

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(EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products (repealed)

TITLE I

System of aid

F1 Article 2

A Community aid scheme is hereby introduced to assist producer organisations supplying tomatoes, peaches and pears harvested in the Community for the production of the processed products listed in Annex I.

The list of processed products appearing in Annex I may be revised on the basis of changes in the market, in accordance with the procedure laid down in Article 29.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2699/2000 of 4 December 2000 amending Regulation \(EC\) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation \(EC\) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation \(EC\) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.](#)

Article 3

1 The scheme referred to in Article 2 shall be based on contracts between, on the one hand, producer organisations recognised or provisionally authorised under Regulation (EC) No 2200/96 and, on the other, processors approved by the competent authorities in the Member States.

However, in the course of the 2001/02 marketing year, contracts between processors and individual producers shall also be eligible, for a quantity not exceeding 25 % of the total quantity contracted for by any processor.

2 Contracts shall be concluded by a specific date, to be defined in accordance with the procedure laid down in Article 29. In particular, they shall specify the quantities they cover, the schedule of supply to the processor and the price to be paid to the producer organisations, and shall require the processor to process the products covered.

As soon as they have been signed, the contracts shall be forwarded to the competent authorities in the Member States.

3 The producer organisations shall extend the benefit of the provisions of this Article to operators not affiliated to any of the collective structures provided for in Regulation (EC) No 2200/96, who undertake to market through such structures all their output of tomatoes, peaches and pears for processing and who pay a contribution towards the overall management costs of this system borne by the organisation.

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2201/96 (repealed), TITLE I. (See end of Document for details)

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2699/2000 of 4 December 2000 amending Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation (EC) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.

Article 4

1 Aid shall be granted to producer organisations for the quantities of raw materials supplied for processing under the contracts referred to in Article 3.

2 The amount of aid shall be:
EUR 34,50/tonne for tomatoes,
EUR 47,70/tonne for peaches,
EUR 161,70/tonne for pears.

3 Without prejudice to the application of Article 5, aid shall be paid by the Member States to the producer organisations on request, as soon as the control authorities in the Member State in which processing is carried out have established that the products covered by the contracts have been supplied to the processing industry. The amount of aid received by the producer organisation shall be paid to its members, and where Article 3(3) is applied, to the operators concerned.

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2699/2000 of 4 December 2000 amending Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation (EC) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.

Article 5

1 For each of the products referred to in Article 2, Community and national processing thresholds shall be established as indicated in Annex II.

2 Whenever a Community processing threshold is overrun, the aid fixed for the product in question in accordance with Article 4(2) shall be reduced in all the Member States in which the corresponding threshold has been overrun.

For the purposes of applying the first subparagraph, threshold overruns shall be calculated by comparing the threshold with the average quantity processed with aid under this Regulation over the three marketing years preceding that for which aid must be set.

However, to calculate the overrun of the thresholds fixed for each Member State, any quantities still available below the threshold of a Member State but not processed shall be allocated to the other Member States, in proportion to their respective thresholds.

The reduction in aid shall be proportional to the volume of overrun relative to the relevant threshold.

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2201/96 (repealed), TITLE I. (See end of Document for details)

3 For tomatoes, and by way of derogation from the second subparagraph of paragraph 2, the following arrangements shall apply to the first three marketing years immediately following implementation of this Regulation:

- a for the first marketing year:
 - overrun of the processing threshold shall be calculated on the basis of the quantity supplied for processing with aid during the year, and
 - the aid fixed in Article 4(2) shall be reduced to EUR 31,36/tonne. However, in the Member States where the threshold has not been overrun, or where it has been overrun by less than 10 %, and in all Member States concerned if the Community threshold has not been overrun, a supplement shall be paid after the end of the marketing year. The supplement shall be fixed on the basis of the actual overrun of the threshold concerned;
- b for the second marketing year, overrun of the processing threshold shall be calculated on the basis of the quantity supplied for processing with aid during the first year;
- c for the third marketing year, overrun of the processing threshold shall be calculated on the basis of the average quantity supplied for processing with aid during the first and second years.

4 Member States may divide the national threshold for tomatoes into two sub-thresholds, namely tomatoes for processing into whole peeled tomatoes and those for processing into other tomato products.

Member States which take up this option shall inform the Commission thereof.

If the national threshold is overrun, the reduction in aid provided for in paragraph 2 shall be applied to the aid for both sub-thresholds in proportion to the recorded overrun of the sub-threshold concerned.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2699/2000 of 4 December 2000 amending Regulation \(EC\) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation \(EC\) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation \(EC\) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.](#)

Article 6

1 Detailed rules for the application of Articles 2 to 5, and in particular rules governing approval of processors, conclusion of processing contracts, payment of aid, control measures and sanctions, marketing years, minimum characteristics of the raw material supplied for processing, minimum quality requirements for finished products and the financial consequences of overrunning thresholds, shall be adopted in accordance with the procedure laid down in Article 29.

2 Quality and quantity checks shall also be adopted in accordance with that procedure to verify:

- that the products supplied to processors by producer organisations meet requirements, and
- that the products supplied have actually been processed into products listed in Annex I.]

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Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2699/2000 of 4 December 2000 amending Regulation \(EC\) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation \(EC\) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation \(EC\) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.](#)

[^{F2} Article 6a

- 1 A production aid scheme shall be applied:
- a to dried figs falling within CN code 0804 20 90,
 - b to prunes derived from dried 'd'Ente' plums falling within CN code ex 0813 20 00, obtained from fruit harvested in the Community.

2 Production aid shall be granted to processors who have paid producers for their raw materials a price not less than the minimum price under contracts between, on the one hand, producer organisations recognised or provisionally authorised under Regulation (EC) No 2200/96 and, on the other, processors.

However, in the course of the 2001/02 marketing year, contracts between processors and individual producers shall also be eligible, for a quantity not exceeding 25 % of the quantity giving entitlement to production aid.

The producer organisations shall extend the benefit of the provisions of this Article to operators not affiliated to any of the collective structures provided for in Regulation (EC) No 2200/96, who undertake to market through such structures all their output intended for the manufacture of the products referred to in paragraph 1 and who pay a contribution towards the overall management costs of this system borne by the organisation.

Contracts must be signed before the start of the marketing year.

Textual Amendments

- F2** Inserted by [Council Regulation \(EC\) No 2699/2000 of 4 December 2000 amending Regulation \(EC\) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation \(EC\) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation \(EC\) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.](#)

Article 6b

- 1 The minimum price to be paid to producers shall be calculated on the basis of:
- a the minimum price applying during the previous marketing year;
 - b the movement of market prices in the fruit and vegetables sector;
 - c the need to ensure normal market disposal of basic fresh products for the various uses, including supply to the processing industry.
- 2 Minimum prices shall be fixed before the start of each marketing year.
- 3 Minimum prices and detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29.

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2201/96 (repealed), TITLE I. (See end of Document for details)

Textual Amendments

- F2** Inserted by Council Regulation (EC) No 2699/2000 of 4 December 2000 amending Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation (EC) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.

Article 6c

1 The production aid may not exceed the difference between the minimum price paid to the producer in the Community and the price of the raw material in the main producing and exporting third countries.

2 The amount of production aid shall be so fixed as to enable the Community product to be disposed of, within the limit set in paragraph 1.

To establish this amount, account shall be taken in particular:

- a of the difference between the cost of the raw material in the Community and that in the major competing third countries;
 - b of the amount of aid fixed for the previous marketing year,
- and
- c where Community output of a product accounts for a substantial share of the market, movements in external trade volumes and in the prices obtaining in such trade, where the latter criterion results in a reduction in the amount of the aid.

3 The production aid shall be fixed in terms of the net weight of the processed product. The coefficients expressing the relationship between the weight of raw material used and the net weight of the processed product shall be defined on a standardised basis. They shall be regularly updated on the basis of experience.

4 Production aid shall be granted to processors only for processed products which:

- a have been produced from raw materials harvested in the Community, for which the applicant has paid at least the minimum price referred to in Article 6a(2);
- b meet minimum quality requirements.

5 The price of the raw material in the main competing third countries shall be determined mainly on the basis of the prices actually applying at the farm-gate stage for fresh products of a comparable quality used for processing, weighted on the basis of the quantities of finished products exported by those third countries.

6 Where Community production accounts for at least 50 % of the quantities of a product making up the Community consumption market, movements in volumes and prices of imports and exports shall be assessed by comparing the data for the calendar year preceding the start of the marketing year with the data for the previous calendar year.

7 The Commission shall fix the amount of the production aid before the start of each marketing year, in accordance with the procedure laid down in Article 29. The coefficients referred to in paragraph 3, the minimum quality requirements and the other detailed rules for the application of this Article shall be adopted in accordance with the same procedure.]

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Textual Amendments

- F2** Inserted by Council Regulation (EC) No 2699/2000 of 4 December 2000 amending Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables, Regulation (EC) No 2201/96 on the common organisation of the market in processed fruit and vegetables and Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits.

Article 7

1 Aid shall be granted for the cultivation of grapes intended for the production of dried grapes of the sultana and Moscatel varieties and currants.

The amount of the aid shall be fixed per hectare of specialized area harvested on the basis of the average yield per hectare of the area concerned. In addition, the amount of the aid shall be fixed to take account of:

- a the need to ensure that the areas traditionally used to grow the said crops are maintained;
- b the outlets available for these dried grapes.

The amount of aid may be differentiated according to grape variety and other factors which may affect yield.

2 A maximum guaranteed Community area is hereby introduced for each marketing year equal to the average of the areas in the Community used for the crops referred to in paragraph 1 in the marketing years 1987/1988, 1988/1989 and 1989/1990. If the specialized areas used for the production of dried grapes exceed the maximum guaranteed Community area, the amount of the aid shall be reduced for the following marketing year according to the extent by which that area is exceeded.

[^{F3}For Cyprus the marketing years 1995/96, 1996/97 and 1999/2000 are the reference years for establishing the maximum guaranteed Community area referred to in the first sub-paragraph.]

3 The aid shall be granted once the areas have been harvested and the products have been dried for processing.

4 Producers who replant their vineyards to combat phylloxera and who are not in receipt of aid provided for under structural measures against that disease chargeable to the Guidance Section of the EAGGF shall be entitled, during three marketing years, to aid of an amount determined in the light of the amount of the aid referred to in paragraph 1 and of the amount of aid granted under the said structural measures. In this case, paragraph 3 shall not apply.

5 Before the beginning of each marketing year, the Commission shall fix the amount of the aid in accordance with the procedure laid down in Article 29. In accordance with the same procedure, it shall lay down the detailed rules for the application of this Article and determine, as necessary, the extent to which the maximum guaranteed area has been exceeded and the consequent reduction in the amount of aid.

Textual Amendments

- F3** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2201/96 (repealed), TITLE I. (See end of Document for details)

Article 8

Common standards may be introduced for the products listed in Article 7 (1) and those listed in Annex I, intended either for consumption in the Community or for export to third countries, in accordance with the procedure laid down in Article 29.

Article 9

1 During the last two months of a marketing year, the agencies approved by the Member States concerned, hereinafter referred to as 'storage agencies', may buy in sultanas, currants and dried figs produced in the Community during the current marketing year provided the products comply with quality standards to be determined.

[^{F4}The quantities of sultanas and currants bought in under paragraph 2 may not exceed 27 930 tonnes.]

2 The buying-in price at which storage agencies buy in the products referred to in paragraph 1 shall be:

- a in the case of dried figs, the minimum price for the lowest quality class, less 5 %;
- b in the case of sultanas and currants, the buying-in price in force during the 1994/1995 marketing year, adjusted each year in line with the change in the minimum import price referred to in Article 13 or, from the year 2000, in world prices.

3 The products bought in by the storage agencies shall be disposed of on terms which do not jeopardize the balance of the market and which ensure equal access to the products for sale and equal treatment of purchasers.

Where products cannot be disposed of on normal terms, special measures may be taken. In that case, a special security may be required to ensure that undertakings entered into are fulfilled, in particular those relating to the destination of the product. The security shall be forfeit, in full or in part, if undertakings are not fulfilled or are fulfilled only in part.

4 Storage aid shall be granted to storage agencies for the quantities of products which they have bought in and for the actual duration of storage. However, the aid shall cease to be granted at the end of a period of eighteen months following the end of the marketing year during which the product was bought in.

5 Financial compensation equal to the difference between the buying-in price paid by storage agencies and the selling price shall be granted to storage agencies. This compensation shall be reduced by the amount of any profits resulting from the difference between the buying-in price and the selling price.

6 For the purposes of applying paragraph 1, Member States shall approve storage agencies which provide adequate guarantees both that they can store products under satisfactory technical conditions and that they can satisfactorily manage the products bought in.

These agencies shall be required in particular to store products bought in on separate premises and to keep separate accounts for those products.

7 The sale of products bought in under paragraph 1 shall be organized by invitation to tender or at a price fixed in advance.

Tenders submitted shall be taken into account only where a security is lodged.

8 The buying-in price referred to in paragraph 2 and detailed rules for the application of this Article, in particular the arrangements for storage aid, financial compensation and the

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buying-in and sale of products by storage agencies shall be adopted in accordance with the procedure laid down in Article 29.

Textual Amendments

- F4** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

Article 10

1 In the case of products covered by Article 1 (2) which are of major economic or ecological importance at local or regional level and are facing, in particular, strong international competition, special measures to promote them and enhance their competitiveness may be taken in accordance with the procedure laid down in Article 29.

Such measures may include, in particular:

- a action to improve the suitability for processing of products harvested and to adapt their characteristics to the needs of the processing industry;
- b action to perfect the scientific and technical aspects of new operational methods and procedures with a view to improving quality and/or reducing production costs for processed products;
- c action relating to the development of new products and/or new uses for processed products;
- d the carrying out of economic and market studies;
- e action to promote the consumption and use of the products concerned.

2 The measures provided for in paragraph 1 shall be carried out by producer organizations or their associations recognized under Regulation (EC) No 2200/96, in association with organizations representing operators which process and/or market the product(s) in the sector concerned.

3 To facilitate the introduction of the specific measures aimed at improving competitiveness referred to in paragraph 1 with regard to asparagus, a flat-rate aid of ECU 500 per hectare for a maximum of 9 000 hectares shall be granted under this Article during the first three years after the implementation of those measures.

4 Detailed rules for the application of this Article, and in particular for ensuring the compatibility and complementarity of the measures provided for in this Article with those adopted under Article 17 of Regulation (EC) No 2200/96, on the one hand, and with the measures financed under Articles 2, 5 and 8 of Regulation (EEC) No 4256/88⁽¹⁾, on the other, shall be adopted in accordance with the procedure laid down in Article 29.

Status: Point in time view as at 01/05/2004.

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- (1) Council Regulation (EEC) No 4256/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ([OJ No L 374, 31. 12. 1977, p. 25](#). Regulation as amended by Regulation (EEC) No 2085/93 ([OJ No L 193, 31. 7. 1993, p. 44](#)).

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 2201/96 (repealed), TITLE I.