COUNCIL REGULATION (EEC) No 1318/85

of 23 May 1985

amending Regulation (EEC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemons

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 (1),

Having regard to the opinion of the European Parliament (2),

Whereas Regulation (EEC) No 1035/77 (3), as last amended by Regulation (EEC) No 3487/80 (4), introduced a system of aid for products processed from lemons harvested within the Community, based on contracts between Community producers and processors;

Whereas, with a view to encouraging the processing of greater quantities of lemons within the context of existing market outlets, the minimum price paid by processors to producers should be made more attractive;

Whereas it also appears appropriate to harmonize the terms on which financial compensation is granted to the various processors in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1035/77 is hereby amended as follows:

1. Article 1 (3) is replaced by the following:

'3. A minimum price to be paid to producers by processors for deliveries under the contracts shall be fixed. This price shall be based on the buying-in price for quality class II plus 5 % of the basic price. It shall be fixed before the start of each marketing year.'

2. Article 2 is replaced by the following:

'Article 2

1. Member States shall grant financial compensation to processors who have signed contracts in accordance with Article 1. This financial compensation may not exceed the difference between the minimum purchase price referred to in Article 1 (3) and prices charged for the raw material in non-member producer countries.

2. Financial compensation shall be granted for 85 % of Community produce bought at the minimum purchase price.

However, financial compensation shall be granted for a higher percentage of such produce where applicants provide evidence, in respect of a given marketing year, that the amount of juice they have marketed outside Italy exceeds 85 % of the total quantity they have marketed.

3. Financial compensation shall be paid to processors in respect of products of Community origin upon application provided that:

(a) a processor provides evidence for a given marketing year that a quantity of juice corresponding to 85 % of total production has been manufactured from lemons covered by contracts as referred to above and purchased at a price equivalent to at least the minimum price;

(b) in the case of quantities exceeding the amount of juice referred to in (a), the evidence referred to in (a) has been provided and the monitoring authorities in the Member State in which processing has taken place have determined that the said quantities have been marketed outside Italy.

4. The amount of financial compensation shall be fixed before the start of each marketing year.'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

(1) OJ No C 67, 14. 3. 1985, p. 37.
(2) OJ No C 94, 15. 4. 1985.
(3) OJ No L 125, 19. 5. 1977, p. 3.
(4) OJ No L 365, 31. 12. 1980, p. 3.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 May 1985.

For the Council

The President

C. SIGNORILE