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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 September 1985

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

(85/474/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 15.

Article 2

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

Article 3

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

Article 4

1. Advance payments shall not exceed 25 % of the amount of eligible expenditure expected to be incurred in the year to which such payment relates.
2. Advance payments which are not used in the year in respect of which they were paid shall be deducted from the advance payment to be made for the following year. The Commission may require the Member State concerned to reimburse all or part of the advance payment made where such deduction is not possible.

Article 5

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

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

Article 7

This Decision is addressed to the Member States.

Article 6

Done at Brussels, 16 September 1985.

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

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX 1

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

SUMMARY TABLE

(in national currency)

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

⁽¹⁾ Give details on an attached sheet.

It is hereby confirmed that:

Provisions concerning all measures

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

Provisions concerning the measures involving permanent reduction of capacity

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

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

Provisions concerning measures involving temporary reduction of capacity

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

Date, stamp and signature of the competent authority

ANNEX 2

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

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

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

⁽²⁾ Business name or abbreviation.

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

ANNEX 3

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

[illegible]

ANNEX 4

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

A. Measures involving temporary reduction of production capacity

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

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

B. Measures involving permanent reduction of production capacity

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

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

Date, stamp and signature of competent authority

ANNEX 5

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

1. Identification prior to transfer:

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

2. Date of removal from register of fishing vessels

End-use:

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

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

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

Date, stamp and signature of competent authority

⁽¹⁾ Country of destination:.....

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

COMMISSION DECISION

of 16 September 1985

concerning applications for reimbursement and the payment of advances in respect of measures to encourage exploratory fishing and cooperation through joint ventures in the fishing sector

(85/475/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2909/83 of 4 October 1983 on measures to encourage exploratory fishing and cooperation through joint ventures in the fishing sector ⁽¹⁾, and in particular Article 12 (4) thereof,

Whereas applications for reimbursement and the payment of advances to be submitted by the Member States to the Commission must contain certain particulars which show that the expenditure complies with Regulation (EEC) No 2909/83 and in particular with Article 3 (4) thereof;

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

Applications for reimbursement as referred to in Article 12 (1) of Regulation (EEC) No 2909/83 shall comply with the tables and forms contained in Annexes 1, 3, 4 and 5.

Article 2

Member States shall keep at the disposal of the Commission for a period of three years following payment of the final reimbursement all supporting documents or certified copies thereof on the basis of which the aids provided for in Regulation (EEC) No 2909/83 were calculated, and the complete files of the beneficiaries.

Article 3

Applications for the advance payments referred to in Article 12 (3) of Regulation (EEC) No 2909/83 concerning eligible expenditure approved by the Commission shall be submitted by the relevant Member State. Applications shall be drawn up in the form set out in Annex 2.

Article 4

1. Advance payments shall not exceed 25 % of the amount of eligible expenditure approved by the Commission on the basis of the forward plan sent in by the Member State in question.
2. The Commission may require the Member State concerned to reimburse all or part of the advance payment made where the amount concerned has not been used within six months from the date of its payment for the measures approved by the Commission.

Article 5

1. At the end of each year for which advance payments have been made to them Member States shall establish a report on the operations carried out during that year. This report shall reach the Commission by 1 June of the following year.
2. Advance payments for the following year shall not be made until the report referred to in paragraph 1 has been submitted to the Commission.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1985.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 9.

ANNEX 1

APPLICATION FOR REIMBURSEMENT OF EXPENDITURE INCURRED IN 19.. UNDER
COUNCIL REGULATION (EEC) No 2909/83 OF 4 OCTOBER 1983

SUMMARY TABLE

(in national currency)

Nature of measure	Amount paid by Member State	Amount of eligible expenditure (decision referred to in Article 3 (4))	Eligible reimbursement applied for ⁽³⁾	Advance payment made by the Community	Balance to be reimbursed
Exploratory fishing voyages ⁽¹⁾					
Cooperation through joint fishing ventures ⁽²⁾					
Total					
Amount reimbursed by the Member State ⁽⁴⁾					
Net total					

⁽¹⁾ See details in Table 1.⁽²⁾ See details in Table 2.⁽³⁾ 50 % of the amount indicated in column 2.⁽⁴⁾ To be specified in Annex.

It is hereby confirmed that:

Provisions concerning all measures

- the expenditure reimbursement of which has been applied for relates to the measures approved by the Commission in Decision..... of,
- beneficiaries are notified in the appropriate manner of the percentage of the Community's financial contribution.

Provisions concerning measures involving exploratory fishing voyages

- reimbursement has been applied for only in respect of vessels that are not less than 24 m long between perpendiculars,
- vessels for which reimbursement of the redeployment premium has been applied for have been engaged in fishing on exploratory fishing voyages, comprising one or more trips, for a period of not less than 30 days,
- the voyages have been monitored by one or more scientific observers.

Provisions concerning cooperative measures involving joint fishing ventures

Reimbursement is applied for only in respect of:

- vessels for which a basic draft understanding drawn up by the beneficiary has been approved by the foreign partner,
- the temporary transfer, for one or more periods of at least three consecutive months, of vessels which have been engaged in fishing for not less than 120 days during the 12 months prior to submission of the basic draft understanding,
- the permanent transfer of vessels which have been engaged in fishing for not less than 120 days during the 12 months prior to submission of the basic draft understanding and which belong to Community nationals whose contribution towards the share capital of the joint venture is more than 40 % or the maximum amount specified by the national law in question.

Vessels which have previously benefited from a definitive laying up premium under Directive 83/515/EEC are excluded from permanent transfer.

This authority has taken the steps necessary to ensure that vessels which have been transferred permanently and are listed in the Annex hereto are permanently barred from fishing in Community waters.

Date, stamp and signature of the competent authority

TABLE 2

**APPLICATION FOR REIMBURSEMENT OF EXPENDITURE INCURRED IN 19... PURSUANT TO
ARTICLE 9 OF REGULATION (EEC) No 2909/83 (COOPERATION THROUGH JOINT FISHING
VENTURES)**

A. Temporary transfer

Name of vessel	Form No ... ⁽¹⁾	Aid paid by the Member State	Aid eligible for Community financial contribution	Reimbursement applied for
		(in national currency)		

⁽¹⁾ For each vessel complete the form set out in Annex 4.

B. Permanent transfer

Name of vessel	Form No ... ⁽²⁾	Aid paid by the Member State	Aid eligible for Community financial contribution	Reimbursement applied for
		(in national currency)		

⁽²⁾ For each vessel complete the form set out in Annex 5.

ANNEX 2

APPLICATION FOR AN ADVANCE PAYMENT FOR 19... PURSUANT TO REGULATION
(EEC) No 2909/83

A. Exploratory fishing voyages

1	2	3
Vessels (number)	Total duration of voyages (month)	Total eligible expenditure (Decision referred to in Article 3 (4)) (in national currency)

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

B. Cooperation through joint fishing ventures

1	2	3			
Vessels (number)	Total expected gross registered tonnage	Expected end-use in tonnage percentages			
		Temporary transfer		Permanent transfer	
		%	quarters	%	GRT

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

Date, stamp and signature of competent authority

ANNEX 3

EXPLORATORY FISHING VOYAGES

(Form No)

1. Name of vessel: LOA:
 Year of construction: LBP:
 Port of registration: GRT:
 Fishing method used: HP or kW:
2. Name of beneficiary:
3. Commission Decision of:
4. Characteristic features of voyage:
 - fishing zones:
 - species caught: (tonnes), of which ⁽¹⁾:
 - date of actual commencement of voyage:
 - date of completion of voyage:
 - scientific observer:

 (Name)

 (Address)
5. Financial results of voyage:
 - revenue: (in national currency)
 - operating costs: (in national currency)
 - difference: (in national currency)
6. Redeployment premium paid by Member State: (in national currency)

It is hereby certified that:

- the above information concerning the vessel in question is accurate and complies with the forward plan on the basis of which the Commission approved the measures and expenditure proposed,
- a detailed report pursuant to Article 8 (1) of Regulation (EEC) No 2909/83 has been forwarded to the Commission / will be forwarded ⁽²⁾ to the Commission as soon as possible.

Date, stamp and signature of competent authority

⁽¹⁾ Specify main species.⁽²⁾ Delete as appropriate.

ANNEX 4

TEMPORARY TRANSFER

(Form No)

1. Name of vessel
or registration No: Type of vessel:
LOA:
..... LBP:
Year of construction: GRT:
Port of registration: HP or kW:
2. Period for which fishing has been carried on during the 12 months prior to submission of the basic draft understanding:
120 days or more (contractual associations), i.e. days.
3. Companies with share capital:
 - (a) share capital: (reference currency)
 - (b) contribution of Community partner:
(share capital in excess of 40 % in respect of (a) or the maximum amount specified by national law,
i.e.: %)
4. Business name of joint venture:
 - name of Community partner:
 - name of non-member country partner:
5. Country of transfer:
6. Fishing zones:
7. Main caught: (tonnes), of which ⁽¹⁾:
8. Cooperation premium paid by the Member State:
 - period from to, i.e. quarters $\times$ 25 ECU =
(in national currency) ⁽²⁾
 - period from to, i.e. quarters $\times$ 25 ECU =
(in national currency) ⁽²⁾
 - period from to, i.e. quarters $\times$ 25 ECU =
(in national currency) ⁽²⁾

It is here certified that:

- the above information concerning the vessel concerned is accurate and complies with the forward plan on the basis of which the Commission approved the measures and expenditure proposed (see Commission Decision of),
- the vessel has not been used during the transfer period for fishing in areas extending up to 200 nautical miles off the coasts of Member States and subject to Community fishing regulations or in other areas coming under the sovereignty and jurisdiction of Member States.

Date, stamp and signature of competent authority

⁽¹⁾ Indicate main species.⁽²⁾ Conversion rate used 1 ECU = (in national currency).

ANNEX 5

PERMANENT TRANSFER

(Form No)

1. Identification prior to transfer:

Name of vessel or last registration No:	Radio code (if available):
.....	LOA:
Year of construction:	LBP:
Shipyard:	GRT:
Type of vessel:	HP or kW:

2. Date of removal from register of fishing vessels

3. Permanent transfer to (non-member country of destination):

Period for which fishing has been carried on during the 12 months prior to the submission of the basic draft understanding:

100 days or more, i.e.: days.

4. Share capital of joint venture: (reference currency)
comprising:

Contribution of Community partner:
(more than 40 % of share capital or the maximum amount specified by national law, i.e.
..... %)

5. Business name of joint venture:

— name of Community partner:

— name of non-member country partner:

6. Premiums paid by Member State: Total = (in national currency) ⁽¹⁾

i.e.: 400 ECU per gross registered tonne

(up to 300 GRT): = (in national currency) ⁽¹⁾

200 ECU per gross registered tonne

(in excess of 300 GRT): = (in national currency) ⁽¹⁾

It is hereby certified that:

— with the forward plan on the basis of which the Commission has approved the measures and expenditure proposed (see Commission Decision of).

Date, stamp and signature of competent authority

⁽¹⁾ Conversion rate used: 1 ECU = (in national currency).

COMMISSION DECISION

of 27 September 1985

allocating among the Member States the additional authorizations resulting from the increase in the Community quota for the carriage of goods by road for 1986

(85/476/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 3164/76 of 16 December 1976 on the Community quota for the carriage of goods by road between Member States ⁽¹⁾, as last amended by Regulation (EEC) No 3621/84 ⁽²⁾, and in particular Article 3 (5) thereof,

The additional authorizations for 1986 resulting from the 15 % increase in the Community quota for the carriage of goods by road for 1985 shall amount to 803 authorizations.

Having consulted the Member States,

Article 2

Whereas Article 3 (1) of Regulation (EEC) No 3164/76 provides for an automatic annual increase in the Community quota of 15 % during a period of four years, starting with the 1986 quota;

The additional authorizations referred to in Article 1 shall be allocated among the Member States as follows:

Belgium	87
Denmark	112
Germany	120
Greece	27
France	89
Ireland	42
Italy	100
Luxembourg	48
Netherlands	103
United Kingdom	75

Whereas Article 3 of the said Regulation calls upon the Commission to fix, before 1 October of each year for a period of four years as from 1985, the allocation among the Member States of the extra authorizations resulting from the increase in the quota;

Article 3

Whereas the additional authorizations should be allocated among the Member States in accordance with the criteria set out in Article 3 (3) of the said Regulation and in accordance with the method of calculation set out in Annex IV thereto;

This Decision is addressed to the Member States.

Whereas in order to take into account the geographical situation of Greece, Ireland and the United Kingdom the Regulation provides for an additional increase in the authorizations to be allocated to those Member States;

Done at Brussels, 27 September 1985.

Whereas the second subparagraph of Article 3 (5) of the Regulation provides that the Commission's decision shall become enforceable two months after its notification unless the matter has meanwhile been referred to the Council by a Member State,

For the Commission

Stanley CLINTON DAVIS

Member of the Commission

⁽¹⁾ OJ No L 357, 29. 12. 1976, p. 1.

⁽²⁾ OJ No L 333, 21. 12. 1984, p. 61.