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## I

*(Acts whose publication is obligatory)*

## COUNCIL REGULATION (EEC) No 1177/77

of 17 May 1977

on the conclusion of the Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Agreement between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit <sup>(1)</sup>, signed on 23 November 1972, and the Agreement between the European Economic Community and the Republic of Austria on the same subject <sup>(2)</sup>, signed on 30 November 1972, are designed to simplify the customs formalities to be completed at the frontiers in respect of goods traffic through both the territory of the Community and that of Switzerland or of Austria;

Whereas this objective is not achieved where goods are carried through both Community territory and that of Switzerland and of Austria, since each of the abovementioned Agreements is strictly bilateral;

Whereas it would be in the interest of all the Contracting Parties to these two Agreements to extend the application of the latter to the goods traffic in question,

*Article 1*

The Agreement between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

*Article 2*

The President of the Council shall give the notification provided for in Article 5 of the Agreement <sup>(3)</sup>.

*Article 3*

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

<sup>(1)</sup> OJ No L 294, 19. 12. 1972, p 1.

<sup>(2)</sup> OJ No L 294, 19. 12. 1972, p. 86.

<sup>(3)</sup> The General Secretariat of the Council shall arrange for publication in the *Official Journal of the European Communities* of the date on which the Agreement enters into force.

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

Done at Brussels, 17 May 1977.

*For the Council*

*The President*

J. SILKIN

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## AGREEMENT

**between the European Economic Community, the Swiss Confederation and the Republic of Austria on the extension of the application of the rules on Community transit**

THE EUROPEAN ECONOMIC COMMUNITY,

THE SWISS CONFEDERATION and

THE REPUBLIC OF AUSTRIA

DESIRING to simplify the customs formalities to be completed at the time of crossing frontiers in respect of goods traffic through both Swiss territory and Austrian territory,

CONSIDERING that the scope of the provisions of the Transit Agreement concluded between the European Economic Community, of the one part, and the Swiss Confederation and the Republic of Austria, of the other part, should therefore be extended to cover such traffic,

HAVE AGREED AS FOLLOWS:

### *Article 1*

For the purpose of this Agreement:

- (a) the 'EEC-Switzerland Transit Agreement' means the Agreement signed on 23 November 1972, including current or future amendments thereto, between the European Economic Community and the Swiss Confederation on the application of the rules on Community transit;
- (b) the 'EEC-Austria Transit Agreement' means the Agreement signed on 30 November 1972, including current or future amendments thereto, between the European Economic Community and the Republic of Austria on the application of the rules on Community transit;
- (c) the 'Community' means the European Economic Community;
- (d) a 'Member State' means a Member State of the Community.

### *Article 2*

The application of the provisions of the EEC-Switzerland and of the EEC-Austria Transit Agreements shall be extended to the movement of goods between two points situated in the Community via both Swiss territory and Austrian territory.

These provisions may also apply to any other carriage of goods within both Swiss territory and Austrian territory.

### *Article 3*

1. Within the limits of Article 2 of the present Agreement and without prejudice to Article 13 (1) of the EEC-Switzerland and EEC-Austria Transit Agreements:

- the Swiss Confederation shall, in relation to the Republic of Austria, have the same rights and obligations as a Member State,
- the Republic of Austria shall, in relation to the Swiss Confederation, have the same rights and obligations as a Member State.

2. For the purposes of implementing the present Agreement, guarantees drawn up in accordance with the specimens annexed to the EEC-Switzerland and EEC-Austria Transit Agreements must be completed accordingly.

3. The following provisions which do not appear in the EEC-Austria Transit Agreement shall also apply in dealings between the Swiss Confederation and the Republic of Austria:

- (a) Where, in application of Article 4 (1) and (2) of the EEC-Switzerland and EEC-Austria Transit Agreements, criminal proceedings prove necessary, these shall be carried out in each State in accordance with the provisions of national law on prosecutions for customs offences.

- (b) The customs authorities of the Swiss Confederation and of the Republic of Austria shall, in the circumstances covered by Article 4 of the EEC-Switzerland and EEC-Austria Transit Agreements, furnish any information at their disposal, where necessary following investigation carried out at the request of the customs authority of the Republic of Austria or of the Swiss Confederation, relating to the goods themselves or to persons convicted or suspected of having infringed provisions of the Community transit rules.

However, in view of the provisions of national law which guarantee the protection of industrial, commercial or professional secrecy, the administrative assistance referred to in the said Article 4 may, in respect of persons neither convicted nor suspected of having infringed the provisions of the Community transit rules, be limited to such information as does not prejudice this protection.

- (c) Internal Community transit documents shall not be issued in respect of goods reconsigned from Switzerland after storage in a private warehouse within the meaning of the Swiss Federal customs law.

#### *Article 4*

This Agreement shall apply to the Principality of Liechtenstein for as long as that Principality remains bound to the Swiss Confederation by a customs union treaty.

#### *Article 5*

This Agreement shall enter into force on the first day of the second month following that in which the Contracting Parties notify each other of the completion of the procedures necessary to that end.

#### *Article 6*

This Agreement may be denounced by any of the Contracting Parties, subject, to six months' notice.

#### *Article 7*

This Agreement is drawn up in three copies in the Danish, Dutch, English, French, German and Italian languages, all six texts being equally authentic.

## COUNCIL REGULATION (EEC) No 1178/77

of 17 May 1977

further extending the period of validity of Regulations (EEC) No 1509/76 and (EEC) No 1522/76 on imports into the Community of prepared and preserved sardines originating in Tunisia and Morocco respectively

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 <sup>(1)</sup>,

Whereas Council Regulations (EEC) No 1509/76 of 24 June 1976 on imports into the Community of prepared and preserved sardines originating in Tunisia <sup>(2)</sup> and (EEC) No 1522/76 of 24 June 1976 on imports into the Community of prepared and preserved sardines originating in Morocco <sup>(3)</sup>, the period of validity of which was extended by Regulation (EEC) No 126/77 <sup>(4)</sup>, provided for transitional arrangements for the said imports to apply until 30 June 1977 at the latest;

Whereas the conditions which gave rise to these transitional arrangements still exist;

Whereas the present arrangements for these products should therefore be temporarily extended,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2 (1) of Regulation (EEC) No 1509/76 and Article 2(1) of Regulation (EEC) No 1522/76, the date '30 June 1977' is hereby replaced by '31 December 1977'.

*Article 2*

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

It shall apply from 1 July 1977.

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

Done at Brussels, 17 May 1977.

*For the Council*

*The President*

J. SILKIN

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<sup>(1)</sup> OJ No C 118, 16. 5. 1977, p. 67.

<sup>(2)</sup> OJ No L 169, 28. 6. 1976, p. 11.

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 45.

<sup>(4)</sup> OJ No L 21, 25. 1. 1977, p. 23.

## COUNCIL REGULATION (EEC) No 1179/77

of 17 May 1977

on the opening, allocation and administration of a Community tariff quota for processing work  
in respect of certain textile products under Community outward processing arrangements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas on 1 August 1969 the Community concluded an arrangement with Switzerland on processing traffic in textiles; whereas under that arrangement the Community undertook to open on 1 September of every year an annual duty-free Community tariff quota for processed goods of 1 870 000 units of account of added value, apportioned as follows:

- (a) 1 650 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 143 000 units of account for the twisting or throwing, cabling and texturizing (whether or not combined with other processing works) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 77 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

Whereas, in order that the division of the whole quota into the three categories referred to above shall correspond more exactly with the actual movement of trade during the reference year or during previous quota periods as well as with the foreseeable movement of trade during future quota periods, it has been decided to adjust the said allocation between the three categories by giving them 1 520 000, 123 000 and 227 000 units of account respectively; whereas the Community tariff quota in question should be opened for the period 1 September 1977 to 31 August 1978 according to the provisions laid down in the arrangement specified above, and in amendments to it;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned with this quota and consistent application of the rate of duty prescribed for the said quota until the quota is exhausted, to all goods re-imported into any of the Member States and which have received one or other of the treatments listed above; whereas in the light of these principles arrangements for the utilization of the quota based on an allocation among the Member States would seem to be consistent with the Community character of the said quota; whereas, it therefore seems appropriate to make the allocation on the basis of the amount of the traffic under the previous bilateral agreements, but without precluding participation by Member States not previously involved in such traffic, among which the new Member States are included; whereas, to safeguard the Community character of the quota, provision should be made to meet requirements which may arise in those Member States in the future permitting them to draw adequate amounts from the Community reserve;

Whereas to take account of future trends in the traffic in question in the various Member States, the total quota volume of 1 870 000 units of account should be divided into two tranches, the first being allocated among certain Member States and the second held as a reserve to cover the subsequent requirements of Member States when one of their initial shares has been exhausted and also, requirements which may arise in certain Member States in respect of processing work for which no initial share of the quota was allocated; whereas in order to give the parties concerned in each Member State some degree of certainty it would seem appropriate to fix the first tranche of the Community quota at a relatively high level, namely 1 640 000 units of account; whereas the total Community reserve of 230 000 units of account shall consist of amounts drawn from the allocations in respect of each category, that is 160 000, 13 000 and 57 000 units of account respectively;

Whereas the Member States may exhaust their initial shares 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 one of its initial

shares should draw an additional share from the reserve; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on, as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to keep account of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if at a given date during the quota period a considerable quantity of a Member State's initial share remains unused it is essential, to prevent a part of the quota from remaining unused in one Member State while it could be used in others, that such State should return a significant proportion thereof to the reserve;

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

HAS ADOPTED THIS REGULATION:

### Article 1

1. As from 1 September 1977 and until 31 August 1978, a Community tariff quota of 1 870 000 units of account of value added shall be opened in the European Economic Community in respect of goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles. Such quota shall be apportioned as follows:

- (a) 1 520 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 123 000 units of account for twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 227 000 units of account for processing work on articles falling within the following headings of the Common Customs Tariff:

58.04 Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05);

58.05 Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06;

58.07 Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like;

58.08 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain;

58.09 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs;

60.01 Knitted or crocheted fabric, not elastic or rubberized.

### 2. For the purposes of this Regulation:

(a) 'processing work' means:

- for the purposes of paragraph 1 (a) and (c): bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,
- for the purposes of paragraph 1 (b): twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature;

(b) 'value added' means the difference between the value for customs purposes as defined in Regulation (EEC) No 803/68 <sup>(1)</sup> at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

3. Each portion as laid down in paragraph 1 shall be divided into two tranches, the first being allocated among certain Member States in accordance with Article 2 (1) and the second being used to constitute a reserve which shall be common to the three categories of processing.

4. Within this tariff quota, the Common Customs Tariff duties shall be totally suspended.

5. Re-imports of products resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

*Article 2*

1. The first tranche of each portion of the quota as laid down in Article 1 (1) shall be allocated as set out below among the Member States listed in the above arrangement; the shares, subject to Article 6, shall be valid from 1 September 1977 to 31 August 1978.

(a) Germany:

1 080 000 units of account, apportioned as follows:

- 850 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff,
- 100 000 units of account for twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff,
- 130 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(b) France:

520 000 units of account, apportioned as follows:

- 500 000 units of account for processing work on fabrics falling within Chapters 50 to 57 of the Common Customs Tariff,
- 20 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(c) Italy:

20 000 units of account, i.e. half for twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff, and half for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(d) Benelux:

20 000 units of account for processing work on threads and woven fabrics falling within Chapters 50 to 57 or for products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff.

2. The second tranche which amounts to 230 000 units of account shall constitute a Community reserve which may be used for the three categories of processing.

*Article 3*

In case of need, either in France in respect of the processing work referred to in Article 1 (1) (b), or in any of the new Member States in respect of any of the categories of processing work, the State concerned shall, to the extent that the reserve so permits, draw from such reserve a sufficient share of the quota.

*Article 4*

1. If a Member State has used 90% or more of one of its initial shares as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the relevant reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting one of its initial shares, has used 90% or more of the second share drawn by it, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 5% of its initial share.

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, in accordance with the same condition, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is exhausted.

4. Notwithstanding paragraphs 1 to 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.

*Article 5*

Additional shares drawn pursuant to Article 4 shall be valid until 31 August 1978.

*Article 6*

The Member States referred to in Article 2 shall, not later than 1 July 1978, return to the reserve the unused portion of their initial share which, on 15 June 1978, is in excess of 20% of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 July 1978, notify the Commission of the total quantities of the product in question re-imported up to and including 15 June 1978 and charged against the Community quota and of any portion of their initial quotas returned to the reserve.

#### *Article 7*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 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 5 July 1978, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting this 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.

#### *Article 8*

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that re-importation may be

charged without interruption against their accumulated shares of the quota.

2. Every Member State shall administer its shares by a system of prior allocation. It shall ensure that all persons established in its territory involved in the processing traffic have free access to the shares allocated to it.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the value added, as established when upon re-importation the products concerned are entered with the customs authorities for home use.

#### *Article 9*

At the request of the Commission, the Member States shall inform it of re-importations charged against their shares.

#### *Article 10*

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

#### *Article 11*

This Regulation shall enter into force on 1 September 1977.

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

Done at Brussels, 17 May 1977.

*For the Council*

*The President*

J. SILKIN

## COUNCIL REGULATION (EEC) No 1180/77

of 17 May 1977

on imports into the Community of certain agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas, in Decision No 1/77, the EEC-Turkey Association Council, pursuant to Article 35 (3) of the Additional Protocol, as amended by Article 10 of the Interim Agreement signed on 30 June 1973, established the arrangements to be applied to imports into the Community of certain agricultural products originating in Turkey;

Whereas the implementation of that Decision involves the adaptation of Community Regulations;

Whereas the provisions regarding imports into the Community of certain agricultural products originating in Turkey have been amended on a number of occasions following Association Council Decisions; whereas the texts in question, since they are to be found in various Official Journals, are difficult to use and therefore lack the necessary clarity which any Regulation must have; whereas it is therefore necessary to consolidate them;

Whereas, moreover, in order to bring together in a single Regulation all the provisions regarding imports into the Community of agricultural products originating in Turkey, it is desirable to incorporate in this Regulation the provisions laid down by Council Acts in implementation of the provisions of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey;

Whereas Article 4 of Annex 6 to the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey provides for

a tariff reduction for imports into the Community of fresh lemons originating in Turkey; whereas, during the period of application of the reference prices this reduction is subject to the observance of a given price on the internal market of the Community; whereas the implementation of these arrangements requires the adoption of detailed rules for their application;

Whereas the proposed arrangements must be included in the common organization of the market in fruit and vegetables; whereas it is therefore necessary to take account of the provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(2)</sup>, as last amended by Regulation (EEC) No 795/76 <sup>(3)</sup>, and of those adopted pursuant to that Regulation;

Whereas Article 12 of Annex 6 to the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey stipulates that the levy on imports of durum wheat and canary seed produced in Turkey and transported direct from that country into the Community shall be the levy calculated in accordance with Article 13 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(4)</sup>, as last amended by Regulation (EEC) No 3138/76 <sup>(5)</sup>, less 0.5 unit of account per tonne;

Whereas Article 13 of the abovementioned Annex stipulates that, on condition that Turkey applies a special charge on exports of rye into the Community, the levy on imports into the Community of that product, calculated in accordance with Article 13 of Regulation (EEC) No 2727/75, shall be reduced by an amount equal to that of the charge paid up to a maximum of eight units of account per tonne;

Whereas it is necessary to stipulate, in accordance with the Additional Protocol, that the special charge referred to above shall be reflected in the price of rye imported into

<sup>(1)</sup> OJ No C 118, 16. 5. 1977, p. 68.

<sup>(2)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(3)</sup> OJ No L 93, 8. 4. 1976, p. 6.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(5)</sup> OJ No L 354, 24. 12. 1976, p. 1.

the Community; whereas, in order to ensure that the arrangements in question are properly implemented, it is necessary to adopt the necessary measures so that, on importing rye, the importer supplies proof that the special export charge has been paid by the exporter,

Customs Tariff and of fresh mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids falling within subheading 08.02 ex B of the Common Customs Tariff.

#### Article 2

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The customs duties applicable to imports into the Community of products listed in Annex I and originating in Turkey shall be reduced to the extent indicated for each of them.

2. Until 31 December 1977 and by way of derogation from paragraph 1, Denmark, Ireland and the United Kingdom shall be authorized to apply duties not lower than those listed in Annex II to imports of fresh oranges falling within subheading 08.02 ex A of the Common

The fixed component of the duty charged on importation into the Community of the products listed in Annex III originating in Turkey shall be reduced to the extent indicated for each of them.

#### Article 3

For the products listed below originating in Turkey the customs duties on imports into the Community shall be reduced to the extent indicated for each of them, provided that the reference prices fixed or to be fixed pursuant to Article 19 of Regulation (EEC) No 100/76 <sup>(1)</sup> are observed.

| CCT heading No | Description                                                                    | Rate of reduction % |
|----------------|--------------------------------------------------------------------------------|---------------------|
| 03.01          | Fish, fresh (live or dead), chilled or frozen:                                 |                     |
|                | B. Saltwater fish:                                                             |                     |
|                | I. Whole, headless or in pieces:                                               |                     |
|                | e) Sharks                                                                      | 80                  |
|                | f) Redfish ( <i>Sebastes marinus</i> )                                         | 80                  |
|                | g) Halibut ( <i>Hippoglossus vulgaris</i> , <i>Hippoglossus reinhardtius</i> ) | 80                  |
|                | h) Cod ( <i>Gadus morrhua</i> or <i>Gadus callarias</i> )                      | 80                  |
|                | ij) Coalfish ( <i>Pollachius virens</i> or <i>Gadus virens</i> )               | 80                  |
|                | k) Haddock                                                                     | 80                  |
|                | l) Whiting ( <i>Merlangus merlangus</i> )                                      | 80                  |
|                | m) Mackerel                                                                    | 80                  |
|                | o) Plaice                                                                      | 80                  |
|                | p) Sea-bream of the species <i>Dentex dentex</i> and <i>Pagellus</i>           | 80                  |
|                | q) Other                                                                       | 80                  |

#### Article 4

1. For fresh lemons of subheading 08.02 ex C of the Common Customs Tariff, the tariff reduction provided for in Article 4 (3) of Annex 6 to the Additional Protocol shall be applicable where the quotations recorded on the representative Community markets at the importer/wholesaler stage, or converted to this stage, remain, for the product in question, at least as high as the price defined in paragraph 4.

The quotations referred to in the first subparagraph shall be taken into consideration after customs clearance and deduction of import charges other than customs duties, the charges being those stipulated for the calculation of the entry price referred to in Regulation (EEC) No 1035/72.

<sup>(1)</sup> OJ No L 20, 28. 1. 1976, p. 1.

The product in question shall, where appropriate, be converted to Quality Class I pursuant to the third indent of the second subparagraph of Article 24 (2) of Regulation (EEC) No 1035/72.

2. With respect to the deduction of the import charges other than customs duties which are referred to in the third indent of paragraph 3 of Article 24 of Regulation (EEC) No 1035/72, in so far as the prices disclosed to the Commission by Member States include the incidence of such charges, the sum to be deducted shall be calculated by the Commission so as to avoid difficulties which may result from the incidence of such charges on entry prices being dependent on the origin of the products concerned. In such cases an average amount corresponding to the arithmetic mean between the lowest and highest incidence of such taxes shall be taken into account in this calculation.

3. The representative markets for the purposes of paragraph 1 are the Community markets used for recording quotations on the basis of which the entry prices referred to in Regulation (EEC) No 1035/72 are calculated.

4. The price referred to in paragraph 1 shall be equal to the reference price in force during the period in question, plus the incidence on this price of the customs duties applicable to imports coming from non-member countries and a standard amount of 1.20 units of account per 100 kilograms.

5. Where the quotations referred to in paragraph 1, after customs clearance and deduction of import charges other than customs duties, remain, on the representative markets of the Community with the lowest quotations, lower than the price defined in paragraph 4 on three consecutive market days, the customs duties in force in respect of non-member countries on the date of import shall be applied to the product concerned.

These arrangements shall apply until the said quotations remain, on the representative markets of the Community with the lowest quotations, at least as high as the price defined in paragraph 4 on three consecutive market days.

6. The Commission, on the basis of the quotations recorded on the representative markets of the Community disclosed by the Member States, shall follow regularly the movement of prices and shall ascertain the levels referred to in paragraph 5.

The measures required shall be adopted in accordance with the procedure laid down in Regulation (EEC) No 1035/72 with regard to the application of countervailing duties on fruit and vegetables.

7. Articles 23 to 28 of Regulation (EEC) No 1035/72 shall continue to apply.

#### Article 5

1. The following products, originating in Turkey, shall be allowed into the Community at a 2.5% *ad valorem* customs duty within the limit of an annual tariff quota of 25 000 tonnes.

| CCT heading No | Description                                                                                                                |
|----------------|----------------------------------------------------------------------------------------------------------------------------|
| 08.05          | Nuts, other than those falling within heading No 08.01, fresh or dried, shelled or not:<br><br>ex G. Other:<br>— Hazelnuts |

2. Should paragraph 1 not apply to a full calendar year the quota shall be opened on a *pro rata* basis.

#### Article 6

The levies applied to Community imports of durum wheat and canary seed, produced in Turkey and transported direct from there to the Community, which fall within subheadings 10.01 B and 10.07 ex D of the Common Customs Tariff respectively, shall be those calculated in accordance with Article 13 of Regulation (EEC) No 2727/75, each minus 0.50 unit of account per tonne.

#### Article 7

1. The levy on imports of rye falling within heading No 10.02 of the Common Customs Tariff which is produced in Turkey and transported direct from there to the Community, shall be that calculated in accordance with Article 13 of Regulation (EEC) No 2727/75 minus an amount equal to the special export charge levied by Turkey on exports to the Community of the said product but not exceeding eight units of account per tonne.

2. The provisions of paragraph 1 shall apply to all imports in respect of which the importer supplies proof of payment by the exporter of the special export charge, up to an amount exceeding neither the levy fixed in accordance with Article 13 of Regulation (EEC) No 2727/75 on imports of rye into the Community nor eight units of account per tonne.

#### Article 8

The fixed component charged on importation into the Community of products listed below originating in Turkey shall be reduced by 50%.

| CCT heading No | Description                                                                         |
|----------------|-------------------------------------------------------------------------------------|
| 11.07          | A. Malt, roasted or not:<br>II. Other:<br>a) In the form of flour<br><br>B. Roasted |

#### Article 9

1. Where Turkey applies the special charge on exports of olive oil, other than refined olive oil falling within subheading 15.07 A II of the Common Customs Tariff, obtained entirely in Turkey and transported direct from that country to the Community, the levy on imports into the Community of that oil shall, according to the case, be the levy referred to in Article 13 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 1707/73 <sup>(2)</sup>, or that resulting from application of the tendering procedure provided for in Regulation (EEC) No 2843/76 <sup>(3)</sup>, less:

- (a) 0.50 unit of account per 100 kilograms;
- (b) an amount equal to the special export charge imposed by Turkey on such oil within a limit of nine units of account per 100 kilograms, that amount being increased, until 31 October 1977, by nine units of account per 100 kilograms.

2. The arrangements set out in paragraph 1 shall be applied to all imports of olive oil for which the importer supplies proof upon importation that the special export charge referred to in the said paragraph has been reflected in the import price.

3. Where Turkey does not apply the special export charge, the levy imposed on imports into the Community of the oil as defined in paragraph 1, shall, according to the case, be the levy referred to in Article 13 of Regulation No 136/66/EEC or that resulting from application of the tendering procedure provided for in Regulation (EEC) No 2843/76, less 0.50 unit of account per 100 kilograms.

#### Article 10

1. Without prejudice to the collection of the variable component, the fixed component of the levy shall be re-

duced by 80% on imports into the Community of olive oil having undergone a refining process, falling within subheading 15.07 A I of the Common Customs Tariff, wholly obtained in Turkey and transported direct from that country to the Community.

2. The levy referred to in paragraph 1 shall be fixed by the Commission.

#### Article 11

1. For prepared and preserved sardines falling within subheading 16.04 D of the Common Customs Tariff and originating in Turkey the customs duty on imports into the Community shall be reduced by 40% subject to observance of the minimum prices fixed in accordance with the following paragraphs.

2. Until 30 June 1978 the minimum prices referred to in paragraph 1 shall be those specified in Annex IV. The prices for the period beginning 1 July 1978 shall not be lower than those specified in the said Annex, as updated by exchange of letters between the Contracting Parties in order to take account of the trend of costs for the products in question.

3. From 1 July 1979 the minimum prices referred to in paragraph 1 shall be agreed by annual exchanges of letters between the Contracting Parties.

4. The reduction of the customs duty referred to in paragraph 1 shall apply only from the date and for the periods determined by exchanges of letters laying down the technical rules for applying this Article.

#### Article 12

1. For the products listed below originating in Turkey the customs duty on imports into the Community shall be reduced as follows, subject to the terms agreed by exchange of letters being observed.

| CCT heading No | Description                                                                                                            | Rate of reduction % |
|----------------|------------------------------------------------------------------------------------------------------------------------|---------------------|
| 20.02          | Vegetables prepared or preserved otherwise than by vinegar or acetic acid:<br>ex C. Tomatoes:<br>— Tomato concentrates | 30                  |

2. The tariff reduction referred to in paragraph 1 applies only from the date and for the periods determined by ex-

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 175, 29. 6. 1973, p. 5.

<sup>(3)</sup> OJ No L 327, 26. 11. 1976, p. 4.

changes of letters to be concluded each year between the Contracting Parties in order to fix the terms and detailed rules.

#### Article 13

For the products listed below originating in Turkey the customs duty on imports into the Community shall be reduced by 30% within the limit of an annual Community tariff quota of 90 tonnes.

| CCT heading No | Description                                                                                                                                                                                                                                                                                        |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20.06          | Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:<br><br>B. Other:<br><br>II. Not containing added spirit:<br><br>c) Not containing added sugar, in immediate packings of a net capacity:<br><br>1. Of 4.5 kg or more:<br>ex aa) Apricots:<br>— Apricot pulp |

#### Article 14

Where necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No

2727/75 or, according to the case, in the corresponding Articles in other Regulations on the common organization of agricultural markets.

#### Article 15

1. The following are repealed:

- Council Regulation (EEC) No 1233/71 of 7 June 1971 on imports of citrus fruit originating in Turkey <sup>(1)</sup>;
- Council Regulation (EEC) No 1235/71 of 7 June 1971 on imports of olive oil from Turkey <sup>(2)</sup>;
- Council Regulation (EEC) No 2754/75 of 29 October 1975 on imports of certain cereals from Turkey <sup>(3)</sup>;
- Council Regulation (EEC) 2755/75 of 29 October 1975 on the importation into the Community of certain agricultural products originating in Turkey <sup>(4)</sup>;
- Council Regulation (EEC) No 113/76 of 19 January 1976 on imports into the Community of fishery products originating in Turkey <sup>(5)</sup>.

2. References to the Regulations repealed under paragraph 1 shall be understood as applying to this Regulation.

Citations and references relating to the Articles of the said Regulations are to be read in accordance with the table of equivalence given in Annex V.

#### Article 16

This Regulation shall enter into force on 1 July 1977.

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

Done at Brussels, 17 May 1977.

For the Council

The President

J. SILKIN

<sup>(1)</sup> OJ No L 130, 16. 6. 1971, p. 51.

<sup>(2)</sup> OJ No L 130, 16. 6. 1971, p. 55.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 95.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 97.

<sup>(5)</sup> OJ No L 20, 28. 1. 1976, p. 55.

## ANNEX I

| CCT heading No | Description                                                                                                                                                                                                                                                                                                                                | Rate of reduction %                                    |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 01.01          | Live horses, asses, mules and hinnies:<br>A. Horses:<br>II. For slaughter (a)                                                                                                                                                                                                                                                              | 80                                                     |
| 02.01          | Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen:<br>A. Meat:<br>ex I. Of horses, asses, mules and hinnies:<br>— Of horses                                                                                                                                           | 80                                                     |
| 03.01          | Fish, fresh (live or dead), chilled or frozen:<br>A. Freshwater fish:<br>II. Eels<br>B. Saltwater fish:<br>I. Whole, headless or in pieces:<br>c) Tunny                                                                                                                                                                                    | 70<br><br><br>100                                      |
| 03.02          | Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process                                                                                                                                                                                                                                   | 60                                                     |
| 03.03          | Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans in shell, simply boiled in water:<br>A. Crustaceans:<br>I. Crawfish<br>II. Lobsters ( <i>Homarus</i> sp. p.)<br>III. Crabs and freshwater crayfish<br>IV. Shrimps and prawns<br>B. Molluscs:<br>IV. Other | <br><br><br><br><br>100<br>100<br>100<br>100<br><br>60 |
| 06.01          | Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower:<br>B. In growth or in flower                                                                                                                                                                                                                   | <br>50                                                 |

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

| CCT<br>heading No | Description                                                                                                                                                  | Rate of<br>reduction %         |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 07.01             | Vegetables, fresh or chilled:                                                                                                                                |                                |
|                   | E. Chard (or white beet) and cardoons                                                                                                                        | 60                             |
|                   | F. Leguminous vegetables, shelled or unshelled:                                                                                                              |                                |
|                   | II. Beans (of the species <i>Phaseolus</i> ):                                                                                                                |                                |
|                   | ex a) From 1 October to 30 June                                                                                                                              |                                |
|                   | — From 1 November to 30 April                                                                                                                                | 60                             |
|                   | ex III. Other:                                                                                                                                               |                                |
|                   | — Broad beans ( <i>Vicia faba major</i> L.) from<br>1 July to 30 April                                                                                       | 60                             |
|                   | ex H. Onions, shallots and garlic:                                                                                                                           |                                |
|                   | — Onions, from 15 February to 15 May                                                                                                                         | 60                             |
|                   | N. Olives:                                                                                                                                                   |                                |
|                   | I. For uses other than the production of oil (a)                                                                                                             | 60                             |
|                   | O. Capers                                                                                                                                                    | 60                             |
|                   | ex T. Other:                                                                                                                                                 |                                |
| 07.03             | Vegetables provisionally preserved in brine in sulphur water<br>or in other preservative solutions, but not specially prepared<br>for immediate consumption: |                                |
|                   | A. Olives:                                                                                                                                                   |                                |
|                   | I. For uses other than the production of oil (a)                                                                                                             | 60                             |
|                   | B. Capers                                                                                                                                                    | 60                             |
|                   |                                                                                                                                                              |                                |
| 07.04             | Dried, dehydrated or evaporated vegetables, whole, cut sliced,<br>broken or in powder, but not further prepared:                                             |                                |
|                   | A. Onions                                                                                                                                                    | 16 <sup>2</sup> / <sub>3</sub> |
|                   | ex B. Other:                                                                                                                                                 |                                |
| 07.05             | — Garlic                                                                                                                                                     | 12 <sup>1</sup> / <sub>2</sub> |
|                   | Dried leguminous vegetables, shelled, whether or not skinned<br>or split:                                                                                    |                                |
|                   | A. For sowing:                                                                                                                                               |                                |
|                   | ex I. Peas (including chick peas) and beans (of the<br>species <i>Phaseolus</i> ):                                                                           |                                |
|                   | — Peas                                                                                                                                                       | 60                             |
|                   | II. Lentils                                                                                                                                                  | 80                             |
|                   | ex III. Other:                                                                                                                                               |                                |
|                   | — Broad beans and field beans                                                                                                                                | 60                             |

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

| CCT<br>heading No | Description                                                                                                                                                                                                                                        | Rate of<br>reduction %                                                                                                       |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 08.02             | Citrus fruit, fresh or dried:<br>ex A. Oranges:<br>— Fresh<br>ex B. Mandarins (including tangerines and satsumas); clemen-<br>tines, wilkings and other similar citrus hybrids:<br>— Fresh<br>D. Grapefruit                                        | <br><br><br><br><br><br><br>60<br><br><br><br><br><br><br>60<br><br><br>80                                                   |
| 08.03             | Figs, fresh or dried:<br>A. Fresh                                                                                                                                                                                                                  | <br><br>60                                                                                                                   |
| 08.04             | Grapes, fresh or dried:<br>A. Fresh:<br>I. Table grapes:<br>ex a) From 1 November to 14 July:<br>— From 15 November to 30 April                                                                                                                    | <br><br><br><br><br><br><br><br><br><br>60                                                                                   |
| 08.05             | Nuts, other than those falling within heading No 08.01, fresh<br>or dried, shelled or not:<br>D. Pistachios<br>E. Pecans<br>ex G. Other:<br>— Pine seeds                                                                                           | <br><br><br><br><br><br><br><br><br><br>60<br><br>60<br><br><br>60                                                           |
| 08.06             | Apples, pears and quinces, fresh:<br>C. Quinces                                                                                                                                                                                                    | <br><br>60                                                                                                                   |
| 08.07             | Stone fruit, fresh:<br>D. Plums:<br>ex II. From 1 October to 30 June:<br>— From 1 May to 15 June                                                                                                                                                   | <br><br><br><br><br><br><br>60                                                                                               |
| ex 08.09          | Other fruit, fresh:<br>— Melons, from 1 November to 31 May<br>— Watermelons, from 1 April to 15 June                                                                                                                                               | <br><br><br>50<br>50                                                                                                         |
| 08.12             | Fruit, dried, other than that falling within heading No 08.01,<br>08.02, 08.03, 08.04 or 08.05:<br>A. Apricots<br>B. Peaches, including nectarines<br>D. Apples and pears<br>E. Papaws<br>F. Fruit salads:<br>I. Not containing prunes<br>G. Other | <br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br>75<br>60<br>60<br>60<br><br>60<br>60 |

| CCT<br>heading No | Description                                                                                                                                                                                                                                                                                                                                                                                             | Rate of<br>reduction % |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 12.03             | Seeds, fruit and spores, of a kind used for sowing:                                                                                                                                                                                                                                                                                                                                                     |                        |
|                   | A. Beet seeds (a)                                                                                                                                                                                                                                                                                                                                                                                       | 30                     |
|                   | C. Grass and other herbage seeds:                                                                                                                                                                                                                                                                                                                                                                       |                        |
|                   | ex I. Meadow fescue ( <i>Festuca pratensis</i> ) seed; vetch seed; seeds of the genus <i>Poa</i> ( <i>Poa palustris</i> , <i>Poa trivialis</i> , <i>Poa pratensis</i> ); rye grass ( <i>Lolium perenne</i> , <i>Lolium multiflorum</i> ); timothy grass ( <i>Phleum pratense</i> ); red fescue ( <i>Festuca rubra</i> ); cocksfoot grass ( <i>Dactylis glomerata</i> ); bent grass ( <i>Agrostis</i> ): |                        |
|                   | — Vetch seed (b)                                                                                                                                                                                                                                                                                                                                                                                        | 50                     |
| 16.04             | Prepared or preserved fish, including caviar and caviar substitutes:                                                                                                                                                                                                                                                                                                                                    |                        |
|                   | ex F. Bonito ( <i>Sarda</i> sp. p.) mackerel and anchovies:                                                                                                                                                                                                                                                                                                                                             |                        |
|                   | — Bonito ( <i>Sarda</i> sp. p.) and mackerel                                                                                                                                                                                                                                                                                                                                                            | 16                     |
| 16.05             | Crustaceans and molluscs, prepared or preserved                                                                                                                                                                                                                                                                                                                                                         | 60                     |
| 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:                                                                                                                                                                                                                                                        |                        |
|                   | ex B. Other:                                                                                                                                                                                                                                                                                                                                                                                            |                        |
|                   | — Excluding gherkins                                                                                                                                                                                                                                                                                                                                                                                    | 60                     |
| 20.02             | Vegetables prepared or preserved otherwise than by vinegar or acetic acid:                                                                                                                                                                                                                                                                                                                              |                        |
|                   | ex C. Tomatoes:                                                                                                                                                                                                                                                                                                                                                                                         |                        |
|                   | — Peeled tomatoes                                                                                                                                                                                                                                                                                                                                                                                       | 30                     |
|                   | D. Asparagus                                                                                                                                                                                                                                                                                                                                                                                            | 20                     |
|                   | F. Capers and olives                                                                                                                                                                                                                                                                                                                                                                                    | 70                     |
|                   | G. Peas; beans in pod                                                                                                                                                                                                                                                                                                                                                                                   | 20                     |
|                   | ex H. Other, including mixtures:                                                                                                                                                                                                                                                                                                                                                                        |                        |
|                   | — Excluding carrots and mixtures                                                                                                                                                                                                                                                                                                                                                                        | 60                     |
|                   | — Carrots, excluding mixtures                                                                                                                                                                                                                                                                                                                                                                           | 20                     |
|                   | — 'Türlü' mixtures containing French beans, aubergines, courgettes and various other vegetables                                                                                                                                                                                                                                                                                                         | 50                     |
| 20.05             | Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar:                                                                                                                                                                                                                                                                        |                        |
|                   | C. Other:                                                                                                                                                                                                                                                                                                                                                                                               |                        |
|                   | ex III. Other:                                                                                                                                                                                                                                                                                                                                                                                          |                        |
|                   | — Fig purée                                                                                                                                                                                                                                                                                                                                                                                             | 60                     |

(a) This concession is solely for seeds complying with the provisions of the Directives on the marketing of seeds and plants.

(b) This concession is solely for commercial seed within the meaning of Article 2 D of Council Directive 66/401/EEC of 14 June 1966 (OJ No 123, 11.7.1966).

| CCT<br>heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Rate of<br>reduction %                                                                              |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 20.06             | <p>Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>A. Nuts (including groundnuts), roasted</p> <p>B. Other:</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments</p> <p>7. Peaches and apricots:</p> <p>ex aa) With sugar content exceeding 13% by weight:</p> <p>— Apricots</p> <p>ex bb) Other:</p> <p>— Apricots</p> <p>ex 8. Other fruits:</p> <p>— Grapefruit</p> <p>b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:</p> <p>2. Grapefruit segments</p> <p>ex 8. Other fruits:</p> <p>— Grapefruit</p> <p>c) Not containing added sugar, in immediate packings of a net capacity:</p> <p>1. Of 4.5 kg or more:</p> <p>ex aa) Apricots:</p> <p>— Apricot halves</p> <p>ex dd) Other fruits:</p> <p>— Grapefruit</p> <p>2. Of less than 4.5 kg:</p> <p>ex bb) Other fruits and mixtures of fruit:</p> <p>— Grapefruit</p> | <p>60</p> <p>80</p> <p>20</p> <p>20</p> <p>80</p> <p>80</p> <p>20</p> <p>80</p> <p>20</p> <p>80</p> |
| 20.07             | <p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>III. Other:</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>— Grapefruit</p> <p>ex b) Of a value not exceeding 30 u.a. per 100 kg net weight:</p> <p>— Grapefruit</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>70</p> <p>70</p>                                                                                 |

| CCT<br>heading No | Description                                                                                                                                                                                                                                        | Rate of<br>reduction % |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 20.07<br>(cont'd) | <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>II. Other:</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight:</p> <p>2. Grapefruit</p> <p>b) Of a value of 30 u.a. or less per 100 kg net weight:</p> <p>2. Grapefruit</p> | <p>70</p> <p>70</p>    |

## ANNEX II

**Minimum residual duties which may be applied under the terms of Article 1 (2)**

## I. DENMARK

| Danish Customs<br>Tariff<br>heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Rate of duty<br>1. 1. 1977                                                         |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 1                                      | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3                                                                                  |
| 08.02                                  | <p>Citrus fruit, fresh or dried:</p> <p>A. Oranges:</p> <p>I. Sweet oranges, fresh:</p> <p>a) From 1 to 30 April</p> <p>b) From 1 to 15 May</p> <p>c) From 16 May to 15 October</p> <p>d) From 16 October to 31 March</p> <p>II. Other:</p> <p>ex a) From 1 April to 15 October:</p> <p>— Fresh</p> <p>ex b) From 16 October to 31 March:</p> <p>— Fresh</p> <p>ex B. Mandarins (including tangerines and satsumas);<br/>clementines, wilkings and other similar citrus<br/>hybrids:</p> <p>I. Fresh</p> | <p>2·6 %</p> <p>1·2 %</p> <p>0·8 %</p> <p>4 %</p> <p>3 %</p> <p>4 %</p> <p>4 %</p> |

## II. IRELAND

| Irish Customs<br>Tariff<br>heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Rate of duty<br>1. 1. 1977                                                         |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 1                                     | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3                                                                                  |
| 03.02                                 | <p>Citrus fruit, fresh or dried:</p> <p>A. Oranges:</p> <p>I. Sweet oranges, fresh:</p> <p>a) From 1 to 30 April</p> <p>b) From 1 to 15 May</p> <p>c) From 16 May to 15 October</p> <p>d) From 16 October to 31 March</p> <p>II. Other:</p> <p>a) From 1 April to 15 October:</p> <p>1. Fresh</p> <p>b) From 16 October to 31 March:</p> <p>1. Fresh</p> <p>B. Mandarins (including tangerines and satsumas);<br/>clementines, wilkings and other similar citrus<br/>hybrids:</p> <p>I. Fresh</p> | <p>2.6 %</p> <p>1.2 %</p> <p>0.8 %</p> <p>4 %</p> <p>3 %</p> <p>4 %</p> <p>4 %</p> |

## III. UNITED KINGDOM

| United Kingdom<br>Customs Tariff<br>heading No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Rate of duty<br>1. 1. 1977                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08.02                                          | <p>Citrus fruit, fresh or dried:</p> <p>A. Oranges:</p> <p>I. Sweet oranges fresh:</p> <p>a) From 1 to 30 April</p> <p>b) From 1 to 15 May</p> <p>c) From 16 May to 15 October</p> <p>d) From 16 October to 31 March:</p> <p>1. From 16 October to 30 November</p> <p>2. From 1 December to 31 March</p> <p>II. Other:</p> <p>a) From 1 April to 15 October:</p> <p>1. Fresh</p> <p>b) From 16 October to 31 March:</p> <p>1. Fresh:</p> <p>aa) From 16 October to 30 November</p> <p>bb) From 1 December to 31 March</p> <p>B. Mandarins (including tangerines and satsumas);<br/>clementines, wilkings and other similar citrus<br/>hybrids:</p> <p>I. Fresh:</p> <p>a) From 1 April to 30 November</p> <p>b) From 1 December to 31 March</p> | <p>2.6% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>1.2% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>0.8% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>4% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>4.4%</p> <p>3% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>4% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>4.4%</p> <p>4% with<br/>minimum<br/>charge of<br/>£ 0.0688/100 kg</p> <p>4.4%</p> |

## ANNEX III

| CCT<br>heading No | Description                                                                                                                                                                                                         | Amount of<br>reduction % |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 19.03             | Macaroni, spaghetti and similar products                                                                                                                                                                            | 75                       |
| 21.07             | Food preparations not elsewhere specified or included:                                                                                                                                                              |                          |
|                   | A. Cereals in grain or ear form, pre-cooked or otherwise prepared                                                                                                                                                   | 50                       |
|                   | E. Cheese fondues                                                                                                                                                                                                   | 50                       |
|                   | F. Other:                                                                                                                                                                                                           |                          |
|                   | ex I b) 2 cc)                                                                                                                                                                                                       |                          |
|                   | ex I c) 2 cc) — Crushed maize grains, pressure-cooked in water, containing added malt extracts, sugar and salt, intended for use as intermediary products in the manufacture of cornflakes and similar preparations | 50                       |
|                   | ex I a) 2 bb)                                                                                                                                                                                                       |                          |
|                   | ex I a) 2 cc) — Products known as 'Bulgur wheat groats' namely partially husked, coarsely ground grains with a small quantity of whole grains, having undergone pre-cooking                                         | 50                       |
|                   | ex I a) 2 aa)                                                                                                                                                                                                       |                          |
|                   | ex I a) 2 bb)                                                                                                                                                                                                       |                          |
|                   | ex I b) 2 aa)                                                                                                                                                                                                       |                          |
|                   | ex I b) 2 bb) — Sweet potatoes for human consumption, prepared or preserved otherwise than by sugar or syrup                                                                                                        | 50                       |
|                   | ex I e) 1                                                                                                                                                                                                           |                          |
|                   | ex I e) 2                                                                                                                                                                                                           |                          |
|                   | ex I f) — Food preparations consisting of natural honey enriched with royal jelly                                                                                                                                   | 50                       |

## ANNEX IV

(Until 30 June 1978)

| Size                 |                   | Net weight |       | Semi-gross weight | Capacity | Coefficients | Minimum prices (customs duties included) in u.a. per carton 100 tins |       |
|----------------------|-------------------|------------|-------|-------------------|----------|--------------|----------------------------------------------------------------------|-------|
| Trade specifications | Total height (mm) | Ounces     | Grams | Grams             | cm³      |              | Community:                                                           |       |
|                      |                   |            |       |                   |          |              | in olive oil                                                         | other |
| Rectangular base:    |                   |            |       |                   |          |              |                                                                      |       |
| 1/10 club            | 20                | 2          | 56    | 95                | 53       | 0.60         | 11.70                                                                | 10.80 |
| 1/8 club             | 25                | 2 3/4      | 80    | 120               | 75       | 0.70         | 13.65                                                                | 12.60 |
| 1/4 reduced          | 18                | 2 5/8      | 74    | 130               | 73       | 0.77         | 15.02                                                                | 13.86 |
| 1/8 club             | 30                | 3 1/4      | 90    | 140               | 93       | 0.80         | 15.60                                                                | 14.40 |
| 1/4 special          | 25                | 3 1/6      | 90    | 140               | 90       | 0.85         | 16.58                                                                | 15.30 |
| 1/8 low plat         | 24                | 3 3/8      | 95    | 145               | 96       | 0.90         | 17.55                                                                | 16.20 |
| 1/4 club             | 30                | 4 3/8      | 125   | 190               | 125      |              |                                                                      |       |
| 1/6 P 25             |                   |            |       | 176               | 125      | 1.00         |                                                                      |       |
| 1/4 usual            | 22                | 3 3/4      | 105   | 180               | 106      |              | 19.50                                                                | 18.00 |
| 1/6 (club 30)        |                   |            |       | 188               | 130      |              |                                                                      |       |
| 1/4 usual            | 24                | 4 3/8      | 125   | 195               | 125      | 1.10         | 21.45                                                                | 19.80 |
| 1/4 usual            | 30                | 5 1/4      | 150   | 240               | 169      |              |                                                                      |       |
| 1/4 club             | 40                | 6 1/4      | 175   | 250               | 178      | 1.30         | 25.35                                                                | 23.40 |
| 1/4 P 30             |                   |            |       | 250               | 187      |              |                                                                      |       |
| 1/4 American         | 30                | 7          | 200   | 300               | 207      | 1.60         | 31.20                                                                | 28.80 |
| 1/4 usual            | 40                | 9 1/4      | 260   | 326               | 250      |              |                                                                      |       |
| 1/3 P                |                   |            |       | 337               | 250      | 1.80         | 35.10                                                                | 32.40 |
| 1/4 club long        | 40                | 8 3/4      | 248   | 320               | 241      |              |                                                                      |       |
| 1/2 low              | 30                | 9 1/4      | 260   | 370               | 245      | 2.20         | 42.90                                                                | 39.60 |
| 1/4 usual long       | 40                | 11 1/2     | 325   | 423               | 313      | 2.50         | 48.75                                                                | 45.00 |
| 1/4 usual            | 48                | 11         | 310   | 390               | 297      | 2.60         | 50.70                                                                | 46.80 |
| 1/2 large            | 40                | 11 1/2     | 325   | 460               | 330      | 2.70         | 52.65                                                                | 48.60 |
| 1/2 P                |                   |            |       | 476               | 375      |              |                                                                      |       |
| 1/1                  |                   |            |       | 902               | 750      | 4.65         | 90.68                                                                | 83.70 |
| 4/4                  | 80                | 27 1/2     | 780   | 950               | 771      |              |                                                                      |       |
| Oval base:           |                   |            |       |                   |          |              |                                                                      |       |
| 1/2 oval             | 40                | 15         | 425   | 555               | 452      | 3.40         | 66.30                                                                | 61.20 |

(From 1 July 1978 to 30 August 1979)

| Size                 |                   | Net weight |       | Semi-gross weight | Capacity | Coefficients | Minimum prices (customs duties included) in u.a. per carton 100 tins |       |
|----------------------|-------------------|------------|-------|-------------------|----------|--------------|----------------------------------------------------------------------|-------|
| Trade specifications | Total height (mm) | Ounces     | Grams | Grams             | cm³      |              | Community:                                                           |       |
|                      |                   |            |       |                   |          |              | in olive oil                                                         | other |
| Rectangular base:    |                   |            |       |                   |          |              |                                                                      |       |
| 1/10 club            | 20                | 2          | 56    | 95                | 53       | 0.60         | 12.30                                                                | 11.40 |
| 1/8 club             | 25                | 2 3/4      | 80    | 120               | 75       | 0.70         | 14.35                                                                | 13.30 |
| 1/4 reduced          | 18                | 2 5/8      | 74    | 130               | 73       | 0.77         | 15.79                                                                | 14.63 |
| 1/8 club             | 30                | 3 1/4      | 90    | 140               | 93       | 0.80         | 16.40                                                                | 15.20 |
| 1/4 special          | 25                | 3 1/8      | 90    | 140               | 90       | 0.85         | 17.43                                                                | 16.15 |
| 1/8 low plat         | 24                | 3 3/8      | 95    | 145               | 96       | 0.90         | 18.45                                                                | 17.10 |
| 1/4 club             | 30                | 4 3/8      | 125   | 190               | 125      |              |                                                                      |       |
| 1/8 P 25             |                   |            |       | 176               | 125      | 1.00         |                                                                      |       |
| 1/4 usual            | 22                | 3 3/4      | 105   | 180               | 106      |              | 20.50                                                                | 19.00 |
| 1/8 (club 30)        |                   |            |       | 188               | 130      |              |                                                                      |       |
| 1/4 usual            | 24                | 4 3/8      | 125   | 195               | 125      | 1.10         | 22.55                                                                | 20.90 |
| 1/4 usual            | 30                | 5 1/4      | 150   | 240               | 169      |              |                                                                      |       |
| 1/4 club             | 40                | 8 1/4      | 175   | 250               | 178      | 1.30         | 26.65                                                                | 24.70 |
| 1/4 P 30             |                   |            |       | 250               | 187      |              |                                                                      |       |
| 1/4 American         | 30                | 7          | 200   | 300               | 207      | 1.60         | 32.80                                                                | 30.40 |
| 1/4 usual            | 40                | 9 1/4      | 260   | 326               | 250      |              |                                                                      |       |
| 1/3 P                |                   |            |       | 337               | 250      | 1.80         | 36.90                                                                | 34.20 |
| 1/4 club long        | 40                | 8 3/4      | 248   | 320               | 241      |              |                                                                      |       |
| 1/2 low              | 30                | 9 1/4      | 260   | 370               | 245      | 2.20         | 45.10                                                                | 41.80 |
| 1/4 usual long       | 40                | 11 1/2     | 325   | 423               | 313      | 2.50         | 51.25                                                                | 47.50 |
| 1/4 usual            | 48                | 11         | 310   | 390               | 297      | 2.60         | 53.30                                                                | 49.40 |
| 1/2 large            | 40                | 11 1/2     | 325   | 460               | 330      | 2.70         |                                                                      |       |
| 1/2 P                |                   |            |       | 476               | 375      |              | 55.35                                                                | 51.30 |
| 1/1                  |                   |            |       | 902               | 750      | 4.65         |                                                                      |       |
| 4/4                  | 80                | 27 1/2     | 780   | 950               | 771      |              | 95.33                                                                | 88.35 |
| Oval base:           |                   |            |       |                   |          |              |                                                                      |       |
| 1/2 oval             | 40                | 15         | 425   | 555               | 452      | 3.40         | 69.70                                                                | 64.60 |

## ANNEX V

## TABLE OF EQUIVALENCE

**Regulation (EEC) No 1233/71***Article*

- 1
- 2 (1)
- 2 (2), first subparagraph
- 2 (2), second subparagraph
- 2 (3)
- 3
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- 5
- 6

**This Regulation***Article*

- 4 (1) <sup>(1)</sup>
- 4 (1)
- 4 (2)
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- 4 (3)
- 4 (4)
- 4 (5)
- 4 (6)
- 4 (7)

**Regulation (EEC) No 2754/75***Article*

- 1
- 2
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- 7 (1)
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- 8
- 2
- 5 <sup>(2)</sup>

## Annex II

## Annex II

**Regulation (EEC) No 113/76***Article*

- 1

**This Regulation***Article*

- Article 1 (1) and Annex I <sup>(3)</sup>

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<sup>(1)</sup> Only for lemons of subheading 08.02 ex C of the Common Customs Tariff.

<sup>(2)</sup> This equivalence applies only for a quantity of 21 700 tonnes of products falling within subheading ex 08.05 G of the Common Customs Tariff.

<sup>(3)</sup> This equivalence applies only for the products referred to in the corresponding Article of the repealed Regulation.

## COUNCIL REGULATION (EEC) No 1181/77

of 17 May 1977

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas Article 13 of Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey <sup>(2)</sup> provides for the opening by the Community of an annual Community tariff quota of 90 tonnes for apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey; whereas the customs duties applicable within the limits of that tariff quota correspond to 70% of the customs duties actually applied in respect of non-member countries; whereas the tariff quota in question should therefore be opened for the abovementioned volume for the period 1 July 1977 to 30 June 1978; whereas, with regard to the new Member States, it should be noted that Article 2 of the Interim Agreement concluded pending the entry into force of the Additional Protocol signed at Ankara on 30 June 1973 <sup>(3)</sup> lays down that the reductions in customs duties which are provided for pursuant to the Association Agreement shall be applicable in the new Member States, in accordance with the percentages and timetable laid down, upon the entry into force of that Agreement; whereas the rates to which the new Member States shall apply those reductions shall be those which they apply at any given moment to non-member countries;

Whereas it is in particular necessary to guarantee all importers of the Community equal and uninterrupted access to the quota and uninterrupted application of the rates

laid down for that quota to all imports of the product in question into the Member States until the quota has been used up; whereas having regard to the above principles the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports from Turkey over a representative reference period and to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State from Turkey have been negligible or non-existent; whereas those data cannot therefore be considered as representative to serve as a basis for allocation of the quota volume among the Member States; whereas it is difficult to estimate imports by Member States for 1977 because of the absence of truly representative figures for previous years; whereas, consequently, the only solution seems to be to allocate a large part of the quota volume to the Community reserve and to allocate one seventh of the balance to the Benelux countries, Denmark, Germany, France, Ireland, Italy and the United Kingdom;

Whereas the initial shares may be used up fairly quickly; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share, shall draw a supplementary share from the Community reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of a share remains in any Member State, it is essential that that State should return a significant propor-

<sup>(1)</sup> OJ No C 118, 16. 5. 1977, p. 67.

<sup>(2)</sup> See page 10 of this Official Journal.

<sup>(3)</sup> OJ No L 277, 3. 10. 1973, p. 2.

tion to the reserve in order to avoid 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, any measure concerning the administration of the shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 July 1977 until 30 June 1978, a Community tariff quota of 90 tonnes shall be opened in the Community for apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Turkey.

2. Within the limits of this tariff quota, the Common Customs Tariff duty applicable to these products shall be partially suspended at a rate of 11.9%.

3. Within the limits of this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession, the Interim Agreement and Regulation (EEC) No 1180/77.

#### *Article 2*

1. A first instalment of 35 tonnes shall be allocated among the Member States; the respective shares of the Member States, which, subject to Article 5, shall be valid from 1 July 1977 to 30 June 1978, shall be as follows:

|                |           |
|----------------|-----------|
| Benelux        | 5 tonnes, |
| Denmark        | 5 tonnes, |
| Germany        | 5 tonnes, |
| France         | 5 tonnes, |
| Ireland        | 5 tonnes, |
| Italy          | 5 tonnes, |
| United Kingdom | 5 tonnes. |

2. The second instalment of 55 tonnes shall be held as the Community reserve.

#### *Article 3*

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notify-

ing the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share equal to 7.5% of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90% or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares smaller than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

#### *Article 4*

Supplementary shares drawn pursuant to Article 3 shall be valid until 30 June 1978.

#### *Article 5*

The Member States shall return to the reserve, not later than 1 April 1978, the unused portion of their initial share which, on 15 March 1978, is in excess of 20% of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

Member States shall, not later than 1 April 1978, notify the Commission of the total quantities of the said goods imported up to and including 15 March 1978 and charged against the Community tariff quota and any quantities of the 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 it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States not later than 5 April 1978, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

#### *Article 7*

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quota.

2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

#### *Article 8*

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

#### *Article 9*

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

#### *Article 10*

This Regulation shall enter into force on 1 July 1977.

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

Done at Brussels, 17 May 1977.

*For the Council*

*The President*

J. SILKIN

## COUNCIL REGULATION (EEC) No 1182/77

of 17 May 1977

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas Article 5 (1) of Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey <sup>(2)</sup>, which enters into force on 1 July 1977, provides for the opening by the Community of a Community tariff quota of 25 000 tonnes at a duty rate of 2.5% for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey; whereas under paragraph 2 of the said Article, the *pro rata temporis* clause is applicable; whereas by Regulation (EEC) No 3055/76 <sup>(3)</sup>, the Council opened and allocated among the Member States, for 1977, for the products in question originating in Turkey, a Community tariff quota of 21 700 tonnes at a duty rate of 2.5%; whereas, for 1977, the volume of the tariff quota is fixed at 23 350 tonnes; whereas, with regard to the customs duty applicable in the new Member States, it should be noted that Article 2 of the Interim Agreement concluded pending the entry into force of the Additional Protocol signed at Ankara on 30 June 1973 <sup>(4)</sup> lays down that the reductions in customs duties which are provided pursuant

to the Association Agreement shall be applicable in the new Member States in accordance with the percentages and timetable laid down, upon the entry into force of that Agreement; whereas the rates to which the new Member States apply those reductions are those which they apply at any given moment to non-member countries; whereas the rates fixed as a result of the reductions regarding the products listed, in particular, in Annex 6 to the Additional Protocol — and which include hazelnuts — may in no case be lower than those applied by the new Member States with reference to the Community as originally constituted; whereas the reduction to be applied by the new Member States within the framework of the tariff quota under consideration must therefore, in certain cases, be limited to 80%; whereas, consequently, the tariff quota in question should be opened as laid down above for 1977 and provision should be made for charging against this quota the quantities imported from 1 January to 30 June 1977 and charged against the quota opened by Regulation (EEC) No 3055/76;

Whereas it is in particular necessary to guarantee all importers of the Member States equal and uninterrupted access to the said quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into the Member States until the quota has been used up; whereas having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics relating to imports from Turkey over a representative period, and to the economic outlook for the quota period concerned;

Whereas, on the basis of the statistics at present available, imports into the Member States in 1973, 1974 and 1975 of the product concerned originating in Turkey have developed as follows and represent the following percentages of total imports into the Community:

<sup>(1)</sup> OJ No C 133, 6. 6. 1977, p. 45.

<sup>(2)</sup> See page 10 of this Official Journal.

<sup>(3)</sup> OJ No L 350, 20.12.1976, p. 111.

<sup>(4)</sup> OJ No L 277, 3.10.1973, p. 2.

| Member States  | 1973   |       | 1974   |       | 1975     |       |
|----------------|--------|-------|--------|-------|----------|-------|
|                | tonnes | %     | tonnes | %     | tonnes   | %     |
| Germany        | 39 133 | 70.16 | 34 515 | 64.29 | 35 154   | 65.47 |
| Benelux        | 3 323  | 5.96  | 4 500  | 8.38  | 5 284    | 9.84  |
| France         | 6 170  | 11.06 | 5 680  | 10.58 | 6 084    | 11.33 |
| Italy          | 2 062  | 3.70  | 2 473  | 4.61  | 1 653.5  | 3.08  |
| Denmark        | 975    | 1.75  | 875    | 1.63  | 899      | 1.67  |
| Ireland        | 201    | 0.36  | 619    | 1.15  | 30       | 0.06  |
| United Kingdom | 3 910  | 7.01  | 5 026  | 9.36  | 4 590    | 8.55  |
| Total          | 55 774 |       | 53 688 |       | 53 694.5 |       |

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1977 and, in particular, the forecasts made by some Member States, the initial shares may be fixed approximately at the following percentages:

|                |       |
|----------------|-------|
| Germany        | 65.93 |
| Benelux        | 10.14 |
| France         | 8.20  |
| Italy          | 0.25  |
| Denmark        | 2.67  |
| Ireland        | 1.66  |
| United Kingdom | 11.15 |

Whereas in order to take into account the import trends for the product concerned in the Member States, the quota volume should be divided into two instalments, the first instalment being allocated to the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States, should their initial share be used up; whereas, in order to ensure a certain degree of security to importers, the first instalment of the Community quota should be determined at a relatively high level, which under present circumstances could be approximately 80% of the quota volume;

Whereas the initial shares may be used up fairly quickly; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share, shall draw a supplementary share from the Community reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States thereof;

Whereas if, at a specified date in the quota period, a considerable quantity of the initial share remains in any Member State, it is essential that the Member State should return a certain proportion thereof to the reserve, in order to avoid part of the Community quota remaining unused in one Member State when it could be used in others; whereas, taking into account the seasonal nature of imports, it seems appropriate to fix the quantity which may be returned at 40% of the initial 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. Until 31 December 1977, a Community tariff quota of 23 350 tonnes shall be opened in the Community for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey.

2. Within this tariff quota the Common Customs Tariff duty shall be partially suspended at 2.5 %.

3. The new Member States shall apply within this Community tariff quota, the customs duties calculated in accordance with the relevant provisions of the Act of Accession, the Interim Agreement and Regulation (EEC) No 1180/77.

4. This tariff quota shall be allocated and administered in accordance with the following provisions.

*Article 2*

1. The tariff quota referred to in Article 1 (1) shall be divided into two instalments.

2. A first instalment, amounting to 19 000 tonnes, shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

|                |                |
|----------------|----------------|
| Germany        | 12 527 tonnes, |
| Benelux        | 1 927 tonnes,  |
| France         | 1 558 tonnes,  |
| Italy          | 48 tonnes,     |
| Denmark        | 507 tonnes,    |
| Ireland        | 315 tonnes,    |
| United Kingdom | 2 118 tonnes.  |

3. The second instalment of 4 350 tonnes shall constitute the reserve.

4. Imports of hazelnuts effected during the period 1 January to 30 June 1977 and charged against the tariff quota opened by Regulation (EEC) No 3055/76 shall be deducted from the shares allocated to the Member States and, where necessary, from the additional shares drawn from the Community reserve.

*Article 3*

1. If 90% or more of any Member State's initial share, as laid down in Article 2 (2), or 90% of that share less the amount returned to the reserve, where Article 5 has been applied, has been exhausted, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by that Member State has been used, it shall, in the manner provided for in paragraph 1, draw a third share equal to 7.5 % of its initial share.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by that Member State has been used, it shall, in the manner provided for in paragraph 1, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those fixed in those paragraphs if there is reason to believe that those

shares might not be used up. They shall inform the Commission of their reasons for applying this paragraph.

*Article 4*

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

*Article 5*

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 40% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected under the Community quota up to 15 September 1977 inclusive and, where appropriate, the proportion of their initial shares that they are returning to the reserve.

*Article 6*

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3, and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the state of the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

*Article 7*

1. The Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that charges may be made without interruption against their accumulative shares of the Community quota.

2. The Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them or drawn from the reserve.

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 8*

At the request of the Commission, Member States shall inform it of imports of the products in question actually charged against their shares.

*Article 9*

The Member States and the Commission shall cooperate closely in order to ensure the correct application of this Regulation.

*Article 10*

Council Regulation (EEC) No 3055/76 shall be repealed on the entry into force of this Regulation.

*Article 11*

This Regulation shall enter into force on 1 July 1977.

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

Done at Brussels, 17 May 1977.

*For the Council*

*The President*

J. SILKIN

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