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Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables 1
- ★ Council Regulation (EEC) No 517/77 of 14 March 1977 fixing the minimum price and the special minimum price for tomato concentrates for the 1976/77 marketing year 20
- ★ Council Regulation (EEC) No 518/77 of 14 March 1977 laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables 22
- ★ Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds 24
- ★ Council Regulation (EEC) No 520/77 of 14 March 1977 on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar, in the event of sugar supply difficulties 26
- ★ Council Regulation (EEC) No 521/77 of 14 March 1977 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables 28
- ★ Council Regulation (EEC) No 522/77 of 14 March 1977 laying down special provisions applicable to trade in tomato concentrates and peeled tomatoes between the Community as originally constituted and the new Member States 31
- ★ Council Regulation (EEC) No 523/77 of 14 March 1977 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries 33
- ★ Council Regulation (EEC) No 524/77 of 14 March 1977 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries 40

Contents (continued)

- ★ Council Regulation (EEC) No 525/77 of 14 March 1977 establishing a system of production aid for tinned pineapple 46
- ★ Council Regulation (EEC) No 526/77 of 14 March 1977 fixing, for the 1976/77 marketing year, the production aid for tinned pineapple and the minimum price to be paid to pineapple producers 48
- ★ Council Regulation (EEC) No 527/77 of 14 March 1977 laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables following the accession of new Member States to the Community 49

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 516/77

of 14 March 1977

on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas since their adoption the basic provisions concerning the organization of the market in products processed from fruit and vegetables have been amended a number of times; whereas by reason of their numbers, their complexity and their dispersal among various Official Journals, these texts are difficult to use, and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text;

Whereas the common organization of the market in products processed from fruit and vegetables involves setting up a single trading system at the frontiers of the Community with a view to stabilizing the Community market by preventing price fluctuations on the world market from affecting prices within the Community; whereas in this context quantitative restrictions and measures having equivalent effect should be prohibited in trade with non-member States;

Whereas sugar, glucose and glucose syrup have a direct and substantial effect on the cost price of certain processed products; whereas the trading

system for the latter must therefore be brought into line with those for sugar and cereals;

Whereas provisions must therefore be adopted to ensure that a levy is charged on the sugar component incorporated in processed products under conditions similar to those operative under Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar ⁽²⁾, as last amended by Regulation (EEC) No 3138/76 ⁽³⁾; whereas an identical import charge should also be levied on the glucose and glucose syrup components incorporated as sugar substitutes in the processed products concerned;

Whereas this method of calculation calls for frequent alterations to the levy in question; whereas, in view of the nature of the products concerned, it is advisable to provide that this levy only be fixed once a quarter;

Whereas special provisions are necessary for occasions when one of the elements for calculating the levy is not known;

Whereas provision should be made in respect of sensitive products for the establishment of a system of import certificates or a minimum price system which importers must undertake to observe; whereas for the proper working of these systems it is necessary to lay down that the issue of import certificates must involve the lodging of a security guaranteeing the

⁽¹⁾ OJ No C 30, 7. 2. 1977, p. 25.

⁽²⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽³⁾ OJ No L 354, 24. 12. 1976, p. 1.

undertaking to import during the period of validity of the certificates, and that a further security shall be lodged guaranteeing that the minimum price will be respected by the importers; whereas provision should furthermore be made for the possibility of establishing a floor price system;

Whereas, similarly, provision should be made for granting a refund on sugar incorporated in processed products for export to non-member countries, designed to cover the difference between prices for sugar ruling outside and inside the Community;

Whereas to enable processed products without added sugar to have access to the markets of non-member countries, provision should be made for the granting of an export refund; whereas for products containing added sugar this general refund should be granted only in cases where the refund in respect of the added sugar contained in the products would not be sufficient to permit their exportation ;

Whereas, in the interests of stability in commercial transactions, consideration should be given to allowing those concerned to have the amounts of the levies and refunds fixed in advance; whereas, in the interests of sound administration, provision should be made for the introduction of advance fixing certificates, and for the lodging of a security in respect of these certificates and of the import certificates guaranteeing the commitment to import or export during the period of validity of the certificate;

Whereas provision should also be made, where necessary for the proper functioning of the system outlined above, for regulating or, in so far as the situation on the market requires, prohibiting in whole or in part, the use of inward processing arrangements; whereas, moreover, refunds should be so fixed that Community basic products used by processing industries in the Community with a view to export are not placed at a disadvantage by inward processing arrangements which might induce those industries to give preference to basic products imported from non-member countries;

Whereas the common price and levy machinery may prove inadequate in exceptional circumstances;

whereas to ensure that in such cases the Community market is not left completely exposed to the disturbances which might result, the Community should be allowed to take any appropriate action as quickly as possible;

Whereas the establishment of a single market would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to products processed from fruit and vegetables;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between Member States and the Commission within a management committee;

Whereas the common organization of the market in products processed from fruit and vegetables must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by Member States as a result of obligations arising out of the application of this Regulation is financed by the Community in accordance with Articles 2 and 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2788/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The common organization of the market in products processed from fruit and vegetables shall cover the following:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 295, 30. 12. 1972, p. 1.

CCT heading No	Description
ex 07.02	Vegetables (whether or not cooked), preserved by freezing, excluding olives
ex 07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption, excluding olives
ex 07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption, and also excluding olives
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar
08.11	Fruit 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
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04, or 08.05
08.13	Peel of melons and citrus fruit, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
ex 13.03 B	Pectic substances and pectinates
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid
20.03	Fruit preserved by freezing, containing added sugar
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized)
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit

CCT heading No	Description
ex 20.07	Fruit juices (excluding grape juice and must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit
ex 20.07	Grape juice (including grape must) not containing spirit, with an added sugar content exceeding 30% by weight ⁽¹⁾

⁽¹⁾ From 1 January 1978 this heading is subject to the system laid down in Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (OJ No L 99, 5. 5. 1970, p. 1).

Article 2

1. In addition to customs duty, an import levy calculated as described in the paragraphs which follow shall be charged on the various added sugars contained in the products listed in Annex I.

2. For 100 kilograms net of imported product, this levy shall be equal to the difference between:

- (a) the average of the threshold priced for one kilogram of white sugar for each month of the quarter for which the difference is being determined, and
- (b) the average of the cif prices for one kilogram of white sugar used in fixing the levies on white sugar, calculated for a period consisting of the first 15 days of the month preceding the quarter for which the difference is being determined and the two months immediately preceding that month, this difference being multiplied by the figure for the product in question appearing in column 1 of Annex I.

No levy shall be charged if the amount at (a) is higher than the amount at (b).

3. The difference provided for in paragraph 2 shall be determined by the Commission for each quarter of the calendar year.

4. Should the threshold price referred to in paragraph 2 (a) change during a quarter, the Council, acting by a qualified majority on a proposal from the Commission, shall decide whether there is any need to make an adjustment and, if necessary, determine the measures to be taken to that end.

5. Should one of the elements to be taken into account in calculating the difference referred to in paragraph 2 not be known by the 15th day of the month preceding the quarter for which the difference is to be determined, the Commission shall proceed to calculate the difference, substituting for the missing element of the calculation the element which was taken into account in calculating the difference for the current quarter.

The difference shall be corrected by the Commission and made to apply not later than the 16th day following the date on which the missing information comes to hand.

The correction shall not be made however if the information only becomes available after the beginning of the last month of the quarter in question.

6. If the added sugar content per 100 kilograms net weight of imported product established in accordance with paragraph 8 is two kilograms or more below the content expressed by the figure for the product in question appearing in column 1 of Annex I, the levy shall, at the importer's request, be calculated per 100 kilograms net of imported product by multiplying the difference referred to in paragraph 2 by a figure representing the added sugar content defined in paragraph 8.

7. If the added sugar content per 100 kilograms net weight of imported product established in accordance with paragraph 8 is three kilograms or more above the content expressed by the figure appearing in column 1 of Annex I, the levy shall be calculated in accordance with the provisions of paragraph 6.

8. 'Added sugar content' shall mean the reading obtained by using a refractometer as described in Annex III, multiplied by 0.93 in the case of products falling within heading No 20.06 of the Common Customs Tariff and by 0.95 in the case of other products listed in Annex I and reduced by the figures for the product in question appearing in column 2 of Annex I.

9. Detailed rules for the application of paragraphs 1 to 8 shall be adopted as necessary in accordance with the procedure laid down in Article 20.

10. The Council, acting by a qualified majority on a proposal from the Commission, may amend Annex I.

Article 3

1. A minimum import price for tomato concentrates falling within subheading 20.02 C of the Common

Customs Tariff shall be fixed each year before 1 April for the subsequent marketing year.

2. The minimum price shall be established taking into account:

- average production cost for the Community product during the period from the beginning of the second year preceding the year of its fixing until the date of such fixing,
- free-at-frontier prices for imports during the period from the beginning of the second year preceding the year of its fixing until the date of such fixing, disregarding import prices which, in comparison with normal fluctuations, are excessively high or low; these prices shall be increased by whatever Common Customs Tariff duties are applicable,
- the prices for the products in question on the main world markets,
- the need to prevent the application of the minimum price from having a more restrictive effect on trade than measures previously applied by the Member States,
- the need to ensure that the application of the minimum price contributes to the normal and harmonious development of competition with non-member countries.

3. A special minimum price shall be fixed for imports into the new Member States until 31 December 1977, at the same time as the minimum price referred to in paragraph 1. The special minimum price shall be determined initially on the basis of the price level resulting from the Agreement in the form of an exchange of letters relating to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Republic of Portugal ⁽¹⁾.

This special minimum price shall be aligned by stages on the minimum price mentioned in paragraph 1.

The alignment shall take place each year (the first alignment having taken place on 1 July 1976) by increasing the special minimum price by one third and one half, successively, of the difference between this price obtaining before each alignment and the minimum price applicable for the coming marketing year.

The minimum price referred to in paragraph 1 shall apply in the new Member States by 1 January 1978 at the latest.

⁽¹⁾ OJ No L 62, 7. 3. 1975, p. 6.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the minimum price and the special minimum price for a product with given commercial characteristics, in particular in respect of variety, quality, composition, preparation, packaging and size, and shall also fix the date on which such prices are to apply.

5. The coefficients to be applied to these prices in order to allow for any variation from, in particular, the variety, quality, composition, preparation, packaging and the size for which they have been fixed, shall be adopted in accordance with the procedure laid down in Article 20.

6. If required, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 20.

Article 4

1. The Council, acting by a qualified majority on a proposal from the Commission, may decide to introduce a floor price system.

2. Where paragraph 1 is applied, the floor price shall be established taking into account:

- free-at-frontier prices for imports during the period from the beginning of the second year preceding the year of its fixing until the date of such fixing, disregarding import prices which, in comparison with normal fluctuations, are excessively high or low; these prices shall be increased by whatever Common Customs Tariff duties are applicable; however, as regards the new Member States these prices shall be increased until 31 December 1977 by the duties applied by those Member States to non-member countries in accordance with Article 59 of the Act of Accession,
- the prices for the products in question on the main world markets,
- the need to prevent the application of the floor price from having a more restrictive effect on trade than measures previously applied by the Member States,
- the need to ensure that the application of the floor price contributes to the normal and harmonious development of competition with non-member countries.

Article 5

1. A refund shall be granted to permit exports to non-member countries of sugars falling within head-

ing No 17.01, of glucose and of glucose syrup falling within subheading 17.02 B II (whether or not in the form of products falling within subheading 17.02 B I) incorporated in the products listed in Annex II.

The refund shall be granted on application.

2. For 100 kilograms net of exported product the amount of the refund granted shall be equal:

- in the case of raw sugar and white sugar, to the amount of the refund per kilogram of sucrose fixed in accordance with Article 19 of Regulation (EEC) No 3330/74 and with the provisions adopted for its application for the products listed in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose used per 100 kilograms net of finished product,
- in the case of glucose and glucose syrup, to the amount of the refunds fixed for each of these products in accordance with Article 16 of Regulation (EEC) No 2727/75 ⁽¹⁾ and with the provisions adopted for its application, multiplied by a figure expressing the quantity of glucose or glucose syrup used per 100 kilograms net of finished product.

The figures expressing the quantities of sucrose, glucose or glucose syrup shall be determined on the basis of the declaration referred to in Article 7.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting refunds.

4. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 20.

Article 6

1. To the extent necessary to enable the products not containing added sugar listed in Article 1 to be exported in economically significant quantities on the basis of prices for those products in the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same throughout the Community. It may be varied according to use or destination.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

The refund shall be granted on application.

The refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 20.

Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refund in the intervening period.

3. Where the refund fixed pursuant to Article 5 is not sufficient to permit exports of the products containing added sugar listed in Article 1, the provisions of this Article instead of those of Article 5 shall apply to these products.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down general rules for granting refunds and criteria for fixing the amount of such refunds.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 20.

Article 7

1. To qualify for the refunds referred to in Article 5, the products listed in Annex II must be accompanied by a declaration from the applicant indicating the amounts of sucrose, glucose and glucose syrup incorporated therein.

2. Where the provisions of Article 2 (6) or (7) apply, the products listed in Annex I must be accompanied by a declaration from the importer indicating the added sugar content established by the method described in Article 2 (8).

If this requirement is not met, Article 2 (6) shall not apply.

3. The accuracy of the declarations referred to in the foregoing paragraphs shall be subject to control by the competent authorities of the Member State concerned.

4. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 20.

Article 8

1. The levy referred to in Article 2 (1) and the refunds referred to in Articles 5 (1) and 6 shall be those applicable on the day of importation or exportation.

2. However, the levy or refund, calculated on the basis of the provisions laid down in Article 2 or 5 and applicable on the day on which the application for the advance fixing certificate provided for in Article 9 was lodged, may be applied, if the party concerned so requests at the same time as the application for the certificate is made, to a transaction effected during the period of validity of the certificate.

The levy shall be adjusted on the basis of the threshold price for white sugar in force on the day of importation.

3. Detailed rules for the application of the previous paragraphs shall be adopted as necessary in accordance with the procedure laid down in Article 20.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt measures to be applied in exceptional circumstances.

5. When examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the levy or the export refund, or that such difficulties may occur, a decision may be taken, in accordance with the procedure laid down in Article 20, to suspend the application of these provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three days.

Applications for certificates accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.

Article 9

1. In trade with non-member countries, all imports into or exports out of the Community of products covered by the advance fixing system for levies or refunds referred to in Article 8 shall be made conditional on the submission of an advance fixing

certificate issued by Member States to any applicant irrespective of the place of his establishment in the Community.

2. The advance fixing certificate shall be valid throughout the Community.

The issue of advance fixing certificates shall be conditional on the provision of a security guaranteeing the commitment to import or export during the period of validity of the certificate; the security shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

3. The period of validity of advance fixing certificates, the amount of the security and the other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 20.

Article 10

1. Any imports into the Community of the products listed in Annex IV shall be subject to the production of an import certificate which shall be issued by Member States to any applicant who applies for such certificate, irrespective of his place of establishment within the Community.

The certificate shall be valid throughout the Community.

2. The issue of an import certificate shall be conditional upon the following:

- with respect to all products, the lodging of a security to guarantee the undertaking to effect certain imports for as long as the certificate is valid, which security, except in cases of *force majeure*, shall be forfeit in whole or in part if the imports are not effected or are effected only in part within the period,
- for tomato concentrates, the lodging of an additional security to guarantee that the free-at-frontier price of the products to be imported under cover of the certificate plus the customs duty payable thereon shall together be equal to or more than the minimum price or the special minimum price, whichever is appropriate. The security shall be forfeit in proportion to any quantities imported at a price lower than the minimum price or than the special minimum price; however, the lodging of such additional security shall not be required for products originating in non-member countries which undertake, and are in a position, to guarantee that the price on import into the Community shall be not less than the minimum price for the product in question, and that all deflection of trade will be avoided.

3. The Council, acting by a qualified majority on a proposal from the Commission, may decide to amend Annex IV.

The period of validity of certificates and the other detailed rules of application of this Article which may, in particular, make provision for a time limit for the issue of certificates, shall be determined in accordance with the procedure laid down in Article 20.

Article 11

Where the levy on various added sugars is fixed in advance for one of the products referred to in Annex IV, such advance fixing shall be mentioned on the import certificate which is the basis thereof.

Where this is the case, Article 9 shall not apply.

Article 12

1. To the extent necessary for the proper working of the common organizations of the markets in cereals, sugar, and fruit and vegetables, the Council, acting by a qualified majority on a proposal from the Commission, may, in special cases, prohibit, in whole or in part, the use of inward processing arrangements in respect of raw sugar, white sugar, glucose, glucose syrup, and fruit and vegetables, which are intended for the manufacture of the goods listed in Article 1.

2. The quantity of raw materials which, under inward processing arrangements, is exempted from customs duty, levy or charge having equivalent effect shall be consistent with the conditions under which the processing operation in question is effected.

Article 13

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of the products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council, acting by a qualified majority on a proposal from the Commission,

- the levying of any charge having equivalent effect to a customs duty, and

— the application of any quantitative restriction or measure having equivalent effect,

shall be prohibited in trade with non-member countries.

3. However, for citrus fruit juices falling within heading No ex 20.07 of the Common Customs Tariff, with the exception of grapefruit juice, until 31 December 1977, Member States may maintain the measures which were applicable until 1 January 1975 concerning imports of such products originating in non-member countries, but without making them more restrictive. By the end of this period, the Council shall decide on the arrangements to be laid down subsequently. If no decision has been taken by that date, the previous arrangements shall remain applicable.

4. For prunes falling within subheading 08.12 C of the Common Customs Tariff, Member States may maintain, until 31 December 1977, the measures on imports of such products originating in non-member countries which were applicable on 1 January 1975, but without making them more restrictive. From 1 January 1978, paragraph 2 shall apply and imports shall be subject to the production of an import certificate in accordance with Article 10.

5. The potato products referred to in Article 1 shall be excluded from the scope of paragraph 2.

Article 14

1. If, by reason of imports or exports, the Community market in one or more of the products specified in Article 1 is or is likely to be exposed to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with non-member countries until such disturbances or the threat thereof has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this paragraph and shall define the cases and the limits within which Member States may take protective measures.

2. Should the situation envisaged in paragraph 1 arise, the Commission, acting either at the request of a Member State or on its own initiative, shall decide what measures are necessary and communicate them to the Member States; such measures shall be immediately applicable.

Requests received by the Commission from Member States shall be acted upon within 24 hours of receipt.

3. Any measure decided on by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

Article 15

1. The Annex to Regulation (EEC) No 109/70 ⁽¹⁾ shall be extended to cover the products listed in Article 1 imported from all the countries mentioned in that Annex.

2. The products listed in Article 1 shall be included in the common list of liberalized products in Annex I to Regulation (EEC) No 1439/74 ⁽²⁾.

3. Paragraphs 1 and 2 shall not apply to the products referred to in Article 13 (3), (4) and (5).

Article 16

Products listed in Article 1 which are manufactured or obtained from products to which Articles 9 (2) and 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 17

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products listed in Article 1.

Article 18

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 20.

Article 19

1. A Management Committee for Products Processed from Fruit and Vegetables (hereinafter called 'the Committee') shall be established, consisting of representatives of Member States and presided over by a representative of the Commission.

⁽¹⁾ OJ No L 19, 26. 1. 1970, p. 1.

⁽²⁾ OJ No L 159, 15. 6. 1974, p. 1.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 20

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit to be set by the chairman according to the urgency of the questions under consideration. An opinion shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 21

The Committee may consider any other question referred to it by its chairman either on his own

initiative or at the request of the representative of a Member State.

Article 22

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 23

1. Council Regulation (EEC) No 865/68 of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1164/76 ⁽²⁾, and Council Regulation (EEC) No 1927/75 of 22 July 1975 concerning the system of trade with third countries in the market in products processed from fruit and vegetables ⁽³⁾, are hereby repealed.

2. Any reference to the Regulations repealed by paragraph 1 shall be construed as a reference to this Regulation.

Citations and references to Articles of the said repealed Regulation shall read in accordance with the correlation table in Annex V.

Article 24

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 153, 1. 7. 1968, p. 8.

⁽²⁾ OJ No L 135, 24. 5. 1976, p. 38.

⁽³⁾ OJ No L 198, 29. 7. 1975, p. 7.

ANNEX I

CCT heading No	Description	(1)	(2)
20.03	Fruit preserved by freezing, containing added sugar:		
A	With a sugar content exceeding 13 % by weight	20	13
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized):		
B	Other:		
I	With a sugar content exceeding 13 % by weight	57	13
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar:		
A	Chestnut purée and paste:		
I	With a sugar content exceeding 13 % by weight	47	13
B	Jams and marmalades of citrus fruit:		
I	With a sugar content exceeding 30 % by weight	55	13
II	With a sugar content exceeding 13 % but not exceeding 30 % by weight	10	13
C	Other:		
I	With a sugar content exceeding 30 % by weight:		
b)	Other	55	13
II	With a sugar content exceeding 13 % but not exceeding 30 % by weight	10	13
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:		
B	Other:		
I	Containing added spirit:		
b)	Pineapples in immediate packings of a net capacity:		
1	Of more than 1 kg:		
aa)	With a sugar content exceeding 17 % by weight	6	13
2	Of 1 kg or less:		
aa)	With a sugar content exceeding 19 % by weight	6	13

CCT heading No	Description	(1)	(2)
20.06 B I c)	Grapes:		
1	With a sugar content exceeding 13 % by weight	9	13
d)	Peaches, pears and apricots in immediate packings of a net capacity:		
1	Of more than 1 kg:		
aa)	With a sugar content exceeding 13 % by weight	10	9
2	Of 1 kg or less:		
aa)	With a sugar content exceeding 15 % by weight	10	9
e)	Other fruits:		
1	With a sugar content exceeding 9 % by weight	10	9
f)	Fruit mixtures:		
1	With a sugar content exceeding 9 % by weight	10	9
II	Not containing added spirit:		
a)	Containing added sugar, in immediate packings of a net capacity of more than 1 kg:		
2	Grapefruit segments	10	9
3	Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	10	9
4	Grapes	9	13
5	Pineapples:		
aa)	With a sugar content exceeding 17 % by weight	6	13
6	Pears:		
aa)	With a sugar content exceeding 13 % by weight	10	9
7	Peaches and apricots:		
aa)	With a sugar content exceeding 13 % by weight	10	9
8	Other fruits	10	9
9	Mixtures of fruit	10	9
b)	Containing added sugar, in immediate packings of a net capacity of 1 kg or less:		
2	Grapefruit segments	10	9
3	Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	10	9

CCT heading No	Description	(1)	(2)
20.06 B II b) 4	Grapes	9	13
5	Pineapples:		
aa)	With a sugar content exceeding 19 % by weight	6	13
6	Pears:		
aa)	With a sugar content exceeding 15 % by weight	10	9
7	Peaches and apricots:		
aa)	With a sugar content exceeding 15 % by weight	10	9
8	Other fruits	10	9
9	Mixtures of fruit	10	9
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:		
A	Of a specific gravity exceeding 1.33 at 15 °C:		
I	Grape juice (including grape must):		
b)	Of a value not exceeding 22 u.a. per 100 kg net weight:		
1	With an added sugar content exceeding 30 % by weight	49	15
	This subheading is valid only until 31 December 1977. From 1 January 1978 the system laid down in Regulation (EEC) No 816/70 shall apply		
II	Apple and pear juice; mixtures of apple and pear juice:		
b)	Of a value not exceeding 22 u.a. per 100 kg net weight:		
1	With an added sugar content exceeding 30 % by weight:		
	— Apple juice	49	11
	— Pear juice and mixtures of apple and pear juice	49	13
III	Other:		
b)	Of a value not exceeding 30 u.a. per 100 kg net weight:		
1	With an added sugar content exceeding 30 % by weight:		
	— Lemon juice and tomato juice	49	3
	— Other fruit and vegetable juices including mixtures of juices	49	13

CCT heading No	Description	(1)	(2)
20.07 B	Of a specific gravity of 1.33 or less at 15 °C:		
I	Grape, apple and pear juice; mixtures of apple and pear juice:		
b)	Of a value not exceeding 18 u.a. per 100 kg net weight:		
1	Grape juice:		
aa)	Concentrated:		
11	With an added sugar content exceeding 30 % by weight	49	15
bb)	Other:		
11	With an added sugar content exceeding 30 % by weight	49	15
	This subheading is valid only until 31 December 1977. From 1 January 1978 the system laid down in Regulation (EEC) No 816/70 shall apply		
2	Apple juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	11
3	Pear juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
4	Mixtures of apple and pear juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
II	Other:		
b)	Of a value not exceeding 30 u.a. per 100 kg net weight:		
1	Orange juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
2	Grapefruit juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
3	Lemon juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	3
4	Other citrus fruit juices:		
aa)	With an added sugar content exceeding 30 % by weight	49	13

CCT heading No	Description	(1)	(2)
20.07 B II b) 5	Pineapple juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
6	Tomato juice:		
aa)	With an added sugar content exceeding 30 % by weight	49	3
7	Other fruit and vegetable juices:		
aa)	With an added sugar content exceeding 30 % by weight	49	13
8	Mixtures:		
aa)	Of citrus fruit juices and pineapple juice:		
11	With an added sugar content exceeding 30 % by weight	49	13
bb)	Other:		
11	With an added sugar content exceeding 30 % by weight	49	13

ANNEX II

Products containing added sucrose, glucose, glucose syrup, falling within the following heading numbers of the Common Customs Tariff

ex 13.03 B Pectic substances and pectinates

20.01

20.02

20.03

20.04

20.05

20.06

20.07 (With the exception of grape juice (including grape must)). This exception applies from 1 January 1978.

ANNEX III

**METHOD OF MEASURING DRY SOLUBLE RESIDUE IN PRODUCTS PROCESSED FROM
FRUIT AND VEGETABLES BY REFRACTOMETRY**

I. Field of application

Application of this method is related to the quantity of sugar present in the product analyzed. The presence of amino-acids, salts of organic acids, flavonoids and mineral substances alters the refractive index.

II. Definition

Dry soluble residue (determined by refractometry) means the percentage weight of sucrose in an aqueous solution of sucrose which, under given conditions of preparation and a given temperature, has the same refractive index as the product analyzed. This percentage is expressed in grams per 100 grams.

III. Principle

Deduction of the dry soluble residue content of a product from its refractive index.

IV. Apparatus

Abbe type refractometer

This apparatus must have a scale indicating the percentage weight of sugar to the nearest 0.1 %. It must be so constructed that samples can be introduced easily and quickly. It must be easy to clean.

The refractometer must have a thermometer with a scale extending from at least + 15 °C to + 25 °C. It must also have a water circulator enabling measurements to be made at a temperature of 20 °C ± 5 °C.

Operating instructions for this apparatus, and in particular those dealing with calibration and light source, must be strictly followed.

V. Method

1. Preparation of sample

1.1. Liquid and limpid products

Mix carefully and proceed to determination

1.2. Semi-dense products, purées, fruit juices with matter in suspension.

Carefully mix an average laboratory sample and then homogenize. Strain part of the sample through dry gauze folded in four, remove the first drops and proceed to determination on the filtrate.

1.3. Dense products (jams and jellies)

If the homogenized product cannot be used directly, weigh 40 g of the product to the nearest 0.01 g in 250 ml beaker and add 100 ml of distilled water.

Boil gently for two or three minutes, stirring with a glass rod.

Cool, decant contents of the beaker into a graduated 200 ml flask, bring up to the required level with distilled water and mix carefully. Allow to stand for 20 minutes, then strain through a folded filter or a Büchner funnel.

Make determination in the filtrate

1.4. Frozen products

Defrost and remove stones or pips and cores. Mix the product with the liquid formed during defrosting and proceed as in 1.2 or 1.3.

1.5. Dry products containing whole fruit or pieces of fruit

Cut part of the laboratory sample into small pieces, remove stones or pips and cores and mix carefully.

Weigh 10 to 20 g of the product to the nearest 0.01 g in a beaker. Add distilled water to at least five times the weight of the product. Heat in a water bath for 30 minutes, stirring occasionally with a glass rod. When cool homogenize contents of the beaker and pour into a graduated 100 to 250 ml measuring flask (depending on the size of the sample). Bring to the required level and mix carefully. After 20 minutes filter into a dry container and make determination on the filtrate.

2. Determination

Bring the sample to the measurement temperature (+ 20 °C) by immersing the container in a water bath of the required temperature.

Place a small sample on the lower prism of the refractometer, taking care to ensure that the sample covers the glass surface uniformly when the prisms are pressed against each other. Measure in accordance with the operating instructions for the apparatus used.

Read the percentage weight of sucrose to the nearest 0.1 %.

Make at least two determinations on the same prepared sample.

VI. Expression of results

1. Calculation and formulation

The dry soluble residue content, conventionally expressed in grams of sucrose per 100 grams of product, is calculated as follows: The percentage sucrose content indicated by refractometry is used direct. If the reading is made at a temperature other than + 20 °C, correct as indicated in the attached table.

If measurement has been made on a dilute solution, the dry soluble residue content is equal to

$$M \times \frac{100}{E}$$

M being the weight (in grams) of dry soluble residue per 100 grams of product indicated by the refractometer and E the weight (in grams) of product per 100 ml of solution.

Corrections when determination is made at a temperature other than 20 °C

Temperature °C	Sucrose in grams per 100 grams of product									
	5	10	15	20	30	40	50	60	70	75
	Subtract									
15	0.25	0.27	0.31	0.31	0.34	0.35	0.36	0.37	0.36	0.36
16	0.21	0.23	0.27	0.27	0.29	0.31	0.31	0.32	0.31	0.23
17	0.16	0.18	0.20	0.20	0.22	0.23	0.23	0.23	0.20	0.17
18	0.11	0.12	0.14	0.15	0.16	0.16	0.15	0.12	0.12	0.09
19	0.06	0.07	0.08	0.08	0.08	0.09	0.09	0.08	0.07	0.05
	Add									
21	0.06	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07
22	0.12	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
23	0.18	0.20	0.20	0.21	0.21	0.21	0.21	0.22	0.22	0.22
24	0.24	0.26	0.26	0.27	0.28	0.28	0.28	0.28	0.29	0.29
25	0.30	0.32	0.32	0.34	0.36	0.36	0.36	0.36	0.36	0.37

The temperature may not vary by more than ± 5 °C from 20 °C.

ANNEX IV

CCT heading No	Description
ex 20.02 C	Tomato concentrates
ex 20.02 C	Peeled tomatoes
ex 20.06 B	Peaches in syrup
ex 20.07 B	Tomato juice
20.02 A	Mushrooms
ex 20.06 B	Pears
08.12 C	Prunes ⁽¹⁾
ex 20.02 G	Peas
ex 20.02 G	Beans in pod
ex 08.10 A	Raspberries
ex 08.11 E	
ex 20.03	
ex 20.05	
ex 20.06 B II	

⁽¹⁾ From 1 January 1978.

ANNEX V

CORRELATION TABLE

Regulation (EEC) No 1927/75**This Regulation**

Article 2
Article 3
Article 4
Article 5

Article 3
Article 4
Article 10
Article 11

Article 1 (1)
Article 1 (2)
Article 1 (3)
Article 1 (4)

Article 13 (2)
Article 13 (3)
Article 13 (4)
Article 13 (5)

Article 7
Article 6

Article 14
Article 15

Regulation (EEC) No 865/68

Article 1
Article 2
Article 3
Article 3a
Article 4
Article 5
Article 6
Article 8
Article 8 (3)
Article 9 (2)
Article 9 (1)
Article 10 (2)
Article 12
Article 13
Article 14
Article 15
Article 16
Article 18

Article 1
Article 2
Article 5
Article 6
Article 7
Article 8
Article 9
Article 12
Article 12 (2)
Article 13 (1)
Article 13 (2)
Article 16
Article 17
Article 18
Article 19
Article 20
Article 21
Article 22

COUNCIL REGULATION (EEC) No 517/77

of 14 March 1977

fixing the minimum price and the special minimum price for tomato concentrates for the 1976/77 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 3 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 (1) of Regulation (EEC) No 516/77 lays down that a minimum import price shall be fixed for tomato concentrates; whereas, under Article 3 (3) of the same Regulation, a special minimum price shall be fixed at the same time for imports into the new Member States; whereas the fixing of these prices is intended to reduce the risk of the disturbance

of the market in tomato concentrates by imports from third countries at abnormally low prices;

Whereas the minimum price must be fixed in the light of the criteria laid down in Article 3 (2) of Regulation (EEC) No 516/77; whereas, in accordance with Article 3 (4) of the same Regulation, the minimum price shall be fixed for a product with given commercial characteristics;

Whereas under Article 3 (3) of Regulation (EEC) No 516/77, the special minimum price shall be aligned by stages with the minimum price; whereas the first stage of that alignment shall be effected on 1 July 1976, by increasing the special minimum price by one third of the difference between the level of that price obtaining before the alignment and the minimum price applicable for the coming marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of the following product:

CCT heading No	Description	Quality	Packing
ex 20.02 C	Tomato concentrates	Dried extract content: 28 to 30 %	In immediate packing of not less than 4 kg

- the minimum price shall be fixed at 64 units of account per 100 kilograms, immediate packing included;
- the special minimum price shall be fixed at 48 units of account per 100 kilograms, immediate packing included.

These prices shall include customs duties.

They shall be applicable from 1 July 1976 until 30 June 1977.

⁽¹⁾ See page 1 of this Official Journal.

Article 2

1. Council Regulation (EEC) No 1197/76 of 18 May 1976 fixing the minimum price and the special minimum price for tomato concentrates for the 1976/77 marketing year ⁽¹⁾, is hereby repealed.
2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 133, 22. 5. 1976, p. 4.

COUNCIL REGULATION (EEC) No 518/77

of 14 March 1977

laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 5 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 5 (3) of Regulation (EEC) No 516/77 provides that the Council shall adopt general rules for granting export refunds on the products listed in Annex II to that Regulation;

Whereas provision should be made for the refund to be granted not only on products of Community origin but also on products imported from and re-exported to third countries; whereas, however, to prevent speculation, the grant of a refund in such cases should be subject to certain conditions;

Whereas to avoid distortions of competition between Community traders, the administrative conditions under which they operate must be identical throughout the Community,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for granting the export refunds referred to in Article 5 (3) of Regulation (EEC) No 516/77.

1. The refund shall be granted on exports of products listed in Annex II to Regulation (EEC) No 516/77:

- (a) which are of Community origin;
- (b) which have been imported from third countries and on which the import levy referred to in Article 2 (1) of that Regulation has been paid, provided the exporter proves:
 - that the product to be exported and the product previously imported are one and the same, and
 - that the levy was collected on importation.

2. In the cases covered by subparagraph 1 (b), the refund on each product shall be equal to the levy collected on importation where this levy is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where the levy collected on importation is higher than this refund.

Article 3

The refund shall be paid upon proof:

- that the products fulfil one or other of the two conditions set out in Article 2 (1), and
- that the products have been exported from the Community.

Article 4

1. Council Regulation (EEC) No 1838/69 of 16 September 1969 laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables ⁽²⁾, is hereby repealed.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 236, 19. 9. 1969, p. 2.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

COUNCIL REGULATION (EEC) No 519/77

of 14 March 1977

laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 6 thereof,

Having regard to the proposal from the Commission,

Whereas the export refunds provided for in Article 6 of Regulation (EEC) No 516/77 must be fixed in accordance with certain criteria which would make it possible to cover the difference between prices within the Community for products processed from fruit and vegetables and prices ruling in international trade; whereas to this end the supply situation and prices for products processed from fruit and vegetables within the Community and, also, the price situation in international trade must be taken into account;

Whereas, given the disparity between the prices at which products processed from fruit and vegetables are offered, costs incurred in placing those products on the market must be taken into account if the difference between the prices in international trade and those ruling in the Community is to be covered;

Whereas, if price trends are to be noted, prices must be determined in accordance with general principles; whereas, to that end, prices on third country markets and offer prices at the Community frontier should be taken into account when prices in international trade are being determined; whereas the ruling prices which appear most favourable from the point of view

of exportation should be used as a basis for determining prices within the Community;

Whereas provision should be made for the possibility of varying the amount of the refunds according to the destination of the products, since special conditions apply to imports in certain countries of destination;

Whereas, to avoid distortions of competition, the administrative conditions to which transactions are subject must be identical throughout the Community,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for fixing and granting export refunds on the products listed in Article 1 of Regulation (EEC) No 516/77.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and future trends with regard to:
 - prices and availabilities on the Community market of products processed from fruit and vegetables,
 - prices ruling in international trade;
- (b) minimum marketing and transport costs from the Community markets to ports or other points of export in the Community, as well as costs incurred in placing the products on the markets of the countries of destination;
- (c) the economic aspect of the proposed exports.

⁽¹⁾ See page 1 of this Official Journal.

Article 3

1. When prices on the Community market are being determined, account shall be taken of the ruling prices which are most favourable from the point of view of exportation.
2. The following shall be taken into account when prices in international trade are being determined:
 - (a) prices ruling on third country markets;
 - (b) the most favourable prices in third countries of destination for third country imports;
 - (c) producer prices recorded in exporting third countries;
 - (d) offer prices at the Community frontier.

Article 4

Where the situation in international trade or the specific requirements of certain markets make this necessary, the refund for the Community on a given product may be varied according to destination.

Article 5

1. The refund shall be paid upon proof:
 - that the products have been exported from the Community, and
 - that the products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1 provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

Article 6

1. Council Regulation (EEC) No 1426/71 of 2 July 1971 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds ⁽¹⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 7

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 151, 7. 7. 1971, p. 3.

COUNCIL REGULATION (EEC) No 520/77

of 14 March 1977

on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar, in the event of sugar supply difficulties

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 13 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the first sentence of the first subparagraph of Article 17 (1) of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar ⁽²⁾, as last amended by Regulation (EEC) No 3138/76 ⁽³⁾, provision may be made for a special levy to be charged on exports of sugar in the event of Community sugar supply difficulties;

Whereas experience gained in applying this measure has shown that its effectiveness may be impaired in cases where sugar is exported in the form of certain products processed from fruit and vegetables and containing added sugar; whereas this is particularly the case for certain products processed from fruit and vegetables which have a relatively high added sugar content; whereas provision should therefore be made for a charge to be imposed on exports of the products in question, fixed on the basis of the special levy on sugar exports when that levy exceeds a certain amount and excessive exports are recorded;

Whereas this additional measure must be adopted by derogating from the rule provided for in Article 13 (2) of Regulation (EEC) No 516/77,

HAS ADOPTED THIS REGULATION:

Article 1

1. Where a special levy exceeding five units of account per 100 kilograms is charged on exports of white sugar, the imposition of a charge on exports of the products specified in Article 1 of Regulation (EEC) No 516/77, containing a minimum of 35% added sugar, may be decided in accordance with the procedure laid down in paragraph 4.

2. The amount of the export charge shall be fixed taking into account:

- the nature of the product processed from fruit or vegetables which contains added sugar,
- the added sugar content of the product in question,
- the prices of white sugar in the Community and on the world market,
- the special levy applicable to white sugar,
- the economic implications of applying the said charge.

3. The added sugar content shall be considered to be given by the figure shown against the product in question in column 1 of Annex 1 to Regulation (EEC) No 516/77, however, at the request of the exporter, the rules laid down in Article 2 (6) and (8) of that Regulation shall apply.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽³⁾ OJ No L 354, 24. 12. 1976, p. 1.

Article 2

1. Council Regulation (EEC) No 2980/74 of 26 November 1974 on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar in the event of sugar supply difficulties ⁽¹⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 318, 28. 11. 1974, p. 2.

COUNCIL REGULATION (EEC) No 521/77

of 14 March 1977

laying down detailed rules for applying protective measures in the market in products
processed from 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 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, and in particular Article 14 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 14 of Regulation (EEC) No 516/77 makes provision for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 of the said Regulation experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they are to cease to apply once the disturbance or threat of disturbance has ceased;

Whereas the main factors to be taken into account in assessing whether the Community market is seriously disturbed or threatened with serious disturbance should be specified;

Whereas recourse to protective measures depends on the effect of trade with third countries on the Community market; whereas the situation on this market must therefore be assessed by taking account not only of the factors peculiar to the market itself but also of those relating to the trend of that trade;

Whereas the measures which may be taken in application of Article 14 of Regulation (EEC) No 516/77 should be specified; whereas those measures must be such as to put an end to serious disturbances

on the market and the threat of such disturbances; whereas they must accordingly be suited to the circumstances if they are not to have other than the desired effects;

Whereas recourse by a Member State to Article 14 of Regulation (EEC) No 516/77 should be limited to cases in which the market of that State, following an assessment based on the abovementioned factors, is to be regarded as fulfilling the conditions of that Article; whereas the measures likely to be taken in such a case should be designed to prevent the market situation from deteriorating further and must be of an interim nature; whereas, consequently, such national measures may apply only until the entry into force of a Community decision on the matter;

Whereas the Commission must take a decision on Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas, in order that the Commission may assess the situation on the market with the greatest effectiveness, provision should be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 14 (2) of Regulation (EEC) No 516/77,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 of Regulation (EEC) No 516/77 is, by reason of imports or exports, experiencing or threatened with serious disturbances which might endanger the objectives set out in Article 39 of the Treaty, particular account shall be taken of:

(a) the volume of imports or exports effected or foreseen;

⁽¹⁾ See page 1 of this Official Journal.

- (b) the quantities of products available on the Community market;
- (c) the prices for Community products on the Community market or the foreseeable trend of these prices and in particular any excessive upward or downward trend thereof in relation to prices in the years immediately preceding;
- (d) where the abovementioned situation arises as a result of imports, the prices obtaining on the Community market, at a comparable stage, for products from third countries, and in particular any excessive downward trend in these prices.

Article 2

1. Should the situation referred to in Article 14 (1) of Regulation (EEC) No 516/77 arise, the measures which may be taken under paragraphs 2 and 3 of that Article shall be:

- (a) for products subject to the system of import certificates:
 - the total or partial discontinuation of the issue of certificates, as a result of which new applications will not be accepted,
 - the rejection of all or some of the applications for the issue of certificates which are being examined;
- (b) for products not subject to the system of import certificates: total and partial suspension of imports;
- (c) for all products:
 - the introduction of arrangements under which, if the price for an imported product falls below a certain minimum, a condition may be imposed whereby that product may be imported only at a price which is at least equal to such minimum,
 - the total or partial suspension of exports.

2. The measures referred to in paragraph 1 may be taken only to such extent and for such length of time as is strictly necessary. They shall take account of the special situation of products which are already on their way to the Community. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for particular regions of the Community or to exports from such regions.

3. The rejection referred to in the second indent of paragraph 1 (a), shall apply to applications made during the period in which the suspension referred to in Article 4 is applied.

Article 3

The application of this Regulation shall respect the Community's obligations under international agreements.

Article 4

1. A Member State may take one or more interim protective measures if, subsequent to an assessment based on the factors set out in Article 1, it considers that the situation referred to in Article 14 (1) of Regulation (EEC) No 516/77 has arisen on its territory. Article 2 (2) shall apply. The interim protective measures shall be as follows:

- (a) for products subject to the system of import certificates, the total or partial suspension of the issue of certificates;
- (b) for products not subject to the certificate system, the total or partial suspension of imports;
- (c) for all products, the total or partial suspension of exports.

2. The Commission shall be notified by telex of the interim protective measures referred to in paragraph 1 as soon as they have been decided on. Such notification shall constitute a request within the meaning of Article 14 (2) of Regulation (EEC) No 516/77. The measures shall apply only until such time as a decision by the Commission on the matter enters into force.

Article 5

1. Council Regulation (EEC) No 1928/75 of 22 July 1975 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables ⁽¹⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 6

This Regulation shall enter into force on 1 April 1977.

⁽¹⁾ OJ No L 198, 29. 7. 1975, p. 11.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

COUNCIL REGULATION (EEC) No 522/77

of 14 March 1977

laying down special provisions applicable to trade in tomato concentrates and peeled tomatoes between the Community as originally constituted and the new Member States

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas in normal circumstances the prices for tomato concentrates and peeled tomatoes are substantially higher in the Community as originally constituted than on the world market; whereas this difference in prices could harm the competitive position of producers in the Community as originally constituted on the markets of the new Member States, which are an important traditional outlet for Community production;

Whereas the situation is likely to jeopardize the aims of the common agricultural policy as laid down in Article 39 of the Treaty; whereas, to remedy this, special measures must be taken to safeguard the competitive position on the markets of the new Member States of producers in the Community as originally constituted;

Whereas compensatory amounts should therefore be introduced for tomato concentrates and peeled tomatoes, to be granted or levied in trade between the new Member States and the Community as originally constituted or third countries; whereas, however, it will suffice if such compensatory amounts are applied only where a refund is granted pursuant to Article 6 of Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽²⁾;

Whereas the compensatory amounts should be phased out as the Common Customs Tariff is progressively introduced in the new Member States;

Whereas provision should be made to ensure that the said amounts are accounted for under the arrangements for the financing of the common agricultural policy,

HAS ADOPTED THIS REGULATION:

Article 1

In order to offset price differences existing in trade between the new Member States and the Community as originally constituted or third countries, a system of compensatory amounts as set out in the following Articles shall be applied in respect of tomato concentrates and peeled tomatoes falling within sub-heading ex 20.02 C of the Common Customs Tariff and for which an export refund is granted pursuant to Article 6 of Regulation (EEC) No 516/77.

Article 2

In intra-Community trade, the Member States of the Community as originally constituted shall:

- levy compensatory amounts on imports from the new Member States,
- grant compensatory amounts on exports to the new Member States.

Article 3

For exports from the new Member States to third countries, the export refund shall be equal to the difference between the refund referred to in Article 1 and the compensatory amount applicable.

⁽¹⁾ OJ No C 30, 7. 2. 1977, p. 25.

⁽²⁾ See page 1 of this Official Journal.

Article 4

1. The compensatory amount for tomato concentrates shall be equal to 50% of the export refund referred to in Article 1. The compensatory amount shall be reduced in two stages.

The two reductions shall be such as to reduce the level of the compensatory amounts to 25% and 0% respectively of the said refunds and shall be made on 1 July 1977 and 1 January 1978.

When the first reduction is made, the compensatory amount, based on the level of the export refunds, shall in no case be fixed at a level such as to allow exportation to the new Member States at a price below the special minimum price referred to in Article 3 (3) of Council Regulation (EEC) No 516/77.

2. The compensatory amount for peeled tomatoes shall be equal to 25% of the export refund referred to in Article 1. The compensatory amount shall be reduced in two stages.

The two reductions shall be such as to reduce the level of the compensatory amounts to 12.50% and 0% respectively of the said refunds and shall be made on 1 July 1977 and 1 January 1978.

Article 5

The compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 6

Such detailed rules for the application of this Regulation shall be adopted in accordance with the pro-

cedure laid down in Article 20 of Regulation (EEC) No 516/77.

Article 7

1. The compensatory amounts as provided for in Article 1, which are levied or granted in trade between the Member States, shall be regarded for the purposes of the financing of the common agricultural policy as intervention intended to stabilize agricultural markets.

2. Such detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70 ⁽¹⁾.

Article 8

1. Council Regulation (EEC) No 1930/75 of 22 July 1975 laying down special provisions applicable to trade in tomato concentrates between the Community as originally constituted and the new Member States ⁽²⁾, as amended by Regulation (EEC) No 1779/76 ⁽³⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 9

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 15.

⁽³⁾ OJ No L 199, 24. 7. 1976, p. 8.

COUNCIL REGULATION (EEC) No 523/77

of 14 March 1977

opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore ⁽²⁾, the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the generalized system of tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the generalized system of preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff, originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of

that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, other than in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 45 000 tonnes and at a customs duty of 12%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

⁽¹⁾ OJ No C 30, 7. 2. 1977, p. 25.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession ⁽¹⁾, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas for the said products this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 of this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽²⁾;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas, having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas, to take account of future import trends for the products in question in the various Member States,

the quotas should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, moreover, the reserve constituted in the manner described above tends to avoid making the system of utilization of the quota excessively rigid, to the detriment of the developing countries concerned, and will contribute to achieving the aim already mentioned of improving the generalized system of preferences; whereas, to give importers in each Member State some degree of certainty, the first tranche of the Community quota might in this case be fixed at 80% of the full quota;

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares in the first tranche may be drawn up as follows:

Germany	20.5%
Benelux	4.9%
France	0.5%
Italy	2.0%
Denmark	1.9%
Ireland	1.0%
United Kingdom	69.2%

Whereas Member States may exhaust their initial shares for the products in question at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas, however, it seems advisable to permit the Member States to limit the exercise of their total obligation to draw on the reserve amount to a level not exceeding 40% of their initial share; whereas this method of administration calls for close cooperation between Member States and the Commission which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 1.

Member State, it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977, a Community tariff quota of 45 000 tonnes shall be opened by the Community for the imports of preserved pineapples, other than in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06 B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 12%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the above-mentioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 12% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 12% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties

under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purposes of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

Article 2

1. A first tranche of 36 000 tonnes shall be allocated among the Member States. The shares which, subject to Article 5, shall be valid until 31 December 1977, shall for each Member State be as follows:

Germany	7 380 tonnes,
Benelux	1 764 tonnes,
France	180 tonnes,
Italy	720 tonnes,
Denmark	684 tonnes,
Ireland	360 tonnes,
United Kingdom	24 912 tonnes,

2. The second tranche of 9 000 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90% or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up should the occasion arise to the nearest unit above.

2. If a Member State, after exhausting its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, by notifying the Commission, draw a third share, equal to 5% of its initial share, rounded up should the occasion arise to the nearest unit above.

3. If a Member State, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, under the same conditions, draw a fourth share equal to the third. This process shall continue until the reserve has been exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

5. Any Member State may limit the sum total of its additional shares to 40% of its initial share, informing the Commission that it is so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

A Member State which on 15 September 1977 has not exhausted one of its initial shares shall, not later than 1 October 1977, return to the reserve any unused portion in excess of 20% of the initial amount. It may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1977 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 October 1977, inform the Member State of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting the reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

The Member States shall take all appropriate measures to ensure that additional shares drawn

pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their cumulative shares of the Community quota.

Article 7

1. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said goods who are established in their territory.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods shall qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is reintroduced.

Article 8

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall show both the value expressed in units of account and the quantity expressed in tonnes.

Article 9

If the Community finds that products benefiting from the treatment provided for in Article 1 are imported into the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, or that an unfavourable situation is created in the ACP States, the levying of customs duties may be reintroduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

Article 10

1. The Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a specified period, in order to ensure that Article 9 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

Article 11

The provisions of Articles 9 and 10 shall not prejudice the application of the safeguard clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

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

Done at Brussels, 14 March 1977.

Article 12

Member States and the Commission shall collaborate closely to ensure that this Regulation is observed.

Article 13

1. Council Regulation (EEC) No 3028/76 of 13 December 1976 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries ⁽¹⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 14

This Regulation shall enter into force on 1 April 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 349, 20. 12. 1976, p. 151.

ANNEX

List of developing countries and territories enjoying generalized tariff preferences

I. INDEPENDENT COUNTRIES

Afghanistan	Haiti	Romania
Algeria	Honduras	Rwanda
Angola	India	Sao Tome and Principe
Argentina	Indonesia	Saudi Arabia
Bahamas	Iran	Senegal
Bahrain	Iraq	Seychelles
Bangladesh	Ivory Coast	Sierra Leone
Barbados	Jamaica	Singapore
Bénin	Jordan	Somalia
Bhutan	Kenya	Sri Lanka
Bolivia	Khmer Republic	Sudan
Botswana	Korea (South)	Surinam
Brazil	Kuwait	Swaziland
Burma	Laos	Syria
Burundi	Lebanon	Tanzania
Cameroon	Lesotho	Thailand
Cape Verde Islands	Liberia	Togo
Central African Republic	Libya	Tonga
Chad	Malagasy Republic	Trinidad and Tobago
Chile	Malawi	Tunisia
Colombia	Malaysia	Uganda
Comoros	Maldives Islands	United Arab Emirates:
Congo, People's Republic of	Mali	Abu Dhabi
Costa Rica	Mauritania	Dubai
Cuba	Mauritius	Ras al Khaimah
Cyprus	Mexico	Fujairah
Dominican Republic	Morocco	Ajman
Ecuador	Mozambique	Sharjah
Egypt, Arab Republic of	Nauru	Ummal Qaiwain
El Salvador	Nepal	Upper Volta
Equatorial Guinea	Nicaragua	Uruguay
Ethiopia	Niger	Venezuela
Fiji	Nigeria	Vietnam
Gabon	Oman	Western Samoa
Gambia	Pakistan	Yemen, People's Democratic Republic of
Ghana	Panama	Yemen Arab Republic
Grenada	Papua New Guinea	Yugoslavia
Guatemala	Paraguay	Zaire
Guinea	Peru	Zambia
Guinea Bissau	Philippines	
Guyana	Qatar	

II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community
or third countries are wholly or partly responsible

Afars and Issas (Territory of the)
Australian Antarctic Territory
Belize
Bermuda
British Antarctic Territory
British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)
British Pacific Ocean ⁽¹⁾
Brunei
Cayman Islands and Dependencies
Christmas Island
Cocos (Keeling) Islands
Corn Islands and Swan Islands
Falkland Islands and Dependencies
French Polynesia
French Southern and Antarctic Territories
Gibraltar
Heard Island and McDonald Islands
Hong Kong
Leeward Islands ⁽²⁾
Macao
Mayotte
Netherlands Antilles
New Caledonia and Dependencies
Norfolk Island
Pacific Islands administered by the United States of America or under United States trusteeship ⁽³⁾
Portuguese Timor
St Helena (including Ascension, Gough Island, and Tristan da Cunha)
Spanish territories in Africa
Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands
and Ross Dependency)
Turks and Caicos Islands
Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)
Wallis and Futuna Islands
Windward Islands ⁽⁴⁾

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

⁽¹⁾ Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

⁽²⁾ Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

⁽³⁾ The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

⁽⁴⁾ Dominica, St Lucia, St Vincent.

COUNCIL REGULATION (EEC) No 524/77

of 14 March 1977

opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore ⁽²⁾, the Community declared its readiness to seek solutions to the problems which may arise in the field of trade with the countries referred to;

Whereas in respect of several Asian countries of the Commonwealth and particularly as regards Malaysia, preserved pineapples are an important export product and the flow of trade in such products is likely to be changed as a result of the enlargement of the Community; whereas the system of generalized tariff preferences may constitute a solution to problems of this nature; whereas certain forms of preserved pineapples should therefore be included in the system of generalized preferences;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff originating in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of

that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions; whereas it appears appropriate, however, in view of the sensitiveness of the preserved fruit and vegetable sector generally and of the need to safeguard the interests of the ACP States in this field, to lay down for preserved pineapples, in slices, half slices or spirals, special conditions consisting in a reduction of the customs duty applicable to that product within the limits of a Community tariff quota;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971; whereas it is expedient to continue to apply them throughout 1977;

Whereas it is expedient, therefore, that the Community should open for 1977 in respect of the said products, originating in the countries and territories listed in the Annex, a Community tariff quota limited to 28 000 tonnes and at a customs duty of 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa);

⁽¹⁾ OJ No C 30, 7. 2. 1977, p. 25.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession⁽¹⁾, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas, for the said products, this scheme would, however, involve the application in the new Member States in 1977 of customs duties higher than or very close to those which will be applied by the new Member States to non-member countries in general on the basis of the provisions of the abovementioned Act; whereas this situation would comply neither with the spirit nor with the very nature of the generalized preference scheme; whereas, in order to maintain an equivalent preferential margin for these products, also, reduced customs duties should be applied to them, in accordance with detailed rules based on the principle of maintaining, in the new Member States, a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Article 1 to this Regulation; whereas, with a view to granting the beneficiary developing countries the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in the abovementioned Article 1 should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them;

Whereas the benefit of this tariff quota should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods⁽²⁾;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quota and the uninterrupted application of the rate laid down for this quota to all imports of the products concerned into all Member States until this quota is used up; whereas having regard to the principles set out above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quota may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas the statistical data available cover only a relatively brief period, and they should be weighted on the basis of the estimates which may be made for the quota year; whereas the percentage of the shares of the quota amount may be drawn up as follows:

Germany	35.1%
Benelux	13.0%
France	1.0%
Italy	2.8%
Denmark	2.7%
Ireland	1.0%
United Kingdom	44.4%

Whereas, without affecting the Community nature of the tariff quota under consideration, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at this transitional stage it appears feasible that such allocation could be made according to the percentage set out in the above table;

Whereas the percentage for the shares of the Member States in the Community tariff quotas, in view of their duration and their amount, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977, a Community tariff quota of 28 000 tonnes shall be opened by the Community for the imports of preserved pineapples in slices, half slices or spirals, falling within the following subheadings of the Common Customs Tariff: ex 20.06 B II a) 5, ex 20.06

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 1.

B II b) 5, ex 20.06 B II c) 1 dd) and ex 20.06 B II c) 2 bb). Within this tariff quota the customs duty shall be suspended at 15%, increased by the levy on sugar where the sugar content exceeds 17% by weight in the case of products falling within subheading ex 20.06 B II a) 5 aa), and 19% by weight in the case of products falling within subheading ex 20.06 B II b) 5 aa).

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duty obtained by multiplying, by a coefficient equal to the margin of preferences existing between the duty of 15% given in paragraph 1 and the Common Customs Tariff duties applicable, the duties obtained by reducing by 80% the difference between the lowest duty applied on 1 January 1972 to the developing countries set out in the Annex and the Common Customs Tariff.

However, the duty of 15% given in the first subparagraph shall be applied when the customs duty resulting from the abovementioned calculation is higher than it.

2. The benefit of this tariff quota shall be reserved for the products originating in the countries and territories listed in the Annex. However, the imports already benefiting from exemption of customs duties under another preferential tariff scheme granted by the Community shall not be charged to this quota.

For the purpose of implementing this Regulation the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

Article 2

The Community tariff quotas mentioned in Article 1 shall be allocated in shares which in respect of each Member State shall be of the amount indicated below:

Germany	9 820 tonnes,
Benelux	3 640 tonnes,
France	280 tonnes,
Italy	780 tonnes,
Denmark	770 tonnes,
Ireland	280 tonnes,
United Kingdom	12 430 tonnes.

Article 3

1. The Member States shall ensure free access to each of the shares which have been allocated to them for importers of the products concerned who are established on their territory.

2. The extent to which the shares of Member States have been used up shall be determined on the basis of imports of the said goods which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

Article 4

Member States shall inform the Commission at monthly intervals of imports of the products in question charged against their shares. This information shall cover both the value expressed in units of account and quantity expressed in tonnes.

Article 5

If the Community should find that the products benefiting under the arrangements provided for in Article 1 are being imported into the Community in quantities or at prices such as to put or be likely to put Community producers of similar or directly competitive products at a serious disadvantage or to create an unfavourable situation in the ACP States, the customs duties applied within the Community may be re-introduced in part or in full for imports of the products in question from the country or countries or territory or territories which are the cause of such disadvantage. Such measures may also be taken in the event of a serious disadvantage, either actual or foreseeable, which is confined to a single region of the Community.

Article 6

1. In order to ensure that Article 5 is applied, the Commission may, by way of a Regulation, re-introduce Common Customs Tariff duties for a fixed period.

2. If the Commission has acted at the request of a Member State, the former shall give its decision within a maximum period of 10 working days from the date of receipt of the request and shall inform the Member State of the action taken.

3. Each Member State may refer the measure taken by the Commission to the Council within a period of 10 working days following the date it was notified. The fact that the matter has been referred to the Council shall not constitute the suspension of the measure. The Council shall meet without delay. Acting on a qualified majority, it may amend or repeal the measure in question.

Article 7

The provisions of Articles 5 and 6 shall not prejudice the application of the safeguard clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty or those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

Article 8

1. Council Regulation (EEC) No 3029/76 of 13 December 1976 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries⁽¹⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 9

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 349, 20. 12. 1976, p. 158.

ANNEX

List of developing countries and territories enjoying generalized tariff preferences

I. INDEPENDENT COUNTRIES

Afghanistan	Guyana	Philippines
Algeria	Haiti	Qatar
Angola	Honduras	Romania
Argentina	India	Rwanda
Bahamas	Indonesia	Sao Tome and Principe
Bahrain	Iran	Saudi Arabia
Bangladesh	Iraq	Senegal
Barbados	Ivory Coast	Seychelles
Bénin	Jamaica	Sierra Leone
Bhutan	Jordan	Singapore
Bolivia	Kenya	Somalia
Botswana	Khmer Republic	Sri Lanka
Brazil	Korea (South)	Sudan
Burma	Kuwait	Surinam
Burundi	Laos	Swaziland
Cameroon	Lebanon	Syria
Cape Verde Islands	Lesotho	Tanzania
Central African Republic	Liberia	Thailand
Chad	Libya	Togo
Chile	Malagasy Republic	Tonga
Colombia	Malawi	Trinidad and Tobago
Comoros	Malaysia	Tunisia
Congo, People's Republic of	Maldives Islands	Uganda
Costa Rica	Mali	United Arab Emirates:
Cuba	Mauritania	Abu Dhabi
Cyprus	Mauritius	Dubai
Dominican Republic	Mexico	Ras al Khaimah
Ecuador	Morocco	Fujairah
Egypt, Arab Republic of	Mozambique	Ajman
El Salvador	Nauru	Sharjah
Equatorial Guinea	Nepal	Ummal Qaiwain
Ethiopia	Nicaragua	Upper Volta
Fiji	Niger	Uruguay
Gabon	Nigeria	Venezuela
Gambia	Oman	Vietnam
Ghana	Pakistan	Western Samoa
Grenada	Panama	Yemen, People's Democratic Republic of
Guatemala	Papua New Guinea	Yemen Arab Republic
Guinea	Paraguay	Yugoslavia
Guinea Bissau	Peru	Zaire
		Zambia

II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community
or third countries are wholly or partly responsible

Afars and Issas (Territory of the)
Australian Antarctic Territory
Belize
Bermuda
British Antarctic Territory
British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)
British Pacific Ocean ⁽¹⁾
Brunei
Cayman Islands and Dependencies
Christmas Island
Cocos (Keeling) Islands
Corn Islands and Swan Islands
Falkland Islands and Dependencies
French Polynesia
French Southern and Antarctic Territories
Gibraltar
Heard Island and McDonald Islands
Hong Kong
Leeward Islands ⁽²⁾
Macao
Mayotte
Netherlands Antilles
New Caledonia and Dependencies
Norfolk Island
Pacific Islands administered by the United States of America or under United States trusteeship ⁽³⁾
Portuguese Timor
St Helena (including Ascension, Gough Island, and Tristan da Cunha)
Spanish territories in Africa
Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands
and Ross Dependency)
Turks and Caicos Islands
Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)
Wallis and Futuna Islands
Windward Islands ⁽⁴⁾

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

⁽¹⁾ Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

⁽²⁾ Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

⁽³⁾ The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

⁽⁴⁾ Dominica, St Lucia, St Vincent.

COUNCIL REGULATION (EEC) No 525/77
of 14 March 1977
establishing a system of production aid for tinned pineapple

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Article 3

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 227 thereof,

Production aid shall be paid only to processors who undertake to pay pineapple producers at least the minimum price fixed in accordance with Article 4.

Having regard to the proposal from the Commission,

Article 4

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, because of the special conditions affecting the Community market in tinned pineapple, and in particular because of the need for the industry to maintain prices that are competitive in relation to the prices fixed by the main producing third countries, a system of production aid should be established so that tinned pineapple may be produced at a lower price than that which would result if the producers of fresh pineapples were paid a remunerative price;

1. The amount of the production aid shall be such as to offset the difference between the Community offer price for tinned pineapples and the prices charged by third country supplier countries of these products.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the following every year in time for the start of the marketing year:

- (a) the amount of the aid;
- (b) the minimum price level referred to in Article 3.

Whereas, because of the importance of pineapple production to the economy of the French overseas departments, the provisions concerning the Guarantee Section of the European Agricultural Guidance and Guarantee Fund should be applied in respect of those departments,

Article 5

HAS ADOPTED THIS REGULATION:

The marketing year for tinned pineapples shall begin each year on 1 June and end the following year on 31 May.

Article 1

A system of production aid shall be established for tinned pineapple falling within subheading 20.06 B of the Common Customs Tariff and processed from fresh pineapples harvested in the Community.

Article 6

Article 2

Production aid shall be granted by the Member State on whose territory the production of tinned pineapple takes place.

Production aids shall be paid to processors upon application by them and upon their furnishing proof:

- that they have produced the quantity of tinned pineapple indicated in their application,
- that the pineapples used in the production of the tinned pineapple originated in the Community,
- that they have fulfilled the undertaking referred to in Article 3.

⁽¹⁾ OJ No C 30, 7. 2. 1977, p. 25.

Article 7

Detailed rules for implementing this Regulation shall be adopted in accordance with the procedure provided for in Article 20 of Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾.

Article 8

As far as the Guarantee Section of the European Agricultural Guidance and Guarantee Fund is concerned, Article 40 (4) of the Treaty and the provisions adopted pursuant thereto, shall apply to the French overseas departments in respect of tinned pineapple.

Article 9

1. Council Regulation (EEC) No 1929/75 of 22 July 1975 establishing a system of production aid for tinned pineapple ⁽²⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 10

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 198, 29. 7. 1975, p. 13.

COUNCIL REGULATION (EEC) No 526/77

of 14 March 1977

fixing, for the 1976/77 marketing year, the production aid for tinned pineapple and the minimum price to be paid to pineapple producers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 525/77 of 14 March 1977 establishing a system of production aid for tinned pineapple ⁽¹⁾, and in particular Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 of Regulation (EEC) No 525/77 establishes a system of production aid for tinned pineapple processed from pineapples harvested in the Community; whereas the object of such aid is to offset the difference between the Community offer price and the prices charged by third countries for tinned pineapple;

Whereas, under Article 3 of the said Regulation, the granting of such aid is subject to the payment to producers of fresh pineapples of at least a minimum price; whereas that price must be fixed so as to ensure a fair remuneration to the producers concerned,

Article 1

For the 1976/77 marketing year, the production aid for tinned pineapple referred to in Article 1 of Regulation (EEC) No 525/77 shall be 30 units of account per 100 kilograms, including immediate packaging.

Article 2

For the said marketing year, the minimum price referred to in Article 3 of Regulation (EEC) No 525/77 shall be 15.25 units of account per 100 kilograms.

Article 3

1. Council Regulation (EEC) No 1492/76 of 22 June 1976 fixing, for the 1976/77 marketing year, the production aid for tinned pineapple and the minimum price to be paid to pineapple producers ⁽²⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ See page 46 of this Official Journal.

⁽²⁾ OJ No L 167, 26. 6. 1976, p. 18.

COUNCIL REGULATION (EEC) No 527/77

of 14 March 1977

laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables following the accession of new Member States to the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

deflection of trade which might be caused by any difference in the level thereof,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community ⁽¹⁾, signed at Brussels on 22 January 1972, and in particular Article 62 (1) of the Act annexed thereto,

Article 1

Having regard to the proposal from the Commission,

The compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables in trade between the Community as originally constituted and the new Member States, between the new Member States themselves and between those States and third countries, shall be calculated as follows:

Whereas Articles 51 and 52 of the Act provide for the fixing, in the new Member States, of prices in accordance with specific criteria which may result in price levels differing from the common prices; whereas pursuant to Article 55 of the Act such differences in price levels are compensated by a system of compensatory amounts;

1. The compensatory amounts on imports of the products to which a levy is applicable pursuant to Article 2 of Regulation (EEC) No 516/77 shall be ascertained by multiplying the compensatory amount for one kilogram of white sugar by the figure given for the product in question in column 1 of Annex I to Regulation (EEC) No 516/77. Article 2 (6) *et seq.* of that Regulation shall also apply.

Whereas Article 94 of the Act provides that the compensatory amounts for products processed from fruit and vegetables, to which Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽²⁾, applies shall be determined on the basis of the compensatory amounts for sugar, glucose or glucose syrup as the case may be, and in accordance with the rules applicable for calculating the levy, in respect of the compensatory amount applicable to imports, and the refund, in respect of the compensatory amount applicable to exports;

2. The compensatory amounts on exports of the products to which a levy is applicable pursuant to Article 5 of Regulation (EEC) No 516/77 shall be ascertained:

- (a) for raw sugar and white sugar, by multiplying the compensatory amount for one kilogram of white sugar by a figure expressing the quantity of sucrose entering into 100 kilograms net of the finished product;
- (b) for glucose and glucose syrup, multiplying the compensatory amount for one kilogram of glucose or glucose syrup by a figure expressing the quantity of glucose or glucose syrup entering into 100 kilograms of the finished product.

Whereas the detailed rules for levying and granting the compensatory amounts should be such as to avoid

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ See page 1 of this Official Journal.

Article 2

1. The compensatory amounts specified in Article 1 (1) and (2) (a) shall be levied on imports and granted on exports in trade between:

- (a) — the Community as originally constituted and Denmark, on the one hand, and
 - Ireland and the United Kingdom, on the other;
- (b) — Ireland, and
 - the United Kingdom,

by the Member States referred to in the first indents of (a) and (b).

2. The levies and refunds shall, in trade between Ireland and third countries, and between the United Kingdom and third countries, be reduced by the compensatory amounts specified in paragraph 1.

Article 3

1. The compensatory amount specified in Article 1 (2) (b) shall, in trade between the new Member States and between those States and the Communities as originally constituted be granted by the Community as originally constituted and Denmark on exports to Ireland and the United Kingdom.

2. The refund on exports from Ireland and the United Kingdom to third countries shall be reduced by the compensatory amount specified above.

Article 4

The applicable compensatory amount shall be that in force on the day of importation or exportation.

Article 5

Detailed rules for the granting, levying and recovery of compensatory amounts shall be such as to avoid, in particular, deflection of trade and shall be adopted in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

Detailed rules for the application of this Regulation shall be adopted by the same procedure.

Article 6

1. Council Regulation (EEC) No 185/73 of 23 January 1973 laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables following the accession of new Member States to the Community ⁽¹⁾, as amended by Regulation (EEC) No 1330/73 ⁽²⁾, is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 7

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

⁽¹⁾ OJ No L 25, 30. 1. 1973, p. 19.

⁽²⁾ OJ No L 136, 23. 5. 1973, p. 3.