

Council Regulation (EEC) No 3598/84 on financial aid for improving agricultural and fisheries structures to Portugal (18 December 1984)

Caption: On 18 December 1984, with a view to Portugal's accession to the European Communities, the European Economic Community (EEC) decides to grant financial aid to Portugal for the improvement of its agricultural and fisheries structures.

Source: Official Journal of the European Communities (OJEC). 21.12.84, No L 333. [s.l.].

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Council Regulation (EEC) No 3598/84 of 18 December 1984 on the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 15 of the Annex to the Agreement ⁽³⁾.

Article 3

This Regulation shall enter into force on the day following 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, 18 December 1984.

For the Council
The President

P. BARRY

Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic concerning the implementation of specific financial aid for improving agricultural and fisheries structures in Portugal

Letter No 1

Sir,

On 13 March 1984 the European Economic Community decided to grant the Portuguese Republic financial aid in order to undertake, with a view to Portugal's accession to the European Communities, measures of common interest to improve agricultural and fisheries structures and thus facilitate application of the common agricultural and fisheries policies in Portugal.

At the negotiations held in Brussels on 13 April 1984, the delegations of the Community and of the Portuguese Republic agreed on the terms and detailed arrangements for implementing this aid, which are set out in the Annex to this letter.

I should be obliged if you would acknowledge receipt of this letter and its Annex and confirm that your Government is in agreement with their contents.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the
Council of the European Communities*

Annex

Article 1

The Community shall exceptionally participate, on the terms laid down hereafter, in the financing of specific operations initiated by the Portuguese Government in order to improve agricultural and fisheries structures and thus facilitate the application of Community rules in Portugal.

Article 2

For the purposes specified in Article 1 and during the period starting on 1 January 1985 and terminating on the date of entry into force of the Treaty of Accession of Portugal, an amount of 50 million ECU may be committed in the form of grants from the Community budget for the financing of projects to improve structures in the agricultural and fisheries sectors in Portugal. The proportion of this pre-accession aid which may be devoted to the fisheries sector may not exceed the sum of 500 000 ECU. No new financial commitment in respect of this 50 million ECU of aid may be made after the date of accession.

Article 3

The 50 million ECU referred to in Article 2 shall be used for financing or contributing towards the financing of projects and programmes involving, as a matter of priority, operations in connection with the areas listed below (without excluding other specific problems identified under the accession negotiations):

- advisory services,
- infrastructure, including operations analogous to those which may be covered by Regulation (EEC) No 355/77,
- the veterinary situation and means of action in that field,
- statistical organization.

In addition, other operations must be able to be undertaken in the following areas:

- development of a spirit of association among agricultural producers and others for the purposes of marketing agricultural products,
- the establishment of producers' organizations in the fisheries sector,
- research,

— the training of administrative staff.

Article 4

In the selection of the technical assistance operations, particular attention shall be given to projects aimed at facilitating Portugal's adoption of the *acquis communautaire*.

Article 5

The Community's financial contribution to the projects or programmes defined in Article 3 may not exceed 50 % of their total cost. Higher rates of up to 65 % may, however, exceptionally be applied in duly justified cases in connection with the priority operations referred to above in response to difficulties which might be identified in the context of the process of preparing Portugal for accession. Moreover, this financial contribution may cover the entire cost of technical assistance operations.

Article 6

Community aid shall be used to cover costs necessarily incurred in carrying out approved projects, programmes (including expenditure on studies, the services of consulting engineers and technical assistance) or operations. It may not be used to cover administrative or maintenance expenditure.

Article 7

Aid contributed by the Community for the execution of investment projects or cooperation projects or programmes may, with the agreement of Portugal, take the form of co-financing.

Article 8

The Portuguese State or, with its agreement, public or private undertakings having their registered place of business or a place of business in Portugal, as well as individuals in the framework of cooperation projects or programmes and technical assistance operations, are eligible for Community aid.

Article 9

The Portuguese State or, with its agreement, the other beneficiaries referred to in Article 8, shall submit their requests for aid to the Commission of the European Communities.

Examination of the eligibility of projects, programmes or operations shall be carried out by the Community with a view to preparing Portugal for accession in the light of the mutual interests of both parties concerned and with due account being taken, in the selection of the projects, of the objectives of coherence in an enlarged Community. The Community shall appraise the requests for financing in conjunction with the Portuguese State and the beneficiaries and shall inform them of the decisions taken on such requests.

Article 10

The execution, management and maintenance of schemes which are the subject of financing under this Agreement shall be the responsibility of Portugal or of the other beneficiaries referred to in Article 8.

The Community shall satisfy itself that financial aid which it has granted is expended in accordance with the agreed allocations and to the best economic advantage.

Article 11

Participation in tendering procedures and other procedures for the award of contracts eligible for financing shall be open, on equal terms, to all natural or legal persons of Portugal and of the Member States of the

Community.

Article 12

Portugal shall apply to contracts awarded for the execution of projects, programmes or operations financed under this Agreement, fiscal and customs arrangements at least as favourable as those applied in respect of other international organizations.

Article 13

The Portuguese authorities shall give all necessary aid and assistance to Community representatives for the purposes of implementing this Agreement.

Article 14

The implementation of the aid may be examined within the Joint Committee referred to in Article 32 of the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972.

Article 15

This Agreement shall enter into force on the first day of the month following the mutual notification by the Parties of the completion of the procedures necessary to that end.

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date, accompanied by an Annex, which reads as follows:

'On 13 March 1984 the European Economic Community decided to grant the Portuguese Republic financial aid in order to undertake, with a view to Portugal's accession to the European Communities, measures of common interest to improve agricultural and fisheries structures and thus facilitate application of the common agricultural and fisheries policies in Portugal.

At the negotiations held in Brussels on 13 April 1984, the delegations of the Community and of the Portuguese Republic agreed on the terms and detailed arrangements for implementing this aid, which are set out in the Annex to this letter.

I should be obliged if you would acknowledge receipt of this letter and its Annex and confirm that your Government is in agreement with their contents.'

I have the honour to confirm that my Government is in agreement with the contents of your letter and its Annex.

Please accept, Sir, the assurance of my highest consideration.

*For the
Government of the Portuguese Republic*

(¹) OJ No C171, 30.6.1984, p.4.

(²) OJ No C337, 17.12.1994.

(³) The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.