



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.06.1996

COM(96) 240 final

96/0144 (CNS )

96/0145 (CNS )

Proposal for a

COUNCIL REGULATION (EC)

**derogating, for the 1996/97 marketing year, from Regulation (EC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemon**

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Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) No 1543/95 as regards  
the period of application**

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(presented by the Commission)



## EXPLANATORY MEMORANDUM

- Subject: - Proposal for a Council Regulation derogating, for the 1996/97 marketing year, from Regulation (EEC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemons
- Proposal for a Council Regulation amending Regulation (EC) No 1543/95 as regards the period of application

The current rules on the processing of citrus fruit provide for the grant, within the framework of contracts between producers and processors, of financial compensation to processors, provided they pay a minimum price to producers.

For the 1995/96 price package, the Council adopted Regulation (EC) No 1543/95, which allows the Member States, if they wish, to pay the financial compensation directly to producers in the case of oranges, mandarins and clementines, in order to solve the processors' financial problems.

In view of the fact that the problems continue to exist, Regulation (EC) No 1543/95 should be extended to the 1996/97 marketing year and to lemons.

**Proposal for a  
COUNCIL REGULATION (EC) No**

96/0144 (CNS )

**of**

**derogating, for the 1996/97 marketing year, from Regulation (EC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemon**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas, within the framework of the Community scheme supporting the processing of lemon, it appears that certain processing companies are experiencing financial difficulties in paying the minimum price to producers; whereas that situation should be taken into account when authorizing the Member States, in respect of the new marketing year 1996/97, to pay the financial compensation directly to producers under certain conditions as from the entry into force of this Regulation;

Whereas using this possibility will prevent Member States, for reasons of management and control, from having recourse to the provisions for granting financial compensation as referred to in Article 2 of Regulation (EEC) No 1035/77<sup>4</sup>,

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<sup>1</sup> OJ No C

<sup>2</sup> OJ No C

<sup>3</sup> OJ No C

<sup>4</sup> OJ No L 125, 19.5.1977, p. 3.

HAS ADOPTED THIS REGULATION:

#### Article 1

Notwithstanding Article 2 of Regulation (EC) No 1035/77, Member States may pay financial compensation directly to producers for the quantities delivered by the latter under contracts as referred to in Article 1(2) of that Regulation that are concluded after the entry into force of this Regulation. In that case, processors must pay to producers a price which is at least equal to the difference between the minimum price referred to in Article 1(3) and the financial compensation referred to in Article 2 of that Regulation.

#### Article 2

Where Article 1 is applied, the financial compensation shall be paid to the producer at his request when the control authorities in the Member States in which processing is carried out have established that the products which are covered by contracts have been delivered.

#### Article 3

The decision of the Member State to apply Article 1 must concern all producers and processors on its territory.

#### Article 4

The detailed rules for the application of this Regulation, in particular with regard to the guarantee, shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72<sup>5</sup>.

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<sup>5</sup> OJ No L 118, 20.5.1972, p. 1. Regulation as last amended by Regulation (EC) No 1363/95 (OJ No L 132, 16.6.1995, p. 8).

Article 5

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

It shall apply until end of the 1996/97 marketing year.

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

Done at

For the Council

Proposal for a  
**COUNCIL REGULATION (EC) No**

96/0145 (CNS )

of

**amending Regulation (EC) No 1543/95 as regards  
the period of application**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas certain citrus fruit processors are still experiencing financial difficulties in paying the minimum price to producers; whereas, in order to rectify that situation, Council Regulation (EC) No 1543/95<sup>4</sup>, authorizes the Member States, in respect of the 1995/96 marketing year, to pay the financial compensation directly to producers under certain conditions; whereas, as a result, Regulation (EC) No 1543/95 should be extended to the new 1996/97 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 5 of Regulation (EC) No 1543/95 is hereby replaced by the following:

"It shall apply to the 1995/96 and 1996/97 marketing year."

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<sup>1</sup> OJ No C

<sup>2</sup> OJ No C

<sup>3</sup> OJ No C

<sup>4</sup> OJ No L 148, 30.6.1995, p. 30.

Article 2

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

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

Done at

For the Council





ISSN 0254-1475

COM(96) 240 final

# DOCUMENTS

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Catalogue number : CB-CO-96-250-EN-C

ISBN 92-78-04552-7

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Office for Official Publications of the European Communities

L-2985 Luxembourg

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