COUNCIL REGULATION (EEC) No 2752/78

of 23 November 1978

laying down special measures in respect of olive oil producer organizations for the 1978/79 marketing year

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 of 22 September 1966 on the establishment of a common organization of the market in oils and fats (1), as last amended by Regulation (EEC) No 1562/78 (2), and in particular Article 36 thereof,

Having regard to the proposal from the Commission,

Whereas Article 5 of Regulation No 136/66/EEC introduced a system of aid for the production of olive oil; whereas in accordance with paragraph 2 of that Article such aid is granted to olive growers who are members of a producer group recognized under Council Regulation (EEC) No 1360/78 of 19 June 1978 on producer groups and associations thereof (3), on the basis of the quantity of oil produced by them, whereas to other growers it is granted at a flat rate;

Whereas, on account of the time needed for implementing the system provided for by Regulation (EEC) No 1360/78, recognition of groups of olive growers cannot take place within the next few months;

Whereas, in order to prevent this delay from prejudicing producers who have made an effort to form groups, appropriate derogations should be laid down for the 1978/79 marketing year;

Whereas the possibility should be provided for of setting up for this year olive oil producer organizations which provide adequate guarantees that certain operations linked to the application of the abovementioned system of aid are carried out; whereas, in addition, certain provisions of Regulation No 136/66/EEC on producer groups should be extended to these organizations;

Whereas, in order to enable the organizations in question to carry out the tasks entrusted to them, provision should be made to allow them to retain a certain percentage of the aid to be granted to their members,

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 185, 7. 7. 1978, p. 1.
(3) OJ No L 166, 23. 6. 1978, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the first subparagraph of Article 5 (2) of Regulation No 136/66/EEC, during the 1978/79 marketing year production aid shall also be granted in accordance with the quantity of olive oil produced to growers who are members of an olive and olive oil producer organization set up before 31 December 1978 and fulfilling the conditions listed in paragraph 2.

2. The organizations referred to in paragraph 1 must fulfil the following conditions:

— their composition must comply with Article 5 (1) and (2) of Regulation (EEC) No 1360/78,

— they must be capable of verifying the olive and olive oil production of a percentage, to be determined, of their members; where they have an olive oil mill, they must be capable of verifying the entire production of that mill,

— they must be empowered to submit an application for production aid for all their member growers,

— they must be empowered to receive the aid and allocate to each member the share due to him,

— they must have a minimum number of members or obtain a minimum volume of oil production,

— they must exclude, as regards the whole range of their activities, any discrimination between potential member producers based in particular on nationality or place of establishment.

3. By 10 January 1979 interested parties shall submit an application to the competent authorities of the Member State concerned with a view to checking that the conditions listed in paragraph 2 are complied with.

The Member State shall:

— give a decision on applications within one month of their submission,

— notify the Commission and the interested parties of its decision within 15 days.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

Article 2

1. The producer organizations referred to in Article 1 may retain a percentage, to be determined, of the amount of the production aid paid to them. This percentage is to cover the costs of checking their members' production.

2. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

Article 3

The provisions of Articles 5 (3) and 12 (1) of Regulation No 136/66/EEC shall apply also to the producer organizations referred to in Article 1 of this Regulation.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

It shall apply from 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL