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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 235/80

of 29 January 1980

on the total or partial suspension of Common Customs Tariff duties on certain agricultural products originating in Turkey (1980)

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), and in particular Article 12 thereof,

Having regard to the proposal from the Commission (2),

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

Whereas, under Annex 6 of the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional phase pursuant to Article 4 of the Agreement establishing an association between the European Economic Community and Turkey, and under Article 1 of the Interim Agreement between the European Economic Community and Turkey consequent on the Accession of new Member States to the Community, the Community must totally or partially suspend the Common Customs Tariff or duties applicable to certain products; whereas it also appears necessary on a provisional basis to adjust or supplement some of these tariff advantages provided for in the abovementioned Annex 6; whereas the Community should with regard to the products originating in Turkey contained in the list annexed to this Regulation, suspend until 31 December 1980 either the fixed component of the charge applicable to the goods coming under Regulation (EEC) No 1059/69 of the customs duty applicable to the other products, at the levels indicated for each of them,

(1) OJ No L 141, 12. 6. 1969, p. 1.
(2) OJ No C 239, 22. 9. 1979, p. 2.
(3) Opinion delivered on 18 January 1980 (not yet published in the Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1980 the products originating in Turkey listed in Annex A shall be admitted for import into the Community at the customs duties indicated for each of them.

2. For the purposes of application of this Regulation, 'originating products' shall mean those products which fulfil the conditions laid down in Association Council Decision No 4/72 of 29 December 1972 annexed to Regulation (EEC) No 428/73 (4), as amended by Decision No 1/75 of 26 May 1975 annexed to Regulation (EEC) No 1431/75 (5).

The methods of administrative cooperation which ensure that the products listed in the Annexes benefit from the total or partial suspension shall be those laid down in Association Council Decision No 5/72 of 29 December 1972 annexed to Regulation (EEC) No 428/73, as last amended by Decision No 1/78 of 18 July 1978 annexed to Regulation (EEC) No 2152/78 (6).

Article 2

When the imports of products benefiting from the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious loss to the Community producers of similar products or directly competitive products, the Common Customs Tariff duties may be partially or wholly reintroduced for the products in question. These measures may also be taken in the event of serious loss or the threat of serious loss limited to a single region of the Community.

(4) OJ No L 59, 5. 3. 1973, p. 73.
(5) OJ No L 142, 4. 6. 1975, p. 1.
(6) OJ No L 253, 15. 9. 1978, p. 1.

Article 3

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

2. Where the Commission has been requested by a Member State to take action it shall take a decision within a maximum period of 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer the Commission's action to the Council within a period of 10 working days following the day of its notification. The intervention of the Council shall not have a suspensory effect. The Council shall meet without delay. It may by a qualified majority amend or annul the measure taken.

Article 4

This Regulation shall enter into force on 1 January 1980.

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

Done at Brussels, 29 January 1980.

For the Council

The President

F. EVANGELISTI

ANNEX

List of products falling within Chapters 1 to 24 originating in Turkey for which there are grounds for total or partial suspension of the duties of the Common Customs Tariff

CCT heading No	Description	Rate of duty
03.01	Fish, fresh (live or dead), chilled or frozen:	
	B. Saltwater fish:	
	I. Whole, headless or in pieces:	
	ex q) Other:	
	— Aquarium fish	Free
	II. Fillets:	
	b) Frozen:	
	ex 7. Other:	
	— Of sharks and of halibut	10 %
	C. Livers and roes	5 %
03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water:	
	A. Crustaceans:	
	ex V. Other (for example, Norway lobsters)	
	— Peurullus spp	7 %
	B. Molluscs:	
	II. Mussels	7 %
04.06	Natural honey	25 %
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared:	
	A. Fresh:	
	ex I. From 1 June to 31 October:	
	— Orchids (family Orchidaceae) and Anthurium	15 %
	ex II. From 1 November to 31 May:	
	— Orchids (family Orchidaceae) and Anthurium	15 %
07.01	Vegetables, fresh or chilled:	
	ex T. Other:	
	— Okra (Hibiscus esculentus L, or Abelmoschus esculentus (L.) Moench); Moringa oleifera (Drumsticks)	Free
	— Aubergines, from 1 to 14 January	9 %
	— Other, excluding celery sticks, marrows and pumpkins and parsley, from 1 January to 31 March	9 %

CCT heading No	Description	Rate of duty
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption:	
	ex E. Other vegetables:	
	— Okra (Hibiscus esculentus L. or Abelmoschus esculentus (L) Moench)	Free
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder but not further prepared:	
	ex B. Other:	
	— Mushrooms, excluding cultivated mushrooms	8 %
	— Horse-radish (Cochlearia armoracia)	Free
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith:	
	B. Other	Free
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guaves and mangosteens, fresh or dried, shelled or not:	
	ex B. Bananas:	
	— Dried	6 %
08.02	Citrus fruit, fresh or dried:	
	ex E. Other:	
	— Limes and limettes (citrus aurantifolia, var Lumio and var Limetta)	9·6 %
08.05	Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not:	
	D. Pistachios	Free
	E. Pecans	Free
	ex G. Other (excluding hazelnuts)	Free
08.07	Stone fruit, fresh:	
	E. Other	7 %
08.08	Berries, fresh:	
	F. Other	6 %
ex 08.09	Other fruit, fresh:	
	— Rose-hips fruit	Free
	— Watermelons, from 1 November to 31 March	6·5 %
	— Other, excluding melons and watermelons	6 %

CCT heading No	Description	Rate of duty
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar:	
	ex B. Bilberries (fruit of the Vaccinium myrtillus) blackberries (brambleberries), mulberries and cloudberries	9 %
	ex D. Other:	
	— Quinces	11 %
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 %
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption):	
	C. Papaws	Free
	D. Bilberries (fruit of the Vaccinium myrtillus)	4 %
	ex E. Other:	
	— Quinces	4 %
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B and F and 08.09, excluding pineapples, melons and watermelons	Free
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05:	
	E. Papaws	Free
	ex G. Other:	
	— Tamarind (pods, pulp)	Free
08.13	Peel of melons and citrus fruit, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions	Free
09.01	Coffee, whether or not roasted or free of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion:	
	A. Coffee:	
	I. Unroasted:	
	b) Free of caffeine	10 %
	II. Roasted:	
	a) Not free of caffeine	12 %
	b) Free of caffeine	15 %
	B. Husks and skins	10 %
	C. Coffee substitutes containing coffee in any proportion	15 %
13.03	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products:	
	B. Pectic substances, pectinates and pectates:	
	ex I. Dry, excluding apple, pear and quinze pectic substances	12 %
	ex II. Other, excluding apple, pear and quinze pectic substances	7 %

CCT heading No	Description	Rate of duty
15.04	Fats and oils, of fish and marine mammals, whether or not refined:	
	A. Fish-liver oil:	
	I. Of a vitamin A content not exceeding 2 500 international units per gram	Free
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified:	
	B. China-wood and oiticica oils; myrtle wax and japan wax	Free
	C. Castor oil:	
	II. Other	6 %
	D. Other oils:	
	I. For technical or industrial uses other than the manufacture of foodstuffs for human consumption (a):	
	a) Crude:	
	1. Palm oil	2·5 %
	ex 3. Other, excluding linseed oil, groundnut oil, sunflower seed oil and colza oil	2·5 %
	b) Other:	
	ex 2. Other:	
	— Palm kernel and coconut oil	7 %
	II. Other:	
	a) Palm oil:	
	1. Crude	4 %
	2. Other	12 %
	b) Other:	
	1. Solid, in immediate packings of a net capacity of 1 kg or less	18 %
	2. Solid, other; fluid:	
	ex aa) Crude:	
	— Palm kernel and coconut oil	7 %
	ex bb) Other:	
	— Palm kernel and coconut oil	13 %
15.12	Animal or vegetable oils and fats wholly or partly hydrogenated, or solidified or hardened by any other process, whether or not refined, but not further prepared:	
	A. In immediate packings of a net capacity of 1 kg or less	16 %
	B. Other	11 %
15.17	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:	
	B. Residues resulting from the treatment of fatty substances or animal or vegetable waxes:	
	II. Other:	
	a) Oil foots and dregs; soapstocks	Free
	b) Other	Free

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CCT heading No	Description	Rate of duty
16.02	Other prepared or preserved meat or meat offal:	
	A. Liver:	
	I. Goose or duck liver	14 %
	B. Other:	
	II. Game or rabbit meat or offal:	
	— Game	9 %
	— Rabbit	14 %
	III. Other:	
	b) Other:	
	1. Containing bovine meat or offal:	
	ex bb) Other:	
	— Prepared or preserved bovine tongue	17 %
	2. Other:	
	aa) Ovine meat or offal	18 %
	bb) Other	16 %
16.04	Prepared or preserved fish, including caviar and caviar substitutes:	
	A. Caviar and caviar substitutes:	
	I. Caviar (sturgeon roe)	12 %
	II. Other	16 %
	B. Salmonidae	4 %
	ex F. Bonito (Sarda spp.) and mackerel	19 %
	G. Other:	
	I. Fillets, raw, coated with batter or breadcrumbs, deep frozen	10 %
	II. Other	10 %
16.05	Crustaceans and molluscs, prepared or preserved	
	ex B. Other, excluding shrimps of the Crangon spp. type and snails	6 %
18.06	Chocolate and other food preparations containing cocoa:	
	A. Cocoa powder, not otherwise sweetened than by the addition of sucrose	3 % + vc
	C. Chocolate and chocolate goods, whether or not filled; sugar confectionary and substitutes therefor made from sugar substitution products, containing cocoa	10 % + vc with a max. of 27 % + ads
ex 19.04	Tapioca and sago, excluding tapioca and sago substitutes obtained from potato or other starches	4 % + vc

CCT heading No	Description	Rate of duty
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	B. Truffles	14 %
	E. Sauerkraut	16 %
	ex H. Other, including mixtures:	
	— Moringa oleifera (Drumsticks)	Free
20.03	Fruit preserved by freezing, containing added sugar:	
	ex A. With a sugar content exceeding 13 % by weight:	
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 % + (L)
	ex B. Other:	
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 %
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized):	
	B. Other:	
	ex I. With a sugar content exceeding 13 % by weight:	
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 % + (L)
	ex II. Other:	
	— Fruit falling within heading Nos 08.01, 08.02 D, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 %
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar:	
	B. Jams and marmalades of citrus fruit:	
	ex I. With a sugar content exceeding 30 % by weight, excluding orange jam and marmalade	19 % + (L)
	ex II. With a sugar content exceeding 13 % but not exceeding 30 % by weight, excluding orange jam and marmalade	19 % + (L)
	ex III. Other, excluding orange jam and marmalade	19 %
	C. Other:	
	I. With a sugar content exceeding 30 % by weight:	
	ex b) Other:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 % + (L)

CCT heading No	Description	Rate of duty
20.05 *(cont'd)*	C. ex II. With a sugar content exceeding 13 % but not 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	12 % + (L)
	ex III. Other:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 %
20.06	Fruit, otherwise prepared or preserved, whether or not containing added sugar or spirit:	
	B. Other:	
	I. Containing added spirit:	
	a) Ginger	10 %
	b) Pineapples, in immediate packings of a net capacity:	
	1. Of more than 1 kg:	
	aa) With a sugar content exceeding 17 % by weight	10 % + (L)
	bb) Other	10 %
	2. Of 1 kg or less:	
	aa) With a sugar content exceeding 19 % by weight	10 % + (L)
	bb) Other	10 %
	c) Grapes:	
	1. With a sugar content exceeding 13 % by weight	25 % + (L)
	2. Other	25 %
	d) Peaches, pears and apricots, in immediate packings of a net capacity:	
	1. Of more than 1 kg:	
	aa) With a sugar content exceeding 13 % by weight	25 % + (L)
	bb) Other	25 %
	2. Of 1 kg or less:	
	aa) With a sugar content exceeding 15 % by weight	25 % + (L)
	bb) Other	25 %
	e) Other fruits:	
	ex 1. With a sugar content exceeding 9 % by weight, excluding cherries	25 % + (L)
	ex 2. Other, excluding cherries	25 %
	f) Mixtures of fruit:	
	1. With a sugar content exceeding 9 % weight	25 % + (L)
	2. Other	25 %
	II. Not containing added spirit:	
	a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:	
	3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	19 % + (L)

CCT heading No	Description	Rate of duty
20.06 *(cont'd)*	B. II. a) 4. Grapes	18 % + (L)
	ex 8. Other fruits:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 % + (L)
	— Tamarind (pods, pulp)	8 % + (L)
	9. Mixtures of fruit:	
	ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits	
	— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 % + (L)
	b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less:	
	3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	20 % + (L)
	4. Grapes	19 % + (L)
	ex 8. Other fruits:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 % + (L)
	9. Mixtures of fruit:	
	ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits:	
	— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	12 % + (L)
	c) Not containing added sugar, in immediate packings of a net capacity:	
	1. Of 4·5 kg or more:	
	ex dd) Other fruits:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 %
	ex ee) Mixtures of fruit:	
	— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons, in which no single fruit exceeds 50 % of the total weight of the fruits	12 %

CCT heading No	Description	Rate of duty
20.06 *(cont'd)*	B. II. c) 2. Of less than 4·5 kg:	
	ex bb) Other fruit and mixtures of fruit:	
	— Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons	8 %
	— Mixtures of two or more fruits falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons, in which no single fruit exceeds 50 % of the total weight of the fruits	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 EUA 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 EUA 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 %
	B. Of a specific gravity of 1·33 or less at 15 °C:	
	II. Other:	
	a) Of a value exceeding 30 EUA per 100 kg net weight:	
	3. Lemon juice or other citrus fruit juices:	
	ex aa) Containing added sugar:	
	— Excluding lemon juice	13 %
	ex bb) Other:	
	— Excluding lemon juice	13 %
	6. Other fruit and vegetable 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 %

CCT heading No	Description	Rate of duty
20.07 *(cont'd)*	B. II. a) 6. 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 either 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 EUA or less per 100 kg net weight:	
	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 %
	7. Other fruit and vegetable juices:	
	ex aa) With an added sugar content exceeding 30 % by weight:	
	— Of 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:	
	— Of 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 cc) Not containing added sugar:	
	— Of 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 %

CCT heading No	Description	Rate of duty
20.07 *(cont'd)*	B. II. b) 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 %
21.07	Food preparations not elsewhere specified or included:	
	A. Cereals in grain or ear form, pre-cooked or otherwise prepared	4 % + vc
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves:	
	B. Flours and meals of fish, crustaceans or molluscs	Free