COUNCIL REGULATION (EEC) No 3046/76

of 9 December 1976

totally or partially suspending Common Customs Tariff duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff, originating in Malta (1977)

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 Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (1), as last amended by Regulation (EEC) No 3058/75 (2), and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (3),

Whereas, under Annex I to the Agreement establishing an association between the European Economic Community and Malta (4), the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary provisionally to adjust or to supplement certain of the tariff benefits provided for in the abovementioned Annex; whereas, accordingly, the Community should, in respect of the products originating in Malta listed in Annex A to this Regulation, suspend either the fixed component of the levy applicable to goods coming under Regulation (EEC) No 1059/69 or the customs duty applicable to the other products from 1 January until 31 December 1977 and at the levels indicated for each of them;

Whereas, for certain products of Chapters 1 to 24 of the Common Customs Tariff, this scheme would, however, involve the application in the new Member States of customs duties higher than — or very close to — those applied by the new Member States to non-member countries in general on the basis of the Act of Accession; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them in accordance with the detailed rules based on the principle of maintaining in the new Member States a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Annex A to this Regulation; whereas, with a view to granting Malta the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in Annex A should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, the products originating in Malta listed in Annex A shall be admitted for import into the Community as originally constituted at the customs duties indicated for each of them.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duties given in Annex A and the Common Customs Tariff duties applicable, the duties obtained by reducing the difference between the lowest duty applied on 1 January 1972 to the developing countries, and the Common Customs Tariff by 80% in respect of the products mentioned in Annex B in 1977, and by

(1) OJ No L 141, 12. 6. 1969, p. 1.
(2) OJ No L 306, 25. 11. 1975, p. 3.
(3) OJ No C 259, 4. 11. 1976, p. 37.
(4) OJ No L 61, 14. 3. 1971, p. 3.

80% in respect of the other products given in Annex A from 1 January to 30 June 1977.

However, from 1 January 1977, the duties given in Annex A shall be applied where the duties resulting from the abovementioned calculation are higher than them.

From 1 July 1977, the duties given in Annex A shall be applied to the products not mentioned in Annex B.

2. For the purposes of the application of this Regulation, the rules of origin shall be those in force at the time as regards the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

When products benefiting from the arrangements provided for in Article 1 are imported in the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the Common Customs Tariff duties may be reintroduced in whole or in part on the products in question. Such measures may also be taken in the event of actual or potential serious disadvantage in a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a limited period.

2. In the event of such action being requested by a Member State, the Commission shall take a decision within a period of not more than 10 working days from receipt of the request and shall inform the Member States of the action taken.

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

Article 4

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

ANNEX A

CCT heading No	Description	Rate of duty
1	2	3
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:	
	A. Meat:	
	III. Of swine:	
	b) Other	Free
02.04	Other meat and edible meat offals, fresh, chilled or frozen:	
	ex A. Of domestic pigeons	7 %
	ex B. Furred game, frozen	Free
	C. Other:	
	ex I. Frogs' legs	Free
	II. Other	Free
04.06	Natural honey	25 %
05.03	Horsehair and horsehair waste, whether or not put up as a layer or between two layers of other material:	
	B. Other	Free
07.01	Vegetables, fresh or chilled:	
	ex T. Other:	
	— Okra (Hibiscus exculentus L. or Abelmoschus exculentus (L.) Moench)	Free
08.08	Berries, fresh:	
	F. Other	6 %
15.10	Fatty acids, acid oils from refining; fatty alcohols:	
	C. Other fatty acids; acid oils from refining	Free
16.02	Other prepared or preserved meat or meat offal:	
	A. Liver:	
	I. Goose or duck liver	14 %

CCT heading No	Description	Rate of duty
1	2	3
16.02 *(cont'd)*	B. Other:	
	II. Game or rabbit meat or offal:	
	— Game	9 %
	— Rabbit	14 %
	III. Other:	
	b) Other:	
	ex 1. Containing bovine meat or offal:	
	— Prepared or preserved bovine tongue	17 %
	2. Other:	
	aa) Ovine meat or offal	18 %
	bb) Other	16 %
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	B. Truffles	14 %
	D. Asparagus	20 %
	E. Sauerkraut	16 %
	ex F. Capers	12 %
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:	
	A. Of a specific gravity exceeding 1·33 at 15 °C:	
	III. Other:	
	ex a) Of a value exceeding 30 u.a. per 100 kg net weight:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	15 %
	b) Of a value not exceeding 30 u.a. per 100 kg net weight:	
	ex 1. With an added sugar content exceeding 30 % by weight:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples melons and watermelons	15 % + (L)
	ex 2. Other:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	15 %

CCT heading No	Description	Rate of duty
1	2	3
20.07 *(cont'd)*	B. Of a specific gravity of 1·33 or less at 15 °C:	
	II. Other:	
	a) Of a value exceeding 30 u.a. per 100 kg net weight:	
	2. Grapefruit juice	8 %
	ex 3. Other citrus fruit juices:	
	aa) Containing added sugar	13 %
	bb) Other	13 %
	6. Other fruit and vegetable juices, excluding apricot and peach juices:	
	ex aa) Containing added sugar:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	10 %
	— Other, excluding apricot and peach juices	17 %
	ex bb) Other:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	10 %
	— Other, excluding apricot and peach juices	18 %
	7. Mixtures:	
	ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:	
	11. Containing added sugar	17 %
	22. Other	18 %
	b) Of a value of 30 u.a. or less per 100 kg net weight:	
	2. Grapefruit juice:	
	aa) With an added sugar content exceeding 30 % by weight	8 % + (L)
	bb) Other	8 %
	4. Other citrus fruit juices:	
	aa) With an added sugar content exceeding 30 % by weight	14 % (L)
	bb) With an added sugar content of 30 % or less by weight	14 %
	cc) Not containing added sugar	15 %

CCT heading No	Description	Rate of duty
1	2	3
20.07 *(cont'd)*	7. Other fruit and vegetable juices, excluding apricots and peaches:	
	ex aa) With an added sugar content exceeding 30 % by weight:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	10 % + (L)
	— Other, excluding apricot and peach juices	17 % + (L)
	ex bb) With an added sugar content of 30% or less by weight:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and08.09, excluding pineapples, melons and watermelons	10 %
	— Other, excluding apricot and and peach juices	17 %
	ex cc) Not containing added sugar:	
	- Fruit falling within leading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	10 %
	— Other, excluding apricot and peach juices	18 %
	8. Mixtures:	
	ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice:	
	11. With an added sugar content exceeding 30 % by weight	17 % + (L)
	22. With an added sugar content of 30 % or less by weight	17 %
	33. Not containing added sugar	18 %
21.06	Natural yeasts (active or inactive); prepared baking powders:	
	A. Active natural yeast:	
	II. Bakers' yeast:	
	a) Dried	5 % + vc
	b) Other	5 % + vc

CCT heading No	Description	Rate of duty
1	2	3
23.01	Flours and meal, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves:	
	B. Flours and meals of fish, crustaceans or molluscs	Free

Abbreviations:
(L) = levy,
vc = variable component.

ANNEX B

List of the products in respect of which the difference between the lowest duties applied on 1 January 1972 to developing countries by Denmark, Ireland and the United Kingdom and the duties of the Common Customs Tariff must be reduced in accordance with Article 1

CCT heading No	Description
07.01	Vegetables, fresh or chilled:
	ex T. Other:
	— Okra (Hibiscus exculentus L. or Abelmoschus exculentus (L.) Monench)
08.08	Berries, fresh:
	F. Other
16.02 (a)	Other prepared or preserved meat or meat offal:
	B. Other:
	III. Other:
	b) Other:
	ex 1. Containing bovine meat or offal:
	— Prepared or preserved bovine tongue
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:
	B. Truffles
	D. Asparagus
	E. Sauerkraut
	ex F. Capers
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:
	A. Of a specific gravity exceeding 1·33 at 15 °C:
	III. Other:
	ex a) Of a value exceeding 30 u.a. per 100 kg net weight:
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons
	b) Of a value not exceeding 30 u.a. per 100 kg net weight:
	ex 1. With an added sugar content exceeding 30 % by weight:
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons
	ex 2. Other:
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons

(a) From the start of the marketing year for beef and veal this heading will be deleted from this Annex.

CCT heading No	Description
20.07 *(cont'd)*	B. Of a specific gravity of 1·33 or less at 15 °C: II. Other: a) Of a value exceeding 30 u.a. per 100 kg net weight: 2. Grapefruit juice ex 3. Other citrus fruit juices: aa) Containing added sugar bb) Other 6. Other fruit and vegetable juices, excluding apricot and peach juices: ex aa) Containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex bb) Other: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices 7. Mixtures: ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. Containing added sugar 22. Other b) Of a value of 30 u.a. or less per 100 kg net weight: 2. Grapefruit juice: aa) With an added sugar content exceeding 30 % by weight bb) Other 4. Other citrus fruit juices: aa) With an added sugar content exceeding 30 % by weight bb) With an added sugar content of 30 % or less by weight cc) Not containing added sugar ex 7. Other fruit and vegetable juices, excluding apricots and peaches: ex aa) With an added sugar content exceeding 30 % by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices

CCT heading No	Description
20.07 *(cont'd)*	ex bb) With an added sugar content of 30 % or less by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex cc) Not containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices 8. Mixtures: ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. With an added sugar content exceeding 30 % by weight 22. With an added sugar content of 30 % or less by weight 33. Not containing added sugar