

European Communities

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Working Documents

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Report

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 1-329/80) for a regulation on the determination of import duties on mixtures and sets (agricultural products)

Rapporteur: Mr M. CLINTON

By letter of 14 July 1980, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation on the determination of import duties on mixtures and sets (agricultural products).

The President of the European Parliament referred this proposal to the Committee on Agriculture as the committee responsible and to the Committee on Budgets for its opinion.

The Committee on Agriculture appointed Mr M. CLINTON rapporteur.

It considered the draft report at its meeting of 23-25 September 1980 and adopted the motion for a resolution by 10 votes to 0 with 4 abstentions.

Present: Sir Henry Plumb, chairman; Mr Früh, vice-chairman; Mr Clinton, rapporteur; Mrs Barbarella, Mr Battersby, Mr Blaney (deputizing for Mr Skovmand), Mr Colleselli, Mr Diana, Mr Gautier, Mr Helms, Mr Hord, Mr d'Ormesson, Mr Papapietro (deputizing for Mr Vitale) and Miss Quin.

The opinion of the Committee on Budgets is attached.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	6
Opinion of the Committee on Budgets	7

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The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation on the determination of import duties on mixtures and sets (agricultural products)

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
- having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-329/80),
- having regard to the report of the Committee on Agriculture and the opinion of the Committee on Budgets (Doc. 1-443/80),
- whereas, as regards imports of mixtures, the proposal aims to avoid possible abuses arising from shortcomings in the present legislation,

Approves the Commission's proposal.

¹OJ No. C 189, 26.7.1980, p.3

EXPLANATORY STATEMENT

1. The aim of the proposal under consideration is to avoid the levying on imports of mixtures of agricultural products of import duties which do not correspond to the actual composition of the mixture. The tariff classification of these mixtures has given rise to some problems, particularly in the meat sector (chapter 2 of the Common Customs Tariff) and the processed cereals sector (chapter 11). The Commission now proposes that in these two sectors the mixtures in question be assessed in accordance with the quantity, the nature and the characteristics of each component. If the importer is unable to establish the necessary particulars for each component, the import duties charged will be those applicable to the component subject to the highest import duties.
2. This is essentially a preventive measure aimed at stopping some importers from paying a tariff or levy lower than the one they would normally have to pay by taking advantage of a loophole or lack of precision in the present CCT rules.
3. The Committee on Agriculture can therefore accept this proposal without reservation. Even the fact that under Article 2(2) of the proposal the Council may, without consulting Parliament, extend the field of application of the provisions to mixtures of agricultural products other than those classified in chapters 2 and 11 of the CCT should not give rise to any particular objections by the European Parliament: these are provisions of a technical nature, intended to ensure the proper functioning of the market, and do not have political implications.

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the chairman of the committee to Sir Henry PLUMB, chairman of the Committee on Agriculture

Luxembourg, 10 October 1980

Dear Mr Chairman,

Subject: Opinion of the Committee on Budgets for the Committee on Agriculture on a proposal for a Council Regulation on the determination of import duties on mixtures and sets (agricultural products) (COM(80) 341 final)

At its meeting of 24 and 25 September 1980¹ the Committee on Budgets considered the above proposal for a regulation.

The Committee on Budgets agrees that rules should be drawn up to prevent the usual import duties from being evaded by importing products in mixtures or sets in order to qualify for a lower rate of duty. At the same time it stresses the need to ensure that the complexity of the measures to be adopted will not jeopardize the desired positive effect on Community resources.

The proposal for a regulation (Article 2(3) provides for rules to be drawn up under the Management-Committee procedure. It refers to Article 26 of Regulation (EEC) No. 2727/75 and the corresponding Article in other Regulations on the common organization of markets.

The Committee on Budgets and Parliament have repeatedly expressed reservations as regards the Management-Committee procedure where it entails, as in this case, the authority to refer matters to the Council.

The Commission has already given Parliament an undertaking that it will adopt a stricter position on the Management Committees in the matter of aid to non-associated developing countries.

¹Present: Mr Lange, chairman; Mr Notenboom and Mr Spinelli, vice-chairmen; Mr Adonnino, Mr Aigner, Mr Baillot, Mrs Boserup, Mr Forth, Mrs Hoff, Mr Howell, Mr Langes, Mr Motchane, Mr Newton Dunn, Mr Orlani, Mr Simonnet and Mr J.M. Taylor.

The Committee on Budgets cannot therefore give a favourable opinion unless the Commission of the European Communities undertakes to introduce as soon as possible a proposal for the amendment of the above articles so as to give the Management Committees a purely consultative role.

Yours sincerely,

Erwin LANGE