

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (75) 483 final.

Brussels, 1 october 1975.

Proposal for a Regulation (EEC) of the Council

concluding the Agreement in the form of an exchange of letters
relating to Article 3 of Protocol No 8 to the Agreement between
the European Economic Community and the Portuguese Republic

(presented by the Commission to the Council)

COM (75) 483 final.

EXPLANATORY MEMORANDUM

Article 3 of Protocol No 8 to the Agreement between the Community and Portugal provides that pending the establishment of common rules for the importation of preserved tomatoes, the duties on imports into the EEC of these products originating in Portugal shall be reduced by 30% provided that Portugal observes the conditions agreed upon in the exchange of letters - namely observance of a minimum price for imports into the Community and an undertaking to exercise voluntary restraint. Moreover, Article 3 provides that upon the establishment of common importation rules, the Community shall grant Portugal advantages comparable to those resulting from the transitional arrangements.

The Common importation rules for preserved tomatoes fixing a minimum price in respect of third countries entered into force on 1 September 1975. In order to guarantee comparable advantages to Portugal, the Community has already adopted a Regulation (No 2148/75 of 14/8/1975) which lays down that the 30% tariff reduction shall be maintained in respect of Portugal subject to the continued observance by that country of the voluntary restraint arrangements.

The purpose of the exchange of letters annexed to the draft Regulation is to inform the Portuguese authorities that the tariff reduction is being maintained and to confirm, for the rest of the current year, the voluntary restraint volume agreed with Portugal by exchange of letters on 19 February 1975.

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REGULATION (EEC) No 75 OF THE COUNCIL

OF

concluding the Agreement in the form of an exchange of letters relating to Article 3 of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission;

Whereas the Agreement in the form of an exchange of letters relating to Article 3(2) of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic signed in Brussels on 22 July 1972 should be concluded,

HAS ADOPTED THIS REGULATION:

Article 1

The agreement in the form of an exchange of letters relating to Article 3 of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic is concluded on behalf of the Community.

The text of the letters is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in the form of an exchange of letters referred to in Article 1, and to confer on him the powers he requires to enter into an undertaking on behalf of the Community.

Article 3

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

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

Done at

For the Council

The President

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AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
RELATING TO ARTICLE 3 OF PROTOCOL NO 8
TO THE AGREEMENT BETWEEN
THE EUROPEAN ECONOMIC COMMUNITY
AND THE PORTUGUESE REPUBLIC

LETTER No 1

Brussels,

I have the honour to refer to the provisions of Article 3 of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972.

Article 3 of Protocol No 8 lays down that pending the establishment of common rules for the importation of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid of subheading No 20.02 C of the Common Customs Tariff, the duties on imports into the Community of these products originating in Portugal shall be reduced by 30% in accordance with the conditions laid down in Article 6 of that Protocol, provided that the conditions agreed upon in the exchange of letters are observed. Upon the establishment of common importation rules, the Community shall grant Portugal advantages comparable to those resulting from these transitional arrangements.

The trade arrangements with third countries providing for the establishment of common rules for imports of processed products with a fruit or vegetable base entered into force on 1 September 1975. This being so, and in accordance with the provisions of Article 3(2) of Protocol No 8, the Community has adopted measures granting Portugal advantages comparable to those previously granted.

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I have the honour to inform you that the Community reduces by 30% the duties on imports into the Community of tomatoes prepared or preserved otherwise than by vinegar or acetic acid of subheading No 20.02 C of the Common Customs Tariff, provided that Portugal undertake to adopt all necessary measures in order that the quantities of tomato concentrates of subheading No 20.02 ex C of the Common Customs Tariff supplied to the Community do not exceed a volume to be determined annually.

In accordance with the exchange of letters of 19 February 1975 the Portuguese Government undertakes to adopt all necessary measures in order that the quantities of tomato concentrates of subheading No 20.02 ex C supplied to the Community in 1975 do not exceed 90 000 tonnes, comprising 28 000 tonnes for the Community as originally constituted and a total of 62 000 tonnes for Denmark, Ireland and the United Kingdom.

Moreover, the guarantees with regard to quantities and the technical arrangements agreed between the "Junta Nacional das Frutas" (National Fruit Office) and the Directorate-General for Agriculture of the Commission of the European Communities remain valid.

I should be grateful if you would kindly confirm the agreement of your Government with the preceding two paragraphs.

Please accept, , the assurance of my highest consideration.

On behalf of the Council
of the European Communities

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LETTER No 2

Brussels,

I have the honour to acknowledge receipt of your letter of today worded as follows:

"I have the honour to refer to the provisions of Article 3 of Protocol No 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972.

Article 3 of Protocol No 8 lays down that pending the establishment of common rules for the importation of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid of subheading No 20.02 C of the Common Customs Tariff, the duties on imports into the Community of these products originating in Portugal shall be reduced by 30% in accordance with the conditions laid down in Article 6 of that Protocol, provided that the conditions agreed upon in the exchange of letters are observed. Upon the establishment of common importation rules, the Community shall grant Portugal advantages comparable to those resulting from these transitional arrangements.

The trade arrangements with third countries providing for the establishment of common rules for imports of processed products with a fruit or vegetable base entered into force on 1 September 1975. This being so, and in accordance with the provisions of Article 3(2) of Protocol No 8, the Community has adopted measures granting Portugal advantages comparable to those previously granted.

I have the honour to inform you that the Community reduces by 30% the duties on imports into the Community of tomatoes prepared or preserved otherwise than by vinegar or acetic acid of subheading No 20.02 C of the Common Customs Tariff, provided that Portugal undertake to adopt all necessary measures in order that the quantities of tomato concentrates of subheading No 20.02 ex C of the Common Customs Tariff supplied to the Community do not exceed a volume to be determined annually.

In accordance with the exchange of letters of 19 February 1975 the Portuguese Government undertakes to adopt all necessary measures in order that the quantities of tomato concentrates of subheading No 20.02 ex C supplied to the Community in 1975 do not exceed 90 000 tonnes, comprising 28 000 tonnes for the Community as originally constituted and a total of 62 000 tonnes for Denmark, Ireland and the United Kingdom.

Moreover, the guarantees with regard to quantities and the technical arrangements agreed between the "Junta Nacional das Frutas" (National Fruit Office) and the Directorate-General for Agriculture of the Commission of the European Communities remain valid.

I should be grateful if you would kindly confirm the agreement of your Government with the preceding two paragraphs."

I have the honour to indicate the agreement of my Government with the content of the foregoing.

Please accept, , the assurance of my highest consideration.

On behalf of the Government
of the Portuguese Republic

