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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 247/2008

of 17 March 2008

amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The processing aid for short flax fibre and hemp fibre containing not more than 7,5 % impurities and shives applies until the end of 2007/2008 marketing year. Nevertheless, in view of the favourable trends on the market for this kind of fibre under the current aid scheme and in order to contribute to consolidating innovative products and their market outlets, application of this aid should be extended until the end of the 2008/2009 marketing year.

(2) Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre⁽¹⁾ provided for an increase in the level of processing aid for long flax fibre from the 2008/2009 marketing year onwards. Regulation (EC) No 1673/2000 has been replaced by Council Regulation (EC) No 1234/2007 as of the marketing year 2008/2009. The provisions of Regulation (EC) No 1234/2007 were drafted in view of the provisions of Regulation (EC) No 1673/2000 as they would have applied as of that marketing year, therefore fixing the aid at the level foreseen. Since the processing aid for

short fibres is maintained till the end of the 2008/2009 marketing year, the processing aid for long flax fibre for that additional marketing year should be maintained at the level that has so far been foreseen in Regulation (EC) No 1673/2000 until the end of the 2007/2008 marketing year.

(3) In order to promote the production of high-quality short flax and hemp fibres, the aid is granted to fibres containing a maximum of 7,5 % of impurities and shives. However, the Member States may derogate from this limit and grant processing aid for short flax fibre containing a percentage of impurities and shives of between 7,5 % and 15 % and for hemp fibre containing a percentage of impurities and shives of between 7,5 % and 25 %. Since this possibility is open only till the end of the 2007/2008 marketing year, it is necessary to give the Member States the possibility to derogate from that limit for one more marketing year.

(4) As new market outlets have developed it is required to guarantee a minimum level of raw material supply. So in order to continue to ensure reasonable production levels in each Member State, it is necessary to extend the period in which the national guaranteed quantities apply.

(5) Additional aid has been supporting the continuation of traditional production of flax in certain regions of the Netherlands, Belgium and France. In order to continue enabling gradual adaptation of farm structures to the new market conditions, it is necessary to extend this transitional aid until the end of 2008/2009 marketing year.

⁽¹⁾ OJ L 193, 29.7.2000, p. 16. Regulation as repealed by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

(6) Regulation (EC) No 1234/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1234/2007 is hereby amended as follows:

1. the title of Subsection II of Section I of Chapter IV of Title I of Part II shall be replaced by the following:

‘Subsection II

Flax and hemp grown for fibre’;

2. Article 91 shall be amended as follows:

(a) the first subparagraph of paragraph 1 shall be replaced by the following subparagraphs:

‘1. Aid for processing the straw of long flax grown for fibre shall be granted to authorised primary processors on the basis of the quantity of fibre actually obtained from straw for which a contract of sale has been concluded with a farmer.

During the marketing year 2008/2009 aid shall also be granted under the same conditions for processing the straw of short flax and hemp grown for fibre.’;

(b) paragraph 2 shall be replaced by the following:

‘2. For the purposes of this Subsection, “authorised primary processor” shall mean a natural or legal person or a group of natural or legal persons, irrespective of its legal status under national law, or that of its members, that has been authorised by the competent authority of the Member State in the territory of which are located its facilities for producing flax or hemp fibre.’;

3. Article 92(1) shall be replaced by the following:

‘1. The amount of processing aid provided for in Article 91 shall be fixed:

(a) for long flax fibre:

— at EUR 160 per tonne for the 2008/2009 marketing year,

— at EUR 200 per tonne from the 2009/2010 marketing year onwards;

(b) during the marketing year 2008/2009, for short flax and hemp fibre containing not more than 7,5 % impurities and shives, at EUR 90 per tonne.

However, the Member State may, with reference to traditional outlets, also decide to grant aid:

(a) for short flax fibre containing a percentage of impurities and shives of between 7,5 % and 15 %;

(b) for hemp fibre containing a percentage of impurities and shives of between 7,5 % and 25 %.

In the cases provided for in the second subparagraph, the Member State shall grant the aid in respect of a quantity which amounts to not more than the quantity produced, on the basis of 7,5 % of impurities and shives.’;

4. Article 94 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. A maximum guaranteed quantity of 80 878 tonnes per marketing year shall be established for long flax fibre in respect of which aid may be granted. That quantity shall be apportioned among certain Member States as national guaranteed quantities in accordance with point A.I. of Annex XI.’;

(b) the following paragraph shall be inserted after paragraph 1:

‘1a. A maximum guaranteed quantity of 147 265 tonnes for the marketing year 2008/2009 shall be established for short flax fibre and hemp fibre in respect of which aid may be granted. That quantity shall be apportioned as national guaranteed quantities among certain Member States in accordance with point A.II. of Annex XI.’;

(c) the following paragraph shall be added:

‘3. Each Member State may transfer part of its national guaranteed quantity as referred to in paragraph 1 to its national guaranteed quantity as referred to in paragraph 1a and *vice versa*.

Transfers as referred to in the first subparagraph shall be carried out on the basis of an equivalence of one tonne of long flax fibre to 2,2 tonnes of short flax fibre and hemp fibre.

Processing aid shall be granted only in respect of the quantities referred to in paragraphs 1 and 1a, respectively, adjusted in accordance with the first two subparagraphs of this paragraph.’;

5. the following Article shall be inserted after Article 94:

'Article 94a

Additional aid

During the 2008/2009 marketing year, additional aid shall be granted to the authorised primary processor in respect of areas under flax in zones I and II as described in point A.III. of Annex XI and the straw production of which has been the subject of:

- (a) a sale/purchase contract or a commitment as referred to in Article 91(1); and
- (b) aid for processing into long fibre.

The amount of additional aid shall be EUR 120 per hectare in zone I and EUR 50 per hectare in zone II.;

6. Annex XI shall be amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2008.

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

Done at Brussels, 17 March 2008.

For the Council
The President
I. JARC

ANNEX

Point A of Annex XI shall be replaced by the following:

'A.I. Apportionment of the maximum guaranteed quantity for long flax fibre among the Member States referred to in Article 94(1):

Belgium	13 800
Bulgaria	13
Czech Republic	1 923
Germany	300
Estonia	30
Spain	50
France	55 800
Latvia	360
Lithuania	2 263
Netherlands	4 800
Austria	150
Poland	924
Portugal	50
Romania	42
Slovakia	73
Finland	200
Sweden	50
United Kingdom	50

A.II. Apportionment of the maximum guaranteed quantity for the marketing year 2008/2009 for short flax and hemp fibre among the Member States referred to in Article 94(1a)

The quantity referred to in Article 94(1a) shall be apportioned in the form of:

(a) national guaranteed quantities for the following Member States:

Belgium	10 350
Bulgaria	48
Czech Republic	2 866
Germany	12 800
Estonia	42
Spain	20 000
France	61 350
Latvia	1 313
Lithuania	3 463
Hungary (*)	2 061
Netherlands	5 550
Austria	2 500
Poland	462
Portugal	1 750
Romania	921

Slovakia	189
Finland	2 250
Sweden	2 250
United Kingdom	12 100

(*) The national guaranteed quantity fixed for Hungary concerns hemp fibre only.

- (b) 5 000 tonnes to be apportioned in national guaranteed quantities for the marketing year 2008/2009 among Denmark, Ireland, Greece, Italy and Luxembourg. Such apportionment shall be determined on the basis of the areas which were the subject of one of the contracts or commitments as referred to in Article 91(1).

A.III. Zones eligible for the aid referred to in Article 94a

Zone I

1. The territory of the Netherlands;
2. the following Belgian communes: Assenede, Beveren-Waas, Blankenberge, Bredene, Brugge, Damme, De Haan, De Panne, Diksmuide (except Vladslo and Woumen), Gistel, Jabbeke, Knokke-Heist, Koksijde, Lo-Reninge, Middelkerke, Nieuwpoort, Oostende, Oudenburg, Sint-Gillis-Waas (Meerdonk only), Sint-Laureins, Veurne and Zuienkerke.

Zone II

1. Areas of Belgium other than those included in Zone I;
 2. the following areas of France:
 - the department of Nord,
 - the districts of Béthune, Lens, Calais, Saint-Omer and the canton of Marquise in the department of Pas-de-Calais,
 - the districts of Saint-Quentin and Vervins in the department of Aisne,
 - the district of Charleville-Mézières in the department of Ardennes.
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