

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 541 final

Brussels, 8 November 1989

Proposal for a
COUNCIL REGULATION (EEC)

laying down derogating provisions as regards storage contracts
for olive oil in Greece, Spain and Portugal and as regards
the definition of olive oil intended for export

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Article 20d of Regulation No 136/66/EEC provides that where prices on the Community market for olive oil are close to the intervention price during a period to be determined, it be decided to permit the conclusion of storage contracts. Such contracts may only be concluded with recognized producer groups or recognized associations within the meaning of Regulation (EEC) No 1360/78.

In view of the special structural situation in Spain, Portugal and Greece, where such groups and associations were not set up, derogating measures have been adopted to permit other organizations to conclude storage contracts.

Since then the situation has not changed substantially. In fact, owing to the special features of production and marketing structures, a limited number of groups have been set up and recognized within the meaning of Regulation (EEC) No 1360/78. Consequently, a very small number of producers are able to have access to storage contracts in those countries.

Under these conditions, until such time as the application of the abovementioned Regulation produces its full effects and in order not to damage the producers, a derogation should be provided, for two additional production years, from Article 20d of Regulation No 136/66/EEC by making provision in addition for bodies other than those provided for in Regulation (EEC) No 1360/78 to be able to conclude storage contracts.

2. The second indent of Article 35 (3) of Regulation No 136/66/EEC provides that the description "pure" can be used until 31 December 1989 for exports to non-member countries of olive oil as referred to in point 3 of the Annex thereto.

However, until such time as the descriptions defined within the framework of International Olive Oil Agreement are adapted and in order not to damage Community exporters, the abovementioned derogation should be maintained until 31 December 1990.

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laying down derogating provisions as regards storage
contracts for olive oil in Greece, Spain and Portugal and
as regards the definition of olive oil intended for export

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 1225/89⁽²⁾, and in particular Article 36 thereof,

Having regard to the proposal from the Commission,

Whereas Article 20d (3) of Regulation No 136/66/EEC provides that where prices on the Community market for olive oil are close to the intervention price over a period to be determined, it be may decided to permit the conclusion of storage contracts; whereas such contracts may be concluded solely with recognized producer groups or recognized associations thereof within the meaning of Council Regulation (EEC) No 1360/78⁽³⁾, as last amended by Regulation (EEC) No 3875/88⁽⁴⁾;

(1) OJ No L 172, 30.9.1966, p. 3025/66.

(2) OJ No L 128, 11.5.1989, p. 15.

(3) OJ No L 166, 23.6.1978, p. 1.

(4) OJ No L 346, 15.12.1988, p. 3.

Whereas, in the case of Greece, Spain and Portugal, their special structural conditions in recent years have not permitted the setting up of a sufficient number of organizations necessary for the conclusion of storage contracts within the meaning of Regulation (EEC) No 1360/78; whereas at present the situation has not changed significantly; whereas, as a consequence, in those Member States a very small number of producers would be able to conclude storage contracts; whereas, until such time as the application of the abovementioned Regulation in Greece, Spain and Portugal achieves its full effects and in order not to prejudice the producers in those Member States, a derogation should be laid down for a limited period from Article 20d of Regulation No 136/66/EEC by providing, in addition, for the possibility of storage contracts to be concluded with bodies other than those laid down in Regulation (EEC) No 1360/78;

Whereas the second indent of Article 35 (3) of Regulation No 136/66/EEC provides that the term "pure" may be used until 31 December 1989 for exports to third countries of olive oil as referred to in point 3 of the Annex thereto; whereas until such time as the terms defined within the framework of the International Olive Oil Agreement are amended and in order not to prejudice Community exporters, the abovementioned derogation should be maintained for a limited period for export to third countries,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 20d (3) of Regulation No 136/66/EEC and for the 1989/90 and 1990/91 marketing years, storage contracts for olive oil may also be concluded in Greece, Spain and Portugal by recognized producers' organizations or recognized associations thereof within the meaning of that Regulation, who hold olive oil of Community origin, produced by their own members and who have suitable facilities for its storage.

Article 2

By way of derogation from the second indent of Article 35 (3) of Regulation No 136/66/EEC and for a period extending to 31 December 1990, the Member States may authorize the use of the expression "pure olive oil" for oil as referred to in point 3 of the Annex to that Regulation and intended for export.

Article 3

This Regulation may enter into force on the day of 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

For the Council

FINANCIAL STATEMENT

DATE: 9 October 1989

1. BUDGET HEADING: 1239 Other intervention in the form of storage

APPROPRIATIONS: ECU 15 million (1990 draft budget)

2. TITLE: Council Regulation laying derogating provisions as regards storage contracts for olive oil in Greece, Spain and Portugal and descriptions of olive oil intended for export.

3. LEGAL BASIS: Article 36 of Council Regulation No 136/66/EEC

4. AIMS OF PROJECT: To make possible the application in Greece, Spain and Portugal of any regulations authorizing the conclusion of storage contracts and to avoid damage to Community exporters as regards descriptions.

5. FINANCIAL IMPLICATIONS	Period of 12 months	Current Financial Year 1989	Following Financial Year 1990
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET			
- (REFUNDS/INTERVENTION)	NIL	NIL	NIL
- NATIONAL ADMINISTRATION			
- OTHER			
5.1 REVENUE			
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
- NATIONAL			

5.0.1 ESTIMATED EXPENDITURE

5.1.1 ESTIMATED REVENUE

5.2 METHOD OF CALCULATION:

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO

6.2 IS A SUPPLEMENTARY BUDGET NECESSARY? YES/NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS:

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

I. Quelle est la justification principale de la mesure ?

- Permettre aux producteurs d'huile d'olive en Espagne , au Portugal et en Grèce de bénéficier du régime des contrats de stockage ainsi que ce dernier existe dans le reste de la Communauté.
- Permettre aux exportateurs de concurrencer sur un pied d'égalité les exportations des autres pays producteurs sur les marchés tiers.

II. Caractéristiques des entreprises concernées. En particulier :

(a) Y a-t-il un grand nombre de PME ? NON

(b) Note-t-on des concentrations dans des régions

i. éligibles aux aides régionales des Etats membres ?

OUI

ii. éligibles au Feder ? OUI

III. Quelles sont les obligations imposées directement aux entreprises ?

NEANT

IV. Quelles sont les obligations susceptibles d'être imposées indirectement aux entreprises via les autorités locales ?

NEANT

V. Y a-t-il des mesures spéciales pour les PME ? Lesquelles ?

NON

VI. Quel est l'effet prévisible

a) sur la compétitivité des entreprises ?

EFFET POSITIF INDIRECT

b) sur l'emploi ?

EFFET POSITIF INDIRECT

VII. Les partenaires sociaux ont-ils été consultés ? OUI Quels sont leurs avis ?

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