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REGULATION (EEC) No 1427/71 OF THE COUNCIL

of 2 July 1971

introducing protective measures for products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 865/68[1] of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 1425/71,[2] and in particular Article 7 thereof;

Having regard to the proposal from the Commission;

Whereas, pending adoption of all the provisions necessary for the coordination and unification of the treatment Member States accord to imports from third countries, the necessary measures should be adopted forthwith to make it possible for the Community to deal with serious disturbances to which the market in these products could be exposed by reason of imports effected on terms, and in particular at prices, which could endanger the objectives set out in Article 39 of the Treaty;

Whereas, largely because of storage facilities for the products in question, the possibility which is open to all Member States of adopting protective measures at national level is not sufficient to deal with such situations;

HAS ADOPTED THIS REGULATION:

Article 1

1. If by reason of imports the Community market in one or more of the products listed in Article 1 of Regulation (EEC) No 865/68 experiences or is threatened with serious disturbances which may endanger the objectives of Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbances or threat of disturbance has ceased.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt of the request.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may amend or annul the measures in question in accordance with the voting procedure laid down in Article 43 (2) of the Treaty.

Article 2

This Regulation shall enter into force on the day following 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, 2 July 1971.

For the Council
The President
M. FERRARI-AGGRADI

[1] OJ No L 153, 1.7.1968, p. 8.
[2] OJ No L 151, 7.7.1971, p. 1.