COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.06.1995
COM(95)242 final

95/0137 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(presented by the Commission)

EXPLANATORY MEMORANDUM

On the occasion of the adoption by the Council in December 1994 of Regulation (EC) No 3290/94 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (OJ No L 349, 31.12.1994, p. 105), the Commission made the following statement in respect of the fruit and vegetables sector:

> "Should the entry price be adjusted, the Commission will see to it that the import prices, within the meaning of Article 23(2) and (3) (Annex XIII), are set separately for sour cherries and cucumbers for processing, including in situations where they are shown together with the products for eating under the tariff heading."

This proposal is the follow-up to that statement and replaces the transitional measures adopted by the Commission relating to the entry price arrangements applicable to cucumbers for processing. Its purpose is to reduce the entry prices of cucumbers for processing set out in Annex 2 in the combined nomenclature, which have been set at a level designed to protect cucumbers for eating. The proposed entry prices take account of the import prices recorded in recent years and are intended to maintain the conditions of supply of the Community industries processing cucumbers.

With regard to sour cherries, the need to establish a separate entry price and the level of that price are still being examined.

Proposal for a

COUNCIL REGULATION (EC) No

of

amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987[1], as last amended by Commission Regulation (EC) No 3115/94[2], contains in Part 3, Section I, Annex 2 in the combined nomenclature the list of products to which an entry price applies and also, in respect of those products, the scale of entry prices used for the tariff classification of imported products and for determining the import duties applicable; whereas application of the said entry prices in the case of cucumbers for processing can represent an excessive burden for the industry; whereas lower entry prices should be set therefore for those products; whereas the entry prices to be fixed must take into account the average unit values recorded in trade over a representative period; whereas the *ad valorem* autonomous rates of duties for those products should be reduced also to the same level as the *ad valorem* conventional rates of duties;

Whereas the period of importation for cucumbers for processing commences on 1 May; whereas, in order to allow the industry to be supplied under normal conditions from the beginning of the processing period, the transitional measures necessary have been adopted by Commission Regulation (EC) No adopting certain transitional measures relating to the entry price arrangements applicable to cucumbers for processing,

HAS ADOPTED THIS REGULATION:

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1 OJ No L 256, 7.9.1987, p. 1.
2 OJ No L 345, 31.12.1994, p. 5.

Article 1

1. Annex I, Part 3, Section I, Annex 2 in the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as set out in the Annex to this Regulation.

2. At the time of the annual reduction of the *ad valorem* conventional rates of duty in respect of cucumbers for processing falling under CN codes 0707 00 20, 0707 00 25 and 0707 00 30, decided in line with the implementation of the agreements concluded during the Uruguay Round of multilateral trade negotiations, the corresponding *ad valorem* autonomous rates of duties shall be reduced to the same level and according to the same timetable.

Article 2

This Regulation shall enter into force on the seventh 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, For the Council

ANNEX

CN code	Description	Rate of duty	
		autonomous (%)	conventional (%)
1	2	3	4
0707 00 20	- - From 1 to 15 May:		
	- - - For processing[1]:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Not less than 35 ECU[2]	15,5	15,5
	- - - - - Not less than 34,3 ECU but less than 35 ECU[3]	15,5 + 0,7 Ecu/ 100 kg/net	15,5 + 1,1 Ecu/ 100 kg/net
	- - - - - Not less than 33,6 ECU but less than 34,3 ECU[4]	15,5 + 1,4 Ecu/ 100 kg/net	15,5 + 2,2 Ecu/ 100 kg/net
	- - - - - Not less than 32,9 ECU but less than 33,6 ECU[5]	15,5 + 2,1 Ecu/ 100 kg/net	15,5 + 3,4 Ecu/ 100 kg/net
	- - - - - Not less than 32,2 ECU but less than 32,9 ECU[6]	15,5 + 2,8 Ecu/ 100 kg/net	15,5 + 4,5 Ecu/ 100 kg/net
	- - - - - Less than 32,2 ECU[7]	15,5 + 45,7 Ecu/ 100 kg/net	15,5 + 45,7 Ecu/ 100 kg/net
	- - - Other:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Not less than 56 ECU[8]	16 + 47,3 Ecu/ 100 kg/net	15,5
	- - - - - Not less than 54,9 ECU but less than 56 ECU[9]	16 + 47,3 Ecu/ 100 kg/net	15,5 + 1,1 Ecu/ 100 kg/net
	- - - - - Not less than 53,8 ECU but less than 54,9 ECU[10]	16 + 47,3 Ecu/ 100 kg/net	15,5 + 2,2 Ecu/100 kg/net
	- - - - - Not less than 52,6 ECU but less than 53,8 ECU[11]	16 + 47,3 Ecu/ 100 kg/net	15,5 + 3,4 Ecu/100 kg/net
	- - - - - Not less than 51,5 ECU but less than 52,6 ECU[12]	16 + 47,3 Ecu/ 100 kg/net	15,5 + 4,5 Ecu/100 kg/net
	- - - - - less than 51,5 ECU[13]	16 + 47,3 Ecu/ 100 kg/net	15,5 + 45,7 Ecu/100 kg/net

[1] Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

[2] TARIC codes 0707 00 20 * 12 and 0707 00 20 * 14

[3] TARIC codes 0707 00 20 * 16 and 0707 00 20 * 18

[4] TARIC codes 0707 00 20 * 22 and 0707 00 20 * 24

[5] TARIC codes 0707 00 20 * 26 and 0707 00 20 * 28

[6] TARIC codes 0707 00 20 * 32 and 0707 00 20 * 34

[7] TARIC codes 0707 00 20 * 36 and 0707 00 20 * 38

[8] TARIC codes 0707 00 20 * 72 and 0707 00 20 * 74

[9] TARIC codes 0707 00 20 * 76 and 0707 00 20 * 78

[10] TARIC codes 0707 00 20 * 82 and 0707 00 20 * 84

[11] TARIC codes 0707 00 20 * 86 and 0707 00 20 * 88

[12] TARIC codes 0707 00 20 * 92 and 0707 00 20 * 94

[13] TARIC codes 0707 00 20 * 96 and 0707 00 20 * 98

CN code	Description	Rate of duty	
		autonomous (%)	conventional (%)
1	2	3	4
0707 00 25	- - From 16 May to 30 September:		
	- - - For processing[1]:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Not less than 35 ECU[2]	19,3	19,3
	- - - - - Not less than 34,3 ECU but less than 35 ECU[3]	19,3 + 0,7 Ecu/ 100 kg/net	19,3 + 1,1 Ecu/ 100 kg/net
	- - - - - Not less than 33,6 ECU but less than 34,3 ECU[4]	19,3 + 1,4 Ecu/ 100 kg/net	19,3 + 2,2 Ecu/ 100 kg/net
	- - - - - Not less than 32,9 ECU but less than 33,6 ECU[5]	19,3 + 2,1 Ecu/ 100 kg/net	19,3 + 3,4 Ecu/ 100 kg/net
	- - - - - Not less than 32,2 ECU but less than 32,9 ECU[6]	19,3 + 2,8 Ecu/ 100 kg/net	19,3 + 4,5 Ecu/ 100 kg/net
	- - - - - Less than 32,2 ECU[7]	19,3 + 45,7 Ecu/ 100 kg/net	19,3 + 45,7 Ecu/ 100 kg/net
	- - - Other:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Not less than 56 ECU[8]	20 + 47,3 Ecu/ 100 kg/net	19,3
	- - - - - Not less than 54,9 ECU but less than 56 ECU[9]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 1,1 Ecu/ 100 kg/net
	- - - - - Not less than 53,8 ECU but less than 54,9 ECU[10]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 2,2 Ecu/100 kg/net
	- - - - - Not less than 52,6 ECU but less than 53,8 ECU[11]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 3,4 Ecu/100 kg/net
	- - - - - Not less than 51,5 ECU but less than 52,6 ECU[12]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 4,5 Ecu/100 kg/net
	- - - - - Less than 51,5 ECU[13]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 45,7 Ecu/100 kg/net

[1] Entry under this subheading is subject to the conditions laid down in the relevant Community provision.
[2] TARIC codes 0707 00 25 * 12 and 0707 00 25 * 14
[3] TARIC codes 0707 00 25 * 16 and 0707 00 25 * 18
[4] TARIC codes 0707 00 25 * 22 and 0707 00 25 * 24
[5] TARIC codes 0707 00 25 * 26 and 0707 00 25 * 28
[6] TARIC codes 0707 00 25 * 32 and 0707 00 25 * 34
[7] TARIC codes 0707 00 25 * 36 and 0707 00 25 * 38
[8] TARIC codes 0707 00 25 * 12 and 0707 00 25 * 14
[9] TARIC codes 0707 00 25 * 76 and 0707 00 25 * 78
[10] TARIC codes 0707 00 25 * 82 and 0707 00 25 * 84
[11] TARIC codes 0707 00 25 * 86 and 0707 00 25 * 88
[12] TARIC codes 0707 00 25 * 92 and 0707 00 25 * 94
[13] TARIC codes 0707 00 25 * 96 and 0707 00 25 * 98

CN code	Description	Rate of duty	
		autonomous (%)	conventional (%)
1	2	3	4
0707 00 30	- - From 1 to 31 October:		
	- - - For processing[1]:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Not less than 35 ECU[2]	19,3	19,3
	- - - - - Not less than 34,3 ECU but less than 35 ECU[3]	19,3 + 0,7 Ecu/ 100 kg/net	19,3 + 1,5 Ecu/ 100 kg/net
	- - - - - Not less than 33,6 ECU but less than 34,3 ECU[4]	19,3 + 1,4 Ecu/ 100 kg/net	19,3 + 3 Ecu/ 100 kg/net
	- - - - - Not less than 32,9 ECU but less than 33,6 ECU[5]	19,3 + 2,1 Ecu/ 100 kg/net	19,3 + 4,6 Ecu/ 100 kg/net
	- - - - - Not less than 32,2 ECU but less than 32,9 ECU[6]	19,3 + 2,8 Ecu/ 100 kg/net	19,3 + 6,1 Ecu/ 100 kg/net
	- - - - - Less than 32,2 ECU[7]	19,3 + 45,7 Ecu/ 100 kg/net	19,3 + 45,7 Ecu/ 100 kg/net
	- - - Other:		
	- - - - With an entry price per 100 kg net weight of:		
	- - - - - Net less than 76,2 ECU[8]	20 + 47,3 Ecu/ 100 kg/net	19,3
	- - - - - Not less than 74,7 ECU but less than 76,2 ECU[9]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 1,5 Ecu/ 100 kg/net
	- - - - - Not less than 73,2 but less than 74,7 ECU[10]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 3 Ecu/ 100 kg/net
	- - - - - Not less than 71,6 but less than 73,2 ECU[11]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 4,6 Ecu/ 100 kg/net
	- - - - - Not less than 70,1 ECU but less than 71,6 ECU[12]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 6,1 Ecu/ 100 kg/net
	- - - - - Less than 70,1 ECU[13]	20 + 47,3 Ecu/ 100 kg/net	19,3 + 45,7 Ecu/ 100 kg/net

1 L'admission dans candte sous-position est subordonnée aux conditions prévues par les dispositions communautaires édictées en la matière.
2 TARIC codes 0707 00 30 * 12 and 0707 00 30 * 14
3 TARIC codes 0707 00 30 * 16 and 0707 00 30 * 18
4 TARIC codes 0707 00 30 * 22 and 0707 00 30 * 24
5 TARIC codes 0707 00 30 * 26 and 0707 00 30 * 28
6 TARIC codes 0707 00 30 * 32 and 0707 00 30 * 34
7 TARIC codes 0707 00 30 * 36 and 0707 00 30 * 38
8 TARIC codes 0707 00 30 * 12 and 0707 00 30 * 14
9 TARIC codes 0707 00 30 * 76 and 0707 00 30 * 78
10 TARIC codes 0707 00 30 * 82 and 0707 00 30 * 84
11 TARIC codes 0707 00 30 * 86 and 0707 00 30 * 88
12 TARIC codes 0707 00 30 * 92 and 0707 00 30 * 94
13 TARIC codes 0707 00 30 * 96 and 0707 00 30 * 98

FINANCIAL STATEMENT

[redacted]

Date: 25 April 1995

1. BUDGET HEADING: 1000

APPROPRIATIONS:
ECU 861.3 million

2. TITLE:
Proposal for a Council Regulation amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

3. LEGAL BASIS: Articles 28 and 113 of the Treaty.

4. AIMS:
To maintain market protection and to fix separate entry prices for products for processing.

5. FINANCIAL IMPLICATIONS:	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (95)	FOLLOWING FINANCIAL YEAR (96)
5.0. ~~EXPENDITURE~~ ~~- CHARGED TO THE EC BUDGET~~ ~~- (REFUNDS/INTERVENTION)~~ ~~- NATIONAL AUTHORITIES~~ ~~- OTHER~~			
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) ~~- NATIONAL~~	p.m.	p.m.	p.m.

	1997	1998	1999	2000
5.0.1. ~~ESTIMATED EXPENDITURE~~ 5.1.1. ESTIMATED REVENUE	-	-	-	-

5.2. METHOD OF CALCULATION:
Since the application of an entirely new system is concerned, any data available may provide a reliable base for the assessment of any financial impact.

6.0.	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?	YES
6.1.	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?	~~YES/NO~~
6.2.	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?	~~YES/NO~~
6.3.	WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY?	~~YES/NO~~

OBSERVATIONS

Setting separate entry prices for products for processing results in more balanced market protection than at present.

ISSN 0254-1475

COM(95) 242 final

DOCUMENTS

EN 02 03 17

Catalogue number : CB-CO-95-271-EN-C

ISBN 92-77-89596-9

Office for Official Publications of the European Communities

L-2985 Luxembourg

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