COUNCIL REGULATION (EC) No 865/2004
of 29.4.2004

on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2),

Having regard to the proposal of the Commission,

Having regard to the Opinion of the European Parliament [1],

Having regard to the Opinion of the European Economic and Social Committee [2],

After consulting the Committee of the Regions,

[1] Opinion delivered on 10 March 2004 (not yet published in the Official Journal).
[2] Opinion delivered on 25 February 2004 (not yet published in the Official Journal).

Whereas:

(1) The common agricultural policy pursues the objectives set out in Article 33 of the Treaty. In order to stabilise markets and ensure a fair standard of living for the agricultural community in the sector of olive oil and table olives, it is necessary to provide for an income support to farmers maintaining olive groves, for internal market measures to maintain the prices and supply conditions in a reasonable frame, and for activities aiming at influencing market demand by improving the quality of products as well as the way of presenting quality to consumers.

(2) Income support to farmers maintaining olive groves is provided for in Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [1] through the single farm payments as well as an aid for maintenance of olive groves.

[1] OJ L 270, 21.10.2003, p. 1. Regulation as amended by Regulation (EC) No …/2004 (see p. … of this Official Journal).

(3) Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats [1] should therefore be repealed and replaced by a new regulation. On this occasion, the following Council Regulations of the olive oil sector should also be repealed: Regulations (EEC) No 154/75 [2], (EEC) No 2754/78 [3], (EEC) No 3519/83 [4], (EEC) No 2261/84 [5], (EEC) 2262/84 [6], (EEC) No 3067/85 [7],

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1 OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

2 Regulation (EEC) No 154/75 of the Council of 21 January 1975 on the establishment of a register of olive cultivation in the Member States producing olive oil (OJ L 19, 24.1.1975, p. 1). Regulation as last amended by Regulation (EEC) No 3788/85 (OJ L 367, 31.12.1985, p. 1).

3 Council Regulation (EEC) No 2754/78 of 23 November 1978 on intervention in the olive oil sector (OJ L 331, 28.11.1978, p. 13). Regulation as amended by Regulation (EEC) No 2203/90 (OJ L 201, 31.7.1990, p. 5).

4 Council Regulation (EEC) No 3519/83 of 12 December 1983 laying down certain measures for acid oils from refining of by-products of olive oil or olive-residue oil (OJ L 352, 15.12.1983, p. 2).

5 Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations (OJ L 208, 3.8.1984, p. 3). Regulation as last amended by Commission Regulation (EC) No 2366/98 (OJ L 293, 31.10.1998, p. 50).

6 Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil (OJ L 208, 3.8.1984, p. 11). Regulation as last amended by Regulation (EC) No 2292/2001 (OJ L 308, 27.11.2001, p. 1).

7 Council Regulation (EEC) No 3067/85 of 29 October 1985 setting criteria for mobilisation on the Community market for vegetable oils for supply as food aid (OJ L 290, 1.11.1985, p. 96).

(EEC) No 1332/92 [1], (EEC) No 2159/92 [2], (EEC) No 3815/92 [3], (EC) No 1414/97 [4], (EC) No 1638/98 [5] and (EC) No 1873/2002 [6].

[1] Council Regulation (EEC) No 1332/92 of 18 May 1992 introducing specific measures for table olives (OJ L 145, 27.5.1992, p. 1). Regulation as amended by Regulation (EC) No 2826/2000 (OJ L 328, 23.12.2000, p. 2).

[2] Council Regulation (EEC) No 2159/92 of 23 July 1992 on the financing of expenditure for the establishment and updating of the register of olive cultivation (OJ L 217, 31.7.1992, p. 8).

[3] Council Regulation (EEC) No 3815/92 of 28 December 1992 on application of the common intervention price for olive oil in Spain (OJ L 387, 31.12.1992, p. 9).

[4] Council Regulation (EC) No 1414/97 of 22 July 1997 fixing, for the 1997/98 marketing year, the prices, aids and percentages of aid to be retained in the olive oil sector, together with the maximum guarantee quantity (OJ L 196, 24.7.1997, p. 4).

[5] Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats (OJ L 210, 28.7.1998, p. 32). Regulation as amended by Regulation by EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

[6] Council Regulation (EC) No 1873/2002 of 14 October 2002 setting the limits to the Community financing of work programmes drawn up by approved operators' organisations in the olive sector provided for in Regulation (EC) No 1638/98 and derogating from Regulation No 136/66/EEC (OJ L 284, 22.10.2002, p. 1).

(4) It is necessary for the marketing year to be adapted to the production cycle of all olive varieties and, for harmonisation simplicity purposes, it should be realigned with the marketing year for other agricultural products.

(5) The descriptions and definitions of olive oil and so the denomination are an essential element of the market order by setting quality standards and providing consumers with an adequate information on the product.

(6) The characteristics of the olive oil justify an interest of the consumers in spite of the high price of that oil as compared with other oils and fats. To avoid abuses as regards the quality and authenticity of the products presented to the consumers and the important disturbances on the market they may involve, special measures are needed to develop and protect the quality of olives and olive oils.

(7) The information given on labels should be guaranteed by up-to-date methods of analysis and other measures to determine the characteristics of each olive oil standard.

(8) Taking into account the influence of variation in the level of the productions and the world market supply available, there should be provision for appropriate measures to be taken in order to stabilise the internal market.

(9) The system of aid for private storage contracts is deemed to be an efficient instrument to regulate the supply of olive oil, acting as a safety net mechanism when there is serious disturbance of the market.