COUNCIL REGULATION (EEC) No 3324/80

of 18 December 1980

on the determination of import duties on mixtures and sets containing agricultural products, and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43, 113 and 235 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the same rate of import duty is in general applicable to a group of products falling within a specified subheading of the Common Customs Tariff; whereas the whole range of products classified in a subheading is thus to be taken into consideration when fixing the import duties;

Whereas the application of the normal import duty to mixtures and sets does not always lead to economically desirable results;

Whereas the exceptional nature of these mixtures and sets may encourage their manufacture with a view to benefiting from the application of a lower import duty;

Whereas rules should be established to ensure that mixtures and sets can be imported only when the appropriate import duties are applied; whereas it is unavoidable that the application of such rules in certain cases will result in difficulties for both the administration and for the trade sector; whereas the rules should be applied only in areas where problems exist or where they are necessary as a precautionary step;

Whereas in respect of mixtures where one of the components represents at least 90 % of the weight, no preventive measures are considered necessary;

Whereas the abovementioned rules may require specific detailed rules of implementation; whereas such detailed rules should be adopted in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (4), as last amended by Regulation (EEC) No 1870/80 (5), or in the corresponding Article in other Regulations on the common organization of markets;

Whereas amendments shall therefore be made to the Common Customs Tariff annexed to Regulation (EEC) No 950/68 (6), as last amended by Regulation (EEC) No 3034/80 (7),

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, 'import duty' shall mean customs duties and charges having equivalent effect as well as agricultural levies and other import charges provided for under the common agricultural policy or under the specific arrangements applicable to certain goods obtained by processing agricultural products.

Article 2

The import duty applicable to mixtures falling within Chapters 2 and 11 of the Common Customs Tariff shall be calculated as follows:

(a) in mixtures where one of the components represents at least 90 % by weight, the rate applicable to that component applies;

(b) in other mixtures, the rate applicable shall be that of the component which results in the highest amount of import duty.

Article 3

The Council, acting by a qualified majority on a proposal from the Commission, may adopt the necessary measures to make the provisions of Article 2 applicable to mixtures other than those referred to in the said Article or to goods put up in sets containing agricultural products.

(1) OJ No C 189, 26. 7. 1980, p. 3.
(2) OJ No C 291, 10. 11. 1980, p. 79.
(3) Opinion delivered on 19 November 1980 (not yet published in the Official Journal).
(4) OJ No L 281, 1. 11. 1975, p. 1.
(5) OJ No L 184, 17. 7. 1980, p. 1.
(6) OJ No L 172, 22. 7. 1968, p. 1.
(7) OJ No L 323, 29. 11. 1980, p. 7.

Article 4

Without prejudice to Regulation (EEC) No 97/69 [1], and if the need arises, detailed rules for the application of this Regulation, and, in particular, methods of analysis, shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or in the corresponding Article in other Regulations on the common organization of markets.

Article 5

The following text shall be added to the Common Customs Tariff annexed to Regulation (EEC) No 950/68 as Additional Note 5 to Chapter 2 and as Additional Note 3 to Chapter 11 :

'In accordance with Regulation (EEC) No 3324/80, the import duty applicable to mixtures falling within this Chapter shall be calculated as follows :

(a) in mixtures where one of the components represents at least 90 % by weight, the rate applicable to that component applies ;

(b) in other mixtures, the rate applicable shall be that of the component which results in the highest amount of import duty.'

Article 6

This Regulation shall enter into force on 1 March 1981.

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

Done at Brussels, 18 December 1980.

For the Council

The President

C. NEY

(1) OJ No L 14, 21. 1. 1969, p. 1.