

**COMMISSION REGULATION (EC) No 124/2008****of 12 February 2008****derogating from Regulation (EC) No 1535/2003 as regards the delivery periods for pears for the 2007/2008 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) The aid scheme established by Regulation (EC) No 2201/96 has been repealed, from 1 January 2008, by Council Regulation (EC) No 1182/2007 <sup>(2)</sup> laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96. However, under Article 55(1) of Regulation (EC) No 1182/2007, that aid scheme remains applicable for the 2007/2008 marketing year for each product concerned.
- (2) Article 3(2)(c) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables <sup>(3)</sup> provides that the aid for pears is to be granted solely on pears delivered to the processing industry between 15 July and 15 December.
- (3) The Italian producer regions endured exceptional circumstances in December 2007 on account of the transport strike which prevented deliveries to the processing industry during a very intense delivery period. As a result, complete delivery by producers required additional working time, leading to delays in the delivery schedule.
- (4) To prevent producers from being penalised by these circumstances, exceptionally and for the 2007/2008 marketing year only, a derogation should be made from the dates laid down in Article 3(2)(c) of Regulation (EC) No 1535/2003.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

Notwithstanding Article 3(2)(c) of Regulation (EC) No 1535/2003, and for the 2007/2008 marketing year only, aid shall hereby be granted for pears delivered to the processing industry between 15 July 2007 and 15 January 2008.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 February 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

<sup>(2)</sup> OJ L 273, 17.10.2007, p. 1.

<sup>(3)</sup> OJ L 218, 30.8.2003, p. 14. Regulation as last amended by Regulation (EC) No 1663/2005 (OJ L 267, 12.10.2005, p. 22).