REGULATION (EEC) No 2023/75 OF THE COMMISSION

of 1 August 1975

laying down the protective measures applicable to the import 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 1420/75 (2);

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

Whereas in 1974 production of tomato concentrates, in the Community as well as in third countries, has been much above that of preceding years; whereas, as a result, large stocks still remain to be disposed of; whereas the stock on the community market has risen to approximately 45 000 metric tons, that is to say approximately one-third of community production, while stocks in third countries have reached a volume of the order of 60 000 metric tons;

Whereas the offer prices in third countries have undergone a considerable fall by comparison with those of the preceding year; whereas those prices stand at the moment at a level representing 60 to 70 % of the cost price in the Community industry; whereas, in consequence, the application of those prices would tend to accentuate the difficulties of production and disposal for the community producers;

Whereas the system of minimum price and special minimum price defined in Article 2 of Council Regulation (EEC) No 1927/75 (4) of 22 July 1975, concerning the system of trade with third countries in products processed from fruit and vegetables is to apply from 1 September 1975; whereas pending that date, there is a risk that considerable quantities of tomato concentrates may be imported from third countries at very low prices;

Whereas it is to be feared that such imports would cause grave harm to the Community processing industry; whereas, moreover, they could lead to a considerable reduction in the opportunities for disposing of fresh tomatoes from the new crop;

Whereas an assessment of the situation on the market, the main points of which are outlined above, leads to the conclusion that imports threaten the community market with serious disturbances which could jeopardize the objectives of Article 39 of the Treaty; whereas in these circumstances it is necessary to take protective measures;

Whereas there is need to have recourse to a system of minimum import prices sufficient to ensure, with the least possible delay, that the price level provided for in Regulation (EEC) No 1927/75 is respected;

Whereas, in order to avoid diversions of trade which could result from the difference in the minimum prices applicable respectively in the Community as originally constituted and in the new member States, it is necessary in intra-community trade, to provide for the levying of an amount to compensate for this difference;

Whereas it appears neccessary to ensure that these amounts are taken account of within the framework of the financial system of the common agricultural policy; whereas the special arrangements governing trade with Greece permit of its exclusion from the system defined in the present Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

In the period from 7 to 31 August 1975, all imports of tomato concentrates (sub-heading 20.02 C of the Common Customs Tariff) into the Community are required to observe the minimum price specified in the annex.

(1) OJ No L 153, 1. 7. 1968, p. 8.
(2) OJ No L 141, 3. 6. 1975, p. 1.
(3) OJ No L 151, 7. 7. 1971, p. 5.
(4) OJ No L 198, 29. 7. 1975, p. 7.

Article 2

Proof of observance of the minimum price is furnished by presentation:

— of the copy of the bill for the product concerned, and

— of a banker's certificate certifying that payment of the purchase price indicated in the bill has been effected.

Article 3

1. In the case of intra-community trade in tomato concentrates imported into the Community and put into free circulation in accordance with Article 10 (1) of the Treaty, Member States of the Community in its original composition will levy on imports coming from the new Member States an amount equal to the difference between:

— the variation between the minimum price applicable in the Community in its original composition and the minimum price applicable in the new Member States, and

— the import customs duties applicable toward the new Member States.

2. The provisions of paragraph 1 do not apply to products first imported from Greece.

Article 4

The amounts set forth in Article 3 levied on trade between the Member States are considered, for the purpose of common agriculture policy finance, as forming part of the interventions designed to regularize the agricultural market.

Article 5

This regulation shall enter into force the 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, 1 August 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Minimum import price into the Community as originally constituted in u.a./100 kg net weight, customs rights included

Dry weight content		In immediate packings of 4 kg or over	Immediate packings less than 4 kg but not less than 1·5 kg	Immediate packings less than 1·5 kg but not less than 0·7 kg	Immediate packings less than 0·7 kg but not less than 0·25 kg	Immediate packings less than 0·25 kg but not less than 0·15 kg	Immediate packings less than 0·15 kg
Not less than (%)	But less than (%)						
—	20	45·78	49·32	54·00	56·40	65·76	68·70
20	22	49·62	52·08	57·06	59·52	69·42	74·40
22	24	52·20	54·84	60·06	62·64	73·08	78·30
24	26	54·78	57·54	63·00	65·76	76·68	82·20
26	28	57·36	60·30	66·00	68·88	80·34	86·10
28	30	60·00	63·00	69·00	72·00	84·00	90·00
30	32	62·58	65·76	72·00	75·12	87·66	93·90
32	34	65·22	68·46	75·00	78·24	91·26	97·80
34	36	67·80	71·22	77·94	81·36	94·92	101·70
36	38	70·38	73·92	80·94	84·48	98·58	105·60
38	40	73·02	76·68	83·94	87·60	102·18	109·50
40	42	75·60	79·38	86·76	90·72	105·84	113·40
42	—	78·18	82·08	89·94	93·84	109·50	117·30

Minimum import price into the new Member States, in u.a./100 kg net weight, customs rights included

Dry weight content		In immediate packings of 4 kg or over	Immediate packings less than 4 kg but not less than 1·5 kg	Immediate packings less than 1·5 kg but not less than 0·7 kg	Immediate packings less than 0·7 kg but not less than 0·25 kg	Immediate packings less than 0·25 kg but not less than 0·15 kg	Immediate packings less than 0·15 kg
Not less than (%)	But less than (%)						
—	20	30·52	32·88	36·00	37·60	43·84	45·80
20	22	33·08	34·72	38·04	39·68	46·28	49·60
22	24	34·80	36·56	40·04	41·76	48·72	52·20
24	26	36·52	38·36	42·00	43·84	51·12	54·80
26	28	38·24	40·20	44·00	45·92	53·56	57·40
28	30	40·00	42·00	46·00	48·00	56·00	60·00
30	32	41·72	43·84	48·00	50·08	58·44	62·60
32	34	43·48	45·64	50·00	52·16	60·84	65·20
34	36	45·20	47·48	51·96	54·24	63·28	67·80
36	38	46·92	49·28	53·96	56·32	65·72	70·40
38	40	48·68	51·12	55·96	58·40	68·12	73·00
40	42	50·40	52·92	57·84	60·48	70·56	75·60
42	—	52·12	54·72	59·96	62·56	73·00	78·20