

REGULATION (EEC) No 193/70 OF THE COMMISSION

of 2 February 1970

establishing the procedure for giving effect to measures to promote the marketing of oranges and mandarins in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 158/66/EEC¹ of 25 October 1966, on applying common quality standards to fruit and vegetables marketed within the Community, as last amended by Council Regulation (EEC) No 2516/69² of 9 December 1969, and in particular Article 5 (2) thereof;

Having regard to Council Regulation (EEC) No 2511/69³ of 9 December 1969, laying down special measures for improving the production and marketing of Community citrus fruit, and in particular Articles 7 and 8 (2) thereof;

Whereas, in accordance with the terms of Article 7 of Regulation (EEC) No 2511/69, the contracts referred to in that Article must relate to products likely to be acceptable on the import markets of the Community; whereas, therefore, the varieties and quality classes which could become the subject of such contracts must be determined;

Whereas, if the objectives set out in Article 6 of the said Regulation are to be achieved, the contracts must be concluded before the marketing seasons for mandarins or the different varieties or oranges concerned begin; whereas the minimum quantities which could be the subject of contracts and the intervals between deliveries must be so fixed as to allow the objectives referred to above to be achieved; whereas, however, special conditions must be laid down for contracts to be concluded during the 1969/70 year;

Whereas for supervision purposes certain information must appear in the contracts;

Whereas to ensure that the transactions deriving from contracts are as productive as possible, financial compensation should also be granted in respect of deliveries which are the subject of amendments to the contracts;

Whereas, in view of normal trade practices for the products in question, a certain latitude in the matter of deliveries should be allowed when contracts are fulfilled;

Whereas, when the amount of the financial compensation is being fixed, the offer price of the varieties of oranges and mandarins must be taken into account;

Whereas it is indispensable, if the system is to operate correctly, to lay down the information required when financial compensation is being applied for; whereas, moreover, each consignment should be subject to a conformity control as provided for in Article 5 (1) of Regulation No 158/66/EEC;

Whereas Article 8 (1) of Regulation (EEC) No 2511/69 lays down in particular that compensation shall be paid as soon as proof is forthcoming that, in application of the contracts concluded, the goods in question have been made available to the purchaser on the territory of the importing Member State; whereas that proof may be furnished by the control copy of the Community transit document as provided for in Commission Regulation (EEC) No 2315/69⁴ of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods; whereas the additional information necessary for such verification must be provided in that document by the party concerned;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fruit and Vegetables;

¹ OJ No 192, 27.10.1966, p. 3282/66.

² OJ No L 318, 18.12.1969, p. 14.

³ OJ No L 318, 18.12.1969, p. 1.

⁴ OJ No L 295, 24.11.1969, p. 14.

HAS ADOPTED THIS REGULATION:

Article 1

All the contracts referred to in Article 7 of Regulation (EEC) No 2511/69 shall be concluded in writing between a seller established in a producer Member State and a buyer established in another Member State.

Article 2

The products likely to be the subject of contracts are:

- mandarins of the 'Extra' Class and Class I,
- oranges of the following varieties; Moro, Tarocco, Ovale calabrese, Belladonna, Navel, Valencia late, Sanguinello and Sanguigno of the 'Extra' Class and Class I.

Article 3

1. Depending on the product or, in the case of oranges, the variety of the product, contracts shall be concluded not later than the dates shown in Annex I hereto and shall satisfy, without prejudice to paragraph 2, at least the conditions laid down in that same Annex in respect of:

- their period (column 3)
- the overall quantities to which they relate (column 4).

For the year 1969/70, however,

- (a) the closing date for concluding contracts shall be fixed at 15 March,
- (b) the period of the contract shall be at least:
 - fifteen days for mandarins and oranges of the Moro, Tarocco, Navel and Belladonna varieties,
 - thirty days for oranges of the Sanguinello and Sanguigno varieties,
 - forty-five days for oranges of the Ovale and Valencia late varieties;

the quantities to which they relate shall be at least:

- metric tons/net for the products referred to under (b), first indent,
- 30 metric tons/net for the products referred to under (b), second indent,
- 45 metric tons/net for the products referred to under (b), third indent.

2. Throughout the period of the contract, the minimum quantity to be delivered every fortnight shall be 15 metric tons/net per product or, in the case of oranges, per variety of the product.

Article 4

1. Each contract concluded shall specify in particular:

- the nature of the products concerned and, in the case of oranges, the varieties,
- the net tonnage to which it relates, subdivided by variety for oranges,
- the dates between which products will be consigned to the buyer and the intervals between consignments,
- the importing Member State.

2. A copy of each contract concluded shall be forwarded, before the date on which it comes into effect, to the competent authority of the exporting Member State. The latter shall keep the importing Member State and the Commission regularly informed of contracts concluded and of amendments thereto.

Article 5

1. Quantities delivered in excess of those laid down in a contract shall qualify for the financial compensation referred to in Article 8 of Regulation (EEC) No 2511/69 on condition that the delivery of those additional quantities was agreed between the contracting parties in the form of an amendment to their contract and that products of the same kind or, in the case of oranges, of the same variety as those which formed the subject of the contract are involved.

The amendment(s) to a contract shall be forwarded to the authority of the exporting Member State in accordance with the conditions laid down in Article 4 (2).

2. Except in cases of *force majeure*, financial compensation shall not be granted if the quantities delivered to the buyer do not amount to:

- for a period of a fortnight: 80% of the quantity laid down in Article 3 (2),
- for the duration of the contract: 90% of the minimum quantities referred to in Article 3 (1)

Article 6

Each consignment under the contract shall, on leaving the dispatch area, be inspected as laid down

in the second subparagraph of Article 5 (1) of Regulation No 158/66/EEC in accordance with the provisions to that effect.

Article 7

The amount of the financial compensation referred to in Article 8 of Regulation (EEC) No 2511/69, expressed in units of account per 100 kg net, shall be fixed at the levels shown in Annex II.

Article 8

For each contract, the application for financial compensation shall be made by the seller to the competent authority on completion of the contract and of any amendments thereto.

That application shall include in particular:

- (a) the names of the seller and the buyer,
- (b) the overall quantities delivered under the contract, expressed in net weight and subdivided, where appropriate, by product or, in the case of oranges, by variety,
- (c) For each consignment, the date, the means of transport used, the quantities of products expressed in net weight and subdivided, where appropriate, by product or, in the case of oranges, by variety.

The application shall be accompanied, for each consignment under the contract, by a copy of the control certificate prescribed by Regulation (EEC) No 2638/69¹ laying down additional provisions on quality control of fruit and vegetables marketed within the Community and that certificate shall indicate the net weight of the goods which, in the case of oranges, shall be shown for each variety.

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

Done at Brussels, 2 February 1970.

Article 9

The proof referred to in the third subparagraph of Article 8 (1) of Regulation (EEC) No 2511/69 can only be furnished by submitting the control copy referred to in Article 1 of Regulation (EEC) No 2315/69

In particular:

- the nature of the products,
- the quality class, and
- in the case of oranges, the variety

shall be entered in space 31 of the control copy.

Spaces 101 and 103 of the control copy shall be completed. Space 104 shall be completed by deleting as necessary and substituting one of the following:

'marchandises destinées à être mises à la consommation en²
par³'

'Waren, die bestimmt sind zur Überführung in den freien Verkehr in²
durch³'

'merci destinate ad essere immesse in consumo in² dal³'

'goederen bestemd om ten verbruik te worden ingevoerd in² door³'

(Goods intended to be put on the market in² by³)

Article 10

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

For the Commission

The President

Jean REY

¹ OJ No L 327, 30.12.1969, p. 33.

² Particulars of the importing Member State.

³ Name and address of the buyer.

ANNEX I

Products or varieties (1)	Closing date for concluding contracts (2)	Minimum term of contract (3)	Minimum quantities (net weight) (4)
I. MANDARINS	1 December	45 days	45 metric tons
II. ORANGES			
Moro	1 December	60 days	60 metric tons
Tarocco	1 December	60 days	60 metric tons
Navel	1 December	30 days	30 metric tons
Belladonna	1 January	30 days	30 metric tons
Sanguinello	15 January	60 days	60 metric tons
Sanguigno	15 January	60 days	60 metric tons
Ovale calabrese	15 March	45 days	45 metric tons
Valencia late	15 March	45 days	45 metric tons

ANNEX II

Products	Financial compensation (in u.a. per 100 kg net)		
	Year 1969/70 1970/71 1971/72	Year 1972/73	Year 1973/74
MANDARINS	4.0	3.0	2.0
ORANGES			
— Moro, Tarocco, Ovale, calabrese, Belladonna, Navel, Valencia late	5.0	3.75	2.5
— Sanguinello	4.0	3.0	2.0
— Sanguigno	3.0	2.25	1.5