REGULATION (EEC) No 771/74 OF THE COMMISSION

of 29 March 1974

laying down detailed rules for granting aid for flax and hemp

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 1308/70 [1] of 29 June 1970 on the common organization of the market in flax and hemp, as amended by the Act [2] concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 4 (5) thereof ;

Whereas Council Regulation (EEC) No 619/71 [3] of 22 March 1971, as amended by Regulation (EEC) No 2878/73 [4], laid down general rules for granting aid for flax and hemp ; whereas the Commission is responsible for adopting detailed rules of application in this matter ;

Whereas if the system of aid is to operate properly it is essential to be able to distinguish flax grown mainly for fibre from that grown mainly for seed ; whereas this object may be achieved by specifying the seeds from which these two types of flax may be grown ;

Whereas, in order to prevent fraud, certain rules for the granting of aid should be laid down in detail ;

Whereas Article 4 of Regulation (EEC) No 619/71 requires Member States to make provision for administrative supervision designed to ensure that the products for which aid has been requested qualify for such aid ; whereas, consequently, the declarations of areas sown and applications for aid to be submitted by growers must contain the minimum particulars necessary for the purposes of such supervision ; whereas, in order to simplify the operation of the system of aid, it should be provided that where the applicant is a grower who has concluded a cultivation contract for fibre flax his application for aid should be accompanied by a copy of that contract ;

Whereas Article 5 of Regulation (EEC) No 619/71 provides for spot checks of the declarations and aid applications mentioned above ; whereas in order to be effective such checks must be made on a sufficiently representative number of declarations and applications ;

Whereas, having regard to the existing arrangements in Member States, the said States should be required when granting aid for fibre flax in cases where no cultivation contract has been concluded to apply a system either of production certificates or of registered contracts ; whereas if such a system is to operate effectively the minimum account of information which must appear in such certificates should be specified ;

Whereas uniform provision should be made for the payment of aid ;

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

HAS ADOPTED THIS REGULATION :

Article 1

With effect from the 1974/75 marketing year, the granting of aid pursuant to Article 4 of Regulation (EEC) No 1308/70 for flax and hemp grown in the Community shall be effected in accordance with the rules laid down in the following Articles.

Article 2

For the purposes of Article 3 of Regulation (EEC) No 619/71 :

(a) 'flax grown mainly for fibre' means flax grown from the varieties of seed specified in the Annex hereto ;

(b) 'flax grown mainly for seed' means flax grown from varieties of seed other than those specified in the said Annex.

Article 3

Aid may be granted only in respect of areas :

(a) which have been completely sown and harvested and on which normal cultivation work has been carried out ; and

(b) in respect of which have a declaration of areas sown has been made in accordance with Article 4.

(1) OJ No L 146, 4. 7. 1970, p. 1.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 72, 26. 3. 1971, p. 2.
(4) OJ No L 297, 25. 10. 1973, p. 1.

Article 4

1. Every grower of flax or hemp shall, on a date fixed by the Member State concerned and in any event not later than 15 June in each year, submit a declaration of the areas sown by him.

2. Such declaration shall contain at least the following particulars :

— the surname, forename (s) and address of the person making the declaration ;
— the species, and, for flax the variety, sown, or failing that, some indication of the main purpose for which it is sown ;
— the area sown, in hectares and ares ;
— the cadastral register number of the areas sown, or a reference recognized as equivalent by the agency responsible for checking the area.

Article 5

1. Applications for aid shall be submitted by growers of flax or hemp after harvesting, and in any event, not later than 31 October in each year.

2. Every application for aid shall contain at least the following particulars :

— the surname, forename(s) and address of the applicant ;
— a declaration in hectares and ares of the areas harvested, and the cadastral register number of those areas, or a reference recognized as equivalent by the agency responsible for checking the areas ;
— details of the place where the produce concerned is stored, or if it has been sold and delivered, the surname, forename(s) and address of the purchaser.

3. Where the applicant is a grower as defined in Article 3a (b) of Regulation (EEC) No 619/71 the application for aid shall be accompanied by a copy of the cultivation contract referred to in that Article, except where such contract has been registered with the competent authority.

Article 6

The checks provided for in Article 5 of Regulation (EEC) No 619/71 shall be carried out on a percentage of declarations and applications that is representative having regard to the geographical distribution of the areas concerned.

Article 7

For the purpose of granting aid for flax as defined in Article 2 (a) in cases where the applicant is not a grower as defined in Article 3a (b) of Regulation (EEC) No 619/71, the Member State concerned shall apply a system of production certificates or of registered contracts.

Article 8

1. When a Member State applies a system of production certificates as provided for in Article 7, for each hectare or part of a hectare in respect of which entitlement to aid has been recognized, a certificate representing half of the amount of the aid shall be issued to the grower.

2. In cases where at the end of the marketing year :

(a) no contract as referred to in Article 3 (2) of Regulation (EEC) No 619/71 has been concluded, or the grower has himself processed the flax into straw or had it so processed on his behalf, the certificate shall be retained by the said grower ;

(b) such a contract has been concluded, the certificate shall be transferred to the purchaser.

On presentation of a properly completed certificate half of the aid shall be paid to the person concerned. This certificate must be submitted at latest on 31 December following the end of the marketing year concerned.

3. Certificates shall contain at least the following particulars :

— the surname, forename(s) and address of the grower ;
— the area concerned ;
— the amount of aid to be paid ;
— the surname, forename(s) and address of the recipient of the aid ;
— the signatures of the grower and of the recipient of the aid ;
— where the certificate is submitted by the grower, evidence that he satisfies either the condition laid down in subparagraph (a) of Article 3 (2) of Regulation (EEC) No 619/71 or that laid down in subparagraph (b) of that Article.

Article 9

When a Member State applies a system of registered contracts as provided for in Article 7, then :

(a) where a contract as referred to in Article 3 (2) of Regulation (EEC) No 619/71 has been concluded before the end of the marketing year, half of the aid shall be paid to the purchaser ;

(b) where no such contract has been concluded by that date, or where it is proved that the grower himself processes the flax into straw or has it so processed on his behalf, the whole of the aid shall be paid to the grower.

Article 10

Member States shall pay aid for flax and hemp by 1 March following the end of the marketing year concerned.

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.

Done at Brussels, 29 March 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

List of varieties of flax grown mainly for fibre

Azur	Linda
Crista	Natasja
Emeraude	Nynke
Fibra	Primo
Hera	Reina
Hilda	Tissandre
Jade	Wiera