24.11.71 Official Journal of the European Communities No L 259/29

REGULATION (EEC) No 2510/71 OF THE COMMISSION

of 22 November 1971

on detailed rules for the subsidy for olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC[1] of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 2554/70[2], and in particular Article 10 (3) thereof;

Having regard to Council Regulation No 162/66/EEC[3] of 27 October 1966 on trade in oils and fats between the Community and Greece;

Having regard to Council Regulation (EEC) No 2311/71[4] of 29 October 1971 on the subsidy for olive oil, and in particular Article 8 (2) thereof;

Whereas Council Regulation (EEC) No 2311/71 laid down the principles under which the subsidy referred to in Article 10 of Regulation No 136/66/EEC is granted and contained measures to ensure that that subsidy is granted only in respect of products which are entitled to it; whereas it is for the Commission to adopt detailed rules for applying this Regulation for the 1971/72 marketing year;

Whereas Article 3 of Regulation (EEC) No 2311/71 provides for the setting up of a system of supervision to check that the quantity of oil in respect of which an application for subsidy is lodged is consistent with the quantities of products from which oil is extracted, the actual quantity of oil produced and potential production for the 1971/72 marketing year; whereas, therefore, applications for subsidy, stock records of oil mills and olive-residue oil extraction plants and cultivation declarations to be lodged by olive producers must contain enough information to make it possible to check this consistency;

Whereas, if the system of cultivation declarations is to operate correctly, a final date for the lodgment of such declarations must be fixed;

Whereas, to ensure that the system of cultivation declarations is properly applied, the factors to be taken into account when the target yields referred to in Article 6 of Regulation (EEC) No 2311/71 are being set must be specified;

Whereas it would be preferable if the competent professional bodies could be involved in supervision and in the determination of target yields, in view of the technical aspects of these operations;

Whereas Article 7 of Regulation (EEC) No 2311/71 requires producing Member States to verify the accuracy of stock records of oil mills and olive-residue oil extraction plants; whereas, in view of the large number of oil mills in operation and the administrative facilities now available to Member States, spot checks must be made on a sufficiently representative number of oil mills;

Whereas experience has shown that in certain cases it is not possible to check whether the quantity of olives indicated in the application for subsidy is consistent with the quantity indicated in oil mill stock records; whereas provisions must be adopted to overcome this difficulty;

Whereas uncertainty may arise as to the quantity of oil entitled to subsidy as a result of a discrepancy between the quantity in respect of which an application is made for subsidy and the quantity indicated in the stock records; whereas, since olive and oil yields are only intended to serve as a guide, it may happen that the quantity in respect of which an application is made for subsidy exceeds that resulting from the application of those yields to cultivation declarations; whereas, in such cases, the quantity to be accepted for subsidy should be determined by the competent bodies of the Member States;

Whereas it may also happen that the quantity of olive-residue oil in respect of which an application is made for subsidy exceeds that resulting from the application to olive residues received by extraction plants of the average yields of olive-residue oil for different areas; whereas, in such cases, the quantity to be accepted for subsidy should be determined as indicated above;

[1] OJ No 172, 30.9.1966, p.3025/66.
[2] OJ No L 275, 19.12.1970, p.5.
[3] OJ No 197, 29.10.1966, p.3393/66.
[4] OJ No L 244, 30.10.1971, p.7.

Whereas Artilce 3 (4) of Regulation (EEC) No 2311/71 provides that Member States may determine the quantity of olive-residue oil which will be accepted for subsidy, notably on the basis of virgin olive oil production, whereas the normal ratio between quantities of virgin olive oil and olive-residue oil from the same batch of olives must be taken into account when that quantity is being determined;

Whereas the proper functioning of the system of supervision referred to in Article 8 (1) of Regulation (EEC) No 2311/71 may be ensured if the products referred to therein are placed under supervision until such time as the oil contained in these products is no longer in a condition to be accepted for subsidy;

Whereas it must be possible to distinguish in intra-Community trade between those products which must and those which need not be subjected in the Member State of destination to the system of supervision referred to above; whereas this could be done by using the documents introduced by Council Regulation (EEC) No 542/69[1] of 18 March 1969 on Community transit and Commission Regulation (EEC) No 2313/69[2] of 19 November 1969 on the internal Community transit document for certifying the Community nature of goods;

Whereas Article 8 (1) of Regulation (EEC) No 2311/71 provides that supervision may be accompanied by the lodging of a deposit; whereas the latter must be lodged in those olive-oil producing Member States where subsidy can be applied for; whereas the arrangements for this deposit must be determined particulary by fixing the amount of the deposit at a level which will ensure that there is no incentive to apply unlawfully for subsidy for oil contained in products subject to supervision;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for granting the subsidy for olive oil for the 1971/72 marketing year.

Article 2

1. For virgin olive oil, the application for subsidy shall contain, at the least, the following information:

(a) the surname, first name and address of the applicant;

(b) the weight of oil, specifying that the product is virgin olive oil;

(c) the oil mill or mills in which the oil was produced, indicating for each of these the quantity of olives used and the quantity of oil produced;

(d) the location of the farm or farms on which the olives were harvested, with a reference to the cultivation declaration for the farm or farms in question;

(e) in addition, for the 1971/72 marketing year, the applicant shall complete his application by certifying, where necessary, that the cultivation declaration lodged for the 1969/70 and 1970/71 marketing years is still valid.

2. For olive-residue oil, the application for subsidy shall contain, at the least, the following information:

(a) the surname, first name and address of the applicant;

(b) the weight of oil, specifying that the product is olive-residue oil;

(c) the extraction plant in which the oil was produced.

Where a Member State invokes the provisions of Article 3 (4) of Regulation (EEC) No 2311/71 the application for subsidy referred to in paragraph 1 shall also cover olive-residue oil.

In such cases, the application shall specify under (c) the quantities of olive residue obtained.

Article 3

1. The regions referred to in Article 2 (1) of Regulation (EEC) No 2311/71 shall be determined by producing Member States.

2. The number of applications for subsidy to be lodged by each applicant shall be fixed in the light of the need to check consistency as required by Article 10 (1) (b) of this Regulation.

3. Each producing Member State shall fix for each region a final date for lodging applications for subsidy, this date to be as close as possible to the end of oil production in the region in question. These dates may be different for virgin olive oil and olive-residue oil.

However, the lodging of applications in respect of virgin olive oil must terminate before the fixing referred to in Article 8 (2) takes place.

Article 4

1. In producing Member States oil mills shall keep daily stock records which shall indicate, at the least:

(a) the quantities of olives received, batch by batch, stating the person for whom they are crushed;

(b) the quantities of olives crushed;

(c) the quantities of oil obtained;

(d) the quantities of olive residue obtained;

[1] OJ No L 77, 29.3.1969, p.1.
[2] OJ No L 295, 24.11.1969, p.8.

(e) the quantities of oil leaving the mill, batch by batch, stating the reason for their despatch and the recipient;

(f) the quantities of olive residue used in the mill or leaving the mill batch by batch, stating the reason for these operations and, where they leave the mill, the recipient.

2. Subject to Article 3(4) of Regulation (EEC) No 2311/71, olive-residue oil extraction plants in producing Member States shall keep daily stock records which shall indicate, at the least:

(a) the quantities of olive residue received, batch by batch, and the oil mill from which they came;

(b) the quantity of oil contained in the residues received;

(c) the quantities of residue used;

(d) the quantities of oil obtained;

(e) the quantities of oil leaving the plant, batch by batch, stating the reason for their despatch and the recipient;

(f) the quantities of residue used up, either used in the plant or leaving it, batch by batch, stating the reason for these operations and, where they leave the plant, the recipient.

3. The quantities of oil referred to in 1 (c) and 2 (d) shall be those obtained after deducting the weight of water and impurities in accordance with commercial practice.

The quantities of oil referred to in 2 (b) shall be determined by analysis carried out in accordance with the method laid down by Member States.

4. Oil mills shall keep separate stock records indicating, at the least:

(a) for olives imported from Greece or third countries, the information provided for in paragraph 1 excepting the name of the producer;

(b) for oils which were not obtained in the oil mill in question during the 1971/72 marketing year, the stocks carried over and the quantities received and despatched, stating the reason for their movement and where appropriate the consignor or the recipient.

5. Subject to Article 3(4) of Regulation (EEC) No 2311/71, olive-residue oil extraction plants shall keep separate stock records indicating, at least:

(a) for the products listed in Article 1 (2) (e) of Regulation No 136/66/EEC imported from Greece or from third countries, the information provided for in paragraph 2 excepting the oil mill from which the residue came;

(b) for the products listed in Article 1 (2) (e) of Regulation No 136/66/EEC falling within heading No 15.17 A of the Common Customs Tariff and produced within the Community, the quantities referred to in paragraph 2 and where they came from;

(c) for oils which were not obtained in the plant in question during the 1971/72 marketing year, the stocks carried over and the quantities received and despatched, stating the reason for their movement and where appropriate the consignor or the recipient.

Article 5

1. Each olive producer shall lodge a single cultivation declaration for those of his farms which are situated in one of the regions referred to in Article 3 (1).

Where several producers are associated in a single farm a single cultivation declaration shall be lodged for that farm; in such cases the surname and first names of each of the associated producers shall be indicated.

2. Producing Member States shall fix the final date for lodging cultivation declarations.

Article 6

1. The cultivation declaration shall indicate in particular:

(a) the surname, first name and address of the person lodging the declaration;

(b) the location of the farm or farms;

(c) the surface area planted with olive trees;

(d) the total number of olive trees actually cultivated;

(e) the number of crop-yielding olive trees the olives from which are nomally used for purposes other than oil production;

(f) the number of crop-yielding olive trees the olives from which are normally used for oil production, stating the number of olive trees under special cultivation and the number under mixed cultivation;

(g) for each of the two types of cultivation referred to in (f) above:

- the number of olive trees grown by irrigation, and
- where possible, the main varieties and the shape pruning.

2. Member States may have cultivation declarations already lodged or to be lodged supplemented by the land register reference of the farms which are the subject of that declaration.

Article 7

1. In producing Member States:

(a) oil mills shall be subject to spot checks. These checks will be made on a representative proportion of the mills in operation, taking into account operational methods, production capacity and geographical distribution;

(b) subject to Article 3 (4) of Regulation (EEC) No 2311/71 olive-residue oil extraction plants shall be subject to supervision as from their opening for reception of olive residues to the closing of the stock records for olive oil entitled to benefit from subsidy.

2. The supervision referred to in paragraph 1 shall concern in particular:

(a) consistency between recorded an actual stocks;

(b) as regards extraction plants, the quantity and quality of products referred to in Article 1 (2) (e) of Regulation No 136/66/EEC received and despatched and the quantity of oil produced, received and despatched.

Article 8

1. The target yields referred to in Article 6 of Regulation (EEC) No 2311/71 shall be established in the different production regions on the basis of factors likely to affect the yield of olives and oil.

2. The target yields shall be fixed, on the basis of information collected in due time, prior to a date to be determined by the Member States. This date may not be later than 15 June 1971.

Article 9

Representatives of professional bodies may be involved in the work of the bodies appointed to determine target yields and in the supervision referred to in Article 7 of Regulation (EEC) No 2311/71.

Article 10

1. Supervision of applications for subsidy for virgin olive oil shall involve, among other measures:

(a) checking consistency between the quantities of olives and oil indicated in applications and the quantities indicated in oil mill stock records;

(b) checking consistency between the quantities of olives and oil indicated in applications and the quantities resulting from the application of target yields to the relevant cultivation declarations.

2. Subject to Article 3(4) of Regulation (EEC) No 2311/71 supervision of applications for subsidy for olive-residue oil shall be carried out by:

(a) checking consistency between the quantities of oil indicated in applications and the quantities indicated in the stock records of the extraction plants in question;

(b) checking consistency between the quantities of olive residue received indicated in the stock records of extraction plants and the quantities sent to those plants by oil mills;

(c) checking consistency between the quantity of oil in respect of which an application is made for subsidy and the quantities resulting from the application, to the olive residue from which the oil was obtained, of average industrial residue yields determined by region in each producing Member State.

Article 11

Where it is not possible to check consistency between the quantity of olives indicated in the application for subsidy and the quantity indicated in the records referred to in Article 4 (1) as a result of the supply to oil mills of the joint olive production of several farmers, the competent bodies shall decide on the quantity of olives to be used for determining the quantity of oil entitled to subsidy.

Article 12

1. If the supervision referred to in Article 10 (1) (a) shows that the quantities of olives indicated in the application for aid are greater than those indicated in the stock records referred to in paragraph 1. or if the supervision referred to in Article 10 (1) (b) shows that the quantity of oil indicated in the application is greater than that resulting from the application of target yields to cultivation declarations, the competent bodies shall decide on the quantity of oil entitled to subsidy, after an investigation and where necessary after hearing the parties concerned.

2. If the supervision referred to in Article 10 (2) shows that:

(a) the quantity of oil indicated in the application is greater than that indicated in the stock records referred to in Article 4 (2), or

(b) the quantities of residue received indicated in the abovementioned records are greater than the quantities sent by the oil mills and indicated in the records referred to in Article 4 (1), or

(c) the quantity of oil indicated in the application is greater than that resulting from the application of the yields referred to in Article 10 (2) (c) to residues received by the extraction plant in question,

the competent bodies shall decide on the quantity of oil entitled to subsidy, after an investigation and where necessary after hearing the parties concerned.

3. Producing Member States shall report to the Commission on the application of the provisions of this Article.

Article 13

Where a producing Member State invokes the provisions of Article 3 (4) of Regulation (EEC) No 2311/71, the quantity of olive-residue oil entitled to subsidy shall be equal to 9·5% of the quantity of virgin olive oil produced by pressing from the olives from which the residue came and in respect of which entitlement to subsidy is recognized.

Article 14

1. In accordance with Article 8 (1) of Regulation (EEC) No 2311/71, each Member State shall set up a system of customs control or administrative supervision offering equivalent guarantees in respect of the products referred

to in Article 1 (2) (d) and (e) of Regulation No 136/66/EEC imported from Greece or from third countries.

2. The same system of supervision shall be applied to the products referred to in Article 1 (2) (d) and (e) of Regulation No 136/66/EEC coming from another Member State, excepting those for which proof is furnished in accordance with Article 16 that they were not subject in the Member State of provenance to the above-mentioned system of supervision.

3. Supervision shall apply until such time as the oil contained in the products subject to that supervision no longer qualifies for subsidy.

Article 15

1. For products referred to in Article 15 (1) of Regulation No 136/66/EEC, olive-oil producing Member States shall and other Member States may include the lodging of a deposit in the system of supervision referred to in Article 14.

2. For each product subject to supervision the deposit shall be equal to the amount of subsidy corresponding to the quantity of oil contained in those products, plus 10%. This quantity shall be calculated in accordance with Articles 6, 7 (2) and 8 (2) of Council Regulation No 166/66/EEC[1] of 27 October 1966 on the levies applicable to olive oil which has undergone a refining process and to certain products containing olive oil.

3. The deposit may be lodged in currency or in the form of a guarantee meeting the criteria fixed by each Member State.

4. The deposit shall be forfeited in whole if within four months of its being lodged proof is not furnished that the oil contained in the products concerned is no longer in a condition to qualify for subsidy.

Article 16

Proof that the products were not subject to the supervision referred to in Article 14 in the Member State of provenance can only be furnished by submitting to the competent authorities of the Member State of destination either a document T2 as referred to in Article 39 of Regulation (EEC) No 542/69 or a document T2 L as referred to in Article 1 of Regulation (EEC) No 2313/69 which indicates in its Section 31, in addition to the description of goods, the following:

(a) the net weight of the goods;

(b) one of the following endorsements:

'Produit non importé des pays tiers ou de la Grèce'

'nicht aus Drittländern oder aus Griechenland eingeführtes Erzeugnis'

'prodotto non importato dai paesi terzi o dalla Grecia'

'niet uit derde landen of Griekenland ingevoerd produkt'

(product not imported from third countries or from Greece).

Article 17

Oil contained in the products referred to in Article 14 (1) shall be considered to no longer qualify for subsidy within the meaning of this Regulation where proof is furnished that those products have been:

- processed into oil in respect of which application cannot be made for subsidy,
- exported to third countries or Greece,
- despatched from the territory of one Member State to another Member State and in respect of which a T2 or T2 L document has been issued which does not contain the information referred to in Article 16,
- treated in such a way that they can no longer be processed into oil.

Article 18

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 to all Member States.

Done at Brussels, 22 November 1971.

For the Commission

The President

Franco M. MALFATTI

[1] OJ No 197, 29.10.1966, p.3400/66.