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REGULATION (EEC) NO 2511/69 OF THE COUNSIL

of 9 December 1969

laying down special measures for improving the production and marketing of Community citrus fruit

(OJ L 318, 18.12.1969, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Regulation (EEC) No 175/73 of the Council of 22 January 1973	L 25	2	30.1.1973
►**M2**	Regulation (EEC) No 2481/75 of the Council of 29 September 1975	L 254	1	1.10.1975
►**M3**	Council Regulation (EEC) No 793/76 of 6 April 1976	L 93	1	8.4.1976
►**M4**	Council Regulation (EEC) No 340/77 of 14 February 1977	L 48	6	19.2.1977
►**M5**	Council Regulation (EEC) No 1034/77 of 17 May 1977	L 125	1	19.5.1977
►**M6**	Council Regulation (EEC) No 1122/78 of 22 May 1978	L 142	13	30.5.1978
►**M7**	Council Regulation (EEC) No 912/79 of 8 May 1979	L 116	1	11.5.1979
►**M8**	Council Regulation (EEC) No 1301/79 of 25 June 1979	L 162	26	30.6.1979
►**M9**	Council Regulation (EEC) No 2226/79 of 9 October 1979	L 257	2	12.10.1979
►**M10**	Council Regulation (EEC) No 1367/80 of 5 June 1980	L 140	24	5.6.1980
►**M11**	Council Regulation (EEC) No 1116/81 of 28 April 1981	L 118	1	30.4.1981
►**M12**	Council Regulation (EEC) No 1204/82 of 18 May 1982	L 140	38	20.5.1982
►**M13**	Council Regulation (EEC) No 2004/83 of 18 July 1983	L 198	2	21.7.1983
►**M14**	Council Regulation (EEC) No 3130/86 of 13 October 1986	L 292	5	16.10.1986
►**M15**	Council Regulation (EEC) No 3223/88 of 17 October 1988	L 288	5	21.10.1988
►**M16**	Council Regulation (EEC) No 1130/89 of 24 April 1989	L 119	22	29.4.1989

Corrected by:

►**C1** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 70 (2511/69)

►**C2** Corrigendum, OJ L 200, 21.7.1987, p. 18 (3130/86)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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REGULATION (EEC) NO 2511/69 OF THE COUNSIL

of 9 December 1969

laying down special measures for improving the production and marketing of Community citrus fruit

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 Council Regulation No 17/64/EEC [1] of 5 February 1964 on the conditions for obtaining aid from the European Agricultural Guidance and Guarantee Fund, as last amended by Regulation (EEC) No 1892/68, [2] and in particular Article 6 (2) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas there are currently serious market difficulties in disposing of oranges and mandarins produced in the Community; whereas the varieties offered and trading conditions on Community import markets contribute in particular to these difficulties;

Whereas a series of medium- and short-term measures should be adopted in order to remedy this situation.

Whereas medium-term measures should seek to improve existing varieties; whereas there should be further measures enabling these varieties to comply with market requirements thereby assuring that Community import markets are kept permanently supplied; whereas improved methods of processing should increase outlets for selected varieties;

Whereas, to ensure the maximum effect, these measures should be included in the plans drawn up by the Member States concerned in agreement with the Commission;

Whereas, within the framework of measures to improve production, there should be a scheme for granting temporary compensation to small undertakings in order that any deficit due to replanting may be taken into account;

Whereas half of the expenses caused by the adoption of medium-term measures should be financed on a Community basis;

Whereas short-term measures should be designed to increase Community outlets by changing marketing methods;

Whereas there should be a scheme of financial compensation for this purpose to promote sales on Community import markets by means of contracts ensuring regular supplies;

Whereas short-term measures giving rise to payment of the said compensation fulfil the conditions laid down in Article 6 (1) of Regulation No 17/64/EEC; whereas the conditions for refunding the expenses concerned should be laid down immediately;

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[1] OJ No 34, 27.2.1964, p. 586/64.
[2] OJ No L 289, 29.11.1968, p. 1.

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HAS ADOPTED THIS REGULATION:

TITLE I

Medium-term measures

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Article 1

1. Aid shall be granted in accordance with the provisions of Article 5 for measures on which a start has been made up to 31 December 1988, within the framework of the plan referred to in Article 2, which are designed to:

(a) convert existing plantations of orange, mandarin or lemon trees to other varieties of oranges, mandarins, or lemons or other citrus fruit of the satsuma or clementine type with a view to adapting such plantations to suit consumer demand;

(b) establish, improve and enlarge:

— handling centres for citrus fruit where sorting, sizing, disinfection and packaging are carried out and which have storage space available, as an annex, should the need arise,

— storage centres for citrus fruit,

— processing installations for citrus fruit with storage space available, as an annex, should the need arise;

(c) restructure the citrus fruit sector on farms with a view to greater competitiveness, by:

— new plantations without conversion, over areas well suited to citrus fruit production and with varieties meeting consumer requirements, provided that such plantations are intended to replace existing plantations and do not increase the areas planted with citrus fruit,

— and improvement measures involving, in particular, preparation of the soil, irrigation from an existing collective network, field drainage and non-collective farm paths, provided that such measures are accompanied by practical steps to control plants and diseases;

d) produce reproductive material to the extent necessary to carry out the plan.

The estimated cost to the European Agricultural Guidance and Guarantee Fund (EAGGF) of the measures provided for in subparagraph (b) shall not exceed 15 % of the total estimated cost to the EAGGF of the medium-term measures provided for under this Regulation.

2. Before 31 December 1988 the Council shall, if necessary, decide, on a proposal from the Commission, to extend the period provided for in the first subparagraph of paragraph 1.

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However, the date referred to in the first subparagraph shall be deferred for two years as regards the implementation of the provisions contained in paragraph 4.

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3. Community farmers producing oranges, mandarins and lemons who undertake to replant within the meaning of paragraph 1 (a) shall qualify, at their own request and under the conditions laid down in Article 4, for additional aid granted in order that any deficit entailed by such replanting may be taken into account.

This aid shall be granted in accordance with the provisions of Article 5.

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4. In Greece:

(a) the aids referred to in the first subparagraph of paragraph 1 and in paragraph 3 may be granted in respect of operations as referred to in paragraph 1 (a), (c) and (d) on which a start has been made up to

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31 December 1990, where citrus plantations were damaged by frost during the winter of 1986/87;

(b) in the case of citrus plantations which were the subject, up to the winter of 1986/87, of operations as referred to in paragraph 1 (a), (c) and (d), the aids referred to in the first subparagraph of paragraph 1 and in paragraph 3 may be granted again where such operations must be recommenced as a result of the winter frosts in question and up to 31 December 1990;

(c) the aids referred to in the first subparagraph of paragraph 1 and in paragraph 3 may be granted for schemes for the re-establishment of trees damaged by frost during the winter of 1986/87 which are begun up to 31 December 1990 in the case of citrus plantations whose varietal composition already satisfied consumer requirements before the frost, where such re-establishment schemes are carried out by:

— grubbing up and replanting with the varieties grown before the frost or other varieties of citrus fruit which meet consumer requirements,

— cutting off the trunk or main or secondary branches and top grafting of the varieties grown before the frost or other varieties of citrus fruit which meet consumer requirements.

In addition, the aids relating to the measures referred to in paragraph 1 (d) may be granted to the extent necessary to carry out the re-establishment schemes.

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In Italy, for the regions of Sicily, Apulia and Calabria:

a) the aids referred to in the first subparagraph of paragraph 1 and in paragraph 3 may be granted in respect of operations as referred to in paragraph 1 (a), (c) and (d) on which a start has been made up to 30 June 1991, where citrus plantations were damaged by frost during the winter of 1986/87;

b) in the case of citrus plantations which were the subject, up to the winter of 1986/87, of operations as referred to in paragraph 1 (a), (c) and (d), the aids referred to in the first subparagraph of paragraph 1 and in paragraph 3 may be granted again where such operations must be recommenced as a result of the winter frosts in question and up to 30 June 1991.

5. The aids for the schemes referred to in the first subparagraph of paragraph 4 and in point (b) of the second subparagraph of paragraph 4 shall be eligible under the EAGGF only where the surface area of citrus trees damaged by frost represents at least 20 % of the area of the holding on which citrus trees were grown prior to the frost.

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Article 2

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The measures provided for in Article 1 (1) shall apply only in Member States where:

— for oranges, at least 20 % of total production consists of fruit of the varieties ‘biondo comune’ and ‘sanguigno comune’,

— for small-fruited citrus, at least 50 % of total production consists of mandarins,

— for lemons, at least 50 % of total production consists of fruit of varieties other than ‘Eureka’ and ‘Verna’,

and in so far as they concern the measure referred to under point (c) of the first subparagraph of Article 1 (1), where the Member States furnish proof simultaneously of major structural deficiencies.

However, in so far as they are completed by ►M14 31 December 1988 ◄ at the latest, the measures provided for in Article 1 (1) (a) and (b) may equally apply in Corsica.

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►M14 The Member States concerned shall, by 30 April 1983 at the latest and for the implementation of the provisions laid down in the first subparagraph of Article 1 (4) by 31 December 1988 at the latest for Greece, and for those laid down in the second subparagraph of that Article not later than 31 July 1989 for Italy, draw up a plan to include the measures which they consider most suitable for carrying out the work referred to in Article 1 or adjust existing plans. ◄ This plan must specify in particular the production areas concerned, the varieties to be changed, the location of installations technically equipped for storage, packing and processing and the parts of capital expenditure incurred by the measures referred to under point (b) of the first subparagraph of Article 1 (1) which are not financed by the EAGGF and are borne by the Member State concerned and the beneficiary of the measures respectively. Work involved in drawing up the plan shall be done in conjunction with the Commission, which may forward any recommendation to the Member State concerned.

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This plan, accompanied by an estimate of expenses incurred both through the measures envisaged and through the additional aid referred to in Article 1 (2), shall be forwarded to the Commission for approval.

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The plan drawn up in accordance with the provisions of ►M16 the first subparagraph of Article 1 (4) and point (b) of the second subparagraph of Article 1 (4) and Article 1 (5) ◄ shall specify in particular, in addition to the particulars referred to in the third and fourth subparagraphs, the location of the areas particularly affected by the severe weather, the extent of the damage caused, the number of holdings affected, the extent of the areas for which aid may be granted for the schemes referred to in Article 1 (4), including the varieties cultivated on the plantations which are the subject of those schemes, and the control measures for ensuring that the aids granted to citrus growers whose plantations suffered damage as a result of the frost meet the requirements laid down in Article 1 (5).

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The Commission may, after consulting the Standing Committee on Agricultural Structures and the Management Committee for Fruit and Vegetables, amend the plan as it considers necessary. The plan, as approved by the Commission, shall be published forthwith by the Member State.

At the end of each year, each Member State concerned shall provide the Commission with a progress report on their plan.

Article 3

1. The measures adopted in the plan referred to in Article 2 should lead:

(a) with respect to work referred to in Article 1 (1) (a):

— to an improvement in the composition of varieties grown on the undertakings taking particular account of local conditions of production;

— to a more rational use of means of production in particular by recourse to more efficient production methods;

(b) with respect to the work referred to in the first and second indents of Article 1 (1) (b):

— to adapting, in a given area, the capacity for handling and packing to the quantity of fruit produced, taking particular account of the need to supply correctly sorted and identified products and to market the fruit in question over as long a period as possible during the year;

(c) with respect to the work referred to in the third indent of Article 1 (1) (b):

— to enabling the best returns to be obtained by processing products which cannot be marketed in the fresh state in produc-

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tion areas where technical obstacles would considerably restrict replanting;

— to improving conditions for the production of processed goods through a rational use of existing processing undertakings.

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d) With (SIC! with) respect to the work referred to in Article 1 (4) (c):

— to the re-establishment of citrus plantations damaged by frost, by maintaining the varietal composition of the plantations or by an appropriate choice of other varieties adapted to consumer requirements,

— to the rationalization of the means of production, as provided for in the second indent of paragraph 1 (a), where the level of such rationalization is not yet satisfactory.

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2. The detailed rules for applying paragraph 1 shall be adopted, so far as necessary, in accordance with the procedure laid down in Article 13 of Council Regulation No 23 [1] on the progressive establishment of a common organisation of the market in fruit and vegetables.

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Article 4

1. The aid referred to in Article 1 (3) shall be paid to farmers who practise agriculture as their main occupation and who grow oranges, mandarins or lemons on condition that:

— the income derived from their holding before conversion does not exceed the income derived from five hectares of orange, mandarin and lemon trees,

— at least 40 % of the area used for growing orange, mandarin or lemon trees is converted at one time

— an area of at least 20 ares (SIC! acres) is converted.

In accordance with the procedure provided for in Article 2, the Commission may authorize a Member State to adopt a lower figure than that provided for in the second indent of the first subparagraph in exceptional cases where the need for such a reduction is clearly justified.

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However, for the implementation of points (a) and (b) of the first subparagraph and (b) of the second subparagraph of Article 1 (4), the figure of 40 % given in the second indent of the first subparagraph shall be reduced to 20 %.

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If a collective conversion measure referred to in paragraph 3 is involved, the aid may also be paid to farmers participating in the measure but not fulfilling the conditions laid down above, provided the total amount of aid per beneficiary does not exceed the amount for four converted hectares.

2. The amount of aid per converted hectare shall apply to a maximum of four hectares and shall be as follows:

— 2 200 ECU per year for the first four years,

— 1 500 ECU for the fifth year,

— 1 000 ECU for the sixth and seventh years, only for growers who replant.

The above amounts shall be increased by 10 % per converted hectare of mandarin and lemon trees.

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2a. As regards the additional aid referred to in Article 1 (3) for the implementation of the provisions contained in Article 1 (4) (c), the

[1] OJ No 30, 20. 4. 1962, p. 965/62.

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conditions referred to in the first subparagraph of paragraph 1 shall apply, with the exception of the rate of 40 % referred to in the second indent of that subparagraph.

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3. For the purposes of this Regulation, a collective measure shall refer to any citrus fruit conversion measure carried out by farmers under a mandatory agreement concluded between at least 25 farmers having a total of at least 50 hectares of citrus fruit, and which provides for the conversion of at least 20 hectares.

In accordance with the procedure provided for in Article 2, the Commission may authorize a Member State, in exceptional cases, to specify a smaller area to be converted than that provided for in the first subparagraph, in so far as the total number of cases so specified represents no more than 10 % of the total area to be converted in this Member State.

If the collective measure is carried out by a cooperative or a producer group or association set up for purposes other than citrus fruit conversion, the condition mentioned in the first subparagraph which refers to a minimum number of 25 farmers shall not be binding.

The Member States concerned shall, in the plan referred to in Article 2, for each region to which the plan applies within the limits laid down above, fix the conditions to be met by the collective measures.

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4. The first instalment shall be paid during the two months following the start of conversion, or of re-establishment schemes as provided for in Article 1 (4) (c).

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The amount of aid may be adjusted from the year following the entry into force of Regulation (EEC) No 1204/82 in the light of developments in the general economic situation by decision of the Council acting by a qualified majority on a proposal from the Commission.

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Article 5

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1. The aids specified in article (SIC! Article) 1 shall be granted by the Member States. They must cover:

— all expenditure in implementation of the measures specified in the first subparagraph of Article 1 (1) (a), (c) and (d), and of the additional aid provided for in Article 1 (3), ►M15 and of the measures referred to in Article 1 (4) (c). ◄

— all expenditure in implementation of the measure specified in the first subparagraph of Article 1 (1) (b), less the proportion of this expenditure to be met by the recipient of the aid.

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2. The EAGGF Guidance Section shall refund to Member States 50 % of the expenditure incurred through the work referred to in Article 1 (1), through payment of the additional aid provided for in Article 1 (3) and through the measures referred to in Article 1 (4) (c).

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3. The detailed rules for applying paragraphs 1 and 2 shall be adopted, in so far as necessary, in accordance with the procedure laid down in Article 26 of Regulation No 17/64/EEC.

TITRE II

Short-term measures

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Article 6

Sellers established in the producer Member States who have drawn up a conversion plan within the meaning of Article 2 shall qualify, subject

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to the conditions set out below, for financial compensation in respect of oranges, mandarin, clementines and lemons originating in the said Member States and marketed in the other Member States.

Article 7

1. For oranges and mandarins, the amount of financial compensation shall be fixed each year before the beginning of the marketing year, in accordance with the procedure laid down in Article 43 (2) of the Treaty:

a) up to and including the 1989/90 marketing year, on the basis of the previous amount adjusted for changes in the basic and buying-in prices for the products in question, subject to the condition, however, that the percentage change in the financial compensation compared with the preceding marketing year may not exceed the percentage change in the basic and buying-in prices;

b) with effect from the 1990/91 marketing year, on the basis of the previous amount reduced, successively, by one-quarter, one-third and one-half.

Financial compensation shall be abolished with effect from the 1993/94 marketing year.

2. For ►M13 ———— ◄ clementines, the amount of the financial compensation shall be fixed each year before the beginning of the marketing year, in accordance with the procedure laid down in Article 43 (2) of the Treaty:

a) up to and including the 1982/83 marketing year, on the basis of the previous amount adjusted for changes in the basic aid buying-in prices for the products in question, subject to the condition, however, that the percentage change in the financial compensation compared with the preceding marketing year may not exceed the percentage change in the basic and buying-in prices;

b) with the effect from the 1983/84 marketing year, on the basis of the previous amount reduced, successively, by one-quarter, one-third and one-half.

Financial compensation shall be abolished with effect from the 1986/87 marketing year.

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2a. For lemons, the amount of the financial compensation shall be fixed each year before the beginning of the marketing year, in accordance with the procedure laid down in Article 43 (2) of the Treaty:

a) up to and including the 1983/84 marketing year, on the basis of the previous amount adjusted for changes in the basic and buying-in prices for the products in question, subject to the condition, however, that the percentage change in the financial compensation compared with the preceding marketing year may not exceed the percentage change in the basic and buying-in prices;

b) with effect from the 1984/85 marketing year, on the basis of the previous levels of the amount reduced, successively, by one-quarter, one-third and one-half.

Financial compensation shall be abolished with effect from the 1987/88 marketing year.

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3. Financial compensation shall be granted only in respect of products belonging to quality classes Extra and I.

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Article 8

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1. The financial compensation shall be paid to the sellers at their request, as soon as evidence has been furnished that the goods in question have entered the territory of the importing Member State and have been made available to the purchaser.

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2. Detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

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Article 9

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The rules governing the financing of the common agricultural policy shall apply to the financial compensation referred to in Article 6.

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Article 10

The Commission, on the basis of information supplied to it by Member States, shall submit each year to the Council a report on the application of the measures adopted under this Title.

Article 11

This Regulation shall enter into force on the third 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.