REGULATION (EEC) No 3209/73 OF THE COUNCIL
of 27 November 1973
on the subsidy for olive oil

THE COUNCIL 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 1707/73 (2), and in particular Article 10 (2) 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, and in particular Article 8 thereof;

Having regard to the proposal from the Commission;

Whereas the principles must be laid down under which the subsidy referred to in Article 10 of Regulation No 136/66/EEC will be granted to olive-oil producers for the 1973/74 marketing year; whereas, moreover, measures should be adopted to ensure that the subsidy is granted only for olive oil produced in the Community from olives harvested in the Community, and in respect of which the subsidy has not already been granted;

Whereas, to ensure the proper working of the subsidy system, the subsidy should be granted only for quantities of oil in respect of which applications are submitted within producing Member States; whereas, in order to simplify the application of the system, the number of applications for subsidy which can be made during the marketing year should be limited;

Whereas, the subsidy in question is of considerable importance for producers of olive oil and constitutes a financial burden for the Community; whereas, to ensure that the subsidy is granted only for such oil as gives entitlement thereto, provision should be made for a system of administrative supervision to check that the quantities of oil in respect of which applications for the subsidy are made are consistent with the potential production of olives and oil during the marketing year in question and with the quantities of the products from which the oil is extracted and the quantities of oil actually produced;

Whereas in order to check this consistency such supervision should be based in particular on a system of cultivation declarations; whereas, to ensure the proper working of the supervision system, the accuracy of the cultivation declarations should be verified by the Member States;

Whereas, however, to simplify the application of the subsidy system to olive-residue oil, provision should be made for the determination of the quantity of such oil which will be accepted for the subsidy to be effected on the basis of the production of oil by extraction;

Whereas, producers' organizations should be set up in order to simplify the subsidy system; whereas the minimum conditions to be satisfied by the organizations before they are recognized by the Member States should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1973/74 marketing year, the subsidy referred to in Article 10 of Regulation No 136/66/EEC shall be granted in respect of olive oil falling within the definitions contained under 1 and 4 of the Annex to that Regulation.

Article 2

Before a date to be determined, each producer of olives which are to be used in the production of oil shall submit a cultivation declaration for each of the areas covered by Article 6 (2); such declaration, in addition to giving the necessary details concerning the olive trees so that the subsidy may be fixed, shall include a statement from the producer that he has carried out the necessary field work and that he picks the olives regularly.

Article 3

1. The subsidy shall be granted upon application to be made by the persons concerned in the Member States in which the oil was produced.

2. In respect of each of the areas referred to in Article 6 (2), only one application for the subsidy may be submitted, before a date to be determined, by each producer who has submitted a cultivation declaration.

Article 4

1. Each producing Member State shall set up a system of administrative supervision to ensure that the products in respect of which applications are made for the subsidy are products which give entitlement thereto.

2. As regards the type of oil referred to under point 1 of the Annex to Regulation No 136/66/EEC, the supervision must, in particular, include a check that the quantity of olive oil in respect of which an application is made for the subsidy by the person concerned is consistent with:

(a) The quantity of olives harvested within the Community and used for the production of such oil,

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No 197, 29. 10. 1966, p. 3393/66.

(b) the actual quantity of olive oil produced,

(c) the potential production of olives and oil during the marketing year in question.

3. As regards the type of oil referred to under 4 of the Annex to Regulation No 136/66/EEC, the competent French authorities must, in particular, check that the quantity of olive residue oil in respect of which an application is made for the subsidy by a person concerned is consistent with :

(a) the quantity of olive residue obtained from olives harvested within the Community and used for the production of such oil

(b) the actual quantity of olive-residue oil produced.

4. With respect to the oil referred to under 4 of the Annex to Regulation No 136/66/EEC, the competent Italian authorities shall determine the quantity of this oil for which the subsidy may be granted, on the basis of the oil production referred to under point 1 of the Annex to that Regulation.

Article 5

For the purposes of the supervision referred to in Article 4, producing Member States shall oblige oil mills and, subject to Article 4 (4), extraction plants for olive-residue oil to keep records of their stocks.

Article 6

1. Consistency between the quantity of oil in respect of which the subsidy is applied for and the potential production referred to in Article 4 (2) (c) shall be verified by checking the information contained in the cultivation declarations against the target yields referred to in paragraph 2.

2. Target yields for olives and for oil shall be set for each production area by the producing Member States in accordance with criteria to be determined.

Article 7

The producing Member States shall :

— make on-the-spot checks as to the accuracy of cultivation declarations. These checks shall relate to a percentage to be fixed by reference to the size of the farm ;

— compare the information given in the cultivation declaration for the 1973/74 marketing year with the information contained in the oil register or, if this is not available, in the last cultivation declaration submitted by each person concerned.

Article 8

1. In the application of this Regulation, the Member States may treat a recognized producers' organization as a single producer.

2. For the purposes of this Regulation, 'producers' organization' means any recognized organization of producers of olives and oil established on their own initiative, which undertakes in particular :

— to supervise, for the purposes of the granting of the subsidy in accordance with this Regulation, the production by its members of olives and of oil ; these checks may not replace the checks to be carried out by the Member States in accordance with this Regulation ;

— to submit a single application for the subsidy and a single cultivation declaration on behalf of all its members, after the control referred to above ;

— to receive the subsidy on behalf of its members and to distribute it among them in respect of the production of each member which has been recognized by the producing Member States.

Article 9

The Member States shall communicate to the Commission, before they become applicable, all provisions adopted by them in pursuance of this Regulation.

If the provisions are not such as to enable the objectives of this Regulation to be attained, a decision will be taken, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, as to the amendments which should be made thereto by the Member State concerned.

Article 10

This Regulation shall enter into force on 1 December 1973.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 1973.

For the Council

The President

Ib FREDERIKSEN