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COUNCIL DIRECTIVE

of 26 July 1971

concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain types of fruit trees

(71/286/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[1];

Whereas the Commission, in order to perform the task conferred upon it by the Treaty and by Community provisions governing the common organisation of the market in fruit and vegetables, needs to be kept well informed on the production potential of plantations of certain species of fruit trees within the Community and to have available medium-term estimates of production and supply on the markets;

Whereas surveys of fruit tree plantations are currently carried out only by some Member States; whereas these surveys do not permit the precise, uniform and synchronised observation of the production and supply of fruit on the markets; whereas a medium-term estimate of production and supply on the markets is now being made only by some Member States;

Whereas it is therefore advisable to carry out surveys concurrently in all Member States on plantations of fruit trees of the same type in accordance with the same criteria and with comparable accuracy; whereas new plantations attain their full yield only after a certain number of years; whereas these surveys should therefore be repeated every five years; whereas in this way reliable statistics may be obtained on production potential taking account of the fruit trees which are not yet productive;

Whereas, in theory, surveys should be limited to undertakings in which a minimum area of 1500 square metres is planted with apple, pear, peach or orange trees, with a view to fruit production for sale; whereas orchards less than 1500 square metres in area may be disregarded because of their negligible influence on market supply;

Whereas uniform surveys should be carried out in each Member State on the main varieties of each type of fruit endeavouring at the same time to establish subdivisions according to variety which are as complete as necessary;

Whereas, since the annual calculations of production potential should be based on the results of these surveys, indications as to the age of trees, the density of plantation and, where appropriate, irrigation should also be obtained; whereas these results should be notified to the Commission as rapidly as possible;

Whereas a Member State which, immediately before the entry into force of this Directive, carried out or prepared surveys on orchards should be permitted to use the results of these surveys if the latter enable the objective of this Directive to be achieved and comply with essential Community criteria;

Whereas the preparation of medium-term estimates requires that each year Member States should estimate and notify the Commission of the area of fruit trees which has been cleared; whereas the Commission should also be sent details every year of new plantations of fruit trees of the above-mentioned species;

Whereas, in any Member State where, since the last survey on fruit tree plantations, exceptionally extensive clearing has been noted, special and more detailed surveys should be carried out on the volume of clearing and the results thereof notified to the Commission;

[1] OJ No C 11, 5.2.1971, p. 32.

Whereas consideration should also be given to statistics resulting from the application of Council Regulation (EEC) No 2517/69 of 9 December 1969 laying down certain measures for reorganising Community fruit production,[1] as last amended by Regulation (EEC) No 2476/70[2];

Whereas the Commission must submit reports so that the Council may examine to what extent the surveys and estimates carried out enable the objective of this Directive to be achieved and must suggest, where appropriate, that methods should be aligned;

Whereas, in the interests of optimum co-ordination, all questions raised by the application of this Directive must be dealt with by consultation and standing collaboration between the Commission and Member States;

Whereas the financial responsibility of the Community needs to be established with regard to expenditure incurred by the Member States for the first survey laid down by this Directive;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall carry out in 1972, and in the spring of each fifth year thereafter, surveys on plantations of fruit trees existing on their territory for the production of dessert apples, dessert pears, peaches and oranges.

2. The survey required under paragraph 1 shall apply to all undertakings having an area planted with the species of fruit trees referred to in paragraph 1, provided that the area covers at least 1500 square metres and that the fruit produced are entirely or mainly intended for sale.

The survey shall cover pure and mixed crops, that is to say plantations of fruit trees of several of the species referred to in paragraph 1 or of one or more of them together with other species.

The survey shall also cover areas cultivated not only for fruit production but also for other kinds of agricultural production, provided fruit trees of the species referred to in paragraph 1 are the main crop.

3. The survey may be either exhaustive or based on random sampling.

4. Any Member State which, during the two years preceding the entry into force of this Directive, carried out surveys on its territory on orchards or which prepared the material for them, may use the results of these surveys, provided that they meet the objectives defined and the essential Community criteria fixed in this Directive. However, in subsequent surveys, that Member State must observe the Community criteria and the timing of the survey fixed for the Community.

Article 2

1. In carrying out the surveys provided for in Article 1, the following characteristics are to be noted in respect of the species of fruit referred to in Article 1 (1).

These surveys must be organised so that the results may be presented in various combinations of these characteristics.

A. *Variety of fruit*

For each species of fruit, and in order of importance, enough varieties must be shown to enable a separate assessment to be made for each Member State, by variety, of at least 80% of the total area planted with fruit trees of the species in question and, in any case, all varieties representing 3% or more of the total area planted with fruit trees of the species in question.

Belgium, Germany, Luxembourg and the Netherlands do not need to distinguish between varieties of peach trees. The survey relating to orange trees shall be carried out in France and Italy only, and in France no distinction between varieties shall be made.

B. *Age of trees*

Age of trees must be calculated from the time of their planting in the orchard. The planting season extending from the autumn to the spring shall be considered as a single period. When there has been double grafting, the time when this was carried out shall be the determining factor.

The following classes of age shall be laid down:

Less than 1 year	5 — 9 years
1 year	10 — 14 years
2 years	15 — 24 years
3 years	25 years and over
4 years	

[1] OJ No L 318, 18.12.1969, p. 15.
[2] OJ No L 266, 9.12.1970, p. 2.

C. *Net area planted, number of trees and density of plantation*

The surveyors or departments responsible for analysing the questionnaires shall determine the class of the density of plantation by the net area planted and the number of trees according to the following table:

(a) Apple, pear and peach trees:

— less than 400 trees per hectare,

— from 400 to 799 trees per hectare,

— from 800 to 1599 trees per hectare,

— 1600 trees and over per hectare.

(b) Orange trees:

— less than 250 trees per hectare,

— from 250 to 499 trees per hectare,

— from 500 to 999 trees per hectare,

— 1000 trees and over per hectare.

The actual density of plantation may also be surveyed and quoted directly.

D. *Irrigation*

1. Mention must be made of the area irrigated where irrigation is practised regularly; a distinction must be made between sprinkling and other methods of irrigation.

2. If the Member States, in respect of the areas planted with fruit trees referred to in Article 1 (1), take note of additional characteristics complying with the purpose of this Directive, bearing for example on stock, the shapes of trees and the height of the trunk, the corresponding results must also be notified to the Commission.

Article 3

1. Member States shall take appropriate measures to limit mistakes of reporting and estimate their effect on the whole of the area planted with fruit trees of each species.

2. So far as the result of the surveys carried out by random sampling are concerned, Member States shall take every measure to ensure that sampling error cannot be more than 3% for the whole of the area planted with fruit trees of each species.

Article 4

1. Member States shall notify the Commission of the results of the surveys established in accordance with the provisions of Article 2, as rapidly as possible, but at the latest eight months after carrying out the survey and in any case, in respect of the first survey, before 1 September 1973.

2. The results referred to in paragraph 1 must be supplied for each production area.

If Member States cannot establish the data by production area, statistics must be given for each of the areas mentioned in the Annex.

3. Mistakes of reporting and sampling errors referred to in Article 3 must be notified at the latest ten months after carrying out the survey.

Article 5

1. From 1973 the Member States shall make annual estimates of the areas of fruit trees of the species referred to in Article 1 (1) the clearing of which has been carried out on their territory during the previous year and shall notify the results of their estimates to the Commission by 31 July at the latest.

If the survey applies to the extent of the clearing, results shall be notified to the Commission by 31 August at the latest.

2. If, within a Member State, the clearing referred to in paragraph 1 has been particularly extensive and if precise details on that subject are lacking, the Member State concerned shall, at the request of and in co-operation with the Commission, carry out surveys in the spring of the following year on the extent of the clearing carried out on its territory since the last survey on the areas planted with fruit trees of the species referred to in Article 1 (1). The Member State concerned shall notify the results of the survey to the Commission within eight months after carrying it out. This provision shall not be applicable during the survey years fixed in Article 1 (1), nor in the year preceding or following the survey year.

3. Statistics obtained by applying measures relating to the clearing of apple, pear and peach trees taken in pursuance of Regulation (EEC) No 2517/69 must be taken into consideration.

Article 6

From 1973 the Member States shall supply the Commission every year, by 31 December at the latest, with details, gathered on their territory during the

previous season, on new plantations of fruit trees of the species referred to in Article 1 (1). In so far as possible these details must distinguish between varieties.

Article 7

The Commission shall study the following in consultation and standing collaboration with Member States:

(a) the results supplied in accordance with this Directive;

(b) the technical problems raised, in particular by preparing and carrying out the surveys and the notifications referred to in this Directive;

(c) the significance of the findings of the surveys and notifications referred to in this Directive.

Article 8

The Commission shall submit to the Council, by 1 January 1975, a report on experience acquired during the first survey; the Commission shall also provide the Council, from 1 January 1976, with annual reports on the subject of Articles 5 and 6. The Commission shall, where appropriate, submit proposals to the Council with a view to the harmonisation of the methods used by the Member States. The Council shall act on these proposals in accordance with the voting procedure laid down in Article 43 (2) of the Treaty.

Article 9

1. The first survey referred to in Article 1 shall constitute joint action within the meaning of Article 6 (1) of Council Regulation (EEC) No 729/70[1] of 21 April 1970 on the financing of the common agricultural policy.

2. The Guidance Section of the European Agricultural Guidance and Guarantee fund shall reimburse to the Member States the eligible expenditure incurred by them on the first survey referred to in Article 1, up to the following maximum amounts:

	Units of account
Germany	42 000
Belgium	15 000
France	196 000
Italy	420 000
Luxembourg	300
Netherlands	35 000

However, the Member States which, in accordance with Article 1, (3), carry out the surveys by random sampling shall be reimbursed for their expenditure up to the above-mentioned maximum amount at a flat rate of 7 units of account per hectare of fruit plantation actually covered by the survey.

3. The estimated total cost of the common action to be borne by the Guidance Section of the European Agricultural Guidance and Guarantee Fund shall amount to 708 300 units of account. This amount shall be entered on the budget for the 1973 financial year.

4. Requests for reimbursement, drawn up by Member States, shall be submitted to the Commission before 1 September 1973.

5. Detailed rules for applying paragraph 2 shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 26 July 1971.

For the Council

The President

A. MORO

[1] OJ No L 94, 28.4.1970, p. 13.

ANNEX

List of areas referred to in Article 4 (2)

Germany:	1. Schleswig-Holstein
	2. Niedersachsen
	3. Nordrhein-Westfalen
	4. Hessen
	5. Rheinland-Pfalz
	6. Baden-Württemberg
	7. Bayern
	8. Saarland
	9. Hamburg
	10. Bremen
	11. Berlin
France:	1. Nord, Picardie
	2. Basse-Normandie, Haute-Normandie
	3. Bretagne, Pays de la Loire, Poitou-Charente
	4. Centre, Région parisienne
	5. Franche-Comté, Champagne, Bourgogne
	6. Lorraine, Alsace
	7. Limousin, Auvergne
	8. Rhône-Alpes
	9. Aquitaine, Midi-Pyrénées
	10. Languedoc, Provence-Côte d'Azur-Corse
Italy:	1. Piemonte, Valle d'Aosta
	2. Lombardia
	3. Veneto, Trentino-Alto Adige, Friuli-Venezia Giulia
	4. Liguria
	5. Emilia-Romagna
	6. Toscana
	7. Umbria, Marche
	8. Lazio, Abruzzi
	9. Campania, Calabria, Molise
	10. Puglia, Basilicata
	11. Sicilia
	12. Sardegna
Belgium:	Forms a single area
Luxembourg:	Forms a single area
Netherlands:	Forms a single area