COMMISSION

Proposal for a Council Regulation (EEC) amending Regulations (EEC) No 2771/75 on the common organization of the market in eggs, (EEC) No 2777/75 on the common organization of the market in poultrymeat, (EEC) No 827/68 on the common organization of the market in certain products listed in Annex II to the Treaty and (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(92/C 326/17)

COM(92) 428 final

(Submitted by the Commission on 16 November 1992)

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,

Having regard to the opinion of the Economic and Social Committee,

Whereas it has recently been detected that classification of certain egg products within heading No 0408 of the combined nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (1), as last amended by Regulation (EEC) No .../.. (2), creates problems for the competent authorities; whereas to remedy that situation the structure of the subheadings within heading No 0408 should be improved;

Whereas Regulations (EEC) No 2771/75 (3) and (EEC) No 2777/75 (4), both as last amended by Regulation (EEC) No 1235/89 (5), do not provide until now for a system of import licences; whereas in view of the increasing number of international agreements concerning, *inter alia*, trade in eggs and poultrymeat such a system involving the provision of security as a guarantee that importation will be effected should be introduced in these sectors too in order that a check may be kept on the volume of imports;

Whereas Article 9 of Regulation (EEC) No 2771/75 provides for refunds on exports to third countries of eggs and egg products also in the form of further processed products listed in the Annex thereto; whereas in order to facilitate future amendments to this list, it should be adopted in accordance with Article 17 of the said Regulation;

Whereas prepared goose or duck liver falling within the CN subheading 1602 20 10 are covered by Regulation (EEC) No 827/68 (6), as last amended by Regulation (EEC) No 789/89 (7); whereas these preparations should be brought under Regulation (EEC) No 2777/75 in order to be able to lay down common marketing standards for these products necessary for assuring harmonized information of consumers and fair competition; whereas the Annex to Regulation (EEC) No 827/68 should be adapted accordingly;

Whereas the customs duties for some products are bound in GATT;

Whereas at present an import levy is fixed for those products, but this levy is limited to the amount resulting from the binding of the customs duty; whereas for the sake of simplification in future only customs duties should be applied to those products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2771/75 is hereby amended as follows:

1. Article 1 (1) is replaced by the following:

'*Article 1*

1. The common organization of the market in eggs shall cover the following products:

(1) OJ No L 256, 7. 9. 1987, p. 1.
(2) OJ No L ...
(3) OJ No L 282, 1. 11. 1975, p. 49.
(4) OJ No L 282, 1. 11. 1975, p. 77.
(5) OJ No L 128, 11. 5. 1989, p. 29.
(6) OJ No L 151, 30. 6. 1968, p. 16.
(7) OJ No L 85, 30. 3. 1989, p. 3.

CN code	Description
(a) 0407 00 11 0407 00 19 0407 00 30	Poultry eggs in shell, fresh, preserved or cooked
(b) 0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80	Other eggs not in shell and other eggs yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter'

2. the following Article 8a is inserted:

'*Article 8a*

1. The importation into the Community of any of the products listed in Article 1 (1) may be made conditional on the submission of an import licence which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

Such licence shall be valid for an importation carried out anywhere in the Community.

The issue of such licences shall be conditional on the provision of security as a guarantee that importation will be effected during the period of validity of the licence; the security shall be wholly or partially forfeit if importation is not effected, or is only partially effected, within that period.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.';

3. Article 9 (1) is replaced by the following:

'*Article 9*

1. To the extent necessary to enable the products specified in Article 1 (1) to be exported, in the state referred to therein or in the form of products the list of which shall be adopted in accordance with the procedure laid down in Article 17, on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund.';

4. Article 10, last indent, is replaced by the following:

'— in special cases, in respect of products specified in Article 1 (1) which are intended for the manufacture of the products appearing on the list referred to in Article 9 (1).';

5. Annex I is deleted.

Article 2

Regulation (EEC) No 2777/75 is hereby amended as follows:

1. Article 1 (1) is replaced by the following:

'*Article 1*

1. The common organization of the market in poultrymeat shall cover the following products:

CN code	Description of goods
(a) 0105	Live poultry, that is to say, fowls of the species *Gallus Domesticus*, ducks, geese, turkeys and guinea fowl
(b) ex 0207	Meat and edible offal, of the poultry of heading No 0105 fresh, chilled or frozen, excluding livers falling within subheadings 0207 31 00, 0207 39 90 and 0207 50
(c) 0207 31 00 0207 39 90 0207 50	Poultry livers, fresh, chilled or frozen
0210 90 71 0210 90 79	Poultry livers salted, in brine, dried or smoked
(d) 0209 00 90	Poultry fat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked
(e) 1501 00 90	Poultry fat, rendered, whether or not pressed or solvent-extracted
(f) 1602 20 10	Other prepared or preserved goose or duck liver
1602 31 1602 39	Other prepared or preserved meat, or meat offal of poultry of heading No 0105'

2. Article 3 is replaced by the following:

'*Article 3*

1. For products falling within subheadings 0207 31 00, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 20 10, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90 of the combined nomenclature customs duties laid down in the tariff shall apply.

2. For products referred to in Article 1 (1) other than those listed in paragraph 1 of this Article a levy fixed in advance for each quarter in accordance with the procedure laid down in Article 17 shall be charged on imports into the Community.';

3. Article 5 (2) is deleted and paragraph 3 of that Article becomes paragraph 2;

4. the following Article 8a is inserted:

'*Article 8a*

1. The importation into the Community of any of the products listed in Article 1 (1) may be made conditional on the submission of an import licence which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

Such licence shall be valid for an importation carried out anywhere in the Community.

The issue of such licences shall be conditional on the provision of security as a guarantee that importation will be effected during the period of validity of the licence; the security shall be wholly or partially forfeit if importation is not effected, or is only partially effected, within that period.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.'.

Article 3

In the Annex to Regulation (EEC) No 827/68, the following heading and subheading of the combined nomenclature are deleted:

'ex 1602 20	– of liver of any animal:
1602 20 10	-- Goose or duck liver'.

Article 4

In Annex I to Council Regulation (EEC) No 2658/87, heading 0408 is replaced by the following:

'CN code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:			
	– Egg yolks:			
0408 11	-- Dried:			
0408 11 20	--- Unfit for human consumption (1)	Free	Free	—
0408 11 80	--- Other	22 (AGR)	—	—
0408 19	-- Other:			
0408 19 20	--- Unfit for human consumption (1)	Free	Free	—
0408 19 81	--- Other:			
0408 19 89	---- Liquid	22 (AGR)	—	—
	---- Other, including frozen	22 (AGR)	—	—
	– Other:			
0408 91	-- Dried:			
0408 91 20	--- Unfit for human consumption (1)	Free	Free	—
0408 91 80	--- Other	22 (AGR)	—	—
0408 99	-- Other:			
0408 99 20	--- Unfit for human consumption (1)	Free	Free	—
0408 99 80	--- Other	22 (AGR)	—	—

(1) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.'

Article 5

This Regulation shall enter into force on 1 January 1993.

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