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COUNCIL REGULATION (EC) No 2201/96

of 28 October 1996

on the common organization of the markets in processed fruit and vegetable products

(OJ L 297, 21.11.1996, p. 29)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EC) No 2199/97 of 30 October 1997	L 303	1	6.11.1997
► <u>M2</u>	Council Regulation (EC) No 2701/1999 of 14 December 1999	L 327	5	21.12.1999
► <u>M3</u>	Council Regulation (EC) No 2699/2000 of 4 December 2000	L 311	9	12.12.2000
► <u>M4</u>	Council Regulation (EC) No 1239/2001 of 19 June 2001	L 171	1	26.6.2001
► <u>M5</u>	Commission Regulation (EC) No 453/2002 of 13 March 2002	L 72	9	14.3.2002
► <u>M6</u>	Commission Regulation (EC) No 386/2004 of 1 March 2004	L 64	25	2.3.2004
► <u>M7</u>	Council Regulation (EC) No 1182/2007 of 26 September 2007	L 273	1	17.10.2007
► <u>M8</u>	Commission Regulation (EC) No 1212/2007 of 17 October 2007	L 274	7	18.10.2007
► <u>M9</u>	Council Regulation (EC) No 1234/2007 of 22 October 2007	L 299	1	16.11.2007

Amended by:

► <u>A1</u>	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003
► <u>A2</u>	Act of accession of Bulgaria and Romania	L 157	203	21.6.2005

Corrected by:

- **C1** Corrigendum, OJ L 179, 8.7.1997, p. 10 (2201/96)
- **C2** Corrigendum, OJ L 52, 25.2.2005, p. 64 (453/2002)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

**COUNCIL REGULATION (EC) No 2201/96****of 28 October 1996****on the common organization of the markets in processed fruit and vegetable products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 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⁾,

- (1) Whereas various changes are taking place in the fruit and vegetable sector in general of which the Community must take account by a reorientation of the basic rules of the market organization of this sector; whereas as regards certain processed products, account should also be taken of the international market situation; whereas, in view of the numerous changes to which the common organization of the market in fruit and vegetables has been subject since its initial adoption, a new Regulation should, for reasons of clarity, be adopted;
- (2) Whereas certain processed products are of particular importance in the Mediterranean regions of the Community where production prices are noticeably higher than those in third countries; whereas the production aid system based on the signing of contracts guaranteeing regular supplies for the industry in return for the payment of a minimum price to producers, as applied in the past, has stood the test of time and should be continued; whereas, however, like for fresh products, the role of producers' organizations should be strengthened in order to guarantee greater concentration of supply, to manage supply more rationally and lastly, to facilitate monitoring of compliance with the minimum price to producers;
- (3) Whereas, because of the link which exists between the prices of products intended for fresh consumption and of those intended for processing, it should be enacted that the minimum price to the producer must be determined taking account of market price fluctuations in the fruit and vegetable sector and of the need to maintain a proper balance between the various outlets for the fresh product;
- (4) Whereas the amount of aid must compensate for the difference between the prices paid to producers in the Community and prices paid in third countries; whereas, therefore, a basis of calculation must be laid down which takes account of this difference and of the impact of changes in the minimum price, without prejudice to the application of certain technical elements;
- (5) Whereas, because of the large availability of raw materials and the elasticity of processing capacity, the granting of production aid may in certain cases lead to a considerable expansion of production; whereas, in order to avoid the disposal difficulties which could result from this, limitations should be set on the granting of aid, either in the form of a guarantee threshold or a quota system, according to product;
- (6) Whereas, in view of past experience with regard to tomato-based processed products, a flexible system should be adopted, aimed at increasing the dynamism of undertakings and the competitiveness

⁽¹⁾ OJ No C 52, 21.2.1996, p. 23.

⁽²⁾ OJ No C 96, 1.4.1996, p. 276.

⁽³⁾ OJ No C 82, 19.3.1996, p. 30.

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of Community industry; whereas the quotas per group of products and Member State must be fixed on a flat-rate basis for the first two years of implementation of the new system; whereas the amount of aid for concentrates and their derivatives must be lowered to offset the increased expenditure resulting from the increase in quotas for tomato concentrate and the other products in relation to the old system;

- (7) Whereas the dried grape sector has some special features which have led to the implementation of a specialized acreage aid system; whereas this system, together with the guaranteed maximum acreage system aimed at avoiding a disproportionate extension of the growing of grapes for the production of dried grapes, must be kept as in the past in the same Regulation;
- (8) Whereas replanting schemes to combat phylloxera are continuing; whereas, in order to avoid this operation ceasing while large areas still remain to be replanted, the system of aid to producers who replant their vineyards to combat phylloxera should be continued;
- (9) Whereas, to facilitate the disposal of processed products and better adapt their quality to market demands, the possibility of laying down standards should be provided for;
- (10) Whereas, for the dried grape and dried fig sectors, the carryover storage system, limited to a certain quantity of dried grapes, must be maintained without prejudice to certain adjustments; whereas purchase price levels should be determined for these two products taking account of the specific features of each of them;
- (11) Whereas the possibility should be provided of implementing specific measures in favour of certain sectors facing international competition, where their production has major local or regional importance; whereas such measures must include structural improvements aimed at increasing competitiveness and promoting the use of the products in question; whereas for a transitional period provision should be made for aid in a lump sum for area on which asparagus intended for processing is currently grown, given the state of the sector;
- (12) Whereas in Regulation (EC) No 3290/94 ⁽¹⁾ the Council adopted the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded in the context of the Uruguay Round of multilateral trade negotiations, in particular the new trading arrangements with third countries in the processed fruit and vegetable products sector; whereas the provisions of Annex XIV to Regulation (EC) No 3290/94 should be inserted in this Regulation; whereas, however, for the sake of simplicity, recourse should be had to the Commission's exercise of its powers for the implementation of certain technical provisions relating to possible sugar shortages;
- (13) Whereas the granting of certain aid would compromise the functioning of the single market; whereas, therefore, the provisions of the Treaty whereby aid granted by Member States may be examined and aid which is incompatible with the common market may be prohibited should be extended to cover the sector referred to in this Regulation;
- (14) Whereas Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables ⁽²⁾ should be applied to the processed fruit and vegetable products sector in order to avoid duplication of standards and monitoring bodies; whereas it is necessary also

⁽¹⁾ OJ No L 349, 31.12.1994, p. 105. Regulation as last amended by Regulation (EC) No 1193/96 (OJ No L 161, 29.6.1996, p. 1).

⁽²⁾ See page 1 of this Official Journal.

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to provide for sanctions to guarantee uniform application of the new system throughout the Community;

- (15) Whereas the common organization of the markets in processed fruit and vegetable products must take proper and simultaneous account of the objectives set out in Articles 39 and 110 of the Treaty;
- (16) Whereas, to facilitate the implementation of the provisions of this Regulation, a procedure for close cooperation between the Member States and the Commission by means of a management committee should be set up,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall set up a common organization of the markets in processed fruit and vegetables.

2. That common organization shall cover the following products:

CN code	Description
(a) ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweet corn of subheading 0710 40 00, olives of subheading 0710 80 10 and fruits of the genus <i>Capsicum</i> or the genus <i>Pimenta</i> of subheading 0710 80 59
ex 0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding olives of subheading 0711 20, fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0711 90 10 and sweet corn of subheading 0711 90 30
ex 0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption falling within subheading ex 0712 90 05, sweet corn falling within the subheadings ex 0712 90 11 and 0712 90 19 and olives falling within subheading ex 0712 90 90
0804 20 90	Dried figs
0806 20	Dried grapes
ex 0811	Fruit and nuts, uncooked or cooked by boiling or steaming in water, frozen, not containing added sugar or other sweetening matter, excluding frozen bananas falling within subheading ex 0811 90 95
ex 0812	Fruit and nuts, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding bananas provisionally preserved falling within subheading ► M8 ex 0812 90 98 ◀
ex 0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter excluding mixtures exclusively of nuts of heading Nos 0801 and 0802 falling within subheadings 0813 50 31 and 0813 50 39
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions

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CN code	Description
0904 20 10	Dried sweet peppers, neither crushed nor ground
(b) ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter
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ex 1302 20	Pectic substances and pectinates
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ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding: <ul style="list-style-type: none"> — Fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of subheading 2001 90 20 — Sweet corn (<i>Zea mays var. saccharata</i>) of subheading 2001 90 30 — Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch of subheading 2001 90 40, and — Palm hearts of subheading 2001 90 60 — Olives of subheading 2001 90 65 — Vine leaves, hop shoots and other similar edible parts of plants falling within subheading ► M6 ex 2001 90 99 ◀
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than the products of No 2006, excluding sweet corn (<i>Zea mays var. saccharata</i>) of subheading ex 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than the products of No 2006, excluding olives of subheading 2005 70, sweet corn (<i>Zea mays var. saccharata</i>) of subheading 2005 80 00 and fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of subheading ► M8 2005 99 10 ◀ and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10
ex 2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized), excluding bananas preserved by sugar falling within headings ex 2006 00 38 and ex 2006 00 99
ex 2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter, excluding: <ul style="list-style-type: none"> — Homogenized preparations of bananas of subheading ex 2007 10 — Jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ► M6 ex 2007 99 57 ◀ and ex 2007 99 98
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added

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CN code	Description
	<p>sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding:</p> <ul style="list-style-type: none"> — Peanut butter of subheading 2008 11 10 — Palm hearts of subheading 2008 91 00 — Maize of subheading 2008 99 85 — Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91, and — Vine leaves, hop shoots, and other similar edible parts of plants falling within subheading ex 2008 99 99 — Mixtures of banana otherwise prepared or preserved of subheadings ex 2008 92 59, ex 2008 92 78, ex 2008 92 93 and ex 2008 92 98 — Bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ►M6 ex 2008 99 67 ◀ and ex 2008 99 99
ex 2009	<p>Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69 and banana juice of subheading 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.</p>

▼M5**▼M7**

3. The marketing years for the products referred to in paragraph 2 shall be fixed, if necessary, in accordance with the procedure referred to in Article 46(2) of Regulation (EC) No 2200/96.

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TITLE III

General provisions**▼M7****▼B***Article 33*

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

It shall apply as from 1 January 1997. However, Title I shall not apply, for each product concerned, until the beginning of the 1997/1998 marketing year.

2. The following Regulations are hereby repealed with effect from the date of application of the corresponding provisions of this Regulation:

— Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾,

⁽¹⁾ OJ No L 49, 27.2.1986, p. 1. Regulation as last amended by Commission Regulation (EC) No 2314/95 (OJ No L 233, 30.9.1995, p. 69).

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- Council Regulation (EEC) No 2245/88 of 19 July 1988 introducing guarantee threshold systems for peaches and pears in syrup and/or in natural fruit juice ⁽¹⁾,
- Council Regulation (EEC) No 1206/90 of 7 May 1990 laying down general rules for the system of production aid for processed fruit and vegetables ⁽²⁾,
- Council Regulation (EEC) No 668/93 of 17 March 1993 on the introduction of a limit to the granting of production aid for processed tomato products ⁽³⁾.

References to the repealed Regulation shall be understood as references to this Regulation and are to be read in accordance with the correlation tables in Annex IV.

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

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⁽¹⁾ OJ No L 198, 27.7.1988, p. 18. Regulation as last amended by Commission Regulation (EC) No 1032/95 (OJ No L 105, 9.5.1995, p. 3).

⁽²⁾ OJ No L 119, 11.5.1990, p. 74. Regulation as last amended by Commission Regulation (EEC) No 2202/90 (OJ No L 201, 31.7.1990, p. 4).

⁽³⁾ OJ No L 72, 25.3.1993, p. 1.



ANNEX IV

Correlation Table

Preceding Regulation (EEC) Numbers			Present Regulation	
426/86,	Article 1,	paragraph 1	Article 1,	paragraph 2
	Article 2,	paragraph 2	Article 1,	paragraph 3
426/86,	Article 2,	paragraph 1	Article 2,	paragraph 1
	Article 2,	paragraph 2	—	
	Article 2,	paragraph 3	—	
426/86,	Article 3,	paragraph 1	Article 2,	paragraph 2
	Article 3,	paragraph 1a	—	
	Article 3,	paragraph 2	—	
	Article 3,	paragraph 3	—	
	Article 3,	paragraph 4	Article 4,	paragraph 9
426/86,	Article 4,	paragraph 1	Article 3,	paragraph 1
	Article 4,	paragraph 2	—	
	Article 4,	paragraph 3	Article 3,	paragraph 2
	Article 4,	paragraph 4	Article 3,	paragraph 3
426/86,	Article 5,	paragraph 1	Article 4,	paragraph 2
	Article 5,	paragraph 2	Article 4,	paragraph 3
	Article 5,	paragraph 3	Article 4,	paragraph 4
	Article 5,	paragraph 4	—	
	Article 5,	paragraph 5	Article 4,	paragraph 9
426/86,	Article 6,	paragraph 1	Article 7,	paragraph 1
	Article 6,	paragraph 2	Article 7,	paragraph 2
	Article 6,	paragraph 3	Article 7,	paragraph 3
	Article 6,	paragraph 4	Article 7,	paragraph 4
	Article 6,	paragraph 5	—	
	Article 6,	paragraph 6	Article 7,	paragraph 5
	Article 6,	paragraph 7	Article 7,	paragraph 5
426/86,	Article 6a	—		
426/86,	Article 7,	paragraph 1	Article 8	
	Article 7,	paragraph 2	—	
426/86,	Article 8,	paragraph 1	Article 9,	paragraph 1
	Article 8,	paragraph 2	Article 9,	paragraph 2
	Article 8,	paragraph 3	Article 9,	paragraph 3
	Article 8,	paragraph 4	Article 9,	paragraph 4
	Article 8,	paragraph 5	Article 9,	paragraph 5
	Article 8,	paragraph 6	—	
	Article 8,	paragraph 7	Article 9,	paragraph 6
426/86,	Article 9,	paragraph 1	Article 11,	paragraph 1
	Article 9,	paragraph 2	Article 11,	paragraph 2
	Article 9,	paragraph 1	Article 12,	paragraph 1
	Article 9,	paragraph 2	Article 12,	paragraph 2

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Preceding Regulation (EEC) Numbers			Present Regulation	
426/86,	Article 10		—	
426/86,	Article 10a,	paragraph 1	Article 13,	paragraph 1
	Article 10a,	paragraph 2	Article 13,	paragraph 2
	Article 10a,	paragraph 3	Article 13,	paragraph 3
	Article 10a,	paragraph 4	Article 13,	paragraph 4
	Article 10a,	paragraph 5	Article 13,	paragraph 5
	Article 10a,	paragraph 6	Article 13,	paragraph 6
	Article 10a,	paragraph 7	Article 13,	paragraph 7
	Article 10a,	paragraph 8	Article 13,	paragraph 8
426/86,	Article 11,	paragraph 1	Article 14,	paragraph 1
	Article 11,	paragraph 2	Article 14,	paragraph 2
	Article 11,	paragraph 3	Article 14,	paragraph 3
	Article 11,	paragraph 4	Article 14,	paragraph 4
426/86,	Article 12,	paragraph 1	Article 15,	paragraph 1
	Article 12,	paragraph 2	Article 15,	paragraph 2
	Article 12,	paragraph 3	Article 15,	paragraph 3
	Article 12,	paragraph 4	Article 15,	paragraph 4
426/86,	Article 13,	paragraph 1	Article 16,	paragraph 1
	Article 13,	paragraph 2	Article 16,	paragraph 2
	Article 13,	paragraph 3	Article 16,	paragraph 3
	Article 13,	paragraph 4	Article 16,	paragraph 4
	Article 13,	paragraph 5	Article 16,	paragraph 5
	Article 13,	paragraph 6	Article 16,	paragraph 6
	Article 13,	paragraph 7	Article 16,	paragraph 7
	Article 13,	paragraph 8	Article 16,	paragraph 8
426/86,	Article 14,	paragraph 1	Article 17,	paragraph 1
	Article 14,	paragraph 2	Article 17,	paragraph 2
	Article 14,	paragraph 3	Article 17,	paragraph 3
	Article 14,	paragraph 4	Article 17,	paragraph 4
	Article 14,	paragraph 5	Article 17,	paragraph 5
426/86,	Article 14a,	paragraph 1	Article 18,	paragraph 1
	Article 14a,	paragraph 2	Article 18,	paragraph 2
	Article 14a,	paragraph 3	Article 18,	paragraph 3
	Article 14a,	paragraph 4	Article 18,	paragraph 4
	Article 14a,	paragraph 5	Article 18,	paragraph 5
	Article 14a,	paragraph 6	Article 18,	paragraph 6
	Article 14a,	paragraph 7	Article 18,	paragraph 7
426/86,	Article 15,	paragraph 1	Article 19,	paragraph 1
	Article 15,	paragraph 2	Article 19,	paragraph 2
	Article 15,	paragraph 3	Article 19,	paragraph 3
426/86,	Article 16,	paragraph 1	Article 20,	paragraph 1
	Article 16,	paragraph 2	Article 20,	paragraph 2
	Article 16,	paragraph 3	—	

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Preceding Regulation (EEC) Numbers			Present Regulation
	Article 16,	paragraph 4	—
	Article 16,	paragraph 5	Article 20, paragraph 3
426/86,	Article 17,	paragraph 1	Article 21, paragraph 1
	Article 17,	paragraph 2	Article 21, paragraph 2
426/86,	Article 18,	paragraph 1	Article 22, paragraph 1
	Article 18,	paragraph 2	Article 22, paragraph 2
	Article 18,	paragraph 3	Article 22, paragraph 3
	Article 18,	paragraph 4	Article 22, paragraph 4
426/86,	Article 19,		Article 23
426/86,	Article 20,		Article 24, paragraph 1
426/86,	Article 21,	paragraph 1	Article 25
	Article 21,	paragraph 2	—
426/86,	Article 22,	paragraph 1	Article 26, paragraph 1
	Article 22,	paragraph 2	Article 26, paragraph 2
	Article 22,	paragraph 3	Article 26, paragraph 3
426/86,	Article 23,		Article 27
	Article 24,		Article 29
	Article 25		Article 30
	Article 26		Article 31
426/86,	Annex I A		Annex I
	Annex I B		Annex II
	Annex III		—
2245/88,	Article 1,	paragraph 1	Article 5, paragraph 1
	Article 1,	paragraph 2	Article 5, paragraph 2
	Article 1,	paragraph 3	Article 5, paragraph 3
1206/90,	Article 2,	paragraph 1	Article 4, paragraph 7
	Article 2,	paragraph 2	Article 4, paragraph 8
	Article 2,	paragraph 3	Article 4, paragraph 8
1206/90,	Article 3,	paragraph 2	Article 4, paragraph 1
	Article 3,	paragraph 3	Article 4, paragraph 5
	Article 3,	paragraph 4	Article 4, paragraph 6
1206/90,	Article 6,	paragraph 1	Article 9, paragraph 6
	Article 6,	paragraph 2	Article 9, paragraph 8
	Article 6,	paragraph 4	Article 9, paragraph 7
668/93,	Article 1,	paragraph 1	Article 6, paragraph 1
	Article 1,	paragraph 2	Article 6, paragraph 4
	Article 1,	paragraph 3	Article 6, paragraph 5
	Article 3		Article 6, paragraph 1