COMMISSION REGULATION (EC) No 1238/97

of 30 June 1997

on transitional measures concerning the detailed rules for the application of Council Regulations (EC) No 2201/96 and (EC) No 2202/96 as regards the conclusion of processing contracts for the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the market in processed fruit and vegetable products [1], and in particular Article 26 thereof,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruit [2], and in particular Article 8 thereof,

Whereas Commission Regulations (EC) No 504/97 of 19 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables [3] and (EC) No 1169/97 of 26 June 1997 on detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits [4] stipulate that the processing contracts referred to in Article 2 (2) of Regulation (EC) No 2201/96 and in Article 2 (1) of Regulation (EC) No 2202/96 must be concluded by producer organizations recognized pursuant to Article 11 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables [5] or pursuant to 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 Commission Regulation (EC) No 1363/95 [7], or by producer groups provisionally recognized pursuant to Article 14 of Regulation (EC) No 2200/96;

Whereas certain producer organizations have applied for recognition pursuant to Article 11 of Regulation (EC) No 2200/96; whereas, pending a decision by the Member State in that regard, they may not conclude processing contracts for the 1997/98 marketing year; whereas they should be authorized to conclude such contracts as a provisional measure for the first marketing year following implementation of the reform of the common market organization; whereas, in the case of processed products, the parties should provide for the consequences to be drawn in the event that the application for recognition is rejected by the Member State; whereas, in the case of citrus fruits, aid will be granted only after the Member State recognizes the producer organization;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1997/98 marketing year, where a producer organization has applied to a Member State for recognition pursuant to Article 11 of Regulation (EC) No 2200/96 and that Member State has not yet ruled on the application, the producer organization may conclude the processing contracts referred to in Article 7 (1) (a) of Regulation (EC) No 504/97 and in Article 5 (1) (a) of Regulation (EC) No 1169/97.

For the purpose of the payment of the aid referred to in Article 2 (2) of Regulation (EC) No 2201/96 and in Article 3 (1) of Regulation (EC) No 2202/96, such contracts shall be valid from the time of recognition of the producer organization by the Member State.

Within the framework of Regulation (EC) No 504/97, the parties to the contract shall determine and bear the consequences resulting from the rejection of the application for recognition.

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 L 297, 21. 11. 1996, p. 29.
[2] OJ No L 297, 21. 11. 1996, p. 49.
[3] OJ No L 78, 20. 3. 1997, p. 14.
[4] OJ No L 169, 27. 6. 1997, p. 15.
[5] OJ No L 297, 21. 11. 1996, p. 1.
[6] OJ No L 118, 20. 5. 1972, p. 1.
[7] OJ No L 132, 16. 6. 1995, p. 8.

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

Done at Brussels, 30 June 1997.

For the Commission
Franz FISCHLER
Member of the Commission