

# COMMISSION OF THE EUROPEAN COMMUNITIES

^

COM(82) 894 final

Brussels, 11 January 1983

Proposal for a  
COUNCIL REGULATION (EEC)  
 derogating from Article 21 of Regulation (EEC) No 1035/72 on the common  
 organization of the market in fruit and vegetables

# HILLMAN

(submitted to the Council by the Commission)

UNIVERSITY OF PITTSBURGH  
LIBRARIES

FEB 16 1983  
ORDER SECTION

COM(82) 894 final



EXPLANATORY MEMORANDUM

SUBJECT : Proposed Council Regulation of                   derogating from Article 21  
of Regulation (EEC) No 1035/72 on the common organization of the  
market in fruit and vegetables

On 26 November 1982, the Council adopted, by written procedure, a resolution authorizing the delivery of Community apples withdrawn from the market to charity organizations with a view to their free distribution to the Polish population.

This resolution also stipulated that the costs of the operation would be borne by the charity organizations carrying out such operations.

This proposal for a regulation is designed to give legal form to a measure which the Council has already approved at political level.

Proposal for a  
COUNCIL REGULATION (EEC)

derogating from Article 21 of Regulation (EEC) No 1035/72 on the common organization of the market in 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 1035/72 of 18 May 1972 on the common  
organization of the market in fruit and  
vegetables<sup>1</sup>, as last amended by Regulation (EEC)  
No 1738/82<sup>2</sup>, and in particular Article 35  
thereof,

Having regard to the proposal from the  
Commission,

Whereas the Community dessert apple harvest was particularly heavy in 1982,  
so that very large amounts will probably have to be withdrawn from the market;

Whereas Article 21 of Regulation (EEC) No 1035/72 states what uses may be  
assigned to products withdrawn or brought in;

Whereas certain Member States have requested that apples withdrawn from the  
market should be made available for consignment to Poland through charitable  
organizations, to improve the supply situation for the population of that  
country;

./. .

---

<sup>1</sup>OJ No L 118, 20.5.1972, p. 1  
<sup>2</sup>OJ No L 190, 1.7.1982, p. 7

Whereas such a measure is not provided for in Article 21 of Regulation (EEC) No 1035/72; whereas, however, because of the supply difficulties the Polish population has to contend with and because of the surplus of apples in the Community, it is appropriate that, exceptionally, a measure derogating from the said Article 21 should be adopted to authorize the Member States to deliver to charitable organizations apples withdrawn from the market, with a view to their free distribution in Poland,

HAS ADOPTED THIS REGULATION :

#### Article 1

1. Notwithstanding Article 21 of Regulation (EEC) No 1035/72, Member States shall be authorized during the 1982/83 marketing year to place at the disposal of charity organizations approved for this purpose, dessert apples of Community origin withdrawn from the market in accordance with the Regulation referred to above, with a view to their free distribution in Poland.
2. The cost of transporting the apples referred to in paragraph 1 from the intervention locations to the places at which they are delivered to their Polish consignees shall be borne by the charitable organizations carrying out these operations.
3. Apples consigned pursuant to paragraph 1 shall not qualify for the export refunds fixed for fruit and vegetables.

#### Article 2

This Regulation shall enter into force on the 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,

# FINANCIAL STATEMENT

Date : 9/12/82

1. BUDGET HEADING : B 1500, B 1501

APPROPRIATIONS: : 58 m ECU (1500)  
1983 153 m ECU (1501)

2. TITLE : Draft Council Regulation derogating from Article 21 of Regulation No1035/72 on the common organization of the market in fruit and vegetables.

3. LEGAL BASIS : Article 35 of Council Regulation No 1035/72.

4. AIMS OF PROJECT : To place at the disposal of charity organizations apples withdrawn from the market, with a view to their free distribution to the Polish population.

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR ( 83 )	FOLLOWING FINANCIAL YEAR ( 84 )
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	- (1)	- (1)	- (1)
- NATIONAL ADMINISTRATION			
- OTHER			
5.1 RECEIPTS			
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
- NATIONAL			

5.0.1 ESTIMATED EXPENDITURE  
5.1.1 ESTIMATED RECEIPTS

5.2 METHOD OF CALCULATION

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

YES/XX

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

YES/XX

6.2 IS A SUPPLEMENTARY BUDGET BE NECESSARY ?

YES/NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ?

YES/NO

OBSERVATIONS :

(1) Operations relating to the withdrawal of apples and expenditure relating thereto are not affected by this measure.