COUNCIL REGULATION (EEC) No 461/86

of 25 February 1986

laying down, on account of the accession of Spain and Portugal, rules on the production aid system in respect of processed fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, in particular Articles 89 (1) and 234 (2),

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (1),

Having regard to the proposal from the Commission,

Whereas Articles 118 (1) first indent and 304 (1) first indent of the Act of Accession lay down that the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 shall be established on the basis of the price fixed in Spain and Portugal, respectively under the previous national arrangements for the products intended for processing;

Whereas such prices have been fixed:

— in Portugal for fresh tomatoes, except for the San Marzano variety,

— in Spain for fresh tomatoes, except for tomatoes intended for processing into non-whole peeled tomatoes;

Whereas the San Marzano variety are not used for processing in Portugal;

Whereas Articles 118 (1) second indent and 304 (1) second indent of the Act of Accession lay down that in cases where no prices are fixed under previous national arrangements, the minimum prices referred to in Article 4 of Regulation (EEC) No 426/86 shall be established on the basis of prices paid in Spain and Portugal to producers for the product intended for processing, as recorded during a representative period to be determined;

Whereas the representative period should cover a span assuring a smooth passage from the existing arrangements in Spain and Portugal to those provided for in the Act of Accession;

Whereas the Act of Accession has exhaustively provided for the measures to be applied in Spain and Portugal during the transitional period; whereas as a consequence thereof processing of products for which no minimum price is established before the first move towards alignment, should not lead to the granting of production aid;

Whereas Articles 69 and 237 of the Act of Accession provide that in the event that on accession the variation between the price level for a product in Spain or Portugal and the common price is minimal, the common price may be applied in Spain and Portugal for the product; whereas the application of that possibility would simplify the management of the production aid system and the application would not create economic disturbances;

Whereas Article 118 (3) (b) and (6) of the Act of Accession limits during the first four marketing years the granting of production aid in Spain for tomato based products and for peaches in syrup; whereas Article 304 (3) (b) of the Act of Accession limits during the first five marketing years the granting of production aid in Portugal for tomato based products; whereas it is necessary to fix detailed rules for the application of these limitations;

Whereas similar rules are already applied to other products benefiting from production aid; whereas the necessary rules should be adopted in accordance with the same procedure as that used for the adoption of the rules already in application;

HAS ADOPTED THIS REGULATION:

Article 1

1. The representative periods as referred to in Article 118 (1) second indent and 304 (1) second indent of the Act of Accession shall cover the following periods:

(1) OJ No L 49, 27. 2. 1986, p. 1.

Products	Marketing years	
	Spain	Portugal
Peaches	1982/83 1983/84 and 1984/85	1981/82 1982/83 and 1983/84
Williams pears	1982/83 and 1983/84	1981/82 1982/83 and 1983/84
Dried 'd'Ente' plums	1982/83 1983/84 and 1984/85	No production
Bigarreaux cherries and other sweet cherries	1982/83 1983/84 and 1984/85	1981/82 1982/83 and 1983/84
Dried figs	1982/83 1983/84 and 1984/85	1983/84
Tomatoes intended for processing into non-whole peeled tomatoes, preserved or frozen	1985/86	

2. In cases where processing is carried out in Spain or Portugal during the first transitional period of products of the type which could benefit from production aid at the moment of the Accession but for which no minimum price for the raw material is established before the first move towards alignment of prices referred to in Article 70 of the Act of Accession, such products shall not benefit from any production aid.

3. Where for a given product the difference between the minimum price referred to in Articles 118 (1) and 304 (1) of the Act of Accession of Spain and the common price is less than or equal to 3 % of the common price, the common price shall, by way of derogation from the provisions in Article 118 (2), first indent, and 304 (2), first indent of that Act, be applied on accession.

Article 2

Detailed rules for the application of the provisions limiting the granting of production aid as provided for in Articles 118 (3) (b), and (6) and 304 (3) (b) of the Act of Accession, in particular rules on:

— allocation of specific quantities to processors, and

— the compilation and communication of information necessary for implementing the provisions

shall be adopted in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86.

Article 3

This Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 25 February 1986.

For the Council

The President

G. BRAKS