COUNCIL REGULATION (EEC) No 1199/90

of 7 May 1990

amending Regulation (EEC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemons and amending the rules for applying the intervention threshold for 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 Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (3) 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 Council Regulation (EEC) No 1035/77 (4), as last amended by Regulation (EEC) No 1124/89 (5), lays down special measures to encourage the marketing of products processed from lemons by means of contracts ensuring regular supplies to the processing industries at a minimum price to be paid to the producer for the raw materials;

Whereas, pursuant to Articles 16 (4), 18 (1) and 19 (1) of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (6), as last amended by Regulation (EEC) No 1193/90 (7), the withdrawal price for lemons is that of the product in bulk in a means of transport, mixed sizings; whereas the minimum price applying for a marketing year should be calculated on the basis of the average withdrawal price for that marketing year;

Whereas, in order to encourage producers to deliver their products for processing rather than withdrawal, the minimum price should be fixed at 105 % of the average withdrawal price; whereas, however, that adjustment should be made progressively during the two forthcoming marketing years in the Community of Ten and during the three forthcoming marketing years in Spain;

Whereas, in order to ensure that the intervention threshold for lemons is effective, the rules for applying that threshold should be amended to take account of quantities delivered for processing as a result of the amendments introduced by this Regulation in the system of aid for the processing of lemons,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (3) of Regulation (EEC) No 1035/77 is hereby replaced by the following:

'3. A minimum price to be paid to producers by processors for deliveries under contracts shall be fixed. That minimum price shall be fixed before the start of each marketing year. It shall be equal to:

— 120 % of the average withdrawal price calculated in accordance with the first indent of Article 18 (1) (a) of Regulation (EEC) No 1035/72 for the 1990/91 marketing year,

— 105 % of the average withdrawal price calculated in accordance with abovementioned Article 18, from the 1991/92 marketing year.'

However, in Spain the minimum price shall be equal to:

— 155 % of the average withdrawal price calculated in accordance with the first indent of Article 18 (1) (a) of Regulation 1035/72 for the 1990/91 marketing year,

— 130 % of the average withdrawal price calculated in accordance with the abovementioned Article 18 for the 1991/92 marketing year,

— 105 % of the average withdrawal price calculated in accordance with the abovementioned Article 18, from the 1992/93 marketing year.

Article 2

Quantities of lemons delivered for processing under Regulation (EEC) No 1035/77 shall be added to the

(1) OJ No C 49, 28. 2. 1990, p. 80.
(2) OJ No C 96, 17. 4. 1990.
(3) OJ No C 112, 7. 5. 1990, p. 34.
(4) OJ No L 125, 19. 5. 1977, p. 3.
(5) OJ No L 118, 29. 4. 1989, p. 28.
(6) OJ No l 118, 20. 5. 1972, p. 1.
(7) See page 43 of this Official Journal.

quantities bought in for the purposes of assessing the overrun in the intervention threshold fixed for that product pursuant to Article 16b of Regulation (EEC) No 1035/72. To that end, the threshold shall be increased by a quantity equal to the average quantities of lemons delivered for processing during the 1984/85 to 1988/89 marketing years and paid for at a price at least equal to the minimum price.

Article 3

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

It shall apply from the 1990/91 marketing year.

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

Done at Brussels, 7. May 1990.

For the Council
The President
G. COLLINS