

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 9 final.

Brussels, 22 January 1981

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 234/68 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage.

(submitted to the Council by the Commission)

COM(81) 9 final.

EXPLANATORY MEMORANDUM

Subject : Draft proposal for a Council Regulation amending Regulation (EEC) No 234/68 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage

Council Regulation No 234/68 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like cut flowers and ornamental foliage provides for common quality standards for such products. These standards may comprise provisions on quality, sizing and presentation and other provisions they contain requirements as to minimum sizes.

Within this framework, there exists in certain regions of the Community, at professional level, an intervention system for certain types of flower bulbs. This system allows for such quantities as do not find a buyer at a certain price level, but which meet the requirements at the common quality standard in force, to be withdrawn from the market.

The economic development of this sector has shown that intervention in respect of flower bulbs smaller than those meeting the minimum size requirements is more effective and less costly because, in times of surplus, it obviates the need to withdraw bulbs intended for supply. However, a ruling by the Court of Justice lays down that national intervention in respect of flower bulbs is compatible with the provisions of Regulation (EEC) No 234/68 only where such bulbs comply with the common quality standards.

Consequently, a provision must be added to Regulation (EEC) No 234/68 to allow intervention in respect of flower otherwise meeting the quality standards but smaller than the minimum size prescribed by those standards.

It is accepted that the cost of such intervention remains to be borne by the Member State concerned.

This draft regulation has no financial effect on the Community budget.

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amending Regulation (EEC) No 234/68 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage

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 Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage¹, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas according to the case law of the Court of Justice, a system of national intervention is compatible with Regulation (EEC) No 234/68 only in so far as it relates solely to products complying with the common quality standards;

¹OJ No L 55, 2.3.1968, p. 1.

Whereas studies have shown that stability on the flower bulb market could be achieved in a more effective and less costly manner by reducing the available supplies of small bulbs intended for propagation;

Whereas in view of the aims of the common organization of the market it is therefore desirable to allow Member States to apply a system of intervention also in respect of bulbs which comply with the quality standards except as to size and which are likely to be used as propagating material,

HAS ADOPTED THIS REGULATION :

Article 1

The following Article is hereby inserted in Regulation (EEC) No 234/68 :

"Article 6a

1. Where a Member State applies a system of intervention in respect of flower bulbs of Community origin, only the following shall be eligible for intervention :
 - bulbs meeting the common quality standards;
 - bulbs which comply with the common quality standards except as to size and which are likely to be used for propagation.
2. The ultimate use of products taken into intervention shall be determined by the Member State concerned so as not to impede the normal disposal of the produce in question.
3. The cost of intervention operations shall be borne by the Member State concerned.
4. Member States shall notify the Commission of measures taken pursuant to th Article."

4.

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