COUNCIL REGULATION (EEC) No 2217/88

of 19 July 1988

amending Regulation (EEC) No 1491/85 laying down special measures in respect of soya beans

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),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, to take account of the sharp increase in Community production of soya beans, the requirements to be met by operators qualifying for the aid provided for in Article 2 of Regulation (EEC) No 1491/85 (4), as last amended by Regulation (EEC) No 1101/88 (5), should be made stricter, whilst making provision for transitional measures for contracts that have already been concluded,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EEC) No 1491/85 in hereby replaced by the following:

'2. Aid shall be granted to any processor of soya beans who has concluded with individual or associated soya bean producers a contract providing for payment to the producer of a price at least equal to the minimum price referred to in paragraph 3. However, until 31 December 1992, in Member States where the marketing of soya beans in subject to national rules ensuring adequate organization and controls, the aid may be granted to a first purchaser who is not the processor.

Where the first purchaser is the processor of the beans, the aid shall be granted once proof of processing has been provided.

In other cases, the aid shall be granted to first purchasers:

— meeting certain conditions to be determined,

— approved by the Member State,

and

— who have furnished proof of sale or delivery of the soya beans to a processor.'

Article 2

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

It shall apply with effect from 1 September 1988.

However, for soya beans which have been the subject of a contract concluded before the date of entry into force of this Regulation, between the producer and a first purchaser who is not a processor, the provisions of Article 2 (2) of Regulation (EEC) No 1491/85 applicable on 31 August 1988, shall remain applicable.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

(1) OJ No C 139, 30. 5. 1988, p. 28.
(2) OJ No C 167, 27. 6. 1988.
(3) OJ No C 175, 4. 7. 1988, p. 33.
(4) OJ No L 151, 10. 6. 1985, p. 15.
(5) OJ No L 110, 29. 4. 1988, p. 12.