

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(95) 11 final

Brussels, 03.02.1995

Proposal for a

COUNCIL REGULATION (EC)


on free distribution outside the Community
of fruit and vegetables withdrawn from the market
during the 1994/95 marketing year

(presented by the Commission)

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Explanatory memorandum

Subject: Proposal for a Council Regulation (EC) on free distribution outside the Community of fruit and vegetables withdrawn from the market during the 1994/95 marketing year

1. Community rules allow fruit and vegetables withdrawn from the market to be distributed free of charge to charitable organizations, schools, etc. Transport costs within the Community are met by the EAGGF according to a fixed-rate distance scale.
 2. The Community's apple and orange crop will be higher this year than the volume of consumption. It should therefore be made possible for products withdrawn from the market to be delivered, through the agency of approved charitable organizations, to destinations with food supply problems.
 3. It is planned with certain exceptions that it should be possible, following official application for humanitarian aid from third countries, for the provisions of this Regulation to be extended by the Commission, after consulting the Management Committee for Fruit and Vegetables, to other destinations or other fruit and vegetables withdrawn from the market during the 1994/95 marketing year.
 4. Since withdrawals of agricultural surpluses are a matter in which the Community is exclusively competent the present measures must be taken at Community level.
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Council Regulation (EC) No .../95

on free distribution outside the Community
of fruit and vegetables withdrawn from the market
during the 1994/95 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables¹, and in particular Article 35 thereof,

Having regard to the proposal from the Commission,

Whereas withdrawals from the market during the 1994/95 marketing year under Regulation (EEC) No 1035/72 can be expected, particularly of apples and oranges;

Whereas Article 21 of Regulation (EEC) No 1035/72 specifies the possible recipients of withdrawn products;

Whereas in order to improve the food supply of certain countries formerly part of Yugoslavia the people of which are affected by the conflict in that area it should be made possible for apples, oranges and any other fruit and vegetables withdrawn from the market to be sent to these countries by the agency of charitable organizations approved by the Member States;

Whereas this possibility is not provided for by Article 21 of Regulation (EEC) No 1035/72; whereas given the food supply difficulties of the countries in question and the volumes of apples and oranges withdrawn from the Community market a derogation should exceptionally be introduced from the said Article 21 in order to enable such organizations to deliver products withdrawn from the market for free distribution as humanitarian aid to the people of these countries;

Whereas sorting, packing and transport costs for fruit and vegetables withdrawn from the market that are assigned for free distribution may be taken over pursuant to Commission Regulation (EEC) No 3587/86 fixing the conversion factors to be applied to the buying-in prices for fruit and vegetables², Commission Regulation (EEC) No 2103/90 laying down the conditions for taking over sorting and packing costs relating to the free distribution of apples and citrus fruit³, and Commission Regulation (EEC) No 2276/92⁴ laying down detailed rules for the application of Article 21 of Council Regulation (EEC) No 1035/92;

¹ OJ No L 118, 20.5.1972, p. 1, last amended by Regulation (EEC) No 2753/94 (OJ No L 292, 12.11.1994, p. 3).

² OJ No L 334, 27.11.1986, p. 1, last amended by Regulation (EEC) No 3463/92 (OJ No L 350, 1.12.1992, p. 66).

³ OJ No L 191, 24.7.1990, p. 19.

⁴ OJ No L 220, 5.8.1992, p. 22.

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Whereas transport costs outside the Community will be met by the charitable organizations carrying out the distribution operations in question;

Whereas so that the viability of each operation can be checked prior authorization should be required from the Commission;

Whereas it will be necessary for Member States to see that operations are properly carried out and to report subsequently to the Commission;

Whereas if supply difficulties in other countries and the situation on the Community market so warrant the Commission may, after consulting the Management Committee for Fruit and Vegetables, decide to apply this Regulation to other fruit and vegetables withdrawn from the market or other destinations,

HAS ADOPTED THIS REGULATION:


Article 1

1. Notwithstanding Article 21 of Regulation (EEC) No 1035/72 dessert apples and oranges withdrawn from the market during the 1994/95 marketing year in accordance with that Regulation may during that marketing year be made available, the terms of Article 2 applying, to charitable organizations approved by the Member States for free distribution as humanitarian aid to people in territories of the former Yugoslavia who are affected by the conflict in that region.
2. Sorting, packing and transport costs within the Community for the operations referred to in paragraph 1 shall be taken over in accordance with the provisions of Regulations (EEC) No 3587/86, (EEC) No 2103/90 and (EEC) No 2776/92.
3. No export refund shall be granted on products dispatched pursuant to paragraph 1. The customs export, transit and any T5 document issued shall carry the endorsement 'No refund'.

Article 2

Member States shall submit to the Commission proposals by their charitable organizations for free distribution operations. The Commission, having regard to what assurances are available of a satisfactory outcome and to the situation as regards market withdrawals, shall decide whether or not to authorize the operation.

Article 3

1. Member States shall take all requisite action to ensure proper execution of free distribution operations.
 2. At the end of the 1994/95 marketing year Member States shall inform the Commission of the quantities distributed under this Regulation and their recipients.
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Article 4

1. Any detailed provisions required for application of this Regulation, in particular as regards coordination under the Community emergency humanitarian aid plan for the former Yugoslavia, shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.
2. The Commission may decide, in accordance with the same procedure, to respond to serious supply difficulties in third countries by applying this Regulation to other fruit and vegetables withdrawn from the market or other destinations.

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

Done at Brussels,

For the Council

F i n a n c i a l S t a t e m e n t

Date: XXXXXXXXXX

1. BUDGET HEADING : 1501 APPROPRIATIONS : ECU 402 m

2. TITLE : Proposal for a Council Regulation on free distribution outside the Community of fruit and vegetables withdrawn from the market during the 1994/95 marketing year

3. LEGAL BASIS : Council Regulation (EEC) No 1035/72

4. AIMS: Authorize free distribution in former Yugoslavia of apples and oranges withdrawn from the market

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (95)	FOLLOWING FINANCIAL YEAR (96)
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	ECU 800 000	ECU 800 000	-
- NATIONAL AUTHORITIES			
- OTHER			
5.1			

 19971998.....1999.....2000.....
5.0.1 ESTIMATED EXPENDITURE	-	-	-	-
5.1.1				

5.2 METHOD OF CALCULATION

Apples: 3 500 t x ECU 110/t x 1.207 (DR) = ECU 460 000 (B)
 Oranges: 1 500 t x ECU 130/t x 1.207 (DR) = ECU 230 000 (B)
 Transport: - ECU 100 000 (B)

ECU 790 000 (B)

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ? YES

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ? YES

6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY ? NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ? NO

COMMENTS :

Included in 1995 PDB

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