COUNCIL REGULATION (EEC) No 522/77

of 14 March 1977

laying down special provisions applicable to trade in tomato concentrates and peeled tomatoes between the Community as originally constituted and the new Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas in normal circumstances the prices for tomato concentrates and peeled tomatoes are substantially higher in the Community as originally constituted than on the world market; whereas this difference in prices could harm the competitive position of producers in the Community as originally constituted on the markets of the new Member States, which are an important traditional outlet for Community production;

Whereas the situation is likely to jeopardize the aims of the common agricultural policy as laid down in Article 39 of the Treaty; whereas, to remedy this, special measures must be taken to safeguard the competitive position on the markets of the new Member States of producers in the Community as originally constituted;

Whereas compensatory amounts should therefore be introduced for tomato concentrates and peeled tomatoes, to be granted or levied in trade between the new Member States and the Community as originally constituted or third countries; whereas, however, it will suffice if such compensatory amounts are applied only where a refund is granted pursuant to Article 6 of Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables (2);

Whereas the compensatory amounts should be phased out as the Common Customs Tariff is progressively introduced in the new Member States;

Whereas provision should be made to ensure that the said amounts are accounted for under the arrangements for the financing of the common agricultural policy,

HAS ADOPTED THIS REGULATION:

Article 1

In order to offset price differences existing in trade between the new Member States and the Community as originally constituted or third countries, a system of compensatory amounts as set out in the following Articles shall be applied in respect of tomato concentrates and peeled tomatoes falling within subheading ex 20.02 C of the Common Customs Tariff and for which an export refund is granted pursuant to Article 6 of Regulation (EEC) No 516/77.

Article 2

In intra-Community trade, the Member States of the Community as originally constituted shall:

— levy compensatory amounts on imports from the new Member States,

— grant compensatory amounts on exports to the new Member States.

Article 3

For exports from the new Member States to third countries, the export refund shall be equal to the difference between the refund referred to in Article 1 and the compensatory amount applicable.

(1) OJ No C 30, 7. 2. 1977, p. 25.
(2) See page 1 of this Official Journal.

Article 4

1. The compensatory amount for tomato concentrates shall be equal to 50% of the export refund referred to in Article 1. The compensatory amount shall be reduced in two stages.

The two reductions shall be such as to reduce the level of the compensatory amounts to 25% and 0% respectively of the said refunds and shall be made on 1 July 1977 and 1 January 1978.

When the first reduction is made, the compensatory amount, based on the level of the export refunds, shall in no case be fixed at a level such as to allow exportation to the new Member States at a price below the special minimum price referred to in Article 3 (3) of Council Regulation (EEC) No 516/77.

2. The compensatory amount for peeled tomatoes shall be equal to 25% of the export refund referred to in Article 1. The compensatory amount shall be reduced in two stages.

The two reductions shall be such as to reduce the level of the compensatory amounts to 12·50% and 0% respectively of the said refunds and shall be made on 1 July 1977 and 1 January 1978.

Article 5

The compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 6

Such detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77.

Article 7

1. The compensatory amounts as provided for in Article 1, which are levied or granted in trade between the Member States, shall be regarded for the purposes of the financing of the common agricultural policy as intervention intended to stabilize agricultural markets.

2. Such detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Council Regulation (EEC) No 729/70 (1).

Article 8

1. Council Regulation (EEC) No 1930/75 of 22 July 1975 laying down special provisions applicable to trade in tomato concentrates between the Community as originally constituted and the new Member States (2), as amended by Regulation (EEC) No 1779/76 (3), is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 9

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 198, 29. 7. 1975, p. 15.
(3) OJ No L 199, 24. 7. 1976, p. 8.