COMMISSION REGULATION (EEC) No 743/87

of 13 March 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common market organization of the market in products processed from fruit and vegetables (1), as last amended by Regulation (EEC) No 1838/86 (2), and in particular Articles 14 (3) and 15 (4) thereof,

Whereas Commission Regulation (EEC) No 1303/83 (3), as last amended by Regulation (EEC) No 2397/86 (4), lays down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables; whereas the provisions of that Regulation have been amended many times; whereas, therefore, in the interests of clarity and administrative efficiency it is advisable to consolidate the rules in question in a single text, at the time making certain amendments which experience has shown to be desirable;

Whereas the special detailed rules for the application of the system of import licences and advance fixing certificates in question supplement and derogate from Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (5), as last amended by Regulation (EEC) No 3913/86 (6);

Whereas, in order to facilitate the adoption of appropriate measures in the event of disturbance or threatened disturbance to the market, provision should be made for introducing a fixed period between the application for and issue of the licences;

Whereas the term of validity of import licences, with or without advance fixing of the levy in respect of the various added sugars, should be determined in the light of the practices of international trade; whereas the amount of the security to be lodged for import licences and advance fixing certificates should be fixed at levels which will enable the system to function properly;

Whereas, in order to ensure better knowledge of the trade pattern in certain products, the country of origin must be indicated and the importer should be compelled to import from the country thus indicated; whereas, in view of the characteristics of trade in the products concerned, provision should be made for some relaxation of the rules concerning the compulsory indication of the country of origin;

Whereas in licence applications applicants must indicate the Common Customs Tariff subheading; whereas in the case of certain products falling within subheadings 20.06 B and 20.07 B of the Common Customs Tariff, it is not always possible, owing to considerable variations in natural sugar content or to fluctuations in exchange rates, to know the exact subheadings at the time of application for licences; whereas special provision should be made for those products;

Whereas the product to be exported is to be described in advance fixing certificates with reference to the relevant subheading of the Common Customs Tariff; whereas the criterion for classifying a product in a specific subheading is in many cases the sugar content; whereas, as a consequence, variations in the sugar content of a specific product may lead exporters to submit several applications on account of the product's successive classifications; whereas that situation could be avoided if the issue of a single certificate for such a product with a varying sugar content were to be authorized;

Whereas the third indent of Article 5 (1) of Regulation (EEC) No 3183/80 provides that no licence is required for the purposes of operations relating to quantities for which the amount of the security for the corresponding licence would be five ECU or less; whereas Article 13 (4) of Regulation (EEC) No 3183/80 provides that no security is required in respect of an import or export licence or advance fixing certificate where the amount of security involved is five ECU or less, or under certain circumstances, 25 ECU or less;

Whereas the application of those provisions as regards products processed from fruit and vegetables results, because of the range of security rates, in a wide variation in the quantity of product covered;

Whereas it is necessary, with a view especially to administrative simplicity, to specify the quantity within which such products may be imported without a licence; whereas the quantity below which an import licence or advance fixing certificate is to be issued without a security being lodged should also be specified; whereas the second subparagraph of Article 13 (4) of Regulation (EEC) No 3183/80 should not apply;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 159, 14. 6. 1986, p. 1.
(3) OJ No L 138, 27. 5. 1983, p. 25.
(4) OJ No L 208, 31. 7. 1986, p. 15.
(5) OJ No L 338, 13. 12. 1980, p. 1.
(6) OJ No L 364, 23. 12. 1986, p. 31.

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down special detailed rules for the application of the system of import licences and advance fixing certificates as provided for in Articles 14 and 15 of Regulation (EEC) No 426/86.

TITLE I

Import licences

Article 2

1. Import licences, with or without advance fixing of the levy, shall be valid for a period of three months from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3183/80.

2. For products in respect of which import trends need to be monitored closely in order to evaluate the possibility of disturbance or threatened disturbance of the market, the Commission may decide that import licences, with or without advance fixing of the levy, shall be issued on the fifth working day following that on which applications are lodged.

Article 3

1. The amount of the security for import licences without advance fixing of the levy shall for each product be as shown in the following table :

CCT heading No	Description	Amount in ECU/100 kg net
ex 07.02 B	Peeled tomatoes preserved by freezing ;	0,60
	Peas (including chick peas) (whether or not cooked), preserved by freezing	0,60
ex 07.03 E	Mushrooms in salted or sulphur water or to which other substances ensuring their temporary preservation have been added, but not specially prepared for immediate consumption	2,00
ex 07.04 B	Tomato flakes	1,80
08.03 B	Dried figs	1,60
08.04 B	Dried grapes	2,00
ex 08.10 A	Strawberries or raspberries (whether or not cooked), preserved by freezing, not containing added sugar	2,00
ex 08.10 D	Cherries (whether or not cooked), preserved by freezing, not containing added sugar	2,00
ex 08.11 E	Strawberries, raspberries or cherries, preserved provisionally	2,00
08.12 C	Prunes	1,20
ex 20.01 C	Mushrooms, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard	2,00
20.02 A	Mushrooms, prepared or preserved otherwise than by vinegar or acetic acid	2,40
ex 20.02 C	Tomato concentrates (1)	1,80
ex 20.02 C	Other tomato products	0,60
20.02 G	Peas and beans in pod, prepared or preserved otherwise than by vinegar or acetic acid	0,60
ex 20.03	Strawberries, raspberries or cherries, preserved by freezing, containing added sugar	0,60
ex 20.05 C I b), C II and C III	Jams, jellies, marmalades, purée and pastes of strawberries or raspberries, being cooked preparations, whether or not containing added sugar	0,60
ex 20.06 B II a) 6, B II b) 6, B II c) 1 cc) and B II c) 2 aa)	Pears otherwise prepared or preserved	0,60
ex 20.06 B II ex a) 7, B II b) 7 aa) 11 and B II b) 7 bb 11	Peaches otherwise prepared or preserved	0,60
20.06 B II ex a) 7, B II b) 7 aa) 22, B II b) 7 bb) 22, B II c) 1 aa) and ex B II c) 2 bb)	Apricots otherwise prepared or preserved	0,60

CCT heading No	Description	Amount in ECU/100 kg net
ex 20.06 B II a) 8, B II b) 8, B II c) 1 dd) and B II c) 2 bb)	Strawberries, raspberries or cherries otherwise prepared or preserved	0,60
ex 20.07 A III, B II a) 6 and B II b) 7	Cherry juice	0,60
20.07 B II a) 5 and B II b) 6	Tomato juice	0,60

(1) Products with a dry matter content of not less than 12 % by weight.

2. The amount of the security for import licences with advance fixing of the levy shall for each product be as shown in the following table :

CCT heading No	Description	Amount in ECU/100 kg net
ex 20.03 A	Strawberries, raspberries or cherries, preserved by freezing, containing added sugar	1,30
ex 20.05 C I b)	Jams, jellies, marmalades, purée and pastes of strawberries or raspberries being cooked preparations, with a sugar content exceeding 30 % by weight	2,40
ex 20.05 C II	Jams, jellies, marmalades, purée and pastes of strawberries or raspberries, being cooked preparations with a sugar content exceeding 13 % but not exceeding 30 % by weight	0,90

Article 4

Where certain of the products falling within a subheading of the Common Customs Tariff only are subject to the system of import licences, licence applications and the import licences themselves shall contain in section 7 the description of the products subject to the system and in section 8 the Common Customs Tariff subheading preceded by 'ex'.

Licences shall be valid for the products so described.

Article 5

1. For the products set out in the following table, licence applications and the import licences themselves shall indicate the country of origin in section 14 :

CCT heading No	Description
ex 07.03 E	Mushrooms provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption
08.03 B	Dried figs
08.04 B	Dried grapes
ex 08.10 A	Strawberries or raspberries (whether or not cooked), preserved by freezing, not containing added sugar
ex 08.10 D	Cherries (whether or not cooked), preserved by freezing, not containing added sugar
ex 08.11 E	Strawberries, raspberries or cherries, provisionally preserved
ex 20.01 C	Mushrooms, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard

CCT heading No	Description
20.02 A	Mushrooms, prepared or preserved otherwise than by vinegar or acetic acid
20.02 G	Peas, and beans in pod, prepared or preserved otherwise than by vinegar or acetic acid
ex 20.03	Strawberries, raspberries or cherries, preserved by freezing, containing added sugar
ex 20.05 C I b) C II and C III	Jams, jellies, marmalades, purée and pastes of strawberries or raspberries, being cooked preparations, whether or not containing added sugar
ex 20.06 B II a) 8, B II b) 8, B II c) 1 dd and B II c) 2 bb)	Strawberries, raspberries or cherries prepared or preserved
ex 20.07 A III, B II a) 6 and B II b) 7	Cherry juice

Licences shall make it obligatory to import from the country indicated thereon.

2. Holders of licences may apply, once only, to have the country of origin altered subject to the following rules :

(a) applications for alteration of the country of origin :

— must be submitted to the body which issued the original licence,

— must be accompanied by the original licence and by any extract issued,

— shall be subject to the provisions of Articles 12, 13 (1), 14 and 15 of Regulation (EEC) No 3183/80 ;

(b) the body which issued the licence shall retain the original licence and any extract and shall issue a replacement licence and, where appropriate, one or more replacement extracts.

However, if during the time taken to issue the replacement licence the issue of licences for the new country of origin is supended, the replacement licence application concerned shall be rejected and the original licence and, where appropriate, the extract or extracts shall be returned to the holder ;

(c) replacement licences and, where appropriate, the replacement extract or extracts shall :

— be issued for a quantity of products which, when the tolerance is added, corresponds to the available quantity shown on the document which they replace,

— contain in section 12 the number of the document which they replace,

— contain in section 14 the name of the new country of origin,

— contain in the other sections the same entries as the documents which they replace, and in particular the same date of expiry.

Article 6

1. In the case of :

— tomato juice falling within subheading 20.07 B II of the Common Customs Tariff,

and

— peaches, apricots and pears falling within subheading 20.06 B II of the Common Customs Tariff,

applicants may in section 8 indicate two tariff subheadings in their applications for import licences as follows :

ex 20.06 B II a) 6 aa) and ex 20.06 B II a) 6 bb), or
20.06 B II a) 7 aa) and 20.06 B II a) 7 bb), or
20.06 B II b) 6 aa) and 20.06 B II b) 6 bb), or
20.06 B II b) 7 aa) 11 and 20.06 B II b) 7 bb) 11, or
20.06 B II b) 7 aa) 22 and 20.06 B II b) 7 bb) 22, or
20.07 B II a) 5 aa) and 20.07 B II b) 6 aa), or
20.07 B II a) 5 bb) and 20.07 B II b) 6 bb).

The two subheadings indicated in the application shall be entered on the import licence.

2. Where applicants avail themselves of the provisions of paragraph 1 and the amounts of the securities are different in respect of the two tariff subheadings concerned, the amount of security to be taken into consideration shall be the higher of the two.

3. Whereas, as a result of the application of paragraph 1, a product not subject to an import levy is imported under cover of a licence including advance fixing of the levy, the obligation to import with advance fixing of the levy shall be considered to have been met.

Article 7

For the products set out in the following table, licence applications and the import licences themselves shall show in section 7, in addition to the description in accordance with the Common Customs Tariff nomenclature, a description corresponding to that indicated in the table below and a reference to the relevant NIMEXE-code :

CCT heading No	NIMEXE code	Description
ex 07.02 B	07.02-20	Peas (including chick peas) (whether or not cooked), preserved by freezing
ex 07.03 E	ex 07.03-61	Cultivated mushrooms provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption
ex 07.03 E	ex 07.03-61	Mushrooms, excluding cultivated mushrooms, provisionally preserved in brine, in sulphur water or other preservative solutions, but not specially prepared for immediate consumption
08.04 B I	08.04-31	Currants
	08.04-39	Other
08.04 B II	08.04-91	Currants
	08.04-99	Other
		Fruit (whether or not cooked), preserved by freezing, not containing added sugar :
ex 08.10 A	08.10-11	— Strawberries
ex 08.10 A	08.10-15	— Raspberries
		— Cherries :
ex 08.10 D	ex 08.10-90	— — Sour cherries
ex 08.10 D	ex 08.10-90	— — Other
		Fruit provisionally preserved :
ex 08.11 E	08.11-95	— Strawberries
ex 08.11 E	08.11-96	— Raspberries
		— Cherries :
ex 08.11 E	ex 08.11-91	— — Sour cherries
ex 08.11 E	ex 08.11-91	— — Other
ex 20.01 C	ex 20.01-30	Cultivated mushrooms, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard
ex 20.01 C	ex 20.01-30	Mushrooms, excluding cultivated mushrooms, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing spices or mustard
		Tomatoes :
		— With a dry matter content of less than 12 % by weight :
ex 20.02 C	20.02-31	— — Peeled tomatoes
ex 20.02 C	20.02-33	— — Other
ex 20.02 C	20.02-35	— With a dry matter content of not less than 12 % but not more than 30 % by weight
ex 20.02 C	20.02-37	— With a dry matter content of more than 30 % by weight
ex 20.02 G	20.02-91	Peas prepared or preserved otherwise than by vinegar or acetic acid
ex 20.02 G	20.02-95	Beans in pod prepared or preserved otherwise than by vinegar or acetic acid
		Fruit preserved by freezing, containing added sugar :
		— With a sugar content exceeding 13 % by weight :
ex 20.03 A	ex 20.03-00	— — Strawberries
ex 20.03 A	ex 20.03-00	— — Raspberries
		— — Cherries :
ex 20.03 A	ex 20.03-00	— — — Sour cherries
ex 20.03 A	ex 20.03-00	— — — Other
		— Other :
ex 20.03 B	ex 20.03-00	— — Strawberries
ex 20.03 B	ex 20.03-00	— — Raspberries
		— — Cherries :
ex 20.03 B	ex 20.03-00	— — — Sour cherries
ex 20.03 B	ex 20.03-00	— — — Other
		Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar :
ex 20.05 C I b)	20.05-53	— Strawberries
ex 20.05 C I b)	20.05-55	— Raspberries
ex 20.05 C II	ex 20.05-60	— Strawberries
ex 20.05 C II	ex 20.05-60	— Raspberries
ex 20.05 C III	ex 20.05-90	— Strawberries
ex 20.05 C III	ex 20.05-90	— Raspberries

CCT heading No	NIMEXE code	Description
		Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit :
ex 20.06 B II a) 7	20.06-45	— Peaches
ex 20.06 B II a) 7	20.06-47	— Apricots
		— Cherries :
ex 20.06 B II a) 8	20.06-50	— — Sour cherries
ex 20.06 B II a) 8	20.06-51	— — Other
ex 20.06 B II a) 8	ex 20.06-53	— Strawberries
ex 20.06 B II a) 8	ex 20.06-53	— Raspberries
		— Cherries :
ex 20.06 B II b) 8	20.06-74	— — Sour cherries
ex 20.06 B II b) 8	20.06-75	— — Other
ex 20.06 B II b) 8	ex 20.06-80	— Strawberries
ex 20.06 B II b) 8	ex 20.06-80	— Raspberries
		— Cherries :
ex 20.06 B II c) 1 dd)	20.06.89	— — Sour cherries
ex 20.06 B II c) 1 dd)	20.06-90	— — Other
ex 20.06 B II c) 1 dd)	ex 20.06-91	— Strawberries
ex 20.06 B II c) 1 dd)	ex 20.06-91	— Raspberries
		— Cherries :
ex 20.06 B II c) 2 bb)	20.06-96	— — Sour cherries
ex 20.06 B II c) 2 bb)	20.06-97	— — Other
ex 20.06 B II c) 2 bb)	ex 20.06-99	— Strawberries
ex 20.06 B II c) 2 bb)	ex 20.06-99	— Raspberries
ex 20.07 A III a)	ex 20.07-09	Cherry juice
ex 20.07 A III b) 1	ex 20.07-15	
b) 2	ex 20.07-15	
ex 20.07 B II a) 6 aa)	ex 20.07-60	
a) 6 bb)	ex 20.07-61	
ex 20.07 B II b) 7 aa)	ex 20.07-91	
b) 7 bb)	ex 20.07-92	
b) 7 cc)	ex 20.07-93	

Licences shall be valid only for the products so described.

Article 8

In cases where the amount of the security referred to in Article 3 is less than 1 ECU per 100 kilograms, and by way of derogation from the third indent of Article 5 (1) of Regulation (EEC) No 3183/80, no import licence shall be required for operations relating to a quantity not exceeding 500 kilograms.

TITLE II

Advance fixing certificates

Article 9

Without prejudice to the provisions of Article 2, advance fixing certificates shall be valid for a period of five months from their day of issue as defined in Article 21 (1) of Regulation (EEC) No 3183/80.

Article 10

Where advance fixing is restricted to certain of the products falling within a subheading of the Common Customs Tariff, applications for certificates and the certificates themselves shall contain in section 7 the description of the products qualifying for advance fixing and in section 8 the Common Customs Tariff subheading preceded by 'ex'.

Certificates shall be valid only for the products so described.

Article 11

When citrus fruit juices falling within heading ex 20.07 of the Common Customs Tariff other than grapefruit juice are imported into a Member State where they are subject to quantitative restrictions, the validity of the advance fixing certificates in that Member State shall be conditional on the production of a national document showing that importation has been authorized.

Article 12

Without prejudice to the provisions of Article 3 (2) the amount of security for advance fixing certificates for each product shall be as shown in the following table :

CCT heading No	Description	Amount in ECU/100 kg net
ex 13.03 B	Pectic substances and pectinates	0,18
ex 20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, whether or not containing salt, spices or mustard, containing added sugar	0,18
ex 20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid, containing added sugar	0,18
20.03	Fruit preserved by freezing, containing added sugar	0,70
20.04	Fruit, fruit peel and parts of plants, preserved by sugar (drained, glacé or crystallized)	1,80
ex 20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sugar :	
	A. Chestnut purée and paste	1,80
	B. Jams and marmalades of citrus fruit :	
	I. With a sugar content exceeding 30 % by weight	1,80
	II. With a sugar content exceeding 13 % but not exceeding 30 % by weight	0,30
	III. Other	0,30
	C. Other :	
	I. With a sugar content exceeding 30 % by weight	1,80
	II. With a sugar content exceeding 13 % but not exceeding 30 % by weight	0,30
	III. Other	0,30
ex 20.06	Fruit otherwise prepared or preserved, containing added sugar	0,30
ex 20.07	Fruit juices (including grape must) and vegetable juices, containing added sugar, but unfermented and not containing spirit, other than grape juices (including grape must) :	
	1. With an added sugar content exceeding 30 % by weight	1,80
	2. Other	0,30

Article 13

In the case of certificates for products falling within heading 20.07 of the Common Customs Tariff, a tolerance of 0,03 shall be permitted in relation to the tariff specification as to the density of the product.

Section 20 (a) of the certificate in the case of imports and section 18 (a) of the certificate in the case of advance fixing shall contain one of the following endorsements :

— Tolerancia en densidad 0,03
— Tolerance for densitet på 0,03
— Toleranzdichte 0,03
— Ανοχή πυκνότητος 0,03
— Density tolerance of 0,03
— Tolérance densité de 0,03
— Tolleranza densità 0,03
— Dichtheidstolerantie 0,03
— Tolerância de densidade 0,03.

Article 14

1. In the case of advance fixing of the export refund :

(a) applications for certificates and the certificates themselves shall indicate in section 12 the basic product in respect of which the refund is fixed in advance.

For this purpose 'basic products' shall mean :

— sugar, including white sugar, raw sugar and beet and cane syrup,
— glucose in the form of white crystalline powder, whether or not agglomerated,
— other glucose and glucose syrup, or
— isoglucose ;

(b) the products to be exported may, in applications for licences and in the licences themselves, be described by reference to the four-digit heading of the Common Customs Tariff within which the products fall.

Certificates shall be valid for all products attracting an export refund and falling within that heading.

2. Where the provisions of paragraph 1 (b) are applied, the amount of the security shall, by way of derogation from Article 12, be 1,80 ECU/100 kilograms net.

TITLE III

General provisions

Article 15

By way of derogation from the first subparagraph of Article 13 (4) of Regulation (EEC) No 3183/80, no security shall be required in respect of import licences or advance fixing certificates relating to a quantity not exceeding 1 000 kilograms.

The provisions of the second subparagraph of Article 13 (4) of Regulation (EEC) No 3183/80 shall not apply.

TITLE IV

Communications

Article 16

1. Member States shall communicate to the Commission not later than the ninth of each month the following particulars in respect of products for which import licences or advance fixing certificates were issued in the preceding month :

(a) import licences, with or without advance fixing of the levy :

— quantities,
and
— in respect of the products referred to in Article 5, country of origin,

broken down according to the nomenclature of the Common Customs Tariff or, for the products listed in Article 7, according to the description indicated in that Article.

The products listed in Article 6 shall be included under the subheading first mentioned in section 8 ;

(b) advance fixing certificates for import, other than those covered under (a) :

quantities, broken down according to the nomenclature of the Common Customs Tariff ;

(c) advance fixing certificates for export :

quantities, broken down according to the nomenclature of the Common Customs Tariff.

2. If no import licences or advance fixing certificates have been issued during a calendar month, the Member State concerned shall inform the Commission accordingly not later than the ninth of the following month.

3. During periods when the provisions of Article 2 (2) are applied, and by way of derogation from paragraph 1, Member States shall communicate to the Commission the particulars referred to in paragraph 1 (a) in respect of applications for import licences as follows :

— each Wednesday, as regards applications made on Monday and Tuesday of that week,
— each Friday, as regards applications made on Wednesday and Thursday of that week,
— each Monday, as regards applications made on Friday of the previous week.

TITLE V

Final provisions

Article 17

1. Regulation (EEC) No 1303/83 is hereby repealed.

2. References to Regulation (EEC) No 1303/83 shall be construed as references to this Regulation.

Article 18

This Regulation shall enter into force on 1 April 1987.

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

Done at Brussels, 13 March 1987.

For the Commission
Frans ANDRIESSEN
Vice-President