

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16 February 1978.

Amendment

to the amended proposal for a Council Regulation
concerning producer groups
and associations thereof

(Presented to the Council by the Commission pursuant to
the second paragraph of Article 149 of the EEC Treaty)

EXPLANATORY MEMORANDUM.

On 1 June 1977 the Commission forwarded to the Council the amended proposal for a Council Regulation concerning producer groups and associations thereof.

At its session on 20 January 1978, the European Parliament, consulted by the Council, adopted a Resolution giving its opinion on the proposal and requesting the Commission to adopt certain amendments to the provisions of this Regulation, in accordance with the second paragraph of Article 149 of the EEC Treaty.

The proposed amendment annexed hereto includes most of the changes suggested by the European Parliament.

Point 1

This amendment is needed to cover the potato sector pending the Council's adoption of the Regulation on the common organization of the market in potatoes. According to the Commission's proposal, that Regulation should also encourage the formation of groups and associations.

Point 2

The Commission considers that the European Parliament should be consulted on any amendments to the Annex. It has therefore deleted paragraph 2 of Article 3 ; the procedure applicable will therefore be that laid down in the third sub-paragraph of Article 43(2) of the EEC Treaty (which provides for consultation of the European Parliament).

Point 3

The purpose of the amendment to Article 5 is to solve two problems :

- a) to illustrate the concept of "producers" in the text of the Regulation itself (and not in the explanatory part) ;
- b) to affirm the principle that not only individual producers but also associations of producers can belong to producer groups.

Point 4

The Commission wishes to ensure through this amendment that the aid provided for in the Regulation will be paid by the Member States within a reasonable period.

Point 5

This amendment is to enable the Commission to carry out more efficient checks when reimbursing aid to Member States.

Amendment
to the amended proposal for a Council Regulation
concerning producer groups and associations thereof

1. The text of the fourth indent of Article 2 is deleted.
2. Paragraph 2 of Article 3 is deleted.
3. Article 5 is amended as follows :

Article 5

1. Producer groups shall :
 - be set up for the purpose of jointly adapting their members' produce and output to market requirements ;
 - consist of :
 - a. individual producers or
 - b. individual producers and organizations engaged in the production or marketing of agricultural produce and composed exclusively of producers.

A producer shall be understood to be any person farming and agricultural holding located within the Community :

- who produces the products referred to in Article 2, or
- who, as a producer of basic products, produces the processed products referred to in Article 3(1).

2. Persons other than those described in paragraph 1 may also belong to producer groups on condition that these take a legal form which ensures under national law that producers, whether individually or collectively, retain control of the groups and their decisions.

3. Associations shall consist of recognized producer groups and shall pursue, on a larger scale, the objective referred to in the first indent of paragraph 1.
4. The last sentence of Article 10(1) is amended as follows :
"However, the aid provided for in the previous sub-paragraph must be paid in its entirety within a period not exceeding five years".
5. The following sentence is added to Article 15(1) :
"The supporting documents relating to these applications shall be kept at the Commission's disposal".