated the implementation of the European employment strategy, the annual guidelines on employment and the process of establishing national action plans for employment;

(5) Whereas it is necessary to redefine the scope of the Fund, in particular following the restructuring and simplification of the Objectives of the Structural Funds, to support the European employment strategy and the national action plans for employment linked to it;

(6) Whereas it is necessary to define a common framework for Fund interventions in all three Structural Fund Objectives in order thereby to ensure consistency and complementarity of actions undertaken pursuant to those Objectives with a view to improving the workings of the labour market and to developing human resources;

(7) Whereas the Member States and the Commission ensure that programming and implementation of the actions financed by the Fund in the context of all the Objectives contribute to the promotion of equality of opportunity between men and women and the promotion of the integration and retention of disadvantaged groups and individuals in the labour market;

(8) Whereas the Member States and the Commission also ensure that the social dimension and the employment aspect of the information society are duly taken into account in implementing actions financed by the Fund;

(9) Whereas it is necessary to ensure that operations relating to industrial adaptation take account of the general needs of workers of either sex resulting from economic change and changes in production systems identified or predicted and are not designed to benefit a single firm or a particular industry; whereas particular attention should be devoted to small and medium-sized enterprises and to enhancing access to training and to improving work organisation;

(\*) This publication cancels and replaces the publication which appeared in OJ 161, 26.6.1999, p. 48.

<sup>(1)</sup> OJ C 176, 9.6.1998, p. 39 and

OJ C 74, 18.3.1999, p. 7.

<sup>(2)</sup> OJ C 407, 28.12.1998, p. 74.

<sup>(3)</sup> OJ C 51, 22.2.1999, p. 48.

<sup>(4)</sup> European Parliament Opinion of 19 November 1998 (OJ C 379, 7.12.1998, p. 186), Council Common Position of 14 April 1999 (OJ C 134, 14.6.1999, p. 9) and European Parliament Decision of 6 May 1999 (not yet published in the Official Journal). Council Decision of 21 June 1999.

<sup>(5)</sup> OJ L 161, 26.6.1999, p. 1.

<sup>(6)</sup> OJ L 185, 15.7.1988, p. 9. Regulation as last amended by Regulation (EC) No 3193/94 (OJ L 337, 24.12.1994, p. 11).

<sup>(7)</sup> OJ L 374, 31.12.1988, p. 1. Regulation as last amended by Regulation (EC) No 3193/94.

<sup>(8)</sup> OJ L 374, 31.12.1988, p. 21. Regulation as last amended by Regulation (EC) No 2084/93 (OJ L 193, 31.7.1993, p. 39).

<sup>(9)</sup> OJ C 236, 2.8.1997, p. 3.

- (10) Whereas it is necessary to ensure that the Fund continues to strengthen employment and job qualifications by supporting anticipatory action — as far as possible — counselling, networking and training operations throughout the Community and that in consequence the eligible activities are therefore horizontal and cover the economy as a whole, without an a priori restriction to specific industries or sectors;
- (11) Whereas it is necessary to redefine the eligible actions in order to increase the effectiveness of the implementation of policy aims in the context of all the Objectives under which the Fund takes action; whereas it is necessary to define the expenditure eligible for Fund assistance within the framework of the partnership;
- (12) Whereas it is necessary to supplement and specify the content of plans and forms of assistance, especially following the redefinition of Objective 3;
- (13) Whereas the provision of assistance from the Fund at all levels should be based on the Community's social and employment policy priorities and on the priorities laid down in the national action plans;
- (14) Whereas arrangements may be introduced whereby local groups, including non-governmental organisations, may gain simple and rapid access to Fund support for operations concerned with combating social exclusion and thereby build up their capacity for action in that field;
- (15) Whereas measures of major importance to the Community undertaken at the initiative of the Commission have an important role to play in achieving the general objectives of the Community structural action referred to in Article 1 of Regulation (EC) No 1260/1999; whereas such initiatives should primarily promote policy innovation and transnational cooperation;
- (16) Whereas the Fund also contributes to support for technical assistance and innovative measures, and also for preparatory, monitoring and evaluation measures and control in accordance with Articles 22 and 23 of Regulation (EC) No 1260/1999;
- (17) Whereas it is appropriate to lay down the powers for adoption of the implementing provisions and to set out transitional provisions;
- (18) Whereas Regulation (EEC) No 4255/88 should be repealed,

HAVE ADOPTED THIS REGULATION:

#### Article 1

##### Tasks

Within the framework of the task entrusted to the European Social Fund (the 'Fund') by Article 146 of the Treaty and of the tasks entrusted to the Structural Funds pursuant to Article 159

of the Treaty and in accordance with the provisions of Regulation (EC) No 1260/1999, the Fund shall support measures to prevent and combat unemployment and to develop human resources and social integration into the labour market in order to promote a high level of employment, equality between men and women, sustainable development, and economic and social cohesion. In particular, the Fund shall contribute to the actions undertaken in pursuance of the European Employment Strategy and the Annual Guidelines on Employment.

#### Article 2

##### Scope

1. The Fund shall support and complement the activities of Member States directed towards developing the labour market and human resources in the following policy fields, in particular in the context of their multiannual national action plans for employment:

- (a) developing and promoting active labour market policies to combat and prevent unemployment, to prevent both women and men from moving into long-term unemployment, to facilitate the reintegration of the long-term unemployed into the labour market, and to support the occupational integration of young people and of persons returning to the labour market after a period of absence;
- (b) promoting equal opportunities for all in accessing the labour market, with particular emphasis on those exposed to social exclusion;
- (c) promoting and improving:
  - training,
  - education,
  - counselling
 as part of lifelong learning policy to:
  - facilitate and improve access to, and integration into, the labour market,
  - improve and maintain employability, and
  - promote job mobility;
- (d) promoting a skilled, trained and adaptable workforce, innovation and adaptability in work organisation, developing entrepreneurship and conditions facilitating job creation, and enhancing skills and boosting human potential in research, science and technology;
- (e) specific measures to improve women's access to and participation in the labour market, including their career development, their access to new job opportunities and to starting up of businesses, and to reduce vertical and horizontal segregation on the basis of sex in the labour market.

2. Within the policy fields set out in paragraph 1 the Fund shall take account of:

- (a) support for local initiatives concerning employment, in particular initiatives to support local employment and territorial employment pacts;



- (b) the social and labour market dimensions of the information society, notably by developing policy and programmes designed to harness the employment potential of the information society and by ensuring equal access to its facilities and benefits;
- (c) equal opportunities for women and men as part of the mainstreaming approach.

### Article 3

#### Eligible activities

1. The financial support of the Fund shall mainly take the form of assistance to persons and be devoted to the following activities to develop human resources which may be part of a pathway approach to labour market integration:

- (a) education and vocational training — including vocational training equivalent to compulsory schooling — apprenticeships, pre-training, in particular the provision and upgrading of basic skills, rehabilitation in employment, measures to promote employability on the labour market, guidance, counselling and continuing training;
- (b) employment aids and aids for self-employment;
- (c) in the fields of research, science and technology development, post-graduate training and the training of managers and technicians at research establishments and in enterprises;
- (d) development of new sources of employment, including in the social economy (Third System).

2. In order to increase the effectiveness of the activities referred to in paragraph 1 assistance may also be given to:

- (a) structures and systems:
  - (i) development and improvement of training, education and skills acquisition, including the training of teachers, trainers and staff, and improving the access of workers to training and qualifications;
  - (ii) modernisation and improved efficiency of employment services;
  - (iii) development of links between the worlds of work and education, training, and research establishments;
  - (iv) development, as far as possible, of systems for anticipating changes in employment and in qualification needs, particularly in relation to new patterns of work and new forms of work organisation, taking into account the need for reconciliation of family and working life and for enabling older workers to have a fulfilling occupation until retirement. This shall not,

however, include the financing of early-retirement schemes;

- (b) accompanying measures:
  - (i) assistance in the provision of services to beneficiaries, including the provision of care services and facilities for dependants;
  - (ii) promoting socio-educational development to facilitate the pathway approach to labour market integration;
  - (iii) awareness-raising, information and publicity.

3. The Fund may finance activities pursuant to the second subparagraph of Article 2(4) of Regulation (EC) No 1260/1999.

### Article 4

#### Concentration of assistance

1. With due regard to national priorities as laid down in particular in the national action plans for employment as well as to the ex-ante evaluation, a strategy shall be set out taking account of all relevant policy fields and paying particular attention to the areas referred to in Article 2(1)(d) and (e). In order to maximise the efficiency of Fund support, its interventions within this strategy and taking into account the priority fields referred to in Article 2(1) shall be concentrated on a limited number of areas or themes and be directed towards the most important needs and the most effective operations.

In allocating appropriations to each intervention by the Fund a joint selection shall be made of the policy fields to be given priority. The measures provided for in Article 2(1) shall, in accordance with national priorities, be taken into account.

2. The programming of Fund interventions shall provide that a reasonable amount of the Fund appropriations made available for the intervention within Objectives 1 and 3 shall be available, in conformity with Article 27 of Regulation (EC) No 1260/1999, in the form of small grants, with special arrangements for access by non-governmental organisations and local partnerships. Member States may choose to implement this paragraph in accordance with financing arrangements set out in Article 29(6) of Regulation (EC) No 1260/1999.

### Article 5

#### Community initiative

1. Pursuant to Article 20 of Regulation (EC) No 1260/1999, the Fund shall, in accordance with Article 21(2) of that Regulation, contribute to the implementation of the Community Initiative for combating discrimination and inequalities in connection with the labour market (EQUAL).

2. In accordance with Article 21(2) of Regulation (EC) No 1260/1999, the Decisions on the contribution of the Fund to the Community Initiative may extend the scope of eligible activities referred to in Article 3 of this Regulation to cover measures which can be funded by Regulations (EC) No 1783/1999 <sup>(1)</sup>, (EC) No 1257/1999 <sup>(2)</sup> and (EC) No 1263/1999 <sup>(3)</sup> so as to permit the implementation of all the measures provided for in the Initiative.

<sup>(1)</sup> See page 1 of this Official Journal.

<sup>(2)</sup> Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Funds (EAGGF) (OJ L 160, 26.6.1999, p. 80).

<sup>(3)</sup> Council Regulation (EC) No 1263/1999 of 21 June 1999 on structural measures in the fisheries sector (OJ L 161, 26.6.1999, p. 54).

## Article 6

**Innovative measures and technical assistance**

1. In accordance with Article 22(2) of Regulation (EC) No 1260/1999, the Commission may finance preparatory, monitoring and evaluation operations in Member States or at Community level which are necessary for the implementation of the operations referred to in this Regulation. They may include:

- (a) operations of an innovatory nature and pilot projects concerning labour markets, employment, and vocational training;
- (b) studies, technical assistance and the exchange of experience having a multiplier effect;
- (c) technical assistance connected with the preparation, implementation, monitoring, and evaluation, as well as control of operations financed by the Fund;
- (d) operations directed, within the framework of social dialogue, at staff from enterprises in two or more Member States and concerning the transfer of special knowledge relating to areas of intervention by the Fund;
- (e) informing the various partners involved, the final beneficiaries of assistance from the Fund and the general public.

2. In accordance with Article 22(2) of Regulation (EC) No 1260/1999, the scope of the operations referred to in paragraph 1(a) of this Article shall be extended, by a Decision for Fund participation, to measures that may be financed under Regulations (EC) No 1783/1999, (EC) No 1257/1999 and (EC) No 1263/1999, so as to cover all the measures necessary for the implementation of the innovative actions in question.

## Article 7

**Applications for assistance**

Applications for a contribution from the Fund shall be accompanied by a computerised form, drawn up jointly, listing the operations regarding each form of assistance so that it can be followed through from budgetary commitment to final payment.

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

Done at Brussels, 12 July 1999.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

## Article 8

**Implementing provisions**

All detailed implementing rules for this Regulation shall be adopted by the Commission according to the procedure laid down in Article 49 of Regulation (EC) No 1260/1999.

## Article 9

**Transitional provisions**

The transitional provisions set out in Article 52 of Regulation (EC) No 1260/1999 shall apply *mutatis mutandis* to this Regulation.

## Article 10

**Review clause**

On a proposal from the Commission, the European Parliament and the Council shall review this Regulation by 31 December 2006.

They shall act on this proposal in accordance with the procedure laid down in Article 148 of the Treaty.

## Article 11

**Repeal**

Regulation (EEC) No 4255/88 shall be repealed as from 1 January 2000.

References to the repealed Regulation shall be construed as references to this Regulation.

## Article 12

**Entry into force**

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

*For the Council*

*The President*

S. NIINISTÖ

**COMMISSION REGULATION (EC) No 1785/1999**  
**of 12 August 1999**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4 (1) thereof,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

- (2) Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 12 August 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0709 90 70	052	43,1
	999	43,1
0805 30 10	388	68,3
	524	84,3
	528	72,9
	999	75,2
0806 10 10	052	101,4
	400	247,1
	600	71,6
	999	140,0
0808 10 20, 0808 10 50, 0808 10 90	388	62,7
	400	52,2
	508	82,8
	512	52,5
	524	44,0
	528	32,9
	800	86,8
	804	81,9
	999	62,0
	052	97,7
0808 20 50	388	62,4
	512	53,9
	528	31,1
	999	61,3
0809 30 10, 0809 30 90	052	94,9
	068	55,1
	999	75,0
0809 40 05	064	51,6
	068	53,4
	093	66,1
	999	57,0

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1786/1999****of 12 August 1999****determining the extent to which applications for import licences submitted in July 1999 for certain products in the milk and milk products sector under the schemes provided for in the Europe Agreements between the Community and Slovenia may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2508/97 of 15 December 1997 laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria, Romania and Slovenia and the Agreements on free trade between the Community and the Baltic States <sup>(1)</sup>, as last amended by Regulation (EC) No 1643/1999 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas the applications for import licences submitted for the products listed in Regulation (EC) No 2508/97 exceed the quantities available for certain products; whereas allocation

coefficients should therefore be set for the period 1 July to 31 December 1999 for certain quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for import licences submitted for the period 1 July to 31 December 1999 pursuant to Regulation (EC) No 2508/97, shall be accepted for Slovenia and by product covered by the CN codes set out in the Annex for the quantities applied for, multiplied by the allocation coefficients shown.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

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<sup>(1)</sup> OJ L 345, 16.12.1997, p. 31.

<sup>(2)</sup> OJ L 195, 28.7.1999, p. 5.

## ANNEX

**Products originating in the Republic of Slovenia**

CN codes and products	0402 10 0402 21	0403 10 Yoghurts	0406 90 Other cheeses
Allocation coefficients	0,0079	—	0,0165

**COMMISSION REGULATION (EC) No 1787/1999**  
**of 12 August 1999**  
**amending Regulation (EC) No 1337/1999 establishing a forecast balance for the supply to the**  
**Canary Islands of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 1257/1999 <sup>(2)</sup>,

- (1) Whereas Commission Regulation (EC) No 2790/94 <sup>(3)</sup>, as last amended by Regulation (EC) No 1620/1999 <sup>(4)</sup>, fixes the detailed rules for applying the special arrangements for supplying the Canary Islands with certain agricultural products;
- (2) Whereas Commission Regulation (EC) No 1337/1999 <sup>(5)</sup> establishes a balance for the supply to the Canary Islands of milk and milk products; whereas that balance may be revised if necessary by providing for adjustments during the current year in the quantities of products within the overall quantity established as a function of the requirements of the region; whereas, in order to satisfy the Canary Islands' milk product requirements, in particular for concentrated milk, other than in powdered form, intended for human consumption, the quantities estab-

lished for those products in the forecast balances should be adjusted; whereas, therefore, the Annex to Regulation (EC) No 1337/1999 should be amended;

- (3) Whereas, to avoid management problems, the start of the period of application of this Regulation should coincide with the start of the marketing year;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1337/1999 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 July 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(3)</sup> OJ L 296, 17.11.1994, p. 23.

<sup>(4)</sup> OJ L 192, 24.7.1999, p. 19.

<sup>(5)</sup> OJ L 159, 25.6.1999, p. 18.

## ANNEX

## 'ANNEX

Forecast supply balance for the Canary Islands for 1 July 1999 to 30 June 2000

(tonnes)		
CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	101 250 <sup>(1)</sup>
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:	28 800 <sup>(2)</sup>
0405	Butter and other fats and oils derived from milk; dairy spreads:	4 000
0406	Cheese and curd:	
0406 30	}	14 000
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81	}	1 800
0406 90 86		
0406 90 87		
0406 90 88		
1901 90 99	Milk-based preparations without fat.	5 000 <sup>(3)</sup>
2106 90 92	Milk-based preparations for children not containing milk fat	200

<sup>(1)</sup> Of which 1 250 tonnes are for the processing and/or packaging sector.<sup>(2)</sup> Of which

— 13 500 tonnes falling within CN codes 0402 10 and/or 0402 21 and

— 5 800 tonnes falling within CN codes 0402 91 and/or 0402 99 are for the processing and/or packaging sector.

<sup>(3)</sup> The entire amount is for the processing and/or packaging sector.'



**COMMISSION REGULATION (EC) No 1788/1999****of 12 August 1999****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 13 (2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>;
- (3) Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

## ANNEX

**to the Commission Regulation of 12 August 1999 fixing the export refunds on cereals and on wheat or rye  
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination <sup>(1)</sup>	Amount of refund	Product code	Destination <sup>(1)</sup>	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	45,50
1001 90 91 9000	—	—	1101 00 15 9130	01	42,50
1001 90 99 9000	03	23,25	1101 00 15 9150	01	39,25
	02	0	1101 00 15 9170	01	36,25
1002 00 00 9000	01	—	1101 00 15 9180	01	34,00
1003 00 10 9000	—	—	1101 00 15 9190	—	—
1003 00 90 9000	03	30,00	1101 00 90 9000	—	—
	02	0	1102 10 00 9500	01	67,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	01	0 <sup>(2)</sup>
1005 90 00 9000	01	—	1103 11 10 9400	01	0 <sup>(2)</sup>
1007 00 90 9000	—	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	01	0 <sup>(2)</sup>
			1103 11 90 9800	—	—

<sup>(1)</sup> The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

<sup>(2)</sup> No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

**COMMISSION REGULATION (EC) No 1789/1999****of 12 August 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999 <sup>(5)</sup>;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 6 to 12 August 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 33,25/t.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 201, 31.7.1999, p. 27.

**COMMISSION REGULATION (EC) No 1790/1999**  
**of 12 August 1999**  
**fixing the maximum export refund on barley in connection with the invitation to tender issued in**  
**Regulation (EC) No 1701/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999 <sup>(5)</sup>;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 6 to 12 August 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 39,98/t.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 201, 31.7.1999, p. 27.

**COMMISSION REGULATION (EC) No 1791/1999**  
**of 12 August 1999**  
**concerning tenders notified in response to the invitation to tender for the export of rye issued in**  
**Regulation (EC) No 1758/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, as last amended by Regulation (EC) No 2513/98 <sup>(4)</sup>, and in particular Article 7 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1758/1999 <sup>(5)</sup>;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation

(EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

- (3) Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or minimum tax should not be fixed;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 10 to 12 August 1999 in response to the invitation to tender for the refund or the tax for the export of rye issued in Regulation (EC) No 1758/1999.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7.

<sup>(4)</sup> OJ L 313, 21.11.1998, p. 16.

<sup>(5)</sup> OJ L 210, 10.8.1999, p. 3.

**COMMISSION REGULATION (EC) No 1792/1999  
of 12 August 1999  
on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1303/1999 <sup>(2)</sup>, and in particular Article 5(5) thereof,

- (1) Whereas Commission Regulation (EC) No 1304/1999 <sup>(3)</sup>, as last amended by Regulation (EC) No 1504/1999 <sup>(4)</sup>, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;
- (2) Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes will shortly be exceeded; whereas this overrun

will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

- (3) Whereas, to avoid this situation, applications for system B licences for tomatoes exported after 12 August 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for tomatoes submitted pursuant to Article 1 of Regulation (EC) No 1304/1999, export declarations for which are accepted after 12 August 1999 and before 16 September 1999, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 13 August 1999.

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

Done at Brussels, 12 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 155, 22.6.1999, p. 29.

<sup>(3)</sup> OJ L 155, 22.6.1999, p. 30.

<sup>(4)</sup> OJ L 175, 10.7.1999, p. 5.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 28 July 1999

on the granting of aid for the production of table olives in Spain

*(notified under document number C(1999) 2459)*

**(Only the Spanish version is authentic)**

(1999/563/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98 <sup>(2)</sup>, and in particular Article 5(4) thereof,

- (1) Whereas Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation;
- (2) Whereas Spain has presented a request in respect of the 1999/2000 and 2000/01 marketing years, whereas detailed rules should be laid down for the granting of the aid;
- (3) Whereas provision should be made for the aid to be granted to growers of processed table olives from olive groves in Spain and the conditions governing the granting of the aid should be specified;
- (4) Whereas the processing period should be defined as running from 1 September to 31 August; whereas olives which have undergone initial treatment in brine lasting at least 15 days, and have been removed from the brine definitively or, failing that, have undergone treatment

making them fit for human consumption should be deemed to be processed olives;

- (5) Whereas the weight of processed table olives on which aid is payable, and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities;
- (6) Whereas undertakings processing table olives must be approved in accordance with conditions to be determined;
- (7) Whereas provisions should be laid down for checks on aid for table olives; whereas those provisions must in particular cover crop declarations by table-olive growers, notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls; whereas provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted;
- (8) Whereas the information needed for calculating the aid to be granted to growers of processed table olives should be determined; whereas an advance on the aid may be granted under certain conditions;
- (9) Whereas Spain must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid;
- (10) Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 32.

HAS ADOPTED THIS DECISION:

#### Article 1

For the 1999/2000 and 2000/01 olive-oil marketing years, Spain is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

#### Article 2

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Spain and are sent to approved processing undertakings for processing into table olives.

2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.

3. Within the meaning of this Decision 'processed table olives' means olives that have undergone for at least 15 days initial treatment in brine, and have been removed from the brine definitively or, failing that, have undergone treatment making them fit for human consumption.

#### Article 3

1. For the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities of olive oil, 100 kilograms of processed table olives shall be deemed to be equivalent to 11,5 kilograms of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

#### Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plant capable of processing at least 30 tonnes of olives per year in the islands and 50 tonnes of olives per year in the other zones.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for one kilogram of each type of prepared product,

- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake to:

- keep table olives on which aid is payable separate from table olives originating in third countries and those on which aid is not payable when taking delivery of, processing and storing them,
  - keep stock accounts covering table olives, linked to the financial accounts and indicating, for each day:
    - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each,
    - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3),
    - (c) the quantities of table olives for which the process of preparation has been completed,
    - (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,
  - provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,
  - submit to all checks provided for under this Decision.
4. Approval shall be refused or immediately withdrawn where undertakings:
- fail to comply or no longer comply with the conditions for approval, or
  - are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
  - have been penalised for an infringement to that Regulation within the past 24 months.

#### Article 5

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 1 December of the current marketing year growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.



## Article 6

1. On delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the 10th day of each month, of:
  - the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
  - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
  - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;
- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the total corresponding quantities processed.

## Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting in a reduction of 1 % of the amount to which the grower would have been entitled had the application

been lodged by the due date, for each working day of delay. Applications lodged more than 25 days late shall be refused.

## Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid on both table olives and olive oil.

2. Spain shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Spain, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 prove to conflict with the results of checks conducted. However, Article 15 of Commission Regulation (EC) No 2366/98 <sup>(1)</sup> shall apply *mutatis mutandis*.

## Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17(a)(1) of Council Regulation (EEC) No 2261/84 <sup>(2)</sup>, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be established by the competent body depending on the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

<sup>(1)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(2)</sup> OJ L 208, 3.8.1984, p. 3.

*Article 10*

1. Without prejudice to the reductions provided for in Article 20(d) of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17(a)(2) of Regulation (EEC) No 2261/84, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery issued on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the aid as set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated on the basis of the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid

shall be paid to the grower in full within 90 days of fixing by the Commission of the unit amount thereof.

*Article 11*

Spain shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

*Article 12*

This Decision shall apply from 1 September 1999.

*Article 13*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**  
**of 28 July 1999**  
**on the granting of aid for the production of table olives in Portugal**

(notified under document number C(1999) 2462)

(Only the Portuguese version is authentic)

(1999/564/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98 <sup>(2)</sup>, and in particular Article 5(4) thereof,

(1) Whereas Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation;

(2) Whereas Portugal has presented a request in respect of the 1999/2000 and 2000/01 marketing years;

(3) Whereas provision should be made for the aid to be granted to growers of processed table olives from olive groves in Portugal and the conditions governing the granting of the aid should be specified;

(4) Whereas the processing period should be defined as running from 1 September to 31 August; whereas olives which have undergone initial treatment in brine lasting at least 15 days, and have been removed from the brine definitively or, failing that, have undergone treatment making them fit for human consumption should be deemed to be processed olives;

(5) Whereas the weight of processed table olives on which aid is payable, and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities;

(6) Whereas undertakings processing table olives must be approved in accordance with conditions to be determined;

(7) Whereas provisions should be laid down for checks on aid for table olives; whereas those provisions must in particular cover crop declarations by table-olive growers,

notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls; whereas provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted;

(8) Whereas the information needed for calculating the aid to be granted to growers of processed table olives should be determined; whereas an advance on the aid may be granted under certain conditions;

(9) Whereas Portugal must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid;

(10) Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

*Article 1*

For the 1999/2000 and 2000/01 olive-oil marketing years, Portugal is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

*Article 2*

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Portugal and are sent to approved processing undertakings for processing into table olives.

2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.

3. Within the meaning of this Decision 'processed table olives' means olives that have undergone for at least 15 days initial treatment in brine, and have been removed from the brine definitively or, failing that, have undergone treatment making them fit for human consumption.

<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 32.

*Article 3*

1. For the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities of olive oil, 100 kilograms of processed table olives shall be deemed to be equivalent to 11,5 kilograms of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

*Article 4*

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plant capable of processing at least 30 tonnes of olives per year.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for one kilogram of each type of prepared product,
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake to:

- keep table olives on which aid is payable separate from table olives originating in third countries and those on which aid is not payable when taking delivery of, processing and storing them,
- keep stock accounts covering table olives, linked to the financial accounts and indicating, for each day:
  - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each,
  - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3),
  - (c) the quantities of table olives for which the process of preparation has been completed,
  - (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,
- provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,

— submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

*Article 5*

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 1 December of the current marketing year growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

*Article 6*

1. On delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the 10th day of each month, of:
  - the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
  - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
  - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;
- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the total corresponding quantities processed.

## Article 7

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting in a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 days late shall be refused.

## Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid on both table olives and olive oil.

2. Portugal shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Portugal, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid

applications in accordance with Article 7 prove to conflict with the results of checks conducted. However, Article 15 of Commission Regulation (EC) No 2366/98 <sup>(1)</sup> shall apply *mutatis mutandis*.

## Article 9

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17(a)(1) of Council Regulation (EEC) No 2261/84 <sup>(2)</sup>, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be established by the competent body depending on the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

## Article 10

1. Without prejudice to the reductions provided for in Article 20(d) of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17(a)(2) of Regulation (EEC) No 2261/84, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery issued on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the aid as set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated on the basis of the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

<sup>(1)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(2)</sup> OJ L 208, 3.8.1984, p. 3.

2. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of fixing by the Commission of the unit amount thereof.

*Article 11*

Portugal shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of

table olives processed and of the processing coefficients adopted.

*Article 12*

This Decision shall apply from 1 September 1999.

*Article 13*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
**of 28 July 1999**  
**on the granting of aid for the production of table olives in Greece**

(notified under document number C(1999) 2465)

(Only the Greek version is authentic)

(1999/565/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98 <sup>(2)</sup>, and in particular Article 5(4) thereof,

- (1) Whereas Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation;
- (2) Whereas Greece has presented a request in respect of the 1999/2000 and 2000/01 marketing years; whereas detailed rules should be laid down on the granting of the aid;
- (3) Whereas provision should be made for the aid to be granted to growers of processed table olives from olive groves in Greece and the conditions governing the granting of the aid should be specified;
- (4) Whereas the processing period should be defined as running from 1 September to 31 August; whereas olives which have undergone initial treatment in brine lasting at least 15 days, and have been removed from the brine definitively or, failing that, have undergone treatment making them fit for human consumption should be deemed to be processed olives;
- (5) Whereas the weight of processed table olives on which aid is payable, and the equivalence between processed table olives and olive oil should be determined for the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities;
- (6) Whereas undertakings processing table olives must be approved in accordance with conditions to be determined;
- (7) Whereas provisions should be laid down for checks on aid for table olives; whereas those provisions must in particular cover crop declarations by table-olive growers,

notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls; whereas provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted;

- (8) Whereas the information needed for calculating the aid to be granted to growers of processed table olives should be determined; whereas an advance on the aid may be granted under certain conditions;
- (9) Whereas Greece must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid;
- (10) Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

*Article 1*

For the 1999/2000 and 2000/01 olive-oil marketing years, Greece is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

*Article 2*

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Greece and are sent to approved processing undertakings for processing into table olives.
2. For each olive-oil marketing year, aid shall be granted for table olives processed between 1 September of the preceding marketing year and 31 August of the marketing year concerned.
3. Within the meaning of this Decision 'processed table olives' means olives that have undergone for at least 15 days initial treatment in brine, and have been removed from the brine definitively or, failing that, have undergone treatment making them fit for human consumption.

<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 32.

*Article 3*

1. For the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities of olive oil, 100 kilograms of processed table olives shall be deemed to be equivalent to 13 kilograms of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

*Article 4*

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval by 30 September preceding the olive-oil marketing year in question, accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plants capable of processing at least 20 tonnes of olives per year in the islands and 50 tonnes of olives per year in the other zones.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the processing coefficient for each of them;
- details of stocks of table olives at various stages of preparation, by form of preparation, as at 1 September preceding the olive-oil marketing year in question.

3. For the purposes of approval, processors shall undertake to:

- keep table olives on which aid is payable separate from table olives originating in third countries and those on which aid is not payable when taking delivery of, processing and storing them,
- keep stock accounts covering table olives, linked to the financial accounts and indicating, for each day:
  - (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each,
  - (b) the quantities of olives sent for processing and the quantities of table olives processed within the meaning of Article 2(3),
  - (c) the quantities of table olives for which the process of preparation has been completed,
  - (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,
- provide the grower as referred to in Article 2(1) and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,

— submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply or no longer comply with the conditions for approval, or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC, or
- have been penalised for an infringement to that Regulation within the past 24 months.

*Article 5*

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 1 December of the current marketing year growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil and has not been subject to modification, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

*Article 6*

1. On delivery of the final consignment of olives and no later than 30 June, approved undertakings shall issue growers as referred to in Article 2(1) with a certificate of delivery showing the net weight of olives entering the undertaking.

The certificate must be supported by all the documentation relating to the weight of the olives delivered.

2. Approved undertakings shall notify the competent body and the control agency:

- (a) by the 10th day of each month, of:
  - the quantities of olives received, sent for processing and processed within the meaning of Article 2(3) in the course of the previous month,
  - the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
  - the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;
- (b) before 1 July, of the names of growers as referred to in Article 2(1) for the processing period referred to in Article 2(2) and of the quantities covered by certificates issued to them in accordance with paragraph 1;
- (c) before 1 June of the following marketing year, of the total quantities delivered for the processing period referred to in Article 2(2) and of the total corresponding quantities processed.



*Article 7*

1. Before 1 July of the current marketing year, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1). However, for olives delivered between 1 July and 31 August certificates of delivery must be lodged no later than 1 September.

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting in a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working day of delay. Applications lodged more than 25 days late shall be refused.

*Article 8*

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid on both table olives and olive oil.

2. Greece shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Greece, no aid shall be granted to growers as referred to in Article 2(1) whose declarations as provided for in Article 5 or whose aid

applications in accordance with Article 7 prove to conflict with the results of checks conducted. However, Article 15 of Commission Regulation (EC) No 2366/98 <sup>(1)</sup> shall apply *mutatis mutandis*.

*Article 9*

1. Growers as referred to in Article 2(1) may receive an advance on the aid requested. The advance shall be equal to the unit amount referred to in Article 17(a)(1) of Council Regulation (EEC) No 2261/84 <sup>(2)</sup>, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be established by the competent body depending on the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October of the current marketing year to growers applying therefor in accordance with Article 7(1).

*Article 10*

1. Without prejudice to the reductions provided for in Article 20(d) of Regulation No 136/66/EEC, the aid shall be equal to the unit amount referred to in Article 17(a)(2) of Regulation (EEC) No 2261/84, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers as referred to in Article 2(1), the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery issued on the other hand, in respect of the olive-oil marketing year concerned.

Where the quantity of processed olives corresponding to the aid as set out in the certificate of delivery cannot be established, the quantities of table olives processed for the growers concerned shall be calculated on the basis of the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

<sup>(1)</sup> OJ L 293, 31.10.1998, p. 50.

<sup>(2)</sup> OJ L 208, 3.8.1984, p. 3.

2. The rate applicable for conversion of the amount of the aid into drachma shall be the agricultural conversion rate valid on the first day of the month in which the grower concerned makes his first delivery of olives.

3. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of fixing by the Commission of the unit amount thereof.

#### *Article 11*

Greece shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August of each marketing year, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,

- before 16 June of each subsequent marketing year, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

#### *Article 12*

This Decision shall apply from 1 September 1999.

#### *Article 13*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 28 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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