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**COM (82)736**

**Vol. 1982/0226**

Historical Archives of the European Commission

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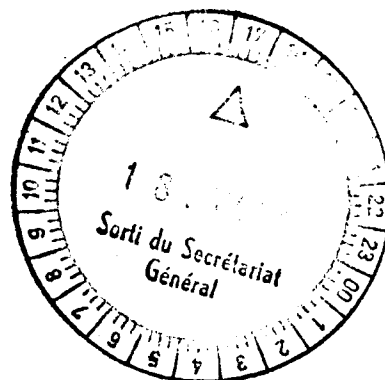
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 736 final

Brussels, 19 November 1982



Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 2764/77 extending the period for which  
Class III may be applied in respect of certain fruit and vegetables

(submitted to the Council by the Commission)

COM(82) 736 final

EXPLANATORY MEMORANDUM

SUBJECT : Proposal for a Council Regulation amending Regulation (EEC) N° 2764/77 extending the possibility of applying Class III to certain fruit and vegetables

The common organization of the market in fruit and vegetables, governed by Council Regulation (EEC) N° 1035/72 of 18 May 1972, provides for the introduction of common quality standards for a number of products.

The quality standards may include a Class III, the actual application of which is to be decided by the Commission in the light of market requirements.

The possibility of applying Class III is, however, subject to a time limit. It was due to expire on 31 December 1977 for most of the products for which such a category existed and on 31 December 1979 for Brussels sprouts since, as laid down in Article 4 (2) of Regulation (EEC) N° 1045/72, "unless an extension is decided upon in accordance with the voting procedure laid down in Article 43(2) of the Treaty, Class III may not be applied beyond the fifth year following the date of entry into force of the Regulation which defines it".

In 1977 Regulation (EEC) N° 2764/77 extended this possibility until 31 December 1982.

The Commission proposes that the Council extend this possibility for a further period of five years and include in the extension leeks aubergines and courgettes, Class III of which may, under the present conditions, be marketed until 31 December 1986.

The reasoning behind the Commission's proposal is as follows :

1. According to information received, Class III, depending on the product and the Member State, can represent an appreciable percentage of the value of production and thus of producers' incomes, as is illustrated by the following examples.

In the case of asparagus, it ranges from 2 to 21 %, lettuces from 0.4 to 11 %, tomatoes from 2.9 to 8.3 % and cucumbers 1.9 to 8.2 %.

As regards apples, pears and peaches it is more difficult to estimate a figure because Class III can no longer be marketed, but for cherries and strawberries, for which, it is true, there is no Class II, the percentage varies from 5 to 35 %.

2. These are average figures, but it is certain that at a time of low production, particularly at the beginning or the end of the marketing year, the percentage could be higher, so that it would be more in the producer's interest to be able to market Class III products.

3. In this time of economic difficulty it seems essential for persons with modest incomes to have the possibility of obtaining supplies at the lowest possible prices.

It goes without saying that if the possibility of authorizing the marketing of Class III remains, the Commission will decide actually to apply it when it considers this justified.

**COUNCIL REGULATION (EEC)**  
**amending Regulation (EEC) No 2764/77**  
**extending the period for which Class III may be applied in respect of certain**  
**fruit and vegetables**

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No . . .<sup>(2)</sup>, and in particular the first subparagraph of Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1035/72 provides that, unless an extension is decided upon in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, Class III may not be applied beyond the fifth year following the date of entry into force of the Regulation which defines it; whereas Council Regulation (EEC) No 2764/77 has extended this possibility until 31 December 1982;

Whereas the marketing of Class III represents a large share of producers' incomes where there is no Class II for the product; whereas, where there is a Class II, the share of producers' incomes represented by Class III is considerably lower, although not negligible, particularly at certain times of the year;

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

Done at Brussels,

For the Council

The President

Whereas, moreover, the marketing of Class III products enables certain consumers with modest incomes to obtain supplies of those products;

Whereas it seems advisable, therefore, to provide for Class III to be applicable for a limited period beyond 31 December 1982;

Whereas, in the case of leeks, aubergines and courgettes, Class III as defined by Regulation (EEC) No 1292/81<sup>(4)</sup> may be applied until 31 December 1986; whereas, for the sake of simplification, it should be provided here and now that Class III may be further applied until the date fixed in respect of the other products,

HAS ADOPTED THIS REGULATION:

*Article 1*

*Article 2*

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

It shall apply as from 1 January 1983.

<sup>(1)</sup> OJ No L 118, 20.5.1972, p. 1.

<sup>(2)</sup> OJ No L 190, 7.7.1982, p. 7

<sup>(3)</sup> OJ No L 320, 15.12.1977, p. 5

<sup>(4)</sup> OJ No L 129, 15.5.1981, p. 38

