

## COUNCIL REGULATION (EEC) No 1202/90

of 7 May 1990

amending Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Regulation (EEC) No 426/86 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, introduced a system of production aid for certain products processed from fruit and vegetables; whereas the chief objective is to enable products processed from raw materials produced in the Community to be sold at prices which compete with those charged by third countries; whereas, to this end, the production aid must aim to compensate for the difference between the producer prices for raw materials harvested within the Community and those obtaining in the major competing third countries;

Whereas, in the case of certain products Community production of which accounts for a substantial share of the Community consumer market, provision must be made for this compensation to be reduced, taking account of the quantities traded and the prices recorded;

Whereas, in certain Community production areas, products processed from tomatoes are a particularly sensitive sector; whereas provision should be made for an additional adjustment of the minimum price and the aid according to the dry weight content of the raw material as from the 1991/92 marketing year,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 426/86 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. A system of production aid shall apply to the products listed in Annex I, Part A and obtained from

fruit and vegetables harvested in the Community, without prejudice to the specific provisions for dried grapes in Article 6.'

2. Article 4 (1) is replaced by the following:

'1. The minimum price to be paid to producers shall, without prejudice to the measures taken pursuant to Article 2 (3), be calculated on the basis of:

- (a) the minimum price applying during the previous marketing year;
- (b) the movement of basic prices in the fruit and vegetables sector;
- (c) the need to ensure normal market disposal of fresh products for the various uses, including supply to the processing industry.

In the case of tomatoes, the minimum price to be paid to the producer shall be adjusted as from the 1991/92 marketing year, according to the dry weight content of the raw material. However, this provision shall not apply to tomatoes used in the manufacture of peeled tomatoes.'

3. Article 5 is replaced by the following:

*'Article 5*

1. The amount of the aid shall be so fixed as to enable the Community product to be marketed. In calculating the amount of the aid, without prejudice to measures taken pursuant to Article 2 (3), account shall be taken in particular of:

- the amount of the aid fixed for the previous marketing year, adjusted to take account of changes in the minimum prices referred to in Article 4;
- the difference between the price fixed for the raw material in the Community and that obtaining in the major competing third countries, and,
- in the case of products, Community production of which accounts for a substantial share of the market, trends in the volume of external trade and in the prices obtaining in such trade, where the latter criterion results in a reduction in the amount of the aid.

2. The aid shall be fixed in respect of the net weight of the processed product. The coefficients expressing the

<sup>(1)</sup> OJ No C 49, 28. 2. 1990, p. 85.

<sup>(2)</sup> OJ No C 96, 17. 4. 1990.

<sup>(3)</sup> OJ No C 112, 7. 5. 1990, p. 34.

<sup>(4)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(5)</sup> OJ No L 118, 29. 4. 1989, p. 29.

relationship between the weight of raw material used and the net weight of the processed product shall be defined on a standard basis.

3. 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 4;
- (b) meet minimum quality requirements.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for applying this Article.

5. The Commission shall fix the amount of the aid before the beginning of each marketing year, in accordance with the procedure laid down in Article 22.

The coefficients referred to in paragraph 2, the minimum quality requirements and the other detailed rules for applying this Article shall be adopted in accordance with the same procedure.'

4. Article 6 is replaced by the following:

*'Article 6*

1. For sultanas, dried muscatel grapes and currants intended for processing, the amount of the production aid shall be fixed so as to enable Community produce to be marketed. When fixing the amount of aid, account shall be taken, in particular, of the amount of the aid fixed for the previous marketing year, adjusted to take account of movements in the minimum price referred to in Article 4 and, if necessary, of trends in processing costs

assessed on a standard basis and in the minimum import price referred to in Article 9.

The aid shall be fixed in respect 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 standard basis.

The aid shall be granted only to processors who do not process a quantity of dried grapes of these varieties corresponding to a percentage of the quantities purchased. The aid shall not be paid in respect of the quantities in question.

The 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 4;
- (b) meet the minimum quality requirements.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the percentages provided for in paragraph 1.

3. The minimum quality requirements referred to in point (b) of the fourth subparagraph of paragraph 1 and the other detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 22.'

*Article 2*

This Regulation shall enter into force on the third day following that 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 Brussels, 7 May 1990.

*For the Council*  
*The President*  
G. COLLINS