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REGULATION (EEC) No 1686/72 OF THE COMMISSION

of 2 August 1972

on certain detailed rules for aid for seed

(OJ L 177, 4.8.1972, p. 26)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EEC) No 1382/74 of the Commission of 4 June 1974	L 148	9	5.6.1974
► <u>M2</u>	Commission Regulation (EEC) No 2511/88 of 8 August 1988	L 220	10	11.8.1988
► <u>M3</u>	Commission Regulation (EC) No 709/98 of 30 March 1998	L 98	30	31.3.1998

Corrected by:

► **C1** Corrigendum, OJ L 113, 30.4.1999, p. 23 (709/98)

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REGULATION (EEC) No 1686/72 OF THE COMMISSION
of 2 August 1972
on certain detailed rules for aid for seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2358/71⁽¹⁾ of 26 October 1972 on the common organization of the market in seeds, and in particular Articles 3 (5) and 9 thereof;

Whereas Council Regulation (EEC) No 1674/72⁽²⁾ of 2 August 1972 laid down general rules for granting and financing aid for seed; whereas it is for the Commission to lay down the relevant detailed rules;

Whereas, to ensure the proper functioning of the aid system, growing contracts and growing declarations should be registered sufficiently early for the required supervision to be carried out;

Whereas the seed establishment or breeder may require a period in which to treat, pack and have certified the seeds supplied by the grower; whereas aid can therefore only be granted to the latter several months after the harvest but whereas a time limit should nonetheless be fixed;

Whereas applications for aid lodged by seed growers must give at least the information necessary for supervisory purposes;

Whereas the necessary measures should be laid down for cases where a seed establishment or a breeder from one Member State grows seed in another Member State;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Seeds;

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 2358/71 shall be implemented in accordance with the following detailed rules.

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Article 1a

For the purposes of this Regulation marketing shall mean holding available or in stock, displaying for sale, offering for sale, sale or delivery to another person.

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Article 2

Member States may fix annually the time limits for the registration of growing contracts and declarations provided for in Article 5 of Regulation (EEC) No 1674/72.

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Article 2a

1. Aid shall be granted only on condition that the seed has in fact been marketed by the recipient for sowing by the date the request is submitted. He must prove this to the satisfaction of the Member State.

⁽¹⁾ OJ No L 246, 5.11.1971, p. 1.

⁽²⁾ OJ No L 177, 4.8.1972, p. 1.

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2. Member States shall make unannounced checks to verify the first destination of seed on which aid has been given and on compliance with the aid conditions and shall notify to the Commission action taken following such checks.

Article 3

1. Except for rice seed, the aid shall be granted to the seed grower on application to be lodged after the harvest and before a date set by the Member State for each species or variety group.

2. Except for rice seed, the Member State shall pay the aid to the seed grower within two months of lodging of the application and at the latest by 31 July of the year following that of harvest.

Article 3a

1. For rice seed a maximum quantity of 86 624,600 tonnes per year is set on which aid may be granted in the Community. It is allocated to producer Member States as follows:

— Spain:	29 625,613 tonnes,
— France:	3 031,861 tonnes,
— Greece:	1 472,618 tonnes,
— Italy:	50 242,268 tonnes,
— Portugal:	2 252,240 tonnes.

The quantity per Member State may be adjusted within the maximum quantity set for the Community, on the terms set in paragraph 3.

2. Subject to Article 2a, aid on rice seed shall be granted to producers, within the maximum limit set for the Community, on application to be lodged after the harvest but before 20 June of the following year. By 15 July of the year following the harvest producer Member States shall notify to the Commission the quantities for which aid applications were made.

3. If the sum total of the quantities for which aid is applied for in producer Member States exceeds the maximum quantity set for the Community the aid shall be reduced in each Member State in proportion to the overrun of its national quantity. The Commission shall set the reduction percentages applicable.

4. The Member State shall pay the aid to the producer between 31 July and 30 September of the year following that of harvest.

Article 3b

1. The checks referred to in Article 2a(2) shall comprise:

- (a) administrative checks, notably cross-checks to prevent aid being paid twice for the same calendar year. These cross-checks shall cover plots subjected to official examination that have been found to comply with the requirements set by the directives indicated in the first indent of Article 1(1) of Regulation (EEC) No 1674/72;
- (b) checks on documents to verify at least the first destination of seed on which aid has been granted;
- (c) any other checks that the Member State deems necessary in order to guarantee that aid is not paid on uncertified seed or seed from third countries.

Checks shall cover a significant sample of applications and at least 5 % of applications for each species. The applications to be checked shall be

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determined by the competent authority on the basis of risk analysis plus an element of representativeness of the applications made. Risk analysis shall take account of:

- the aid amount,
 - the quantity of certified seed in relation to the area checked,
 - change from the previous year,
 - other parameters to be defined by the Member State.
2. Where appropriate, Member States shall make checks at the premises of breeders, other seed establishments and end users.
3. The following Articles of Commission Regulation (EEC) No 3887/92 ⁽¹⁾ shall apply:
- Article 6(1) (verification of compliance with terms on which aid is granted),
 - Article 11 (additional national penalties; force majeure),
 - Article 12 (inspection visit report),
 - Article 13 (check on the spot),
 - Article 14 (undue payment).

Article 3c

1. Except in cases of force majeure late lodging of an application shall give rise to a 1 % reduction per day of the aid ►**C1** to which the seed grower would otherwise ◀ have been entitled. Applications shall be invalid if lodged, in the case of rice seed, after 30th June of the year following that of harvest and, in the case of other species or variety groups, after the 10th day following the time limit set by the Member State.
2. If it is found that seed covered by an application was not in fact marketed by the applicant for sowing, the ►**C1** aid to the seed grower for the species ◀ concerned shall be reduced by 50 % if the quantity not marketed for sowing amounts to more than 2 % but not more than 5 % of the quantity covered by the application. If the quantity not marketed exceeds 5 % no seed production aid shall be granted to the producer for the marketing year in question.
3. If an aid application is made for seed not officially certified or not harvested within the Member State in question during the calendar year in which the marketing year for which the aid has been set begins, no seed production aid shall be granted to the producer for that or the following marketing year.

▼B*Article 4*

The application for aid shall include at least:

- the name and address of the applicant;
- the quantities of certified seed produced, expressed in quintals to one decimal point;
- the registration number of the growing contract or growing declaration.

The application shall be accompanied by a supporting document to show that the quantities of seed referred to have been officially certified.

⁽¹⁾ OJ L 391, 31. 12. 1992, p. 36.

▼B*Article 5*

A seed establishment or a breeder growing seed or having seed grown in a Member State other than that in which approval or registration took place must supply that other Member State, on request, with all the information required for checking entitlement to aid.

Article 6

Each Member State shall notify the Commission of the provisions and measures adopted for the application of the aid system introduced by Article 3 of Regulation (EEC) No 2358/71.

Article 7

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

It shall apply from 1 July 1972.

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