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REGULATION (EEC) No 1759/72 OF THE COMMISSION

of 11 August 1972

amending Regulation (EEC) No 1558/71 laying down protective measures applicable to imports of tomato concentrates

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 organization 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, in accordance with Article 1 (2) of Commission Regulation (EEC) No 1558/71[4] of 20 July 1971 laying down protective measures applicable to imports of tomato concentrates, import licences are only valid for the month for which they were issued; whereas these licences may, however, cover the fortnight preceding and the fortnight following the month in question; whereas, in view of international trade practice, this period of validity should be extended;

Whereas Article 2 of Regulation (EEC) No 1558/71 provides that the Member States shall notify the Commission at regular intervals of the quantities for which licences have been applied for; whereas, so that the Commission can be kept closely informed of the application of the protective measures, provision should also be made for the quantities for which the licences were issued to be notified;

Whereas it should be specified that quantities imported from third countries which are prepared to guarantee compliance with a certain level of import prices within the Community, and those imported from Greece, should not be taken into account when the reference quantities referred to in Article 3 of Regulation (EEC) No 1558/71 are being determined;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for the second subparagraph of Article 1 (2) of Regulation (EEC) No 1558/71:

'The licence shall be issued for imports to be effected during the month for which it was drawn up. It may, however, cover the month preceding or the month following the month in question in respect of the quantity for which it was issued. It shall be valid for imports to be effected in the Member State which issued it.'

Article 2

The following shall be substituted for Article 2 (1) of Regulation (EEC) No 1558/71:

'1. At the end of each week Member States shall notify the Commission by telex of:

— the quantities, shown for each month, in respect of which import licences have been applied for during the week;

— the quantities, shown for each month, in respect of which import licences have been issued during the week.'

Article 3

The following subparagraph shall be added to Article 3 of Regulation (EEC) No 1558/71:

'Imports from countries fulfilling the conditions of Article 1 (4) and from countries for which the

[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 164, 22.7.1971, p. 14.

Commission has established a system of minimum import prices shall not be taken into account when the reference quantity is being determined.'

Article 4

The following shall be substituted for Article 4 of Regulation (EEC) No 1558/71:

'When applications for licences are made by persons who have not imported the products in question into the Community during the period 1968-70, these applications shall, by way of derogation from the abovementioned provisions, be granted in respect of not more than 5% of the average quantities of products imported into the Member State and conveyed to the authorities of the latter in each month of 1968, 1969 and 1970 corresponding to those specified in the application. Imports from countries fulfilling the conditions of Article 1 (4) and from countries for which the Commission has established a system of minimum import prices shall be excluded when these average quantities are being calculated.

Import licences corresponding to these applications shall be issued within ten working days following the lodging of the applications and in the chronological order in which they were lodged. One and the same applicant may not be allotted quantities exceeding 2% of the average quantities of products imported into the Member State and mentioned in the preceding subparagraph.'

Article 5

Article 2 of Regulation (EEC) No 1738/71 is hereby repealed.

Article 6

This Regulation shall enter into force on the third 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, 11 August 1972.

For the Commission

The President

S. L. MANSHOLT