REGULATION (EEC) No 3423/73 OF THE COMMISSION

of 18 December 1973

on detailed rules for granting subsidies 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 1707/73 [2], and in particular Article 10 (3) thereof;

Whereas Council Regulation (EEC) No 3209/73 [3] of 27 November 1973 laid down the principles according to which the subsidy referred to in Article 10 of Regulation No 136/66/EEC shall be granted to olive oil producers for the 1973/74 marketing year, and adopted measures in order to ensure that this subsidy shall be granted only for the products which have the right to benefit from it; whereas the Commission should adopt the relevant detailed rules for their application;

Whereas Article 4 of Regulation (EEC) No 3209/73 lays down that a system of control shall be set up to allow the verification of the consistency between, on the one hand, the quantity of oil for which the subsidy is requested and on the other, the quantities of the products from which the oil is extracted and the actual quantity of oil produced, as well as the potential production of olives and oil for the 1973/74 marketing year; whereas, therefore, the requests for the subsidy and the cultivation declarations to be presented by the producers should include the minimum information necessary to verify this consistency;

Whereas, in order to ensure the proper management of the system of cultivation declarations, a deadline should be fixed for their lodgement, as soon as possible after the beginning of the marketing year; whereas, with a view to ensuring the correct application of the system, the elements to be taken into consideration to establish the target yields and the production areas referred to in Article 6 of Regulation (EEC) No 3209/73 should be defined;

Whereas in order to guarantee the homogeneity of the information used to fix the target yields and the production areas, the centralized coordination of this information should be provided for;

Whereas, further to Article 7 of Regulation (EEC) No 3209/73 the on-the-spot control of the accuracy of the cultivation declarations should relate to a percentage to be fixed by reference to the size of the farms; whereas it is necessary to carry out a control relating to a sufficiently representative number of declarations;

Whereas, since the target yields for olives and oil are average yields, it may be claimed that the quantity for which the subsidy is requested is greater than that resulting from the application of these yields to the cultivation declarations; whereas, in this case, the quantity eligible for the subsidy should be determined, on the basis of proof furnished by the producer concerned, by the competent authorities in the Member States;

Whereas there may be some doubts as to the quantity of oil eligible for the subsidy, due to inconsistency between the quantity for which the subsidy is requested and that resulting from the application of the yields to the cultivation declaration, or that in the stock accounts;

Whereas to simplify the application of the subsidy system for olive-residue oil in Italy, the quantity of this oil eligible for the subsidy should be estimated at a fixed rate;

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

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No L 327, 28. 11. 1973, p. 15.

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down detailed rules on granting subsidies for olive oil for the 1973/74 marketing year.

Article 2

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

(a) the name, forenames and address of the applicant ;

(b) the weight of the oil, together with an explicit statement that the product is virgin olive oil ;

(c) the oil mill or mills in which the oil was produced, with particulars for each mill as to the quantity of olives used and the quantity of oil produced ;

(d) the location of the holding or holdings where the olives were harvested, including an explicit reference to the cultivation declaration for the holding or holdings concerned.

2. In the case of sale, when the oil to which the application refers shall be invoiced, the application must be accompanied by :

(a) the sale invoice, or a similar document, if the sale has taken place ;

(b) particulars of the place where the oil is stored, if the sale has not taken place.

3. Applications for subsidies by producers who have sold their olives must contain the information specified in Article 2 (1) (a) and (d) and also particulars of the quantity of olives sold, and of the name, forenames and address of the purchaser together with the sale invoice for the olives.

4. The provisions of paragraph 1 and 3 shall apply also to applications for subsidies in respect of olive-residue oil produced in Italy.

5. In the case of olive-residue oil produced in France, applications for subsidies shall contain at least the following information and documents :

(a) the name, forenames and address of the applicant ;

(b) the quantity of olive-residue used ;

(c) the weight of the oil together with an explicit statement that the product is olive-residue oil ;

(d) the extraction plant in which the oil was produced ;

(e) where the oil has been sold, the quantity of oil sold, the name, forenames and address of the purchaser, and, where appropriate, the sale invoice for the oil ; in other cases, the place where the oil is stored.

Article 3

Each producing Member State shall lay down, for its entire area, a period within which application for subsidies must be submitted.

However, more limited periods may be fixed in the different zones of production in order to take into account the state of the harvest of olives.

Article 4

Each producer of olives shall submit a date fixed by each Member State, which may not, however, extend beyond 31 January 1974, for each of the areas of production, a single cultivation declaration covering all those of his holdings situated in that area.

Where a single holding is operated jointly by two or more producers, a single cultivation declaration shall be submitted for that holding, particulars being given therein of the name, forenames and address of each individual producer.

Article 5

1. The cultivation declaration referred to in Article 2 of Regulation (EEC) No 3209/73 shall include particulars as to the following :

(a) the name, forenames and address of the person submitting the declaration ;

(b) the location of the holding or holdings ;

(c) the area planted with olive trees ;

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

(e) The number of bearing trees whose olives are normally used for the purposes other than oil production ;

(f) The number of bearing trees whose olives are normally used for oil production, indicating the number of trees under specialized cultivation and the number under mixed cultivation ;

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

— the number of trees under irrigated cultivation, and,

— if possible, the main varieties and shape pruning.

2. Member States may require that there be added to the particulars given in cultivation declarations already submitted or to be submitted the cadastral reference of the holdings to which those declarations relate.

Article 6

1. For the purpose of fixing, in a centralized manner, the target yields for olives and oil, and the production areas referred to in Article 6 (2) of Regulation (EEC) No 3209/73, the producing Member States shall, for their entire area, coordinate the information, relating to these yields and to these areas, which has been fixed in the different oil-producing areas by the authorities designated with this end in view.

2. As soon as they have been adopted, the producing Member States shall communicate to the Commission the provisions laid down by them in respect of this Article, as well as the information concerning the production areas and the target yields for olives and oil.

Article 7

1. The target yields for olives and oil shall be determined for production areas established having regard to the factors relevant to olive and oil yields.

When determining the production areas, account shall be taken in particular :

— of the geography and geology of the region concerned ;

— of the main varieties of olive tree, and of their age and most frequent type of shape pruning.

2. The target yield for olives shall for each production area be equal to the quantity of olives per tree obtained during the 1973/74 marketing year from a representative number of properly maintained, bearing trees in that area. Such yield shall be determined for dry cultivation.

For trees under irrigated cultivation, the target yield shall be increased by a percentage to be determined by the individual producing Member States.

3. The target oil yield for olives shall for each production area be equal to the quantity, per 100 kilogrammes of olives, of oil obtainable by expression from the olives produced in that area.

Such yield shall be determined having regard to processing tests carried out on a representative sample of olives from each production area, account being taken of the equipment of the mills serving those areas.

Target yields shall be determined by the Member States as soon as possible after the closing date for the submission of applications for subsidies. These yields shall then be published.

Article 8

Representatives of the trade interests concerned may take part in the work relating to the establishment of target yields, and in the checks provided for in Article 7 of Regulation (EEC) No 3209/73.

Article 9

In addition to carrying out checks as to the accuracy of the information given in applications for subsidies, in respect of virgin olive oil the agencies responsible for supervision shall check :

1. the agreement between the quantities of olives and oil indicated in the applications and the quantities shown in the oil-mill registers ;

2. the consistency between the quantities of olives and oil indicated in the applications and the quantities resulting from the application of target yields to the data contained in the cultivation declarations.

Article 10

The controls referred to in Article 7 of Regulation (EEC) No 3209/73 shall be carried out in respect of at least 5 % of cultivation declarations.

Article 11

1. Any producer who considers that his production of olives or of oil exceeds that obtained by applying those yields to the data contained in his cultivation declaration shall, within fifteen days following either the publication or the notification of the said target yields, submit additional documentation in evidence of such production. Such documentation shall include at least the following :

(a) details of the specific cultivation work carried out on the olive plantation ;

(b) evidence as to the labour employed on the olive plantation, or the technical means used to harvest the olives ;

(c) invoices in respect of the purchase of all fertilizers and insecticides of fungicides used or the proof that the relevant operations have been carried out ;

(d) In cases other than those referred to in Article 3 (2) :

— where the oil has been sold, information concerning the quantities of oil sold, lot by lot, as well as the names, forenames and addresses of the buyers ;

— particulars of the place where the oil is being stored, if it has not been sold.

2. The competent authorities, having examined the evidence submitted pursuant to paragraph 1, and having carried out a comparison fo the quantities of oil which have been recognized as eligible for the subsidy for the same holding for each oil production year since 1966/67, shall decide the quantity of oil eligible for the subsidy.

Where the olives have been sold, the quantity of oil eligible for subsidy may not exceed that obtained by applying to the quantity of olives recognized as having been sold, the target oil yield for the area from which the olives in question originate.

3. The authorities referred to in paragraph 2 may carry out additional inquiries by requiring, where appropriate, that all stock accounts of the holdings of producers as referred to in paragraph 1 be placed at their disposal.

Article 12

When an examination of the applications for the subsidy reveals a discrepancy between the quantity of oil for which the subsidy is requested, and

(a) the quantity of oil resulting from the application of target yields to the relevant declaration of cultivation.

(b) the quantity of oil shown in the oil-mills' ledgers,

and when the producers are not using the provisions of Article 11, the competent authorities shall determine the quantity of oil eligible for subsidy on the basis of the smallest quantity resulting from the above information.

Article 13

In Italy, the quantity of olive-residue oil eligible for subsidy shall be equal to 9 % of the quantity of virgin oil recognized as eligible for subsidy produced by pressing from the olives from which the residue has been obtained.

Article 14

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.

Done at Brussels, 18 December 1973.

For the Commission

The President

François-Xavier ORTOLI