COUNCIL REGULATION (EEC) No 1104/88

of 25 April 1988

amending Regulation (EEC) No 1431/82 laying down special measures for peas, field beans and sweet lupins

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 there has in recent years been an exceptionally sharp increase in the Community's production of peas, field beans and sweet lupins; whereas it is advisable that production should grow at a more moderate and steady pace; whereas to this end a system should be introduced whereby, if production exceeds a given maximum guaranteed quantity, the aid and the minimum price are reduced by an amount related to the difference between production and the said maximum guaranteed quantity; whereas Regulation (EEC) No 1431/82 (3), as last amended by Regulation (EEC) No 4004/87 (4), should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is inserted in Regulation (EEC) No 1431/82:

'Article 3a

1. The Council, acting in accordance with the procedure provided for in Article 43 (2) of the Treaty, shall fix, for periods of three marketing years, and for the first time for the 1988/89, 1989/90 and 1990/91 marketing years, a maximum guaranteed quantity for Community-grown peas, field beans and sweet lupins taken together, as referred to in Article 1.

The maximum guaranteed quantity shall be fixed in the light of production during a reference period and the foreseeable trend in demand.

3. Where the production of peas, field beans and sweet lupins, as estimated before the end of the second month of the marketing year, exceeds the maximum guaranteed quantity for the marketing year in question, the amount of the aid for that marketing year shall be reduced:

— in the case of peas and field beans, by the incidence of a coefficient reflecting such excess on the guide price for those products,

— in the case of sweet lupins, by the incidence of a coefficient reflecting such excess on the minimum price for those products plus the difference between the guide price and the minimum price for peas.

In cases where the first paragraph, had it been applied to the actual level of production instead of to the estimate of that production as made at the beginning of the marketing year, would have resulted in a different reduction in the amount of the aid, the amount of aid for the following marketing year shall be adjusted accordingly.

4. In cases where paragraph 3 is applied, the minimum price shall be adjusted by the same amount as the aid.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the rules for calculating the coefficient referred to in the first subparagraph of paragraph 3.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78.'

Article 2

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

(1) OJ No C 84, 31. 3. 1988, p. 12.
(2) Opinion delivered on 14 April 1988 (not yet published in the Official Journal).
(3) OJ No L 162, 12. 6. 1982, p. 28.
(4) OJ No L 377, 31. 12. 1987, p. 47.

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

Done at Luxembourg, 25 April 1988.

For the Council

The President

H.-D. GENSCHER