

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 587 final.

Brussels, 16 November 1976.

Proposal for a
COUNCIL REGULATION (EEC)

on the common organization of the market in products processed
from fruit and vegetables

(submitted to the Council by the Commission)

COM(76) 587 final.

EXPLANATORY NOTE

This series of agricultural acts relating to the sector constitutes the eighth set of Commission proposals consolidating the secondary agricultural legislation of the Council.

It is designed to respond to the desire of the Council, expressed most recently in a resolution of 26 November 1974, inviting the Commission to submit proposals for consolidation to it.

The Method adopted for this consolidation is that used in respect of the previous series of acts.

EUROPEAN COMMUNITIES

VI/1867/76-E

The Council

Proposal for a

COUNCIL REGULATION (EEC) No /76

OF

on the common organization
of the market in products
processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament (1),

(1) OJ n. L

Whereas since their adoption the basic provisions concerning the organization of the market in products processed from fruit and vegetables have been amended a number of times; whereas by reason of their numbers, their complexity and their dispersal among various Official Journals, these texts are difficult to use, and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text;

Whereas the common organisation of the markets in sugar and cereals make provision for price and trading systems for these products; whereas the application of these systems has the effect of keeping prices for sugar, glucose and glucose syrup at a certain level; whereas, in view of the direct and substantial incidence of these raw materials on the cost price of certain processed products, the trading system for processed products must be brought into line with the trading systems for sugar and cereals;

Whereas provisions must therefore be adopted to ensure that a levy is charged on the sugar component incorporated in processed products under conditions similar to those operative under Council Regulation No 3330/74 EEC of 19 December 1974 on the common organisation of the market in sugar (2) as last amended by Regulation (EEC) No (3); whereas an identical import charge should also be levied on the glucose components and glucose syrup incorporated as sugar substitutes in the processed products concerned;

Whereas this method of calculation calls for frequent alterations to the levy in question; whereas, in view of the nature of the products concerned, it is advisable to provide that this levy only be fixed once a quarter;

Whereas special provisions are necessary for occasions when one of the elements for calculating the levy is not known;

Whereas, similarly, provision should be made for granting a refund on sugar incorporated in processed products for export to non-member countries designed to cover the difference between prices for sugar ruling outside and inside the Community;

(2) OJ No L 359. 31.12.1974. p.1.

Whereas to enable processed products without added sugar to have access to markets of non-member countries, provision should be made for the granting of an export refund; whereas for products containing added sugar this general refund should be granted only in cases where the refund in respect of the added sugar contained in the products would not be sufficient to permit their exportation;

Whereas, in the interests of stability in commercial transactions, consideration should be given to allowing those concerned to have the amounts of the levies and refunds fixed in advance; whereas, in the interests of sound administration, provision should be made for the introduction of advance fixing certificates, which would involve the lodging of a security guaranteeing the commitment to import or export during the period of validity of the certificate;

Whereas provision should also be made, where necessary for the proper functioning of the system outlined above, for regulating or, insofar as the situation on the market requires, prohibiting in whole or in part, the use of inward processing arrangements; whereas, moreover, refunds should be so fixed that Community basic products used by processing industries in the Community with a view to export are not placed at a disadvantage by inward processing arrangements which might induce those industries to give preference to basic products imported from non-member countries;

Whereas the establishment of a single market would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to products processed from fruit and vegetables;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Management Committee;

Whereas the common organisation of the market in products processed from fruit and vegetables must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the expenditure incurred by Member States as a result of obligations arising out of the application of this Regulation is financed by the Community in accordance with Articles 2 and 3 of Council Regulation (EEC) No 729/70, of 21 April 1970, on the financing of the common agricultural policy¹, as ^{last} amended by Regulation (EEC) No 2788/p 2²,

HAS ADOPTED THIS REGULATION:

Article 1

The common organisation of the market in products processed from fruit and vegetables shall cover the following:

CCT heading No	Description of goods
ex 07.02	Vegetables (whether or not cooked), preserved by freezing, excluding olives
ex 07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption, excluding olives.
ex 07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption, and also excluding olives
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar

(1) OJ No L 94, 28.4.1970, p. 13

(2) OJ No L 295, 30.12.1972, p. 1.

CCT heading No	Description of goods
08.11	Fruit provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption.
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04, or 08.05
08.13	Peel of melons and citrus fruit, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
ex 13.03 B	Pectin
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid
20.03	Fruit preserved by freezing, containing added sugar
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glace or crystallised)
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit
ex 20.07	Fruit juices (excluding grape juice and must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit until 31 December 1977:
ex 20.07	Grape juice (including grape must) not containing spirit, with an added sugar content exceeding 30% by weight (1)

(1) from 1 January 1978 this sub-heading is subject to the system laid down in Council Regulation (EEC) 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine, OJ L 99, 5.5. 1970, p.1.

Article 2

1. In addition to customs duty, an import levy calculated as described in the paragraphs which follow shall be charged on the various added sugars contained in the products listed in Annex 1.

2. For 100 kilogramme^{net} of imported product, this levy shall be equal to the difference between:

- (a) the average of the threshold prices for one kilogramme of white sugar for each month of the quarter for which the difference is being determined, and
- (b) the average of the c.i.f. prices for one kilogramme of white sugar used in fixing the levies on white sugar calculated for a period consisting of the first fifteen days of the month preceding the quarter for which the difference is being determined and the two months immediately preceding that month,

this difference being multiplied by the figure for the product in question appearing in column 1 of Annex I.

No levy shall be charged if the amount at (a) is higher than the amount at (b).

3. The difference provided for in paragraph 2 shall be determined by the Commission for each quarter of the calendar year.

4. Should the threshold price referred to in paragraph 2 (a) change during a quarter, the Council, acting by a qualified majority on a proposal from the Commission, shall decide whether there is any need to make an adjustment and, if so, determine the measures to be taken to that end.

5. Should one of the elements to be taken into account in calculating the difference referred to in paragraph 2 not be known by the fifteenth day of the month preceding the quarter for which the difference is to be determined, the Commission shall proceed to calculate the difference, substituting for the missing element of the calculation the element

which was taken into account in calculating the difference for the current quarter.

The difference shall be corrected by the Commission and made to apply not later than the sixteenth day following the date on which the missing information comes to hand.

The correction shall not be made however if the information only becomes available after the beginning of the last month of the quarter in question.

6. If the added sugar content per 100 Kilogramme^{net} weight of imported product established in accordance with paragraph 8 is two kilogrammes or more below the content expressed by the figure for the product in question appearing in column 1 of Annex 1, the levy shall, at the importer's request, be calculated per 100 kilogramme^{net} of imported product by multiplying the difference referred to in paragraph 2 by a figure representing the added sugar content defined in paragraph 8.

7. If the added sugar content per 100 kilogramme^{net} weight of imported product established in accordance with paragraph 8 is three kilogrammes or more above the content expressed by the figure appearing in column 1 of Annex 1, the levy shall be calculated in accordance with the provisions of paragraph 6.

8. "Added sugar content" shall mean the reading obtained by using a refractometer as described in Annex III, multiplied by 0.93 in the case of products falling within heading No 20.06 of the Common Customs Tariff and by 0.95 in the case of other products listed in Annex I and reduced by the figures for the product in question appearing in column 2 of Annex I.

9. Detailed rules for the application of paragraphs 1 to 8 shall be adopted as necessary in accordance with the procedure laid down in Article 15.

10. The Council, acting by a qualified majority on a proposal from the Commission, may amend Annex I.

Article 3

1. A refund shall be granted to permit exports to non-member countries of sugars falling within heading No 17.01, of glucose and of glucose syrup falling within subheading No 17.02 B II (whether or not in the form of products falling within subheading No 17.02 B I) incorporated in the products listed in Annex II.

The refund shall be granted on application.

2. For 100 kilogram^m net of exported product the amount of the refund granted shall be equal:

in the case of raw sugar and white sugar, to the amount of the refund per kilogram^m of sucrose fixed in accordance with Article 19 of Regulation (EEC) No 3330/74 and ^{with} the provisions adopted for its application for the products listed in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose used per 100 kilogram^m net of finished product;

in the case of glucose and glucose syrup, to the amount of the refunds fixed for each of those products in accordance with Article 16 of Regulation (EEC) No 2727/75 and ^{with} the provisions adopted for its application, multiplied by a figure expressing the quantity of glucose or glucose syrup used per 100 kilogrammes net of finished product.

The figures expressing the quantities of sucrose, glucose or glucose syrup shall be determined on the basis of the declaration referred to in Article 5.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting refunds.

4. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 15.

Article 4

1. To the extent necessary to enable the products not containing added sugar listed in Article 1 to be exported in economically significant quantities on the basis of prices for those products in the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same throughout the Community. It may be varied according to use or destination.

The refund shall be granted on application.

The refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 15.

Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refund in the intervening period.

3. Where the refund fixed pursuant to Article 3 is not sufficient to permit exports of the products containing added sugar listed in Article 1, the provisions of this Article shall apply to these products instead of those of Article 3.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall lay down general rules for granting refunds and criteria for fixing the amount of such refunds.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 15.

Article 5

1. To qualify for the refunds referred to in Article 3, the products listed in Annex II must be accompanied by a declaration from the party concerned indicating the amounts of sucrose, glucose and glucose syrup incorporated therein.

2. Where the provisions of Article 2 (6) or (7) apply, the products listed in Annex I must be accompanied by a declaration from the importer indicating the added sugar content established by the method described in Article 2 (8).

If this requirement is not met, Article 2 (6) shall not apply.

3. The accuracy of the declarations referred to in the foregoing paragraphs shall be subject to control by the competent authorities of the Member State concerned.

4. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 15.

Article 6

1. The levy referred to in Article 2 (1) and the refunds referred to in Article 3 (1) and 4 shall be those applicable on the day of importation or exportation.

2. 'However, the levy or refund, calculated on the basis of the provisions laid down in Article 2 or Article 3 and applicable on the day on which the application for advance fixing certificate provided for in Article 7 was lodged, may be applied, if the party concerned so requests at the same time as the application for the certificate is made to a transaction effected during the period of validity of the certificate.'

The levy shall be adjusted on the basis of the threshold price for white sugar in force on the day of importation.

3. Detailed rules for the application of the previous paragraphs shall be adopted as necessary in accordance with the procedure laid down in Article 15.
4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt measures to be applied in exceptional circumstances.
5. When examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the levy or the export refund, or that such difficulties may occur, a decision may be taken, in accordance with the procedure laid down in Article 15, to suspend the application of these provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three days.

Applications for certificates accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.

Article 7

1. In trade with non-member countries, all imports or exports into or out of the Community of products covered by the advance fixing system for levies or refunds referred to in Article 6 shall be made conditional on the submission of an advance fixing certificate issued by Member States to any applicant irrespective of the place of his establishment in the Community.
2. The advance fixing certificate shall be valid throughout the Community.

The issue of advance fixing certificates shall be conditional on the provision of security guaranteeing the commitment to import or export during the period of validity of the certificate; the security shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

3. The period of validity of advance fixing certificates, the amount of the security and the other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 15.

Article 8

The necessary provisions to co-ordinate and unify the trade arrangements applied by each Member State with regard to non-member countries shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

Article 9

1. To the extent necessary for the proper working of the common organisations of the markets in cereals, sugar and fruit and vegetables, the Council, acting by a qualified majority on a proposal from the Commission, may, in special cases, prohibit, in whole or in part, the use of inward processing arrangements in respect of raw sugar, white sugar, glucose, glucose syrup and fruit and vegetables which are intended for the manufacture of the goods listed in Article 1.

2. The quantity of raw materials which, under inward processing arrangements, is exempted from customs duty, levy or charge having equivalent effect shall be consistent with the conditions under which the processing operation in question is effected.

Article 10

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of the products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.

2. The levying of any charge having equivalent effect to a customs duty shall be prohibited in trade with non-member countries save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council, acting by a qualified majority on a proposal from the Commission.

Article 11

Products listed in Article 1 which are manufactured or obtained from products to which Article 9 (2) and Article 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 12

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products listed in Article 1.

Article 13

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 15.

Article 14

1. A Management Committee for Products Processed from Fruit and Vegetables (hereinafter called the 'Committee') shall be established, consisting of representatives of Member States and presided over by a representative of the Commission.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 15

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the questions under consideration. An Opinion shall be adopted by a majority of forty-one votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date

of such communication.

The Council, acting by a qualified majority may take a different decision within one month.

Article 16

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 17

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 18

1. Council Regulation (EEC) No 865/68^{of}, 25 June 1968 on the common organization of the market in products processed from fruit and vegetables(1), as last amended by Regulation (EEC) No 1164/76 (2), is hereby repealed.

2. Any reference to the Regulation repealed by paragraph 1 shall be construed as ^areference to this Regulation.

Citations and references to Articles of de sand repealed Regulation shall read in accordance with the correlation table annexed hereto.

Article 19

This Regulation shall enter into force on

This Regulation shall be binding in its entirety and directly applicable

in all Member States

Done at

For the Council

President

ANNEX I

CCT heading No	Description	(1)	(2)
20.03 A	Fruit preserved by freesing, containing added sugar: With a sugar content exceeding 13% by weight	20	13
20.04 B I	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised): Other: With a sugar content exceeding 13% by weight	57	13
20.05 A I B I II C I II	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: Chestnut purée and paste: With a sugar content exceeding 13% by weight	47	13
20.06 B I (b) 1 (aa) 2	Jams and marmalades of citrus fruit: With a sugar content exceeding 30% by weight	55	13
	With a sugar content exceeding 13% but not exceeding 30% by weight	10	13
	Other: With a sugar content exceeding 30% by weight b) Other	55	13
	With a sugar content exceeding 13% but not exceeding 30% by weight	10	9
	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: Other: Containing added spirit: Pineapples in immediate packings of a net capacity: Of more than 1 kg: With a sugar content exceeding 17% by weight	6	13
	Of 1 kg or less:		

CCT heading No	Description	(1)	(2)
(c) 1	Grapes: With a sugar content exceeding 13% by weight	9	13
(d) 1 (aa) 2 (aa)	Peaches, pears and apricots in immediate packings of a net capacity: Of more than 1 kg: With a sugar content exceeding 13% by weight	10	9
(e) 1	Other fruits: With a sugar content exceeding 9% by weight	10	9
(f) 1	Fruit mixtures: With a sugar content exceeding 9% by weight	10	9
20.06	II Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: 2. Grapefruit segments 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids .. 4. Grapes	10 10 9	9 9 13
20.07	5. Pineapples: aa) With a sugar content exceeding 17% by weight	6	13
	6. Pears: aa) With a sugar content exceeding 13% by weight	10	9
	7. Peaches and apricots: aa) With a sugar content exceeding 13% by weight	10	9
	8. Other fruits	10	9
	9. Mixtures of fruit	10	9
	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:		

CCT heading No	Description	(1)	(2)
	<p>A. Of a specific gravity exceeding 1.33 at 15°C:</p> <p>1. Grape juice (including grape must):</p> <p>(b) Of a value not exceeding 22 u.a. per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30% by weight</p>	49	15
	<p>This sub-heading is valid only until 31 December 1977. From 1 January 1970 the system laid down in Regulation (EEC) No 816/70 shall apply.</p>		
	<p>II. Apple juice or pear juice; mixtures of apple and pear juice:</p> <p>(b) Of a value not exceeding 22 u.a. per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30% by weight:</p> <p>— apple juice</p> <p>— pear juice and mixtures of apple and pear juice</p>	49	11
		49	13
	<p>III. Other:</p> <p>(b) Of a value not exceeding 30 u.a. per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30 % by weight:</p> <p>— lemon juice and tomato juice</p> <p>— other fruit and vegetable juices including mixtures of juices</p>	49	3
		49	13
	<p>B. Of a specific gravity of 1.33 or less at 15°C.</p> <p>1. Grape, apple and pear juice; mixtures of apple and pear juice:</p> <p>(b) Of a value not exceeding 18 u.a. per 100 kg net weight:</p> <p>1. Grape juice:</p> <p>(aa) With an added sugar content exceeding 30% by weight</p>	49	15
	<p>This sub-heading is valid only until 31 December 1977. From that date the system laid down in Regulation (EEC) No 816/70 shall apply.</p>		

CCT heading No	Description	(1)	(2)
	2. Apple juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	3. Pear juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	4. Mixtures of apple and pear juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	II. Other:		
	(b) Of a value not exceeding 30 u.a. per 100 kg net weight:		
	1. Orange juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	2. Grapefruit juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	3. Lemon juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	3
	4. Other citrus fruit juices:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	5. Pineapple juice:		
	(aa) With an added sugar content exceeding 30% by weight	49	13
	6. Tomatoe juices:		
	(aa) With an added sugar content exceeding 30% by weight	49	3
	7. Other fruit and vegetable juices		
	(aa) With an added sugar content exceeding 30% by weight	49	13

CCT heading No	Description	(1)	(2)
	8. Mixtures: (aa) Of citrus fruit juices and pineapple juice: II. With an added sugar content exceeding 30% by weight (bb) Other: II. With an added sugar content exceeding 30% by weight	 49 49	 13 13

ANNEX II

Products containing added sucrose, glucose syrup, falling within the following heading numbers of the Common Customs Tariff

ex 13.03 B Pectin

20.01

20.02

20.03

20.04

20.05

20.06

20.07 (with the exception of grape juice (including grape must)) this exception applies from 1 January 1978

ANNEX III

METHOD OF MEASURING DRY SOLUBLE RESIDUE IN PRODUCTS PROCESSED FROM FRUIT AND VEGETABLES BY REFRACTOMETRY

I. FIELD OF APPLICATION

Application of this method is related to the quantity of sugar present in the product analysed. The presence of amino-acids, salts of organic acids, flavonoids and mineral substances alters the refractive index.

II. DEFINITION

Dry soluble residue (determined by refractometry) means the percentage weight of sucrose in an aqueous solution of sucrose which, under given conditions of preparation and a given temperature, has the same refractive index as the product analysed. This percentage is expressed in g/100 g.

III. PRINCIPLE

Deduction of the dry soluble residue content of a product from its

refractive index.

IV. APPARATUS

Abbe type refractometer

This apparatus must have a scale indicating the percentage weight of sugar to the nearest 0.1%. It must be so constructed that samples can be introduced easily and quickly. It must be easy to clean.

The refractometer must have a thermometer with a scale extending from at least + 15° C to + 25°C. It must also have a water circulator enabling measurements to be made at a temperature of 20°C ± 50°C.

Operating instructions for this apparatus, and in particular those dealing with calibration and light source, must be strictly followed.

V. METHOD

1. Preparation of sample

1.1. Liquid and limpid products

Mix carefully and proceed to determination

1.2. Semi-dense products, purées, fruit juices with matter in suspension.

Carefully mix an average laboratory sample and then homogenise. Strain part of the sample through dry gauze folded in four, remove the first drops and proceed to determination on the filtrate.

1.3. Dense products (jams and jellies)

If the homogenised product cannot be used directly, weigh 40 g of the product to the nearest 0.01 g in a 250 ml beaker and add 100 ml of distilled water.

Boil gently for two or three minutes, stirring with a glass rod.

Cool, decant contents of the beaker into a graduated 200 ml flask, bring up to the required level with distilled water and mix carefully. Allow to stand for twenty minutes, then strain through a folded filter or a Büchner funnel.

Make determination on the filtrate.

1.4. Frozen products

Defrost and remove stones or pips and cores. Mix the product with the liquid formed during defrosting and proceed as in 1.2 or 1.3.

1.5. Dry products containing whole fruit or pieces of fruit

Cut part of the laboratory sample into small pieces, remove stones or pips and cores and mix carefully.

Weigh 10 to 20 g of the product to the nearest 0.01 g in a beaker. Add distilled water to at least five times the weight of the product. Heat in a water bath for thirty minutes, stirring occasionally with a glass rod. When cool homogenise contents of the beaker and pour into a graduated 100 - 250 ml measuring flask (depending on the size of the sample). Bring to the required level and mix carefully. After twenty minutes filter into a dry container and make determination on the filtrate.

2. Determination

Bring the sample to the measurement temperature (+ 20°C) by immersing the container in a water bath of the required temperature.

Place a small sample on the lower prism of the refractometer, taking care to ensure that the sample covers the glass surface uniformly when the prisms are pressed against each other. Measure in accordance with the operating instructions for the apparatus used.

Read the percentage weight of sucrose to the nearest 0.1%.

Make at least two determinations on the same prepared sample.

VI. EXPRESSION OF RESULTS

1. Calculation and formulation

The dry soluble residue content, conventionally expressed in grams of sucrose per one hundred grams of product, is calculated as follows:

The percentage sucrose content indicated by refractometry is used direct

If the reading is made at a temperature other than + 20°C, correct as indicated in the attached table.

If measurement has been made on a dilute solution, the dry soluble residue content is equal to

$$M \times \frac{100}{E}$$

M being the weight (in grams) of dry soluble residue per 100 g of product indicated by the refractometer and E the weight (in grams) of product per 100 ml of solution.

Corrections when determination is made at a temperature other than 20°C.

Temperature °C	Sucrose in grams per 100 grams of product									
	5	10	15	20	30	40	50	60	70	75
	Subtract									
15	0.25	0.27	0.31	0.31	0.34	0.35	0.36	0.37	0.36	0.36
16	0.21	0.23	0.27	0.27	0.29	0.31	0.31	0.32	0.31	0.23
17	0.16	0.18	0.20	0.20	0.22	0.23	0.23	0.23	0.20	0.17
18	0.11	0.12	0.14	0.15	0.16	0.16	0.15	0.12	0.12	0.09
19	0.06	0.07	0.08	0.08	0.08	0.09	0.09	0.08	0.07	0.05
	Add									
21	0.06	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07
22	0.12	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
23	0.18	0.20	0.20	0.21	0.21	0.21	0.21	0.22	0.22	0.22
24	0.24	0.26	0.26	0.27	0.28	0.28	0.28	0.28	0.29	0.29
25	0.30	0.32	0.32	0.34	0.36	0.36	0.36	0.36	0.36	0.37

The temperature may not vary by more than $\pm 5^{\circ}\text{C}$ from 20°C

ANNEX IV

Correlation Table

Regulation (EEC) No 865/68	-- Present Regulation
Article 3a	-- Article 4
Article 3a (4)	-- Article 4 (2), third and fourth subparagraphs
Article 3a (5)	-- Article 4 (3)
Article 3a (3)	-- Article 4 (4)
Article 3a (6)	-- Article 4 (5)
Article 4	-- Article 5
Article 5	-- Article 6
Article 6	-- Article 7
Article 7	-- Article 8
Article 8 (3)	-- Article 9 (2)
Article 9 (2)	-- Article 10 (1)
Article 9 (1)	-- Article 10 (2)
Article 10 (2)	-- Article 11
Article 18	-- Article 17

Proposal for consolidation of Regulation (EEC) No 1838/69

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1838/69 of the Council of 16 September 1969 laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables (1).

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

References

Former text

New text

article 4

The text of article 4 shall be replaced by:

1. Regulation (EEC) No 1839/69 of the Council of 16 September 1969 laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables (1) is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 5

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

Relevant provisions

Reference to be replaced

2nd visa

865/68 28 June, 1968
as last amended by Regulation
(EEC) No 1837/69

1st recital
Article 1
Article 2

865/68
865/68
865/68

(1) OJ No L 236, 19.9.1969, p. 2.

Proposal for consolidation of Regulation (EEC) No 1426/71

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruit and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1426/71 of the Council of 2 July 1971 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa	article 3 (a)	article 4
1st recital	article 3 (a)	article 4
article 6	The text of article 6 shall be replaced by:	<ol style="list-style-type: none">1. Regulation (EEC) No 1426/71 of the Council of 2 July 1971 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds (1) is hereby repealed.2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 7

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	865/68 28 June 1968 as last amended by Regulation (EEC) No 1425/71
1st recital	865/68
article 1	865/68

(1) O J No L 151, 7.7.1971, p. 3.

Proposal for consolidation of Regulation (EEC) No 2980/74

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 2980/74 of the Council of 26 November 1974 on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar in the event of sugar supply difficulties (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa	article 9, paragraph 1	article 10, paragraph 2
1st recital	article 16, paragraph 1 2nd subparagraph 1009/67 1602/74	article 17, paragraph 1, 1st subparagraph, 1st line 3330/74 2623/75
footnote (3)	OJ No L 308, 18.12.1967, p. 1.	OJ No L 359, 31.12.1974, p. 1.
footnote (4)	OJ No L 172, 27.6.1974, p. 7.	OJ No L 268, 17.10.1975, p. 1.
3rd recital	article 9, paragraph 1	article 10, paragraph 2
article 2	The text of article 2 shall be replaced by:	1. Regulation (EEC) No 2980/74 of the Council of 26 November 1974 on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar in the event of sugar supply difficulties (1) is hereby repealed. 2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 3

This Regulation shall enter into force on

(1) O J No L 318, 28.11.1974, p. 2.

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	865/68 28 June 1968 as last amended by Regulation (EEC) No 2429/72
3rd recital	865/68
article 1, paragraph 1	865/68
article 1, paragraph 3	865/68

N.B. : Rectificatif, O J No L 45, 19.2.1975, p. 21, which amends
article 1, paragraph 3

.....rules laid down in Article 2 (6), (7) and (8)

.....rules laid down in Article 2, (6) and (8)

Proposal for consolidation of Regulation (EEC) No 1928/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1928/75 of the Council of 22 July 1975 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

References

Former text

New text

article 5

The text of article 5 shall be replaced by:

1. Regulation (EEC) No 1928/75 of the Council of 22 July 1975 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables (1) is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 6

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

Relevant provisions

Reference to be replaced

2nd visa

1927/75 22 July 1975

1st recital

1927/75

865/68 28 June 1968 as last amended by Regulation (EEC) No 1420/75

4th recital

1927/75

5th recital

1927/75

6th recital

1927/75

article 1

865/68

article 2

1927/75

article 4, paragraph 1

1927/75

article 4, paragraph 2

1927/75

(1) O J No L 198, 29.7.1975, p. 11.

Proposal for consolidation of Regulation (EEC) No 1927/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relative to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1927/75 of the Council of 22 July 1975 concerning the system of trade with third countries in the market in products processed from fruit and vegetables (

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
2nd visa	article 7.	article 8
article 1, paragraph 1,	In accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 2, paragraph 4	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 3, paragraph 1	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 4, paragraph 3	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 5, 2nd sub-paragraph	article 6	article 7
article 7, paragraph 1, 2nd sub-paragraph	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 7, paragraph 3	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 8	The text of article 8 shall be replaced by:	

1. Regulation (EEC) No 1927/75 concerning the system of trade with third countries in the market in products processed from fruit and vegetables (1) is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph shall be treated as reference to this Regulation.

Article 9

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table :

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
2nd visa	865/68 28 June 1968 as last amended by Regulation (EEC) No 1420/75
article 1, paragraph 1	865/68
article 1, paragraph 4	865/68
article 2, paragraph 5	865/68
article 2, paragraph 6	865/68
article 4, paragraph 3	865/68
2nd subparagraph	
article 6, paragraph 1	865/68
article 6 paragraph 2	865/68
article 9	The text of article 9 is hereby repealed

Proposal for consolidation of Regulation (EEC) No 1930/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1930/75 of the Council of 22 July 1975 laying down special provisions applicable to trade in tomato concentrates between the Community as originally constituted and the new Member States (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
3rd recital	article 3 (a)	article 4
article 1	article 3 (a)	article 4
article 8	The text of article 8 shall be replaced by:	1. Regulation (EEC) No 1930/75 of the Council of 22 July 1975 laying down special provisions applicable to trade in tomato concentrates between the Community as originally constituted and the new Member State (1) is hereby repealed. 2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 9

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
3rd recital	865/68 28 June 1968 as last amended by Regulation (EEC) No 1420/75
article 1	865/68
article 4	1927/75 22 July 1975
article 6	865/68

(1) OJ No L 198, 29.7.1975, p. 17.

Proposal for consolidation of Regulation (EEC) No 3013/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 3013/75 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

References

Former text

New text

article 8

The text of article 8 shall be replaced by:

1. Regulation (EEC) No 3013/75 of the Council of 17 November 1975 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, other than in slices, half slices or spirals, originating in developing countries (1) is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 9

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

Relevant provisions

Reference to be replaced

Proposal for consolidation of Regulation (EEC) No 3014/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 3014/75 of the Council of 17 November 1975 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices or spirals, originating in developing countries (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
article 8	The text of article 8 shall be replaced by:	<ol style="list-style-type: none">1. Regulation (EEC) No 3014/75 of the Council of 17 November 1975 opening, allocating and providing for the administration of a Community tariff quota for preserved pineapples, in slices, half slices or spirals, originating in developing countries (1) is hereby repealed.2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
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(1) O J No L 310, 29.11.1975, p. 153

Proposal for consolidation of Regulation (EEC) No 1929/75

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Regulation (EEC) No 1929/75 of the Council of 22 July 1975 establishing a system of production aid for tinned pineapple (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

<u>References</u>	<u>Former text</u>	<u>New text</u>
article 4, paragraph 2	in accordance with the voting procedure laid down in article 43 (2) of the Treaty	by a qualified majority
article 9	The text of article 9 shall be replaced by:	<ol style="list-style-type: none">1. Regulation (EEC) No 1929/75 of the Council of 22 July 1975 establishing a system of production aid for tinned pineapple (1) is hereby repealed2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 10

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

<u>Relevant provisions</u>	<u>Reference to be replaced</u>
article 7	865/68 28 June 1968 as last amended by Regulation (EEC) No 1420/75

Proposal for consolidation of Regulation (EEC) No 1197/76

The Commission proposes the Council that, as part of the consolidation of all acts of the Council relating to the sector of products processed from fruits and vegetables, it should also proceed to adopt the text of Council Regulation (EEC) No 1197/76 of 18 May 1976 fixing the minimum price and the special minimum price for tomato concentrates for the 1976/77 marketing year (1)

This consolidation involves certain adaptations of a formal nature which are shown below in a simplified form, and which should be integrated into the text:

References

Former text

New text

article 2

The text of article 2 shall be replaced by:

1. Council Regulation (EEC) No 1197/76 of 18 May 1976 fixing the minimum price and the special minimum price for tomato concentrates for the 1976/77 marketing year (1) is hereby repealed.

2. All references to the Regulation repealed by virtue of paragraph shall be treated as references to this Regulation.

Article 3

This Regulation shall enter into force on

Besides, references to Regulations which by reason of their consolidation stand repealed shall be replaced by a reference setting out their new number in accordance with the following table:

Relevant provisions

Reference to be replaced

2nd visa

865/68 28 June 1968 as last amended by Regulation (EEC) No 1420/75

3rd visa

1927/75 22 July 1975

1st recital

1927/75

2nd recital

1927/75

3rd recital

1927/75

(1) O J No L 133, 22.5.1976, p. 4.

REGULATION (EEC) No OF THE COUNCIL

of

laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruits and vegetables following the Accession of new Member States to the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty (1) concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas Articles 51 and 52 of the Act provide for the fixing, in the new Member States, of prices in accordance with specific criteria which may result in price levels differing from the common prices; whereas pursuant to Article 55 of the Act such differences in price levels are compensated by a system of compensatory amounts;

Whereas Article 94 of the Act provides that the compensatory amounts for products processed from fruit and vegetables to which Council Regulation (EEC) No of on the common organisation of the market in products processed from fruits and vegetables (2), applies shall be determined on the basis of the compensatory amounts for sugar, glucose or glucose syrup as the case may be, and in accordance with the rules applicable for calculating the levy, in respect of the compensatory amount applicable to imports, and the refund, in respect of the compensatory amount applicable to exports;

Whereas the detailed rules for levying and granting the compensatory amounts should be such as to avoid deflection of trade which might be caused by any difference in the level thereof;

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables in trade between the Community as originally constituted and the new Member States, between themselves and between those States and third countries, shall be calculated as follows:

1. The compensatory amounts on imports of the products to which a levy is applicable pursuant to Article 2 of Regulation (EEC) No shall be ascertained by multiplying the compensatory amount for 1 kg of white sugar by the figure given for the product in question in column I of Annex I to Regulation (EEC) No , by analogy Article 2 (6) et seq of that Regulation shall also apply.
2. The compensatory amounts on exports of the products to which a levy is applicable pursuant to Article 3 of Regulation (EEC) No shall be ascertained:

(1) OJ Special Edition, 27.3.1972, p. 5.

(2) see page of this Official Journal

- 2
- a) for raw sugar and white sugar, by multiplying the compensatory amount for 1 kg of white sugar by a figure expressing the quantity of glucose or glucose syrup entering into 100 kg net of the finished product.
 - b) for glucose and glucose syrup, multiplying the compensatory amount for 1 kg of glucose or glucose syrup by a figure expressing the quantity of glucose or glucose syrup entering into 100 kg of the finished product.

Article 2

1. The compensatory amounts specified in Article 1 (1) and (2) (a) shall be levied on imports and granted on exports in trade between:
 - (a) - the Community as originally constituted and Denmark, on the one hand, and
- Ireland and the United Kingdom, on the other;
 - (b) - Ireland, and
- the United Kingdom;

by the Member States referred to in the first indents of (a) and (b).

2. The levies and refunds shall, in trade between Ireland and third countries, and between the United Kingdom and third countries, be reduced by the compensatory amounts specified in paragraph 1.

Article 3

1. The compensatory amount specified in Article 1 (2) (b) shall in trade between the new Member States and between those States and the Communities as originally constituted be granted by the Community as originally constituted and Denmark on exports to Ireland and the United Kingdom.
2. The refund on exports from Ireland and the United Kingdom to third countries shall be reduced by the compensatory amount specified above.

Article 4

The applicable compensatory amount shall be that in force on the day of importation or exportation.

Article 5

Detailed rules for the granting, levying and recovery of compensatory amounts shall be such as to avoid, in particular, deflection of trade and shall be adopted in accordance with the procedure laid down in Article 15 of Regulation (EEC) No

Detailed rules for the application of this Regulation shall be adopted by the same procedure.

Article 6

1. Council Regulation (EEC) No 185/73, of 23 January 1973, laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruits and vegetables following the Accession of new Member States to the Community (1), amended by Regulation (EEC) No 1330/73 (2), is hereby repealed.

(1) OJ no L 25, 30.1.1973, p. 19.

(2) OJ no L 136, 23.5.1973, p. 3.

- 3
2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 7

This Regulation shall enter into force on

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

Done at Brussels,

For the Council

The President

