REGULATION (EEC) No 2587/74 OF THE COMMISSION

of 10 October 1974

amending Regulation (EEC) No 2107/74 laying down protective measures applicable to imports of preserved mushrooms

THE COMMISSION 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 organization of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 2429/72 (2);

Having regard to Council Regulation (EEC) No 1427/71 (3) of 2 July 1971 introducing protective measures for products processed from fruit and vegetables, and in particular Article 1 (2) thereof;

Whereas Commission Regulation (EEC) No 2107/74 (4) of 8 August 1974 laying down protective measures applicable to imports of preserved mushrooms introduced a system of import licences which applies to preserved mushrooms imported into the Community on or after 26 August 1974;

Whereas the volume of imports as currently foreseeable is below the maximum possible under Regulation (EEC) No 2107/74; whereas it is possible under these circumstances to provide for additional imports;

Whereas, priority should be given for this purpose to those quantities in respect of which import operations had already begun at the time of publication of Regulation (EEC) No 2107/74; whereas these quantities may be identified by reference, in particular to their date of dispatch to the Community;

Whereas, however, such a relaxation of the protection arrangements might result in a sudden substantial increase in the importation of preserved mushrooms; whereas, in order to prevent an accumulation of imports, which could aggravate the market situation, it is necessary to provide that a proportion of such importations be set off against those to be carried out under the licensing arrangements as laid down in Regulation (EEC) No 2107/74,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2107/74 is amended by the insertion of an Article 11a as follows:

'*Article 11a*

1. By way of derogation from Article 2 (4) and 4, import licences shall at the request of the applicant be issued to the full amount of the quantities indicated in the application, on condition that the said applicant is able when submitting his application to furnish proof to the satisfaction of the competent authorities of the Member States that the quantities concerned were on 9 August 1974 already en route to the Community. The proof is to be confirmed by a loading document on the arrival of the merchandise.

2. By way of derogation from Article 2 (4) and 4, at the request of the applicant, import licences shall as regards quantities taken on board ship between 9 and 23 August 1974 be issued in respect of a quantity not exceeding the difference between the aforesaid quantities and those for which the applicant has in respect of imports to be effected during the period 26 August to 31 December 1974 obtained import licences pursuant to Article 2 (4) or to Article 4, on condition that the said applicant is able when submitting his application to furnish proof to the satisfaction of the competent authorities of the Member States,

— that he had before 9 August 1974 concluded a purchase contract in respect of the those quantities as aforesaid,

— that prior to that date he had opened in favour of the seller an irrevocable letter of credit in respect of those quantities, and

— that the quantities concerned were taken on board ship between 9 and 23 August 1974 for shipment to the Community. The last proof is to be confirmed by a loading document on the arrival of the merchandise.

3. Any quantity for which an import licence is obtained pursuant to paragraph 2 shall be deducted from the holder's entitlement, in respect of importations to be effected on or before 31 December 1974, under Article 2 (4) or under Article 4.

4. Import licences issued pursuant to this Article shall be valid for importations to be

(1) OJ No L 153, 1. 7. 1968, p. 8.
(2) OJ No L 264, 23. 11. 1972, p. 1.
(3) OJ No L 151, 7. 7. 1971, p. 5.
(4) OJ No L 218, 9. 8. 1974, p. 54.

effected during the period 12 October to 10 November 1974.

5. Every Member State shall each week until 31 December 1974 notify the Commission and the other Member States of :

— the names of the persons who have obtained import licences pursuant to Article 2 (4) or Article 4 for imports to be effected during the period referred to in paragraph 2 and the quantities which may be imported by each person by virtue of those licences, and

— the names of the persons who have obtained import licences pursuant to paragraph 2 and the quantities which may be imported by each person by virtue of those licences.'

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, 10 October 1974.

For the Commission

The President

François-Xavier ORTOLI