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COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 384 final.

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Amended proposal

REGULATION (EEC) OF THE COUNCIL

on certain measures to prevent  
abuses resulting from the sale of agricultural products  
on board ship

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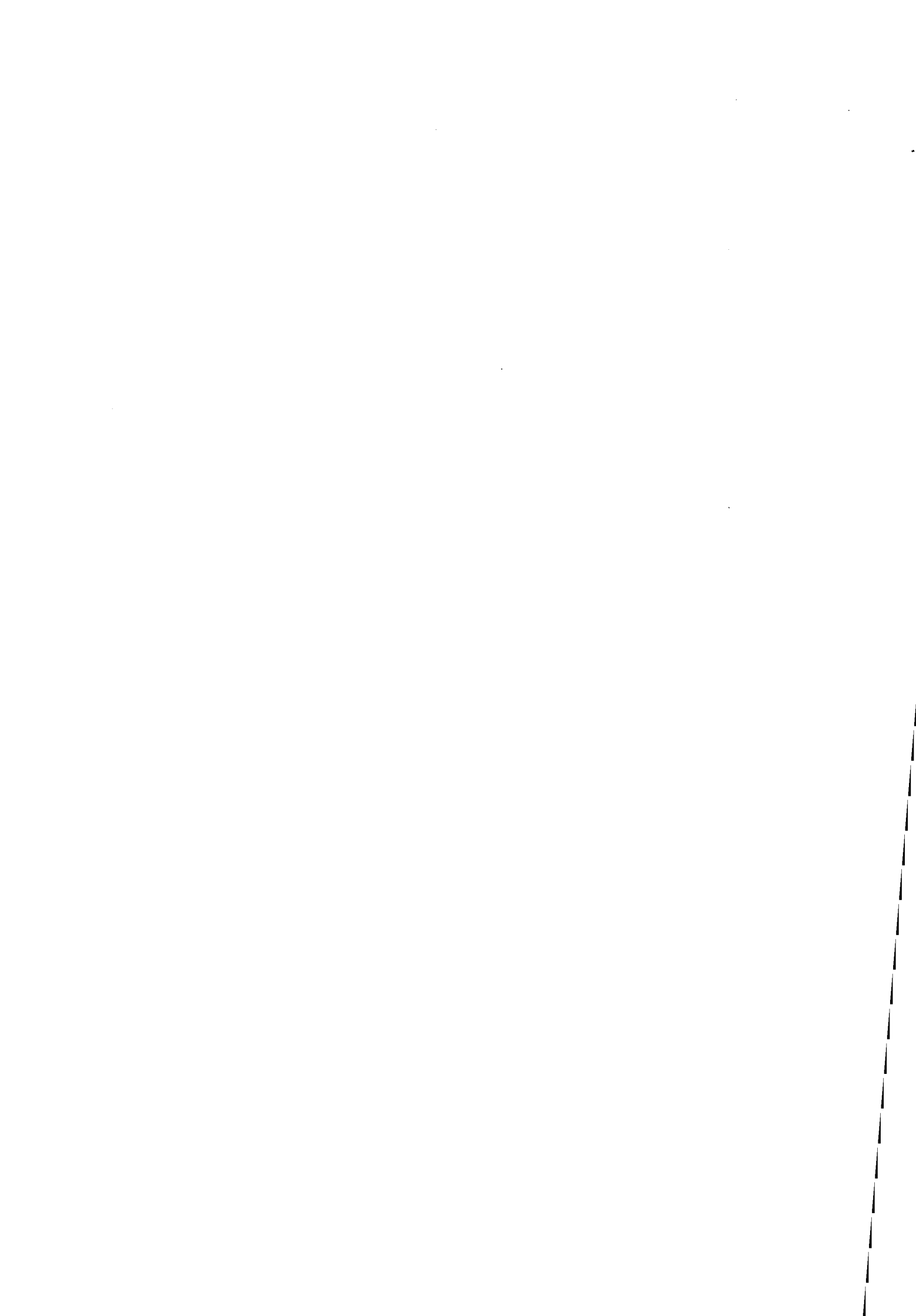
(submitted to the Council by the Commission)



The abovementioned proposal for a Council Regulation aims to prevent abuses and discrimination resulting from the sale of agricultural products on board ship. Such abuses concern mainly the products, mentioned in Annex II of the Treaty.

The Commission considers it therefore possible to limit the field of application of the Regulation to such agricultural products. The Commission also considers it possible to take into consideration the technical remarks made during the meetings at Council level. The text of the proposal amended on these lines is attached.

Since the European Parliament has been consulted on the original proposal and the amended proposal does not change the principles involved it is not considered necessary to consult the Parliament again.



PROPOSAL FOR  
COUNCIL REGULATION (EEC) n° /77

OF

on certain measures to prevent  
abuses resulting from the sale of agricultural products  
on board ship

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 (1).

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(1) OJ n° C 83, 4.4.1977, p. 33

Whereas, under the terms of Article 8(4) of Commission Regulation (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3186/76 <sup>(2)</sup>, no refund may be granted on products sold or distributed on board ship which are liable to be reintroduced subsequently into the Community free of levies under Council Regulation (EEC) No 1818/75 of 10 July 1975 on the agricultural levies, compensatory amounts and other import charges applicable to agricultural products and to certain goods resulting from their processing, contained in travellers' personal baggage <sup>(3)</sup>;

Whereas experience has shown that such products, although not covered by either of the situations provided for in Article 9(2) of the Treaty, are sold or distributed on board certain vessels with a view to their introduction into the Community free of levies; whereas this results in a distortion of competition to the detriment of products originating in Member States or in free circulation within the Community; whereas this situation should be rectified;

<sup>(1)</sup> OJ No C 25, 31. 1.1975, p. 1  
<sup>(2)</sup> OJ No L 359, 30.12.1976, p. 23  
<sup>(3)</sup> OJ No L 105, 16. 7.1975, p. 3

Whereas Regulation (EEC) No 1818/75 extended the field of application of Council Regulation (EEC) No 1544/69 of 23 July 1969 on the tariff applicable to goods contained in travellers' personal luggage (<sup>1</sup>), to the agricultural levies and other import charges provided for under the common agricultural policy or under the specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods obtained by processing agricultural products;

Whereas the above provisions are not applicable to products purchased or distributed during a voyage from a Member State on a ship which has not called at a port outside the customs territory of the Community; whereas to clarify the legal position in this connection, it should be laid down that no exemption be granted to travellers for products covered by such a situation;

Whereas, however, Member States could be authorized to apply transitional measures the effect of which would be to establish exemptions for very limited quantities, beyond which products purchased or distributed under the above conditions could be reintroduced into the Community only after payment of any charges which might be required;

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(<sup>1</sup>) OJ No L 191, 5.8.1969, p. 1

Whereas this Regulation is without prejudice to the Community provisions concerning the harmonization of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel,

HAS ADOPTED THIS REGULATION:

Article 1

No exemption from import duties shall be granted to travellers for products covered by the common agricultural policy:

- which are not covered by either of the situations provided for in Article 9(2) of the Treaty, and
- which are purchased or distributed on board ships which have left a Community port and which are returning to a Community port without calling at a port outside the customs territory of the Community.



Article 2

1. In derogation from the prohibition referred to in Article 1, the Member States shall be authorized until 30 June 1978 to grant exemption from import duties for the products referred to in Article 1, up to the following quantities per traveller:

- 1 kilogram of butter,
- 1 kilogram of cheese,
- 1 kilogram of meat, including prepared or preserved meat and sausages,
- 2 litres of wine, including sparkling and liqueur wine,
- a total of 2 kilograms of other products.

2. Paragraph 1 shall apply only to products in travellers' personal baggage and provided that such imports

(a) are of an occasional nature and

(b) consist exclusively of products for the personal or family use of the travellers, or of products intended as presents.

3. If Member States use the authorization referred to in paragraph 1, they shall inform the Commission.

.../...

Article 3

For the purpose of this Regulation import duties means customs duties and charges having equivalent effect as well as agricultural levies and other import charges provided for under the common agricultural policy.

Article 4

Where necessary, the following shall be adopted in accordance with the procedure laid down in Article 25 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1386/77 <sup>(2)</sup> or, as the case may be, in the corresponding Articles of the other Regulations on the common organization of agricultural markets:

- detailed rules for the application of this Regulation;
- any amendments which may be made, on the basis of experience gained, to the list and quantities of products referred to in Article 2 (1).

(1) OJ No L 281, 1.11.1975, p. 1

(2) OJ No L 155, 29.6.1977, p. 1

Article 5

This Regulation shall enter into force on 1 October 1977.

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

Done at .

For the Council

The President

