REGULATION (EEC) No 1928/75 OF THE COUNCIL

of 22 July 1975

laying down detailed rules for applying protective measures in 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;

Having regard to Council Regulation (EEC) No 1927/75 [1] of 22 July 1975 concerning the system of trade with third countries in the market in products processed from fruit and vegetables, and in particular Article 7 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 7 of Regulation (EEC) No 1927/75 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 of Council Regulation (EEC) No 865/68 [2] 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 1420/75 [3], experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries and whereas they are to cease to apply once the disturbance or threat of disturbance has ceased;

Whereas the main factors to be taken into account in assessing whether the Community market is seriously disturbed or threatened with serious disturbance should be specified;

Whereas recourse to protective measures depends on the effect of trade with third countries on the Community market; whereas the situation on this market must therefore be assessed by taking account not only of the factors peculiar to the market itself but also of those relating to the trend of that trade;

Whereas the measures which may be taken in application of Article 7 of Regulation (EEC) No 1927/75 should be specified; whereas those measures must be such as to put an end to serious disturbances on the market and the threat of such disturbances; whereas, they must accordingly be suited to the circumstances if they are not to have other than the desired effects;

Whereas recourse by a Member State to Article 7 of Regulation (EEC) No 1927/75 should be limited to cases in which the market of that State, following an assessment based on the abovementioned factors, is to be regarded as fulfilling the conditions of that Article; whereas the measures likely to be taken in such a case should be designed to prevent the market situation from deteriorating further and must be of an interim nature; whereas, consequently, such national measures may apply only until the entry into force of a Community decision on the matter;

Whereas the Commission must take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 7 (2) of Regulation (EEC) No 1927/75,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 of Regulation (EEC) No 865/68 is, by reason of imports or exports, experiencing or threatened with serious disturbances which might endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

(a) the volume of imports or exports effected or foreseen;

(b) the quantities of products available on the Community market;

(c) the prices for Community products on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof in relation to prices in the years immediately preceding;

---

(1) See page 7 of this Official Journal.
(2) OJ No L 153, 1. 7. 1968, p. 8.
(3) OJ No L 141, 3. 6. 1975, p. 1.

(d) where the abovementioned situation arises as a result of imports, the prices obtaining on the Community market, at a comparable stage, for products from third countries, and in particular any excessive downward trend in these prices.

Article 2

1. Should the situation referred to in Article 7 (1) of Regulation (EEC) No 1927/75 arise, the measures which may be taken under paragraphs 2 and 3 of that Article shall be :

(a) for products subject to the system of import certificates :

— the total or partial discontinuation of the issue of certificates, as a result of which new applications will not be accepted ;

— the rejection of all or some of the applications for the issue of certificates which are being examined ;

(b) for products not subject to the system of import certificates : total and partial suspension of imports ;

(c) for all products :

— the introduction of arrangements under which, if the price for an imported product falls below a certain minimum, a condition may be imposed whereby that product may be imported only at a price which is at least equal to such minimum ;

— the total or partial suspension of exports.

2. The measures referred to in paragraph 1 may be taken only to such extent and for such length of time as is strictly necessary. They shall take account of the special situation of products which are already on their way to the Community. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

3. The rejection referred to in paragraph 1 (a) second indent, shall apply to applications made during the period in which the suspension referred to in Article 4 is applied.

Article 3

The application of this Regulation shall respect the Community's obligations under international agreements.

Article 4

1. A Member State may take one or more interim protective measures if, subsequent to an assessment based on the factors set out in Article 1, it considers that the situation referred to in Article 7 (1) of Regulation (EEC) No 1927/75 has arisen on its territory. Article 2 (2) shall apply. The interim protective measures shall be as follows :

(a) for products subject to the system of import certificates the total or partial suspension of the issue of certificates ;

(b) for products not subject to the certificate system, the total or partial suspension of imports ;

(c) for all products, the total or partial suspension of exports.

2. The Commission shall be notified by telex of the interim protective measures referred to in paragraph 1 as soon as they have been decided on. Such notification shall constitute a request within the meaning of Article 7 (2) of the Regulation (EEC) No 1927/75. The measures shall apply only until such time as a decision by the Commission on the matter enters into force.

Article 5

This Regulation shall enter into force on the third 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, 22 July 1975.

For the Council

The President

G. MARCORA