Proposal for a Council Regulation on special measures for farmers affected by the 1991/92 drought in Portugal

(92/C 251/04)

(COM(92) 348 final)

(presented by the Commission on 5 August 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Portugal suffered a severe drought between autumn 1991 and spring 1992 resulting in cereals harvest losses which may be almost total in certain regions, and in particularly high additional costs for the feeding of cattle, sheep, goats and/or horses in certain regions; whereas, in order to mitigate the resulting loss of income to the producers concerned, special aid schemes should be provided for; whereas the detailed rules for such schemes should be laid down;

Whereas the spring drought has a smaller effect on late-harvest cereals, such as maize and sorghum; whereas the aid should accordingly be restricted to winter cereals; whereas durum wheat already benefits from large amounts of aid per hectare independent of output; whereas the aid should therefore be restricted to common wheat, barley, rye and triticale;

Whereas, in the case of cereals, the compensation should be restricted to producers with low productivity; whereas compensation payable to such producers should be determined on the basis of their production losses and the production costs for the various cereals;

Whereas, in the case of stockfarmers, provision should be made for special aid for producers holding suckler cows, ewes and she-goats, and for small milk producers in the regions affected; whereas the aid should be limited to an amount sufficient to offset expenditure on the purchase of fodder supplements during the period when, in normal years, there is sufficient gras growth to supply the basic feed needs of the animals concerned;

Whereas, as regards compensation to stockfarmers or additional costs, a list of regions should be drawn up according to the severity of the drought therein, on the basis of the shortage of rainfall compared with normal levels and the effects of exceptionally high temperatures; whereas the maximum aid authorized should be limited in accordance with the severity of the drought and on the basis of the animal species concerned;

Whereas, in order to allow speedy payment of the aid, the Community suckler cow, ewe and she-goat premiums granted to individual farmers for the 1991 marketing year should be taken as the reference figure; whereas, however, provision should be made for new producers who did not submit an application for the 1991 marketing year;

Whereas the economic consequences of the drought could slow down the integration of Portuguese agriculture into the common organization of the markets; whereas, in order to support Portuguese efforts to overcome the difficulties, the European Agricultural Guidance and Guarantee Fund (EAGGF) guarantee section should make a financial contribution not exceeding the appropriations entered for the purpose in the budget to the aid in question;

Whereas the Portuguese authorities should be authorized to grant aid from the national budget for producers holding horses in the regions most severely affected by the drought,

HAS ADOPTED THIS REGULATION:

TITLE I

Measures to assist cereals producers

Article 1

1. Portugal is authorized to grant special aid to producers of common wheat, barley, rye and triticale particularly affected by the drought in Portugal during the period covering autumn 1991 to spring 1992.

2. Cereals producers who obtained an average per hectare of less than 1 000 kg of common wheat, 850 kg of barley and triticale and 650 kg of rye on their holdings in 1992 shall be considered to be particularly affected.

Article 2

Farmers who have submitted a crop declaration under the special aid scheme provided for in Council Regulation (EEC) No 3653/90 [1] and, in duly substantiated cases, other farmers who can prove that their cereals crops have been affected shall be eligible for the aid.

[1] OJ No L 362, 27. 12. 1990, p. 28.

Article 3

1. This aid per hectare shall not exceed:

— ECU 215/hectare for common wheat,

— ECU 165/hectare for barley and triticale,

— ECU 120/hectare for rye.

2. The aid must be granted in such a way that producers particularly affected who have an output per cereal of less than the quantities specified in Article 1 (2) shall be entitled to part thereof. In that case the amounts stated in paragraph 1 shall be reduced in proportion to the difference between the actual yield obtained and the figures specified in Article 1 (2).

Article 4

Where necessary, the detailed rules for giving effect to this Title, in particular those relating to controls shall be laid down in accordance with the procedure set out in Article 26 of Council Regulation (EEC) No 2727/75 (1).

TITLE II

Measures to assist stockfarmers

Article 5

Portugal is authorized to introduce a scheme for special drought aid for producers holding suckler cows, dairy cows, ewes and she-goats in regions affected by the severe drought in Portugal during the period covering autumn 1991 to spring 1992 who undertake to keep the herd or flock until at least 31 December 1992.

For the purposes of this Regulation:

— the particularly affected regions shall be as listed in Annex I,

— the very severely affected regions shall be as listed in Annex II,

— the severely affected regions shall be as listed in Annex III.

Article 6

Where Article 5 applies, special drought aid may be granted to producers holding suckler cows who received, for 1991, the suckler cow premium introduced by Council Regulation (EEC) No 1357/80 (2).

When the number of suckler cows held at 1 September 1992:

— is equal to the number for which the premium was paid for 1991, the aid may be granted for no more than that number of animals,

— is less than the number for which the premium was paid for 1991, the aid shall be granted for that lower number,

— is greater than the number for which the premium was paid for 1991, the aid shall be granted for that higher number, provided that the animals were already held at 1 January 1992 and subject to appropriate checks by the competent authorities.

Aid may also be paid to producers holding suckler cows as referred to in Article 5 who did not receive the suckler cow premium for the 1991 marketing year but who can prove to the satisfaction of the competent authority that they actually held suckler cows eligible under Regulation (EEC) No 1357/80 at least for the period 1 January to 1 September 1992. The aid may be paid for no more than that number of suckler cows.

Article 7

Where Article 5 applies, special drought aid may be granted to producers delivering or directly selling milk or milk products whose individual reference quantities as referred to in Article 5 (c) of Regulation (EEC) No 804/68 (3) are not more than 60 000 kg. The aid shall be granted only to producers within the particularly affected regions or very severely affected regions referred to in Article 5 who can prove to the satisfaction of the competent authority that they actually held dairy cows at least for the period 1 January to 1 September 1992. The aid shall be granted for no more than that number of dairy cows. The total number of dairy cows eligible for the aid shall not in any case exceed 17.

Article 8

Where Article 5 applies, special drought aid may be granted to producers holding ewes and/or she-goats who have received the premium referred to in Article 5 of Council Regulation (EEC) No 3013/89 (4) for the 1992 marketing year. The aid may be granted for no more than the number of eligible ewes and/or she-goats subject to an appropriate check by the competent authorities.

Article 9

1. The special drought aid shall not exceed:

(a) in particularly affected regions, ECU 145 per suckler cow, ECU 14,5 per ewe and ECU 14,5 per she-goat;

(b) in very severely affected regions, ECU 110 per suckler cow, ECU 11 per ewe and ECU 11 per she-goat;

(c) in severely affected regions, the amounts at (b), less 32%;

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 140, 5. 6. 1980, p. 1.
(3) OJ No L 148, 28. 6. 1968, p. 13.
(4) OJ No L 289, 7. 10. 1989, p. 1.

(d) in particularly or very severely affected regions, ECU 75 per dairy cow.

2. If the animals were not present for the whole of the period 1 January to 1 May 1992 in the regions referred to in Article 5, the maximum amounts set out in paragraph 1 shall be reduced in proportion to the time during which they were present.

Article 10

Where necessary, the Commission may lay down detailed rules to give effect to this Title in accordance with the procedure set out in Article 27 of Council Regulation (EEC) No 805/68 [1] in the case of suckler cows, Article 30 of Council Regulation (EEC) No 804/68 in the case of dairy cows, and Article 30 of Council Regulation (EEC) No 3013/89 in the case of ewes and/or she-goats.

TITLE III

Other provisions

Article 11

In addition to the special drought aid, Portugal is authorized to grant, from the national budget, aid not exceeding ECU 110 per breeding horse more than 12 years old in particularly and very severely affected regions.

Article 12

1. The Community shall make a financial contribution not exceeding the appropriations entered for the purpose in the budget to the aid provided for in Titles I and II of this Regulation. The aid shall be deemed intervention within the meaning of Article 1 (2) of Council Regulation (EEC) No 729/70 [2].

2. The aid referred to in paragraph 1 shall be converted using the agricultural conversion rate applicable on 1 July 1992.

Article 13

Portugal shall take the measures necessary to ensure that the aid provided for in this Regulation is paid to those eligible only. The measures shall include appropriate penalties in the case of aid applications containing false information deliberately or as a result of gross negligence.

Portugal shall inform the Commission of measures taken to give effect to this Article.

Article 14

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

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

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[1] OJ No L 148, 28. 6. 1968, p. 4.

[2] OJ No L 94, 28. 4. 1970, p. 13.

ANNEX I

REGIONS PARTICULARLY AFFECTED BY THE DROUGHT

Alentejo Region

— Agricultural zone 61 (1)

— Concelho de Mourão

ANNEX II

REGIONS VERY SEVERELY AFFECTED BY THE DROUGHT

Beira Interior Region

— Agricultural zones 33, 34, 35, 36 (except for Fornos de Algodres), 37, 38 and 39

Ribatejo and Oueste Region

— Concelho de Gavião

Alentejo Region

— Agricultural zones 53, 54, 55, 56, 57, 58 (except for Mourão), 59 and 60

Algarve Region

— Agricultural zones 64, 65 (except for Faro and Olhão) and 66

— Concelho de Silves

ANNEX III

REGIONS SEVERELY AFFECTED BY THE DROUGHT

Trás-os-Montes Region

— Agricultural zones 12, 13, 20 (except for S. João de Pesqueira) and 21 (except for Carrazedas de Ansiães)

— Concelho de Macedo de Cavaleiros

Beira Interior Region

— Agricultural zone 40

— Concelho de Fornos de Algodres

Beira Litoral Region

— Agricultural zones 27, 28, 29, 30 and 31

Ribatejo and Oeste Region

— Agricultural zones 47, 48, 49 and 50 (except for Gavião)

— Concelhos de Santarém, Cartaxo, Montijo

Alentejo Region

— Agricultural zones 51 and 52

Algarve Region

— Agricultural zones 62, 63 (except for Silves) and 65 (except for Castro Marin)

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(1) Under Decree Law 46/89 of 15 February 1989.