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REGULATION (EEC) No 2521/71 OF THE COMMISSION

of 24 November 1971

amending Regulation (EEC) No 1643/71 introducing a system of minimum prices for imports of tomato concentrates from Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 865/68[1] of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 1425/71[2];

Having regard to Council Regulation (EEC) No 1427/71[3] of 2 July 1971 introducing protective measures for products processed from fruit and vegetables, and in particular Article 1 (2) thereof;

Whereas Commission Regulation (EEC) No 1643/71[4] of 28 July 1971 introducing a system of minimum prices for imports of tomato concentrates from Greece does not provide for a special system for tomato concentrates intended for re-exportation after processing within the Community; whereas experience has shown that the lack of such a system is liable to cause imbalance in trade with Greece and with other third countries; whereas provision should therefore be made for a system similar to the system applicable to other third countries in respect ot inward processing for these imports from Greece;

Whereas, to ensure the proper working of such a system, provision should be made for the possibility of having products from Greece, intended for re-exportation after processing within the Community, placed, on the day on which they are put into free circulation within the Community, under a system of customs supervision which will ensure that, except in cases of *force majeure,* they will be re-exported from Community territory within a period of eight months commencing on that date;

Whereas, however, this possibility may only be admitted if imports of the products in the natural state are effected at a price level equal to that usually observed by the main exporting third countries;

Whereas it should be made compulsory for the importer to pay a certain sum if the various provisions governing the system of customs supervision are not complied with;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 2 of Regulation (EEC) No 1643/71:

'1. The issue of the import licence shall be subject to:

(a) a written undertaking from the importer to ensure:

(aa) that importation of not more than 105% less than 95% of the specified quantity of the product will be effected during the period of validity of the licence,

(bb) that this importation arises from a contract providing for the sale and delivery free at Community frontier, or at a place situated outside the Community, at a price higher than that shown in Annex I or, where paragraph 2 of this Article applies, at a price higher than that shown in Annex II, for the quality in question, and

(cc) that this price will actually be paid;

[1] OJ No L 153, 1.7.1968, p. 8.
[2] OJ No L 151, 7.7.1971, p. 1.
[3] OJ No L 151, 7.7.1971, p. 5.
[4] OJ No L 171, 30.7.1971, p. 2.

(b) the lodging by the importer of a deposit of 3 units of account per 100 kilogrammes net weight to guarantee the undertaking referred to under (a) (aa), and

(c) a written undertaking from the importer to pay a sum of 12 units of account per 100 kilogrammes net weight if proof of compliance with the minimum price laid down in Annex I has not been furnished in accordance with the provisions of Article 8 (1) within six months following the expiry of the validity of the import licence, or

(d) where paragraph 2 applies, a written undertaking from the importer to pay a sum of 8 units of account per 100 kilogrammes net weight if proof that:

— the minimum price shown in Annex II in accordance with the provisions of Article 8 (1) has been complied with and

— the products have, except in case of *force majeure*, been re-exported from Community territory,

has not been furnished within nine months following the expiry of the validity of the import licence.

2. Products from Greece imported at a price higher than that shown in Annex II, but equal to or lower than that shown in Annex I, for the quality in question, and intended for re-exportation after processing within the Community may, on application from the interested party, be placed, on the day on which they are put into free circulation within the Community, under a system of customs supervision which will ensure that they will be re-exported from Community territory within a period of eight months commencing on that date.

As regards the supervision procedure and the rate of yield, the products intended for processing shall be subject to the same system as that applicable, in respect of inward processing, to products of the same kind.'

Article 2

1. The following Annex shall be added to Regulation (EEC) No 1643/71:

'*ANNEX II*

Price in u.a. per 100 kg net weight, not including customs duties

Dry extract content		In bulk or in immediate packings of 4 kg or more	Immediate packings of less than 4 kg but equal to or exceeding 1·5 kg	Immediate packings of less than 1·5 kg but equal to or exceeding 0·7 kg	Immediate packings of less than 0·7 kg but equal to or exceeding 0·25 kg	Immediate packings of less than 0·25 kg but equal to or exceeding 0·15 kg	Immediate packings of less than 0·15 kg
equal to or more than (%)	but less than (%)						
—	20	23·5	24·7	27·0	28·2	32·9	35·3
20	22	24·8	26·0	28·5	29·8	34·7	37·2
22	24	26·1	27·4	30·0	31·3	36·5	39·2
24	26	27·4	28·8	31·5	32·9	38·4	41·1
26	28	28·7	30·1	33·0	34·4	40·2	43·1
28	30	30·0	31·5	34·5	36·0	42·0	45·0
30	32	31·3	32·9	36·0	37·6	43·8	47·0
32	34	32·6	34·2	37·5	39·1	45·6	48·9
34	36	33·9	35·6	39·0	40·7	47·5	50·9
36	38	35·2	37·0	40·5	42·2	49·3	52·8
38	40	36·5	38·3	42·0	43·8	51·1	54·8
40	42	37·8	39·7	43·5	45·4	52·9	56·7
42	—	39·1	41·1	45·0	46·9	54·7	58·7'

2. The sole Annex to Regulation (EEC) No 1643/71 shall become Annex I.

Article 3

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

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

Done at Brussels, 24 November 1971

For the Commission

The President

Franco M. MALFATTI