

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 13 September 1974

Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down detailed rules for applying protective measures
in the market in products processed from fruit and vegetables

(submitted to the Council by the Commission)

REGULATION (EEC) OF THE COUNCIL

laying down detailed rules for applying
protective measures in the market in
products processed from fruit and vegetables.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No (1) of
concerning the system of trade with third countries in the market in
products processed from fruit and vegetables, and in particular Article 7(1)
thereof;

Having regard to the proposal from the Commission;

Whereas Article 7 of Regulation (EEC) No makes provision for the
application of appropriate measures if, by reason of imports or exports, the
Community market in one or more of the products listed in Article 1(1) of
Council Regulation (EEC) No 865/68 (2) of 28 June 1968 on the common organization
of the market in products processed from fruit and vegetables, as last amended
by Regulation (EEC) No 2429/72 (3), experiences or is threatened with serious
disturbances which may endanger the objectives set out in Article 39 of the
Treaty; whereas these measures relate to trade with third countries and whereas
~~are to cease to apply once~~ the disturbance or threat of disturbance has ceased;

Whereas the main factors to be ~~taken into account in assessing whether the Community~~
~~market is seriously disturbed or threatened with disturbance should be specified~~

Whereas recourse to protective measures depends on the effect of trade with
third countries on the Community market; whereas the situation on this market
must therefore be assessed by taking account not only of the factors peculiar
to the market itself but also of ~~those relating to the trend of that trade.~~
of that trade;

(1)

(2) OJ No L 153, 1.7.1968, p. 8

(3) OJ No L 264, 23.11.1972, p. 1

Whereas the measures which may be taken in application of Article 7 of Regulation (EEC) No should be ~~specified~~; whereas those measures must be such as to put an end to serious disturbances on the market and the threat of such disturbances; whereas, ~~they must accordingly be suited to the~~ circumstances if they are not to have other than the desired effects;

Whereas recourse by a Member State to Article 7 of Regulation (EEC) No should be limited to a case in which the market of that State, following an assessment based on the abovementioned factors, ~~is to be~~^{is} regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in ~~such~~ case should be designed to prevent the market situation from deteriorating further and must be of an interim nature; whereas, consequently, such national measures may apply only until the entry into force of a Community decision on the ~~matter~~ ;

Whereas the Commission is required to take a decision on Community protective measures to be applied in response to a request from a Member State within twenty-four hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 7 of Regulation (EEC) No ;

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 of Regulation (EEC) No 865/68 is, by reason of imports or exports, experiencing or threatened with serious disturbances which ~~might~~ endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of;

- (a) the volume of imports or exports effected or foreseen;
- (b) the quantities of products available on the Community market;
- (c) the prices for Community products on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof in relation to prices recorded over ~~the~~ immediately preceding years;

- (d) where the abovementioned situation arises as a result of imports the prices for products from third countries on the Community market, and in particular any excessive downward trend thereof.

Article 2

1. The measures which may be taken under Article 7 (2) and (3) of Regulation (EEC) No should the situation referred to in paragraph 1 of that Article arise, shall be:
 - (a) the total or partial suspension of imports or exports;
 - (b) the introduction of arrangements under which if the price for an imported product falls below a certain minimum a condition may be imposed whereby that product may be imported only at a price exceeding such minimum.
2. These measures may be taken only to such extent and for such length of time as is strictly necessary. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

Article 3

The application of the provisions of this Regulation shall be without prejudice to the Community's obligations under international agreements.

Article 4

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors set out in Article 1, it considers that the situation provided for in Article 7(1) of Regulation (EEC) No has arisen on its territory. Interim protective measures shall consist in the suspension of imports or exports.

The provisions of Article 2(2) shall apply.

2. The Commission shall be notified by telex of the interim protective measures as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 7(2) of Regulation (EEC) No . The measures shall apply only until such time as a decision by the Commission on the matter enters into force.

Article 5

This Regulation shall enter into force on the day following 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 Brussels,

For the Council
The President

EXPLANATORY STATEMENT

1. Regulation n° 121/67/EEC of 13 June 1967 on the common organization of the market in pigmeat provides for measures to be taken when a substantial price rise disturbs or threatens to disturb the Community market.

It seems desirable to enlarge the field of application of this provision in the case of a considerable fall in prices.

Such an adaptation of the basic Regulation for instance permits the taking of similar measures as those decided by the Council of 16.7.1974 in the beef sector especially tending to increase the consumption of pork sector products in order to facilitate the reestablishing of the balance between supply and demand on this market.

2. The amendment of the text as proposed does not by itself have any financial effect.
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Proposal for a
REGULATION (EEC) OF THE COUNCIL

supplementing Regulation N° 121/67/EEC as regards measures to be taken in the case of a substantial fall in prices for pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Article 11 of Council Regulation N° 121/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in pigmeat, as last amended by Regulation (EEC) N° 1861/74⁽²⁾, provides for measures to be taken when a substantial price rise disturbs or threatens to disturb the Community market; whereas the situation on the market requires that such provision be extended to cover the case of a substantial fall in prices

HAS ADOPTED THIS REGULATION :

Article 1

1. Article 11 of Regulation N° 121/67/EEC is repealed.

2. A new Article 19a as follows is inserted in Regulation No 121/67/EEC :

"1. When a substantial rise or fall in prices is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure set out in Article 24."

.../...

(1) OJ N° 117, 19.6.1967, p. 2283/67

(2) OJ N° L 197, 19.7.1974, p. 3

Article 2

This Regulation shall enter into force on the third day following 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 Brussels,

For the Council

1