

Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products (repealed)

COUNCIL REGULATION (EC) No 2201/96

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on the common organization of the markets in processed fruit and vegetable products (repealed)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

- (1) Whereas various changes are taking place in the fruit and vegetable sector in general of which the Community must take account by a reorientation of the basic rules of the market organization of this sector; whereas as regards certain processed products, account should also be taken of the international market situation; whereas, in view of the numerous changes to which the common organization of the market in fruit and vegetables has been subject since its initial adoption, a new Regulation should, for reasons of clarity, be adopted;
- (2) Whereas certain processed products are of particular importance in the Mediterranean regions of the Community where production prices are noticeably higher than those in third countries; whereas the production aid system based on the signing of contracts guaranteeing regular supplies for the industry in return for the payment of a minimum price to producers, as applied in the past, has stood the test of time and should be continued; whereas, however, like for fresh products, the role of producers' organizations should be strengthened in order to guarantee greater concentration of supply, to manage supply more rationally and lastly, to facilitate monitoring of compliance with the minimum price to producers;
- (3) Whereas, because of the link which exists between the prices of products intended for fresh consumption and of those intended for processing, it should be enacted that the minimum price to the producer must be determined taking account of market price fluctuations in the fruit and vegetable sector and of the need to maintain a proper balance between the various outlets for the fresh product;
- (4) Whereas the amount of aid must compensate for the difference between the prices paid to producers in the Community and prices paid in third countries; whereas, therefore, a basis of calculation must be laid down which takes account of this difference and of

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the impact of changes in the minimum price, without prejudice to the application of certain technical elements;

- (5) Whereas, because of the large availability of raw materials and the elasticity of processing capacity, the granting of production aid may in certain cases lead to a considerable expansion of production; whereas, in order to avoid the disposal difficulties which could result from this, limitations should be set on the granting of aid, either in the form of a guarantee threshold or a quota system, according to product;
- (6) Whereas, in view of past experience with regard to tomato-based processed products, a flexible system should be adopted, aimed at increasing the dynamism of undertakings and the competitiveness of Community industry; whereas the quotas per group of products and Member State must be fixed on a flat-rate basis for the first two years of implementation of the new system; whereas the amount of aid for concentrates and their derivatives must be lowered to offset the increased expenditure resulting from the increase in quotas for tomato concentrate and the other products in relation to the old system;
- (7) Whereas the dried grape sector has some special features which have led to the implementation of a specialized acreage aid system; whereas this system, together with the guaranteed maximum acreage system aimed at avoiding a disproportionate extension of the growing of grapes for the production of dried grapes, must be kept as in the past in the same Regulation;
- (8) Whereas replanting schemes to combat phylloxera are continuing; whereas, in order to avoid this operation ceasing while large areas still remain to be replanted, the system of aid to producers who replant their vineyards to combat phylloxera should be continued;
- (9) Whereas, to facilitate the disposal of processed products and better adapt their quality to market demands, the possibility of laying down standards should be provided for;
- (10) Whereas, for the dried grape and dried fig sectors, the carryover storage system, limited to a certain quantity of dried grapes, must be maintained without prejudice to certain adjustments; whereas purchase price levels should be determined for these two products taking account of the specific features of each of them;
- (11) Whereas the possibility should be provided of implementing specific measures in favour of certain sectors facing international competition, where their production has major local or regional importance; whereas such measures must include structural improvements aimed at increasing competitiveness and promoting the use of the products in question; whereas for a transitional period provision should be made for aid in a lump sum for area on which asparagus intended for processing is currently grown, given the state of the sector;
- (12) Whereas in Regulation (EC) No 3290/94⁽⁴⁾ the Council adopted the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded in the context of the Uruguay Round of multilateral trade negotiations, in particular the new trading arrangements with third countries in the processed fruit and vegetable products sector; whereas the provisions of Annex XIV to Regulation (EC) No 3290/94 should be inserted in this Regulation; whereas, however,

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for the sake of simplicity, recourse should be had to the Commission's exercise of its powers for the implementation of certain technical provisions relating to possible sugar shortages;

- (13) Whereas the granting of certain aid would compromise the functioning of the single market; whereas, therefore, the provisions of the Treaty whereby aid granted by Member States may be examined and aid which is incompatible with the common market may be prohibited should be extended to cover the sector referred to in this Regulation;
- (14) Whereas Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽⁵⁾ should be applied to the processed fruit and vegetable products sector in order to avoid duplication of standards and monitoring bodies; whereas it is necessary also to provide for sanctions to guarantee uniform application of the new system throughout the Community;
- (15) Whereas the common organization of the markets in processed fruit and vegetable products must take proper and simultaneous account of the objectives set out in Articles 39 and 110 of the Treaty;
- (16) Whereas, to facilitate the implementation of the provisions of this Regulation, a procedure for close cooperation between the Member States and the Commission by means of a management committee should be set up,

HAS ADOPTED THIS REGULATION:

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- (1) OJ No C 52, 21.2.1996, p. 23.
- (2) OJ No C 96, 1.4.1996, p. 276.
- (3) OJ No C 82, 19.3.1996, p. 30.
- (4) OJ No L 349, 31.12.1994, p. 105. Regulation as last amended by Regulation (EC) No 1193/96 (OJ No L 161, 29.6.1996, p. 1).
- (5) See page 1 of this Official Journal.

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