

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 114 final.

Brussels, 14 March 1978.

Proposal for a
COUNCIL REGULATION (EEC)

on the Programme for the acceleration and qualitative guidance
of collective irrigation works in the Mezzogiorno
(Amendment according to article 149, 2 EEC of a proposal for a Council
directive having the same subject)

(submitted to the Council by the Commission)

COM(78) 114 final.

Proposal for
Council Regulation (EEC) No /78
of

on the Programme for the acceleration and qualitative guidance of
collective irrigation works in the Mezzogiorno.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Article 42 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 39 (2) (a) of the Treaty provides that account should
be taken of the social structure of agriculture and the structural and
natural disparities between agricultural regions in determining the
common agricultural policy;

Whereas to achieve the objectives of the common agricultural policy
set out in Article 39 (1) (a) and (b), measures appropriate to the
production conditions of least-favoured agricultural areas should
be adopted at Community level;

Whereas certain Mediterranean regions of the Community are in an
unfavourable situation as regards agricultural incomes and suffer from
under-employment not only in agriculture but also in general;

Whereas these problems are particularly evident in the regions of the
Mezzogiorno;

Whereas the active agricultural population constitutes an important
section of the total active population in these regions;

Whereas action should be concentrated on basic aspects of the structural development of these regions which have quick and lasting effects on agricultural incomes;

Whereas agricultural production in the Mezzogiorno is seriously affected by the very unbalanced water supply situation, in that the capacity of reservoirs and main channels is much greater than that of the irrigation network;

Whereas, by means of Community aid, it is essential to accelerate the provision of such irrigation networks;

Whereas the conditions and limits laid down in Articles 13 and 19 of the Council Directive of 17 April 1972 on the modernization of farms⁽¹⁾ (Directive 72/159/EEC) are not well suited, as regards irrigation, to the special structural situation of the Mezzogiorno regions;

Whereas the opportunity should be taken to reorientate agricultural production in the irrigated areas of these regions;

Whereas at the same time the number of farm development plans within the meaning of Article 4 of Directive 72/159/EEC should be increased by providing the farmers concerned with qualified assistance;

Whereas these objectives should be furthered by way of a multi-purpose measures covering the irrigated areas in the Mezzogiorno and constituting a special programme extending over several years;

Whereas it follows from the foregoing that the measures referred to above constitute a common measure within the meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽²⁾;

Whereas it should be for the Commission, after receiving the opinion of the Standing Committee on Agricultural Structure, to approve a programme put forward by the Italian Republic;

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(1) OJ No L 96, 23.4.1972, p. 1

(2) OJ No L 94, 28.4.1970, p. 13

HAS ADOPTED THIS REGULATION:

Article 1

1. With a view to increasing agricultural incomes in the Mezzogiorno and improving basic agricultural structures, thus contributing to the modernization of farms, a common measure shall be introduced for the purpose of accelerating collective irrigation operations using reservoirs and main channels and introducing development plans within the meaning of Articles 2 and 4 of Directive 72/159/EEC in the irrigated areas, while reorientating production to market requirements.
2. The set of measures provided for by this Regulation shall constitute a common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70.
3. Subject to the conditions laid down in Titles III and IV, the Commission may grant aid for the common measure from the European Agricultural Guidance and Guarantee Fund, hereinafter called the Fund, in respect of special programmes which come under the framework programme described in Title I and which satisfy the conditions laid down in Title II.
4. The conditions and limits laid down in Articles 13 (2) and 19 (2) and (3) of Directive 72/159/EEC shall not apply to the collective irrigation operations covered by this common measure.

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TITLE I

Framework programme

Article 2

The framework programme shall cover collective irrigation operations from reservoirs and main irrigation channels in the Mezzogiorno. It shall be drawn up by the Italian State.

Article 3

The framework programme shall indicate:

- (a) the existing reservoirs and the main irrigation channels already in existence or being developed in the Mezzogiorno;
- (b) those geographical areas covered by the framework programme which may be equipped with an irrigation system from the reservoirs and channels referred to in (a);
- (c) the estimated number of hectares concerned and the estimated total costs of the collective irrigation operations;
- (d) with respect to the adaptation of production in the irrigated areas on completion of the framework programme:
 - the measures providing for studies to be made of the best orientation of production, account being taken of the natural production conditions and of market requirements;
 - the provisions envisaged to ensure that the Community financial contribution to investments in the processing and marketing of agricultural products, provided for in Council Regulation (EEC) No 355/77 of 15 February 1977¹, as amended by Council Regulation (EEC) No /78 of 1978², should by way of priority be used in respect of production from the irrigated areas, account being taken of the abovementioned studies;

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¹ OJ No L 51, 23.2.1977, p. 1

² OJ No L , 1978, p.

- the measures proposed for ensuring that irrigation of vines for wine-making is excluded from the collective irrigation operations provided for in the programme;
 - the measures proposed for encouraging production of fodder crops (maize, barley, lucerne, clover, field beans, sorghum, soya, fodder beet, etc.);
- (e) as regards the modernization of farms in the irrigated areas on completion of the programme, the proposed arrangements for advisory services to promote the rational utilization of irrigation networks and the modernization of farms within the meaning of Articles 2 and 4 of Directive 72/159/EEC and to encourage appropriate production.

Article 4

1. The framework programme and any amendments thereto shall be forwarded to the Commission by the Italian Republic.
2. At the request of the Commission, the Italian Government shall supply any information additional to that provided for in Article 3 which is required for the Commission's assessment of the programme.

Article 5

The Commission shall decide whether to approve the framework programme and any amendments in accordance with the procedure laid down in Article 15.

TITLE II

Special programmes

Article 6

For the purposes of this Regulation, a special programme shall mean any multi-annual public programme relating to collective irrigation operations, including associated drainage, using existing reservoirs

and main channels and covering one or more of the geographical areas listed in the framework programme or a large part of such a geographical area.

Article 7

1. The special programme must:

- (a) be part of the framework programme and satisfy the conditions laid down therein;
- (b) indicate the number of hectares in the irrigation area or areas to be equipped with irrigation networks ("reti irrigue"), including associated drainage, and their location;
- (c) indicate the plans and schedule for the public works required in connection with the special programme;
- (d) indicate the average cost per hectare of agricultural area referred to in (b) above and the estimated total cost of the special programme.

As regards the reorientation of production and modernization of farms in the irrigated areas, the special programme shall indicate the following:

- (a) the measures adopted to encourage certain kinds of production as defined in the framework programme;
- (b) the number of advisory officers who are to be appointed in the irrigation areas and at least half of whom must have completed university studies in agriculture or economics and have at least three years professional experience;

- (c) the estimated expenditure to cover the cost of the annual remunerations and operating expenses of an advisory officer.

TITLE III

Procedure for the examination of special programmes

Article 8

1. Applications for aid from the Fund for special programme must be submitted through the Italian State.
2. In order to receive aid from the Fund, special programmes must have been approved by the Italian State.
3. Applications for aid must be accompanied by information making it possible to establish that the special programme satisfies the requirements laid down in Title II.
4. The particulars which must be given in the applications and the form in which they must be presented shall be determined in accordance with the procedure laid down in Article 15, after the Fund Committee has been consulted on the financial aspects.

Article 9

1. The Commission shall decide upon aid from the Fund according to the procedure laid down in Article 15 after consulting the Fund Committee on the financial aspects.
2. The Italian State and the public body responsible for the implementation of a special programme shall be notified of the Commission's decision.

TITLE IV

Financial and general provisions

Article 10

1. The estimated time required for carrying out the common measures is five years from the entry into force of this Regulation.
2. Before the end of the period referred to in paragraph 1, this Regulation shall be re-examined by the Council on a proposal from the Commission.
3. The estimated cost of the common measure financed by the Fund for the period referred to in paragraph 1 is 260 million units of account.
4. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

Article 11

1. Aid from the Fund shall consist of capital grants paid in a lump sum or in instalments.
2. Aid from the Fund shall cover 50% of the cost of public water-engineering works under a special programme as referred to in Article 7 (1) (c), provided that such works have not yet started; aid shall be granted in respect of a maximum of 200 000 hectares irrigable under this common measure and shall not exceed 3 000 units of account per irrigated hectare.

However, the Commission may decide pursuant to Article 9 (1) that the maximum of 3 000 units of account per hectare does not apply to a special programme, where the Italian State furnishes proof that the costs per hectare exceed this maximum.

3. Aid from the Fund shall cover 65% of the remuneration and operational expenses of the newly appointed advisory officers referred to in Article 7 (2) (b) and (c), up to a maximum of 12 000 units of account per advisory officer.

Article 12

1. Advances may be granted on the basis of the presentation of the annual instalments of public works under a special programme as referred to in Article 7 (1) (c) and depending on the progress of these works.
2. The advances may not exceed 80% of the Community contribution to the costs of one annual instalment of the public works referred to in paragraph 1.
3. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 13

1. Aid from the Fund shall be paid through agencies appointed for that purpose by the Italian Republic.
2. Throughout the period during which aid is granted from the Fund, the authority or agency appointed for that purpose by the Italian Republic shall, at the request of the Commission, forward to it all supporting documents which are of relevance in proving that the financial or other conditions laid down for each special programme have been fulfilled. The Commission may, if necessary, carry out an on-the-spot check.

After it has consulted the Fund Committee on the financial aspects the Commission may decide, in accordance with the procedure laid down in Article 15, to suspend, reduce or discontinue aid from the Fund:

- if the special programme has not been carried out as planned, or
- if certain of the conditions laid down have not been fulfilled, or
- if the work has not begun within one year from the notification of the decision provided for in Article 9.

The Italian Republic and the public body responsible for implementing the special programme shall be notified of the decision.

The Commission shall recover any sums the payment of which was not or is no longer justified.

3. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 14

1. For each special programme which has received aid from the Fund, the public body responsible shall forward to the Commission regular reports on the progress and the financial results of the programme. These reports shall be submitted within the time limits laid down by the Commission in its decision to grant aid.
2. If the public body responsible does not fulfil the obligation laid down in paragraph 1, the Commission, after giving it due notice, may decide to reverse in whole or in part its decision to grant aid, acting accordance with the procedure laid down in Article 15 and after consulting the Fund Committee on the financial aspects. The decision shall be communicated to the Italian Republic and to the public body responsible. The Commission shall recover in whole or in part the sums paid.
3. Detailed rules for the application of this Article, particularly as regards the contents of the reports referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 15, after consultation of the Fund Committee on the financial aspects.

Article 15

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee on Agricultural Structure by the chairman either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit a draft of the measures to be taken. The Standing Committee on Agricultural Structure shall deliver an opinion on those measures by a majority of 41 votes, within a time limit set by the chairman according to the urgency of the matter under examination; the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.
3. The Commission shall adopt the measures which shall be immediately applicable. However, if such measures are not in accordance with the opinion of the Standing Committee on Agricultural Structure they shall be communicated forthwith by the Commission to the Council. In that case, the Commission may defer for not more than one month from the date of such communication, application of the measures which it has adopted.

The Council, acting by a qualified majority, may adopt a different decision within one month.

Article 16

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

