REGULATION (EEC) No 1671/74 OF THE COMMISSION

of 28 June 1974

derogating, for the beginning of the 1974/75 marketing year, from the quality standards applicable to certain varieties of dessert apples and pears

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1035/72 [1] of 18 May 1972 on the common organization of the market in fruit and vegetables, as last amended by Regulation (EEC) No 2745/72 [2], and in particular the last subparagraph of Article 2 (2) thereof;

Whereas, under the quality standards for dessert apples and pears set out in the Annex to Commission Regulation (EEC) No 1641/71 [3] of 27 July 1971, amended by Regulation (EEC) No 1833/73 [4], the fruit must be sufficiently ripe to arrive in a satisfactory condition at the place of destination; whereas one of the criteria for judging the ripeness of dessert apples and pears of certain varieties at the beginning of the marketing year is that they must be sufficiently large; whereas, since the minimum size laid down in the quality standard is not large enough to meet that requirement, it should be fixed at a higher level for a certain period;

Whereas the need for this derogation from the minimum size laid down in the quality standards may not arise everywhere in the Community; whereas the Member States should therefore be empowered not to apply the derogation or to re-apply the standards earlier than the dates fixed in the Regulation;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Title III of the quality standards for dessert apples and pears and subject to paragraph 2 below, the minimum size required of fruit of the 1974 harvest marketed in the Community shall be:

(a) for apples of the James Grieve variety, 70 mm until 1 September 1974, and 65 mm from 2 to 15 September 1974 inclusive;

(b) for apples of the Golden Delicious variety, 70 mm until 22 September 1974;

(c) for apples of the Gravenstein variety, 70 mm until 1 September 1974 inclusive;

(d) for apples of the Cox's Orange Pippin variety, 65 mm until 22 September 1974 inclusive;

(e) for pears of the Dr Jules Guyot variety, 60 mm until 15 August 1974 inclusive;

(f) for pears of the Alexandrine Douillard variety, 60 mm until 15 September 1974 inclusive.

However, Member States may, in the light of conditions peculiar to their home production, decide not to apply this derogation in respect of dessert apples and pears harvested in their territory and marketed in the Community, or bring forward the date on which the derogation shall cease to apply. They shall without delay inform the other Member States and the Commission thereof.

2. The standards shall remain applicable in trade in dessert apples and pears with third countries.

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, 28 June 1974.

For the Commission

The President

François-Xavier ORTOLI

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(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 291, 28. 12. 1972, p. 147.
(3) OJ No L 172, 31. 7. 1971, p. 1.
(4) OJ No L 185, 7. 7. 1973, p. 17.