

European and Italian Laws for the Agronomic Use of Olive-Oil Mill Wastewaters

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ABSTRACT

This work examines current Italian and European Union legislation not only as regards the agronomic use of olive-oil mill wastewater but also community aids direct to support olive-oil producers'. What clearly emerges from the research is above all, the willingness of community and Italian law makers' to protect the environment through the correct use of the resources available and by transforming possible waste matter into effectively usable resources. Although not apparently connected, what also emerges is the strong link between the two areas of legislation: environmental conservation and safeguarding the economic interests of producers. In other words, it appears that the latter can be pursued without causing prejudice to the former. However, this does imply a strict adherence to the limits set for the spreading of olive-oil mill wastewater onto the soil, limits which are considered appropriate to guarantee a fair balance between the two opposing interests.

Keywords: communitary aids, environment safety, extraction, olive-growing, olive-oil mill wastewater

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INTRODUCTION

The agronomic use of vegetation waters coming from olive-oil mills belongs to the wide range of problems relating to environmental conservation (Dell'Anno 2003; Lugaresi 2004) that aim to ensure man a high standard of life, an aim which has interested the European Community for some time thereby obliging the operators in all sectors, and consequently also the farming industry, to respect the rules designed to achieve this end.

For this reason many rules have been issued which, on the one hand, aim to promote behaviour that respects the environment and, on the other, to ensure the conservation of natural resources and also to avoid wasting what could become potential resources. The focus of all the research on this issue which has frequently engaged scholars from different disciplines (Gulisano and Zimbone 2002; VVAA 2004), is the desire to recover possible resources in order to uphold the principle of sustainable management of these same resources by maximising their worth even in terms of production (D'Addezio 2003).

This interpretation can not ignore the economic considerations that can be affected by olive-oil mill wastewater management both farming as well as the preliminary processing of farm products.

The most recent community legislation is part of a pre-existing and complex framework of rules which it seeks to coordinate and integrate in order to uphold the importance and effectiveness of these rules.

This review summarizes the main legislative and economic aspects of OMW agronomic use and of community aids

to oil producers with the aim to shed light on the rules linked to Community agrarian policy.

AGRONOMIC USE OF OLIVE OIL MILL WASTEWATERS

Statute No 308 of December 15th 2004 charged the Italian Government to pass (even by drafting consolidated Acts) within 18 months of the date the statute came into effect, one or more legislative decrees for the reorganization, coordination and integration of the legislative provisions on specific industries and matters including: a) waste management and reclamation of contaminated sites; b) protecting waters from pollution and the management of water resources; c) soil conservation and the fight against desertification. This charge was fulfilled by legislative decree (l.d.) No 152 of April 3rd 2006 later amended, containing "Rules on environmental matters" (also known as the Environment code). From this and in particular an examination of article 112, it can be concluded that the agronomic use of vegetation waters from olive oil mills is subject to a law that is identical to the one which previously regulated the matter, but which has now been repealed and was contained in l.d. No 152 of May 11th 1999 (containing "Provisions to protect waters from pollution" and heading Directive 91/271 regarding urban wastewater use and Directive 91/676 concerning "conservation of waters from pollution caused by nitrates coming from agricultural resources") amended by l.d. No 258 of August 18th 2000.

We shall not deal here with the legislative steps which have led to the current laws, as these have previously been

examined (Saija and Barbagallo 2002), nor shall I examine in details the problems that these laws have generated, problems which have been exhaustively examined elsewhere (Cantatore 1998; Maccioni 2000; Saija and Barbagallo 2002; Maccioni 2003; Nicotra and Barbagallo 2004). Instead, we shall focus on law No 574 of 11 November 1996 concerning “New provisions regarding the agronomic use of vegetation waters and olive-oil mill waste” explicitly referred to in art. 112 of l.d. No 152 of 3 April 2006, which reproduces, word for word, art.38 of the l.d. No 152/1999 and subsequent amendments. L.d. No 152/1999, amended the previously applicable law no 319 of 10 May 1976, (s.c. l.Merli).

a) Law No 574/1996

It is important to review these provisions because, as we shall see later, the most recent community legislation subordinates the granting of aids to the sector under consideration to the compliance with these same provisions. In particular the 1996 law No 574 (Masini 1997), authorizes that vegetation waters derived from olives milling – which have neither been subjected to any particular processing nor that have received any additives except for the waters used to dilute the paste or to wash the equipment – as well as the waste from producing the oil can both be used for agronomic purposes by controlled spreading on farm land. These waters are therefore considered useful to the soil receiving them (Saija and Barbagallo 2002) and it thus prevents these waters from being shifted into the waste category (for the juridical concept of waste in case-law see: Court of justice, third Chamber, 8 September 2005, in case C-416/02; Maccioni 2003; see Giuffrida and Saija 2004), and also excludes them from the rules regulating disposal, as is clear from art.10 of the above mentioned law. Moreover, art.1 (3) of the Ministerial Decree (M.D) of 6 July 2005 issued to implement art.38 of l.d. no 152/ 1999, explicitly specifies that they are excluded from the rules on waste, originally contained in l.d. no 22 of 5 February 1997 (the so called “Ronchi” decree), and now in art.177 ss., l.d. No 152/06, contemplated for the case in point under exam, in the art.185.

However art. 2 of the above mentioned law lays down the following limits of acceptability for exclusion to apply:

- 50 m³ ha per year for vegetation waters of olive oil mills using traditional manufacturing cycles;
- 80 m³ ha per year for vegetation waters from olive oil mills using a continuous manufacturing cycle.

This means that, beyond these limits, vegetation waters will be subjected either to authorization for their disposal, if there are the elements of this case in point, or to the wastewater rules, into which category they can be readmitted. Accordingly, olive oil mills, depending on their production capacities, of both oil and of waste, will be able to take the necessary administrative steps to avoid sanctions being applied (Trib. Terni 4 December 2002, Riv. Dir Agr., 2004, Part II, 47 ss; Cass. Pen. Sec. III 3 August 1999, n. 2358 D’Addezio and Maccioni 2002; Maccioni 2004).

For soil spreading to go ahead, prior notification has to be sent, at least 30 days before the spreading is to take place, by the parties involved to the mayor of the area in which the land destined for spreading is located. According to article 112, b) l.d. No 152/06, olive oil mills with a true operating capacity of no more than two tons of olives are exempted from this duty to give prior communication. However for this condition to apply the necessary documentation must be held on the premises of the olive oil mill and be available in the event of an inspection. The communication must be in the form of a report written by an expert (an agronomist, a technician trained in agronomy, a geologist) on the pedogeomorphological situation, on the hydrological conditions and on the general characteristics of the recipient area, including a map, on the time required for spreading and on the mechanical equipment needed for the distribution to be carried out correctly.

Art. 4 also describes the criteria to be observed during spreading to ensure the correct distribution and incorporation of these substances into the soils in order to avoid con-

sequences that would endanger water supplies, harm flora and fauna and the ecosystem. Where it is impossible to satisfy these requirements for agronomic use, then this will also lead to the general rules relating to refuse or waste disposal being applied to the vegetation waters.

However, this law forbids agronomic use on the following types of land (art. 5): areas located at a distance of less than 300 m from the safety boundaries for water reservoirs destined for human use; areas located at a distance of less than 200 m from inhabited areas; areas growing horticultural products; areas where waters from the soil surface could percolate down and come into contact with the water bearing layer or where this layer lies at a depth of less than ten metres and finally areas which are frozen, covered with snow, or are saturated or flooded with water.

Failure to comply with these rules will cause administrative sanctions to be imposed and these will vary depending on the seriousness of the violation.

It is for this reason that the law provides for periodic inspections of spreading operations of these wastewaters to be undertaken by the National Agency for Environmental Protection and by regional agencies.

b) L.d No 152/ 1999

Although this law renewed the law on protecting water from pollution, substituting the previous one, it left law No 574 unchanged, which it explicitly upholds in art. 38 “agronomic use”.

The same situation is inferred by art.112, headed “Agronomic use”, which repeats, however, the importance of the need to ensure that any bodies of water potentially affected are kept safe and in particular to achieve or maintain the quality targets resulting from the Third Part of l.d. 152/06. The latter targets fall into two categories: those aimed at environmental quality and the ones specifically related to bodies of waters. The former is defined in relation to the ability of these waters to maintain the natural phases of self-depuration and to support a variety of animal and plant communities, while the latter outlines the conditions to allow bodies of water to be judged suitable for both human use and for the life of fish and molluscs (see art.76, l.d. no 152/2006).

Upholding these aims is the general criterion that regions must follow to carry out their designated duty, that is to regulate the activities of agronomic use on the basis of the criteria and general technical rules adopted by a decree issued by the Minister of Food, Agriculture and Forestry (MIFAF), acting with Ministers for Environmental and Territorial protection, Productive activities, Health, Transport and Infrastructure, in agreement with the standing committee handling relations between the State, the regions and the self-governed provinces of Trento and Bolzano. The regions must carry out their designated duty within 180 days from the effective date of this ministerial decree; in the meantime, the regional rules in force at that date apply.

c) The Ministerial Decrees

A first decree, to fulfilling art. 38, l.d. No 152/99, was issued on July 6th 2005 (published in the O.J. No 166 of July 19 2005) and this contains “General technical criteria and rules for the regional regulation of the agronomic use of vegetation waters and olive oil mills refuse, as in art. 38 of l.d. no 152 of 11th May”. From its effective date, regions have 180 days to regulate the operations relating to both agronomic use and olive oil mill wastewaters. A second decree, which completes the implementation of the above-mentioned art. 38, was issued on April 7th 2006 (published in the O.J. No 109 of May 12th 2006) only four days following the approval of the Environment Code and contains not only “General technical criteria and rules for the regional regulation on the agronomic use of farm effluents, as in art. 38 of l.d. No 152 of May 11th 1999” but also those regarding the agronomic use of wastewaters from businesses as in art. 28, paragraph 7, letters a), b) and c) of l.d No 152/99 and from small agricultural and food businesses as inferred by art.1 that establishes its scope of application. Although art. 170 paragraph 5 letter d) of l.d. 152/06 expressly keeps

the M.D. of 6th July 2005 in force until the issue of the new decree provided for under art.112, the M.D. of 7th April 2006 is also to be considered effective (in this regard: Cass Pen sec. III, October 9th 2008, n.38411; Cass. Pen. sec. III, February 28th, n.9104) which follow the same line of thinking as the earlier M.D.

The M.D. of July 6th 2005 outlines the criteria that regions must follow to perform their legislative duties with respect to the prior notification and, in particular, it specifies that this communication must include the matters laid down in annex 1 to the above mentioned MIPAF decree and it must also include a technical report that follows the guidelines of annex 2 of the same decree. Moreover, the Mayor must receive this communication at least 30 days prior to the commencement of spreading and this must be done on an annual basis.

The legal representative of the same olive oil mill is responsible for mailing the communication. Some doubt has arisen about the subjective limit of this figure. In fact, art.2 of the M.D. provides a definition of "business" olive oil mills (although this never appears in the decree) as olive oil mills which carry out their activity to transform and exploit farm products using the methods indicated in art. 28(7), letter c), l.d. 152/99 (now art.101(7), letter c), l.d. 152/2006) namely, enterprises dedicated to cultivating the land and which also undertake the transformation and exploitation of the products derived therefrom; operations which fit naturally into the productive activity of the enterprise and complement it and where at least two thirds of the processed raw material comes solely from any farmland available to which the enterprise holds title of ownership., The definition of "business" olive oil mills expressly excludes partnerships and cooperatives. However, it is not clear whether this exclusion implies that these enterprises are not subject to the provisions of the M.D., also because this limitation is not derived either from l. n.574 of 1996 or from l.d. n.152/99 or from l.d. n.152/2006.

For soil spreading operations subsequent to the first, the communication must include data specified in annex 1 letters B and C, which is data regarding the legal representative of the olive oil mill together with the characteristics of the mill itself as well as details regarding the spreading sites. However, the data regarding the storage containers and their characteristics, as listed under letter D of Annex 1, must be communicated only in the event of any changes occurring. Any changes regarding the data contained in the technical survey report referred to Annex 2 must also be communicated. On the basis of the information included in the communication or from the inspections provided for in art.7, the mayor is authorised to issue, for justified reasons, specific rules to be applied, including a reduction in the limits of admissibility under art 2 (2) of law No. 574, 1996. The regions which have programmes for spreading vegetation waters listed in art 7 of law No 574 of 1996, can allow the communication to be made in a simplified form, and this applies to olive oil mills in operation prior to this decree coming into force where the average oil production in the last four oil seasons is no more than 20 t. If the olive oil mill has been operational for less than four oil seasons, the average is referred to the seasons actually worked; while for new olive oil mills that commence operations after the effective date of this decree, then the average is calculated by reference to the first four years, and limited to a true operating capacity of no more than 4 t of olives in 8 hours.

It is also specified that the regions can issue an exemption for businesses with a lower environmental impact, as listed in art. No 38 l.d. no 152 of 1999 now art.112, l.d. no 152/2006, applying only to olive oil mills with a true operating capacity of no more than 2 t of olives in 8 hours.

The decree extends the list of the types of land on which spreading is forbidden under art. 5, L. No 574, 1996. In particular, spreading is forbidden on land located at a distance of less than 10 m (measured from their banks) from water-courses, and from swallow-holes and dolines, unless otherwise specified by planning provisions, or from the start of

the shorelines for coastal marine, and lake waters; on land with a slope gradient of more than 15% without agrarian hydraulic facilities; in woods, on gardens and areas for public use and mines/quarries. It also authorizes regions to issue further bans near public roads, unless they are to be immediately covered over with earth, or in order to comply with plans for reservoirs or for regional safety, as well as allowing for a temporary respite period for sites on which vegetation waters and olive residues have been spread for a number of consecutive years. The guiding criterion in the choice of the lands in which aquifers have been located, listed in art 5 (1) letter D of the law No 574 of 1996, must be the safeguarding of the abovementioned aquifers in relation to the allowed hydraulic load, set out in art 2 (1) of law No 574, 1996 as 50 m³ ha with respect to waters coming from olive oil mills with a traditional manufacturing cycle or 80 m³ ha of water and from those using a continuous one.

An important rule worth mentioning concerns the controls and the arrangements for sanctions to be applied in the event of non compliance with these rules. In fact, the MIPAF decree contemplates that regions establish a minimum number of onsite inspections either prior to or following spreading operations to be carried out by the competent authority, which will also provide technical support for carrying out the spreading.

The legal representative of the olive oil mill, the spreading site owner and the person in charge of storage containers must provide the information required and grant admittance to the premises and sites involved in spreading as specified in the communication.

No later than 31 October of each year, the authority receiving the communication pursuant to art 3, i.e. the mayor, sends the regions an electronic abstract of each communication and a report containing the data of Annex 1, Annex 2, letter A points 3.4 and 4 and the information for the preceding year regarding the transportation necessary to ensure that the movement of vegetation waters are adequately controlled, in line with art 5 (9).

The sanctions fixed by MIPAF decree for the non observance of the criteria and technical rules consist in spreading operations being restricted or suspended by order of the mayor. However, regions are allowed to impose sanctions even a full-scale ban for the non compliance with the rules fixed by them or with the rules established in art. 3 (4).

OIL AND COMMUNITY AIDS

It has been considered useful to recall in detail these rules and to highlight the duties which fall to the olive oil producers because they are the necessary prerequisites to obtain community aids in the form of income support provided to farmers maintaining olive groves and to olive oil producers.

Indeed, the CAP, regarded a fundamental policy of the EC right from its inception, has undergone important changes in the last forty years and these have obviously affected the productive sector dealt with herein. This set of fundamental regulations applying to this sector for the common organization of the market in olive oil and table olives were contained in EEC reg. 136/66 which regulated price supports and aid for production, both measures designed to meet the aims of the CAP, above all to guarantee a fair standard of living to farmers through income support, until Council EC reg. no 865/04 came into effect on the common organization of the market in olive oil and table olives amending EEC reg. No 827/68.

This sector is now regulated by EC reg. 1234/07 on the common organisation of agricultural markets, in which art. 103 in order to grant the aid provided therein expressly refers to the provisions of reg. 1782/2003, recently repealed by reg. No 73/2009, regarding the olive oil and table olive sector, as modified by reg. 864/04, and which are therefore particularly significant to our survey. We shall not focus on the reasons that, over this long span of time, have led community legislators to modify the original profile of the CAP,

but the latest reform has caused a major upheaval to the CAP.

In particular, reg. 1782 of 2003, which introduced the single payment scheme (Costato 2004; Costato *et al.* 2004), a scheme of supports that makes no distinction with respect to productive sector or to the quantity produced. In other words the EC chose to adopt a decoupling formula, that is the decoupling of community aids from amounts produced, depriving itself, as sharply commented (Costato 2004) “of an important instrument for planning agricultural production that, even in a period of liberalisation, should instead be guarded by those who have the responsibility of supplying not only their citizens but the entire world and are also responsible for the wealth belonging to the primary sector as set out in art. No 33 of the EC Treaty. Obviously the exceptions to the system established by the regulation enable this planning to be remedied but these are exceptions often left to the discretionary choice of member States, and are, therefore, limited”. As we shall see later, our sector of interest is one of these exceptions.

EC regulation 864/04, contemporary to that regarding the common organization of the market in olive oil and table olives, has amended EC regulation 1782/03 introducing support schemes for farmers maintaining olive groves which consist in maintenance of olive groves aids. In other words, with reg. 864/04 the community institutions have underlined the awareness that a complete integration in the single payment scheme of the current production-linked support scheme in the olive sector could bring problems to certain traditional producer regions of the Community with a certain risk of widespread disruption to olive tree maintenance, which could in turn lead to degradation of land cover and landscape or have negative social impacts. A part of the support could therefore be linked to the maintenance of olive groves of environmental or social value (10° “whereas”, reg. 864/04). Such considerations have caused the partial conversion of the aid average amount to production in the RUP, while the remaining part is transformed into aids for the farmers as a subvention for the maintenance of olive groves (chapter 10 *b*, reg.864/04).

There are some conditions to respect, so called “requirements of eligibility”, to obtain such aid: the registration of the olive grove in the GIS; only surface corresponding either to olive trees planted before 1 May 1998 or to replacing trees or surfaces covered by a programme approved by the Commission shall be eligible for the aid; the number of olive trees in the olive grove shall not differ by more than 10% from the number registered on 1 January 2005 in the GIS; the olive grove shall comply with the features of the olive grove category under which aid is claimed; the aid applied for shall amount to at least EUR 50 per application.

a) EC reg. No 1782/2003 and EC reg. No 73/2009

At this point, it is necessary to establish what the link is between the agronomic use olive oil mill wastewater and the scheme of supports for olive oil production. The answer lies in EC reg. No 1782/03, now reg. No 73/2009, which subordinates the access to SPS to cross compliance (Bianchi 2003).

The art. 5 of the reg. No 73/2009, being equivalent to the art. 4 of the reg. No 1782/2003, is titled “Statutory management requirements” and states: the statutory management requirements referred to in Annex II shall be established by Community legislation in the following areas: public, animal and plant health; environment; animal wealth.

The Acts referred to in Annex II shall apply within the framework of this Regulation in the version as amended from time to time and, in case of Directives, as implemented by the Member States.

The following art. 6, reg. No 73/2009 (art. 5, reg. No 1782/03), is titled “Good agricultural and environmental condition”.

It states: “1. Member States shall ensure that all agricultural land, especially land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at

national or regional level, minimum requirements for good agricultural and environmental condition on the basis of the framework set up in Annex III, taking in account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures. Member States shall not define minimum requirements which are not foreseen in that framework. The standards listed in the third column of Annex III shall be optional except where: (a) a Member State had defined, for such a standard, a minimum requirement for the good agricultural and environmental condition before 1 January 2009; and/or (b) national rules addressing the standard are applied in the Member State. 2. The Member States other than the new Member States shall ensure that land which was under permanent pasture at the date provided for the area aid applications for 2003 is maintained under permanent pasture. The new Member States other than Bulgaria and Romania shall ensure that land which was under permanent pasture on 1 May 2004 is maintained under permanent pasture. Bulgaria and Romania shall ensure that land which was under permanent pasture on 1 January 2007 is maintained under permanent pasture. However a Member State may, in duly justified circumstances, derogate from the first subparagraph, provided that it takes action to prevent any significant decrease in its total permanent pasture area. The first subparagraph shall not apply to land under permanent pasture to be afforested, if such afforestation is compatible with the environment and with the exclusion of plantations of Christmas trees and fast growing species cultivated in the short term”.

Italy implemented reg. no 1782/03 via M.D. of 5 August 2004 but the definition of the general legal framework regarding good agricultural and environmental conditions and the compulsory management criteria which regions and provinces must conform to was deferred to a new M.D. by art. 5. This second decree was issued on 13 December 2004 and art. 2 gives regions and self-governed provinces the power, within 60 days from the publication of the decree, to define the list of the duties applicable at territorial level in accordance with the contents listed in annex I° to the decree and to the general policy rules for the maintenance of land in good agronomic and environmental conditions set out in annex II° to the decree. The points and the rules regarding olive groves inferable from annex I and II to the decree, the effective date is 1 January of this year, seem to be both l.d. No 152/99 (and therefore, for the part we are interested in, art. 38) and the technical rule 4.3 “Maintenance of olive groves”, of the list of rules for the maintenance of the land in good agronomic and environmental conditions which constitutes Annex II to the M.D. of 13 December 2004. These rules require the implementation of farming methods for crops designed to maintain a balanced crop development of farm vegetation that is consistent with local practices and traditions. Regions and self-governed provinces, as outlined in art. 2 of the abovementioned M.D., can specify some aspects: types of crop operations and number of interventions to be carried out at least once every five years; the timespan within which interventions must be carried out; possible partition of the land into homogeneous areas; procedures for pruning and their frequency, even through exceptions. In the absence of regional or provincial regulations, pruning is required at least once every five years. However, departures from this are allowed, either for phytosanitary reasons or in the event of an authorized replanting. Failure to comply with cross compliance duties may result in a reduction in, or exclusions from, the direct payment which will be administered by the payment making bodies. However, in general, both reductions and exclusions are applied for the year in which the non compliance occurred.

This means that the failure to comply with the abovementioned rules for environmental safety and in particular, those regarding the soil and surface and underground waters, will lead to a total or partial loss of income support for olive oil producers.

CONCLUSIONS

The latter point investigated is the legal framework relating to the agronomic use of olive oil wastewaters linked to European agricultural policy. To this should be added, if they exist, the regional rules which should form an integral part of the legislation and also should take into account art. 170 of l.d. no 152, 2006, which establishes that until the regional rules under article 112 have been issued, then agronomic use must be carried out in line with the regional regulations operative at the effective date of the same decree.

In Sicily the regulation regarding the agronomic use of vegetation waters and olive oil mill waste is contained in Annex 1 to regional decree no 61 of January 17th 2007 which brought into effect art. 112 above. In particular, this decree allows the agronomic use of vegetation waters and moist olive residues only when it is possible to ensure that bodies of water are safeguarded and that it does not prejudice the meeting of quality targets set for these bodies of water, as stated in art. 76 and subsequent, l.d. 152/06, and that the refuses fertilise and/or corrects the soil and that an adequate amount of efficient nitrogen is applied and that distribution times meet the needs of crops and, finally that rules to safeguard hygiene and health in the environment and urban areas are complied with. The region of Sicily has also equipped itself with a programme for water protection, with a measure dated December 27th published in the Sicilian Region Official Gazette n.8 on February 15th 2008. The jurisdictions of territorial and public bodies are established: thus the drawing up of a regional plan for spreading wastewaters falls to the Regional Authority; the Province, with the help of the Provincial Committee for safeguarding of the environment and fighting pollution, works out the Provincial Plan regarding a plan for the agronomic use of vegetation waters and moist olive residues, carries out inspections, checks whether there have been any violations of the regulation in force and imposes sanctions; the mayor receives the art. 3 l. 574/96 communication, imposes the regulations and any restrictions required for the agronomic use of vegetation waters and olive oil residues and carries out inspections, and issues any sanctions arising. In Sicilian territory the prior communication must be sent on an annual basis to the mayor of the council responsible for the area in which the lands are located, at least sixty days before spreading commences. If the spreading sites fall into areas controlled by different councils the communication must be sent to every single mayor. On the basis of the information contained in the communication (which will differ depending on whether it is a communication regarding the first spreading or is one relating to subsequent spreadings), on the opinion expressed by the Provincial Committee for Environmental protection, based on of the results of the inspections and the opinion regarding hygiene and health suitability issued by the local health authority (AUSL) responsible for the area in question, the mayor, can make specific ordinances, with clearly justified motives, to reduce the acceptability limits under the provisions of art 2, paragraph 2, l. 574/96. Furthermore, in the event that the above-mentioned criteria and technical rules are not met, including the obligations not specifically sanctioned by national regulations, then the mayor may take the necessary measures in order to suspend or limit the agronomic use of vegetation waters and moist olive oil residues.

In order to implement art. 7 of M.D, July 6th 2005, Sicilian regional regulations state that controls on the agronomic use of vegetation waters and moist olive oil residues have to be effected both prior and subsequent to spreading operations. The legal representative of the olive oil mill, the owner of the spreading site, the person in charge of storage containers must provide the information required and grant the inspection authority access to the facilities and the sites involved in the agronomic use that are the subject of the communication.

The regional environment protection agency carry out periodic checks on spreading operations in order to safe-

guard the environment, and provide technical support to help spreading operations to be carried out correctly. Instead the public Authorities with territorial responsibility periodically checks the storage and handling operations, ascertains whether any regulations have been violated and imposes the sanctions under its control. From July 19th 2008 onwards the Department for the regional Territory and Environment of the Sicilian Region will send to Ministry for the Environment and to the Ministry of Food, Agriculture and Forestry a survey regarding the application of l. no. 574/96. every three years.

In Calabria, the technical rules for agronomic use of vegetation waters from olive oil mills were finally adopted (Giuffrida 2006) by Regional Council res. no 17 of January 16th 2006 published in the RJ No 13 on July 15th 2006.

Failure to comply with these measures and the technical regulations which constitute an essential part is punishable by criminal, administrative and fiscal sanctions. The latter consist mainly in a total or partial loss of the direct payment given by the European Community and thus have a detrimental effect on the income of the producers.

Whosoever undertakes the agronomic use of vegetation waters from olive oil mills under art. 112 that fall outside the cases and procedures provided therein or rather does not respect any ban or order to suspend operations issued by the mayor is punishable with a fine ranging from one thousand five hundred euros up to ten thousand euros or with a sentence of up to one year. The same sentence is imposed on whosoever carries out agronomic use that fall outside the cases and procedures provided for by the current regulations in force.

Finally, through the single payment scheme, the new CAP keeps ensuring to the olive oil producer the same support level ensured on average in the reference period (from 1999/2000 to 2002/2003) and, through the new common organisation of the markets, it contributes to the market stabilization and to the protection and the management of water in the context of agricultural activity (see 6th “whereas”, EC reg No 73/2009).

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