

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 371 final

Brussels, 16 July 1976

Amended Proposal for a

COUNCIL REGULATION

laying down certain general rules for application
of the reference price system for fruit and vegetables

(submitted by the Commission to the Council pursuant to
the second paragraph of Article 149 of the EEC Treaty)

COM(76) 371 final

Explanatory memorandum

The initial proposal which the Commission forwarded to the Council on 23 May 1973 was not adopted because certain delegations felt that they were unable to supply the information needed for the application of the Regulation within the time limits laid down.

The information in question concerned mainly the quantities imported and, in addition, the daily prices for the home-grown products which had the same characteristics as those used for fixing the reference prices.

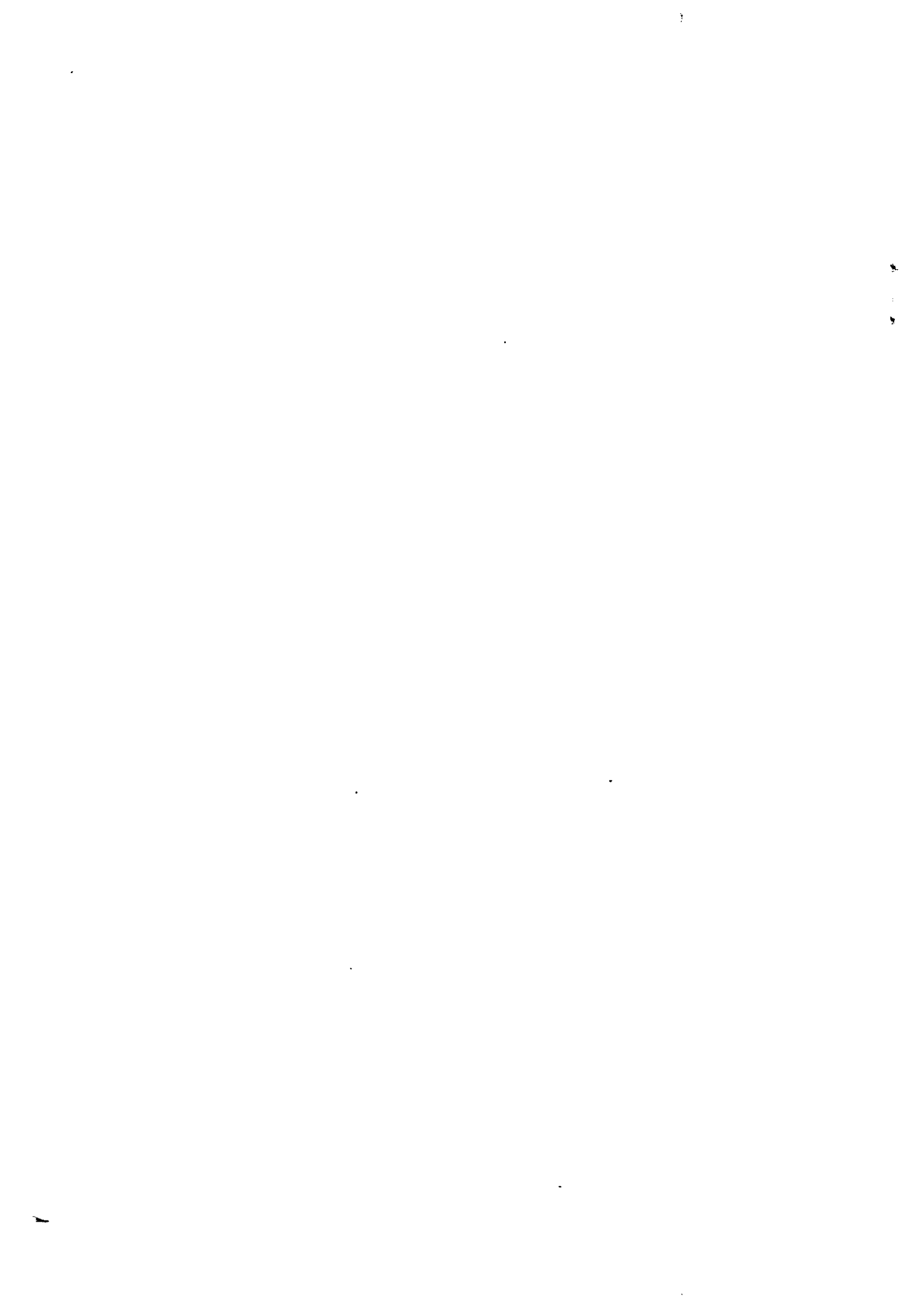
This proposal from the Commission, which replaces that of 23 May 1973, makes the following improvements as regards those two points:

1) Quantities imported : the information is to be supplied per period of ten days running from the 1st to the 10th, from the 11th to the 20th, and from the 21st to the last day of each month - and should reach the Commission, at the latest, on the eighth day of the following period of ten days.

Since this communication procedure is already followed in respect of cereals (wheat and wheat flour: Commission Regulation (EEC) No 2394/70 of 27 November 1970; barley, malt maize and rice: Commission Regulation (EEC) No 1088/72 of 26 May 1972), the extension of the system to certain fruit and vegetables should not present any serious problems.

2) Prices for Community products: the information to be supplied would be, for products subject to intervention, that which is already forwarded in accordance with Article 17(1) of Regulation (EEC) No 1035/72 and, for cucumbers, the prices for home-grown products which have the same characteristics as those used for fixing the reference prices.

The only new procedures to be undertaken by the Member States should therefore be the obtaining of the prices for cucumbers and the daily communication of the prices for Community products.



AMENDED DRAFT OF A COUNCIL REGULATION

laying down certain general rules for application of the reference price system
for fruit and vegetables.

(submitted by the Commission to the Council on the basis of the second
paragraph of Article 149 of the Treaty)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community,

Having regard to Council Regulation (EEC)
No 1035/72 of 18 May 1972 on the common
organization of the market in fruit and
vegetables⁽¹⁾, as last amended by Regulation
(EEC) No 795/76⁽²⁾, and in particular the
last sub-paragraph of Article 24(4) thereof,

Having regard to the proposal from the
Commission,

Whereas Article 24(4) of Regulation (EEC) No 1035/72 provides that in the
case of summer pears, tomatoes, cucumbers, table grapes and peaches the
prices of Community products are also to be adopted for calculating the entry
price if the quantities imported are significant and if the quantities
marketed on the representative import markets are not significant compared
with total imports;

Whereas a study of the level of imports from non-member countries during
recent years reveals that significant quantities are imported during a given
period of the marketing year; whereas the given period applicable to each
product should be determined;

Whereas it is necessary to establish, in respect of each exporting country,
the minimum percentage of the total quantities imported during a given period,
marketed on the representative import markets;

(1) OJ No L 118, 20.5.1972, p. 1

(2) OJ No L 93, 8.4.1976, p. 6

Whereas it would appear useful to adopt the prices of Community products calculated over a certain period, so as to prevent import measures from being influenced by the daily price fluctuations which can be observed on the producer markets;

Whereas the method of calculating the prices of Community products must be laid down; whereas correcting factors should be applied to the prices of Community products at the producer market stage, to make those prices comparable with those of imported products on the representative import markets;

Whereas it is necessary to define the conditions under which the prices of the Community products are to be adopted for calculating the entry price; whereas, in view of the objective to be attained, those prices should be taken into consideration only if they are lower than the reference price,

HAS ADOPTED THIS REGULATION :

Article 1

1. The condition laid down in the first indent of Article 24(4) of Regulation (EEC) No 1035/72 shall be considered as being fulfilled during the periods specified in the Annex.
2. The condition laid down in the second indent of the said Article 24(4) shall be considered as being fulfilled for a given exporting country where the quantities marketed on all of the representative import markets over a period of ten consecutive days (running either the 1st to the 10th or from the 11th to the 20th or from the 21st to the last day of each month) represent less than 40% of the quantities imported.
3. Subject to the preceding paragraphs, the price of Community products shall be adopted for calculating the entry price only where the price of Community products determined in accordance with Article 2 is lower than the reference price for the last three days of a ten-day period referred to in paragraph 2.

Article 2

The price of Community products, referred to in Article 1, shall be equal to the arithmetic mean of the daily prices recorded over the period specified in paragraph 3 of that Article plus an amount equal to that allowed for transport costs in calculating the reference prices.

The daily price shall be equal

- for peaches, tomatoes, table grapes and summer pears, to the arithmetic mean of the prices, plus the cost of packaging, which the Member States communicate to the Commission in accordance with Article 17(1) of Regulation (EEC) No 1035/72
- for cucumbers, to the arithmetic mean of the average prices recorded on the representative producer markets for home-grown products which have the same characteristics as those by reference to which the reference prices are fixed.

However, if the prices recorded on a given market relate to products produced by a method of cultivation different from that used for the products taken into consideration for fixing the reference prices, they shall be adjusted, for the purpose of calculating the average price, by the conversion factors laid down for calculating the entry price of that type of product by the regulations fixing the reference prices.

The said factors shall be applied to the prices plus the packaging cost and transport costs.

Article 3

1. Where, for a given product and a given exporting country, the conditions laid down in Article 1 are fulfilled, the entry price for the exporting country concerned shall be equal :

- a) to the arithmetic mean between the entry price of the imported product calculated in accordance with Article 24(3) of Regulation (EEC) No 1035/72 and the price of the Community product calculated in accordance with Article 2, if the price of the Community product is lower than :
 - the entry price referred to above,
 - the reference price valid on the day in question;

- b) to the entry price of the imported product, referred to in Article 24(3) of Regulation (EEC) No 1035/72, if the price of the Community product is higher than it;
- c) to the price of the Community product calculated in accordance with Article 2 if it is lower than the reference price valid on the day in question and if the prices of the imported product are not available.

2. Paragraph 1 shall apply during the second ten-day period following that referred to in Article 1.

Article 4

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 5

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
The President

ANNEX

Periods during which the quantities imported are significant:

Peaches from 1 July to 31 August
Cucumbers from 1 February to 30 June and from 1 to 30 November
Tomatoes from 1 April to 31 July and from 1 October to
20 December
Table grapes from 1 August to 20 November
Summer pears from 1 July to 31 August

