

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 465 final.

Brussels, 8 September 1976

Proposal for a

REGULATION (EEC) OF THE COUNCIL

totally or partially suspending Common Customs Tariff duties
on certain products, falling within Chapters 1 to 24 of the
Common Customs Tariff, originating in Malta (1977)

(submitted to the Council by the Commission)

COM(76) 465 final.

EXPLANATORY MEMORANDUM

The Council has agreed that from 1 January 1974 Malta should be given treatment no less favourable than that accorded to the other countries which benefit from generalised preferences.

The object of the Regulation annexed hereto is to put this decision into practice; it extends to Malta, autonomously during 1977, the total or partial suspension of the Common Customs Tariff Duties on the products in Chapters 1 to 24 which the Commission proposed in connection with the generalised preferences.

The proposal concerns only those products which are of interest to Malta in respect of which Community treatment of Malta is no more favourable than the treatment given under the generalised preferences.

As the Regulation is based on Articles 43 and 113 of the Treaty establishing the European Economic Community, the European Parliament must be consulted.

Attention is drawn to the fact that both the content of the Regulation and the list of products annexed to it are directly related to the Commission's proposal to the Council concerning generalised preferences in respect to the products falling within Chapters 1 to 24 of the Common Customs Tariff.

The annexed proposal will therefore have to be aligned on the final text of the abovementioned Regulation when the latter has been adopted by the Council.

Proposal of a
REGULATION (EEC) No OF THE COUNCIL

**totally or partially suspending Common Customs Tariff duties on certain products, falling within Chapters 1 to 24 of the Common Customs Tariff, originating in Malta
(1977)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to Council Regulation (EEC) No 1059/69⁽¹⁾ of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Regulation (EEC) No 3058/75⁽²⁾, particular Article 12 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament⁽³⁾;

Whereas, under Annex I to the Agreement⁽⁴⁾ establishing an Association between the European Economic Community and Malta, the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary provisionally to adjust or to supplement certain of the tariff benefits provided for in the abovementioned Annex; whereas, accordingly, the Community should, in respect of the products originating in Malta listed in Annex A to this Regulation, suspend either the fixed component of the levy applicable to goods coming under Regulation (EEC) No 1059/69 or the customs duty applicable to the other products from 1 January to 31 December 1977 and at the levels indicated for each of them;

Whereas, for certain products of Chapters 1 to 24 of the Common Customs Tariff, this scheme would, however, involve the application in the new Member States up to 30 June 1977

of customs duties higher than or very close to those applied by the new Member States to non-member countries in general on the basis of the Act of Accession; whereas, in order to maintain an

equivalent preferential margin for these products also, reduced customs duties should be applied to them in accordance with the detailed rules based on the principle of maintaining in the new Member States a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Annex A to this Regulation; whereas, with a view to granting Malta the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in Annex A should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, the products originating in Malta listed in Annex A shall be admitted for import into the Community as originally constituted at the customs duties indicated for each of them.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products until 30 June 1977

the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duties given in Annex A and the Common Customs Tariff duties applicable, the duties obtained by reducing the difference between the lowest duty applied on 1 January 1972 to the developing countries and the Common Customs Tariff, by 80% in respect of the products mentioned in Annex B, and by 100% in respect of the other products given in Annex A.

However, the duties given in Annex A shall be applied where the duties resulting from the abovementioned calculation are higher than them.

⁽¹⁾ OJ No L 141, 12. 6. 1969.

⁽²⁾ OJ No L 306, 25. 11. 1975,

⁽³⁾ OJ No C

⁽⁴⁾ OJ No L 61, 14. 3. 1971.

and in

2. For the purposes of the application of this Regulation, the rules of origin shall be those in force at the time as regards the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

When products benefiting from the arrangements provided for in Article 1 are imported in the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer, or are likely to suffer

from serious disadvantage, the Common Customs Tariff duties may be reintroduced in whole or in part on the products in question. Such measures may also be taken in the event of actual or potential serious disadvantage in a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a limited period.

2. In the event of such action being requested by a Member State, the Commission shall take a decision within a period of not more than 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels,

For the Council

The President

ANNEX A

CCT heading No	Description	Rate of duty
1	2	3
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03, or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : b) Other	Free
02.04	Other meat and edible meat offals, fresh, chilled or frozen : ex A. Of domestic pigeons ex B. Furred game, frozen C. Other : ex I. Frog'legs II. Other	7% Free Free Free
04.06	Natural honey	25%
05.03	Horschair and horsehair waste, whether or not put up as a layer or between two layers of other material : B. Other	Free
07.01	Vegetables, fresh or chilled : ex T. Other : - Comboux (<i>Hibiscus exculentus</i> L. or <i>Abelmoschus exculentus</i> (L.) Moench)	Free
08.08	Berries, fresh : F. Other	6%
15.10	Fatty acids, acid oils from refining ; fatty alcohols : C. Other fatty acids ; acid oils from refining	Free
16.02	Other prepared or preserved meat or meat offal : A. Liver : I. Goose or duck liver	14%

CCT heading No	Description	Rate of duty
1	2	3
16.02 cont'd	<p>B. Other :</p> <p>II. Game or rabbit meat or offal :</p> <p>— Game 9%</p> <p>— Rabbit 14%</p> <p>III. Other :</p> <p>b) Other :</p> <p>ex 1. Containing bovine meat or offal :</p> <p>— Prepared or preserved bovine tongue 17%</p> <p>2. Other :</p> <p>aa) Ovine meat or offal 18%</p> <p>bb) Other 16%</p>	
20.02	<p>Vegetables prepared or preserved otherwise than by vinegar or acetic acid :</p> <p>B. Truffes 14%</p> <p>D. Asparagus 20%</p> <p>E. Sauerkraut 16%</p> <p>ex F. Capers 12%</p>	
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit :</p> <p>A. Of a specific gravity exceeding 1.33 at 15° C :</p> <p>III. Other :</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <p>— Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons 15%</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight :</p> <p>ex 1. With an added sugar content exceeding 30% by weight :</p> <p>— Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons 15% + (L)</p>	

CCT heading No	Description	Rate of duty
1	2	3
20.07 cont'd	<p>ex 2. Other :</p> <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons <p>B. Of a specific gravity of 1.33 or less at 15° C :</p> <p>II. Other :</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <ul style="list-style-type: none"> 2. Grapefruit juice <p>ex 3. Other citrus fruit juices :</p> <ul style="list-style-type: none"> aa) Containing added sugar bb) Other <p>6. Other fruit and vegetable juices, excluding apricot and peach juices :</p> <ul style="list-style-type: none"> aa) Containing added sugar : <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons - other, excluding apricot and peach juices <p>ex bb) Other:</p> <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons - Other, excluding apricot and peach juices <p>7. Mixtures :</p> <ul style="list-style-type: none"> ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice <ul style="list-style-type: none"> 11. Containing added sugar 22. Other 	<p>15%</p> <p>8%</p> <p>13%</p> <p>13%</p> <p>10%</p> <p>17%</p> <p>10%</p> <p>18%</p> <p>17%</p> <p>18%</p>

CCT heading No	Description	Rate of duty
1	2	3
20.07 (cont'd)	<p>b) Of a value of 30 u.a. or less per 100 kg net weight :</p> <p>2. Grapefruit juice :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) Other</p> <p>4. Other citrus fruit juices :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) With an added sugar content of 30 % or less by weight</p> <p>cc) Not containing added sugar</p> <p>ex 7. Other fruit and vegetable juices, excluding apricots and peaches :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons</p> <p>- other, excluding apricot and peach juices</p> <p>bb) With an added sugar content of 30% or less by weight :</p> <p>- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons</p> <p>- other, excluding apricot and peach juices</p> <p>cc) Not containing added sugar :</p> <p>- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons</p> <p>- other, excluding apricot and peach juices</p>	<p>8 % + (L)</p> <p>8 %</p> <p>14 % (L)</p> <p>14 %</p> <p>15 %</p> <p>10 % + (L)</p> <p>17 % + (L)</p> <p>10 %</p> <p>17 %</p> <p>10 %</p> <p>18 %</p>

CCT heading No	Description	Rate of duty
1	2	3
20.07 cont'd	8. Mixtures : ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice : 11. With an added sugar content exceeding 30 % by weight 22. With an added sugar content of 30 % or less by weight 33. Not containing added sugar	17 % + (L) 17 % 18 %
21.06	Natural yeasts (active or inactive); prepared baking powders : A. Active natural yeast : II. Bakers' yeast : a) Dried b) Other	5 % + vc 5 % + vc
23.01	Flours and meal, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption ; greaves : B. Flours and meals of fish, crustaceans or molluscs	Free

Abbreviations :

(L) =

VC =

ANNEX B

List of the products in respect of which the difference between the lowest duties applied on 1 January 1972 to developing countries by Denmark, Ireland and the United Kingdom and the duties of the Common Customs Tariff must be reduced by 80%, in accordance with Article 1

CCT heading No	Description
16.02 (a)	<p>Other prepared or preserved meat or meat offal :</p> <p>B. Other :</p> <p>III. Other :</p> <p>b) Other :</p> <p>ex 1. Containing bovine meat or offal :</p> <p>— Prepared or preserved bovine tongue</p>
20.02	<p>Vegetables prepared or preserved otherwise than by vinegar or acetic acid :</p> <p>B. Truffes</p> <p>D. Asparagus</p> <p>E. Sauerkraut</p> <p>ex F. Capers</p>
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit :</p> <p>A. Of a specific gravity exceeding 1.33 at 15° C :</p> <p>III. Other :</p> <p>ex a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <p>- Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons</p> <p>b) Of a value not exceeding 30 u.a. per 100 kg net weight :</p> <p>ex 1. With an added sugar content exceeding 30% by weight :</p> <p>- Fruit falling within headings Nos 08.01, 08.08 B,E and F and 08.09, excluding ananas, melons and watermelons</p>

(a) From 1 April 1976 this heading will be deleted from this Annex.

CCT heading No	Description
1	2
20.07 cont'd	<p>ex 2. Other :</p> <ul style="list-style-type: none">- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons <p>B. Of a specific gravity of 1.33 or less at 15° C :</p> <p>II. Other :</p> <p>a) Of a value exceeding 30 u.a. per 100 kg net weight :</p> <ul style="list-style-type: none">2. Grapefruit juice <p>ex 3. Other citrus fruit juices :</p> <ul style="list-style-type: none">aa) Containing added sugarbb) Other <p>6. Other fruit and vegetable juices, excluding apricot and peach juices :</p> <p>4X aa) Containing added sugar :</p> <ul style="list-style-type: none">- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons- other, excluding apricot and peach juices <p>ex bb) Other :</p> <ul style="list-style-type: none">- Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons- Other, excluding apricot and peach juices <p>7. Mixtures :</p> <p>ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice :</p> <ul style="list-style-type: none">11. Containing added sugar22. Other

CCT heading No	Description
1	2
20.07 (cont'd)	<p>b) Of a value of 30 u.a. or less per 100 kg net weight :</p> <p>2. Grapefruit juice :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) Other</p> <p>4. Other citrus fruit juices :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <p>bb) With an added sugar content of 30 % or less by weight</p> <p>cc) Not containing added sugar</p> <p>ex 7. Other fruit and vegetable juices, excluding apricots and peaches :</p> <p>aa) With an added sugar content exceeding 30 % by weight</p> <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons - other, excluding apricot and peach juices <p>bb) With an added sugar content of 30% or less by weight :</p> <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons - other, excluding apricot and peach juices <p>cc) Not containing added sugar :</p> <ul style="list-style-type: none"> - Fruit falling within headings Nos 08.01, 08.08 B, E and F and 08.09, excluding ananas, melons and watermelons - other, excluding apricot and peach juices

CCT heading No	Description
1	2
20.07 cont'd	8. Mixtures : ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice : 11. With an added sugar content exceeding 30 % by weight 22. With an added sugar content of 30 % or less by weight 33. Not containing added sugar

