COMMISSION REGULATION (EEC) No 459/76

of 27 February 1976

establishing a system of minimum prices applicable to the importation of tomato concentrates originating in 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 of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables (1), as last amended by Regulation (EEC) No 1420/75 (2),

Having regard to Council Regulation (EEC) No 1927/75 of 22 July 1975 concerning the system of trade with third countries in the market in products processed from fruit and vegetables (3), and in particular Article 7 (2) thereof,

Whereas, as a result of developments during the 1974/75 and 1975/76 marketing seasons for tomato concentrates, considerable stocks now exist both in the Community and in Greece; whereas these stocks may be estimated at about 70 % of the 1975 production in the Community and in Greece; whereas the resulting stocks available may depress the Community market and aggravate the fall in prices noted during the last few months;

Whereas the Greek offer prices for the Community market, which are significantly below the cost price for the Greek producers, are so low that they could threaten the aims of Article 39 of the Treaty;

Whereas imports from other suppliers of the Community cannot be effected below the minimum price or the special minimum price established under the common organization of the market; whereas, consequently, it is only imports from Greece under the preferential system under the relevant Association Agreement which can aggravate the situation observed on the Community market;

Whereas a survey of the market, as outlined above, suggests that imports from Greece, which benefit from the said preferential regime, threaten the Community market with serious disturbances likely to lead to prices which could threaten the aims of Article 39 of the Treaty; whereas in these circumstances it is necessary to take protective measures against imports of tomato concentrates from Greece;

Whereas, in the case of imports from Greece, having regard to the special arrangements governing trade between the Community and Greece, a system of minimum import prices, at a level which avoids a threat to the aims of Article 39 of the Treaty, should be introduced, in accordance with Article 41 of the Athens Agreement; whereas if these prices are fixed at the levels set out in the Annex, bearing in mind the abovementioned aims and facts, this should not stand in the way of the criteria referred to in Article 44 (2) and (3) of the Treaty and in particular the natural preference therein mentioned; whereas the importer should provide an additional security to ensure that these prices are respected; whereas to bring the above system into effect, it is necessary to derogate from the terms of Article 9 of Commission Regulation (EEC) No 2104/75 of 31 July 1975 amending Regulation No 193/75 and laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables (4);

Whereas, in view of the substantial quantity of products in respect of which certificates have already been issued, these quantities should be subject to the system of minimum prices, while permitting the importer to request the cancellation of the certificates in question,

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community of tomato concentrates falling within subheading ex 20.02 C of the Common Customs Tariff, originating in Greece are required to observe the minimum price or special minimum price, as appropriate, 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 198, 29. 7. 1975, p. 7.
(4) OJ No L 214, 12. 8. 1975, p. 20.

Article 2

1. Without prejudice to the first indent of Article 4 (2) of Regulation (EEC) No 1927/75, the issue of import licences for tomato concentrates originating in Greece shall be conditional upon the provision of an additional security to guarantee that the free-at-frontier price of the products to be imported under these licences shall be equal to or greater than the minimum price or the special minimum price, as appropriate.

2. The rate of the additional security referred to in paragraph 1 shall be fixed at 10 units of account per 100 kg, including immediate packings.

3. Articles 7 (2) and 8 (1) (b) and (c) of Regulation (EEC) No 2104/75 shall apply.

Article 3

Licences which have been requested before the entry into force of this Regulation, and which have not yet been issued by such date, shall be subject to the provision of the additional security referred to in Article 2. Nevertheless, any person concerned may withdraw this request relating to such a licence.

Article 4

1. The import licences which have been issued before the date of entry into force of this Regulation may not be used with effect from such date.

2. On request by any person concerned, the licences referred to in paragraph 1 shall be replaced by new licences which in addition shall be subject to the provision of the additional security referred to in Article 2.

Any new licence, which shall be issued without delay, shall have the same date of expiry as the one which it replaces. It may be issued in respect of all or part of the quantity not imported under the old licence.

3. Any person concerned may request the cancellation of a licence issued before the entry into force of this Regulation, in respect of all or part of the quantity not imported under such licence.

Article 5

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, 27 February 1976.

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 (1), customs duties included

Dry weight content		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	42·0	45·2	49·5	51·7	60·3	63·0
20	22	45·4	47·7	52·3	54·6	63·6	68·2
22	24	47·8	50·3	55·1	57·4	67·0	71·8
24	26	50·2	52·7	57·7	60·3	70·3	75·3
26	28	52·6	55·3	60·5	63·1	73·6	78·9
28	30	55·0	57·7	63·2	66·0	77·0	82·5
30	32	57·4	60·3	66·0	68·9	80·4	86·1
32	34	59·8	62·8	68·7	71·7	83·7	89·6
34	36	62·1	65·3	71·4	74·6	87·0	93·2
36	38	64·5	67·8	74·2	77·4	90·4	96·8
38	40	66·9	70·3	76·9	80·3	93·7	100·4
40	42	69·3	72·8	79·5	83·2	97·0	103·9
42	—	71·7	75·2	82·4	86·0	100·4	107·5

(1) The net weight of the products is considered as being the weight of the product including immediate packings.

Special minimum import price into the new Member States, u.a./100 kg net weight (1), customs duties included

Dry weight content		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	27·8	30·0	32·8	34·3	40·0	41·8
20	22	30·2	31·7	34·7	36·2	42·2	45·3
22	24	31·8	33·4	36·5	38·1	44·5	47·6
24	26	33·3	35·0	38·3	40·0	46·6	50·0
26	28	34·9	36·7	40·1	41·9	48·9	52·4
28	30	36·5	38·3	42·0	43·8	51·1	54·7
30	32	38·1	40·0	43·8	45·7	53·3	57·1
32	34	39·7	41·6	45·6	47·6	55·5	59·5
34	36	41·2	43·3	47·4	49·5	57·7	61·9
36	38	42·8	45·0	49·2	51·4	60·0	64·2
38	40	44·4	46·6	51·1	53·2	62·2	66·6
40	42	46·0	48·3	52·8	55·2	64·4	69·0
42	—	47·6	49·9	54·7	57·1	66·6	71·4

(1) The net weight of the product is considered as being the weight of the product including immediate packings.