

COMMISSION OF THE ~~EUROPEAN COMMUNITIES~~

COM(80) 341 final.

Brussels, 20 June 1980

Proposal for a  
COUNCIL REGULATION (EEC)  
on the determination of import duties on mixtures and sets  
(agricultural products)

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(submitted to the Council by the Commission)



## EXPLANATORY MEMORANDUM

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The Commission has learned that certain mixtures of agricultural products are in trade e.g. mixtures of frozen pigmeat and beef meat, mixtures of different cereal groats. The mixtures known have a composition leading to the result that the products are not subject to an appropriate import levy.

The present proposal has the aim to apply import duties on such mixtures according to the nature of each component of the mixtures. This procedure cannot avoid to give the national administration and the trade additional difficulties and it is therefore proposed to apply the system only in areas where it is known that problems exist, i.e. Chapter 2 and 11 of the Common Customs Tariff. If similar problems are encountered for other products it is proposed that the Council may extend the field of application. Such an extension may include products put up in sets e.g. cheeses imported on a plate together with a knife.

Furthermore, it is proposed that the Commission in accordance with the Management Committee may adopt specific measures if products as a consequence of a non-traditional presentation are imported or are expected to be imported subject to import duties which do not raise the price of the imported products to the level which such products should attain on import.

The proposal is considered as preventive measures against abuses and to limit losses in import duties in the future but it is not possible to establish a precise estimation as to the repercussions on the Community budget.

This Regulation is based on Article 43 of the treaty and the European Parliament must therefore be consulted.

P R O P O S A L

Council Regulation (EEC)

on the determination of import duties on mixtures and sets  
(agricultural products)

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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 for the Commission ;

Having regard to the Opinion of the European Parliament ;

Whereas the same rate of import duty is in general applicable to a group of products falling within a specified subheading of the Common Customs Tariff ; whereas the whole scale of products classified in a subheading are thus to be taken into consideration when fixing the import duties ; whereas such considerations must be based on products which can be considered as representative for the group of products involved ; whereas representative products will be products which are known to be in trade ;

Whereas mixtures and goods put up in sets will not normally be considered as representative because of the complexity of such mixtures and sets ; whereas the application of the normal import duty on such mixtures and sets will not always lead to the desired result ;

Whereas the fact that mixtures and sets are not considered as representative may encourage the manufacture of mixtures or sets with a view to the application of a lower import duty ;

Whereas rules should be established to ensure that mixtures and sets can be imported only when the appropriate import duties are charged ; whereas it cannot be avoided that the application of such rules in certain cases will result in difficulties for both the administration and for traders ; whereas the rules should be applied only in areas where problems exist or where they are necessary as preventive measures ;

Whereas detailed implementing rules may be necessary ; whereas such rules should be adopted in accordance with the procedure laid down in Article 26 of 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. 1547/79<sup>(2)</sup>, or in the corresponding Article in other Regulations on the common organization of markets.

Whereas agricultural import charges are applicable to the agricultural products which are components of agricultural goods covered by Council Regulations (EEC) Nos.

- 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural product<sup>(3)</sup>, as last amended by Regulation (EEC) No. , and

- 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin<sup>(4)</sup> ;

Whereas it should be possible to apply agricultural import charges on agricultural products whether or not processed into agricultural or other goods if such products are imported or are expected to be imported into the Community subject, as a consequence of a non-traditional presentation, to import duties which do not raise the price of the agricultural products to an appropriate level ;  
whereas such decisions should be taken very rapidly by the Commission,

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(1) OJ N° L 281, 1.11.1975, p. 1

(2) OJ N° L 188, 26. 7.1979, p. 1

(3) OJ N° L 141, 12. 6.1969, p. 1

(4) OJ N° L 282, 1.11.1975, p. 104

HAS ADOPTED THIS REGULATION :

Article 1

For the purposes of this Regulation

- (a) "agricultural products" means products covered by a Regulation establishing a common organization of the market in respect of agricultural products ;
- (b) "agricultural goods" means goods covered by Regulations (EEC) No. 1059/69 and 2783/75 ;
- (c) "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 or under the specific arrangements applicable to certain goods obtained by processing agricultural products.

Article 2

1. Without prejudice to derogations provided for in specific rules for certain agricultural products, the import duties on mixtures and goods put up in sets classified pursuant to paragraph A.3 (b) of Section I of the General Rules of the Common Customs Tariff shall be determined as follows :

- components which are agricultural products or agricultural goods shall be assessed in accordance with the quantity, the nature and the characteristics of each component ;
- other components shall be charged with the import duties applicable to the heading or subheading under which the mixtures or sets are classified.

However, if the importer is unable to establish the necessary particulars for each component, the import duties shall be charged as if the mixture or the set consisted only of the component subject to the highest import duties.

2. Paragraph 1 shall apply to mixtures and sets classified in Chapters 2 and 11 of the Common Customs Tariff. The Council, acting by a qualified majority on a proposal from the Commission, may extend the field of application.

3. Detailed rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No. 2727/75 or in the corresponding Article in other Regulations on the common organization of markets.

#### Article 3

If agricultural products, whether or not processed into agricultural or other goods, are imported or are expected to be imported into the Community subject, as a consequence of a non-traditional presentation of such products or goods, to import duties which do not raise the price of the agricultural products to the level which such products should attain on import from non-member States, the Commission may in accordance with the procedure referred to in Article 2(3) adopt the necessary measures.

#### Article 4

In Part I, Section I, C. (General Rules applicable both to nomenclature and to duties) of the Common Customs Tariff annexed to Regulation (EEC) No. 950/68, the following paragraph shall be added :

"4. Without prejudice to derogations provided for in specific rules for certain agricultural products, the import duties on mixtures and goods put up in sets classified pursuant to paragraph A.3 (b) within Chapters 2 and 11 shall be determined as follows:

- components which are agricultural products or agricultural goods shall be assessed in accordance with the quantity, the nature and the characteristics of each component ;
- other components shall be charged with the import duties applicable to the heading or subheading under which the mixtures or sets are classified.

However, if the importer is unable to establish the necessary particulars for each component, the import duties shall be charged as if the mixture or the set consisted only of the component subject to the highest import duties".

Article 5

This Regulation shall enter into force on 1 January 1981.

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

Done in Brussels,

For the Commission



# FINANCIAL STATEMENT

Date : 2/5/80

1. BUDGET HEADING : 100, 120 receipts

APPROBIATIONS :

2. TITLE : Propopsal of Council Regulation on determing import duties on mixtures and sets.

3. LEGAL BASIS : article 43 of the Treaty EEC

4. AIMS OF PROJECT : To apply import duties on mixtures of agricultural products according to the nature of each component of the mixture.

| 5. FINANCIAL IMPLICATIONS  | PERIOD OF 12 MONTHS | CURRENT FINANCIAL YEAR<br>( 80 ) | FOLLOWING FINANCIAL YEAR<br>( 81 ) |
|--|---------------------|----------------------------------|------------------------------------|
| 5.0  |                     |                                  |                                    |
| 5.1 RECEIPTS<br>- OWN RESOURCES OF THE EC<br>(LEVIES/CUSTOMS DUTIES) | (1)                 | (1)                              | (1)                                |
|  | 1982                | 1983                             |                                    |
| 5.0.1 ESTIMATED EXPENDITURE<br>5.1.1 ESTIMATED RECEIPTS              | (1)                 | (1)                              |                                    |

5.2 METHOD OF CALCULATION

6.0 CAN THE PROJECT BE FINANCED FROM APPROBIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?

YES/

6.1

6.2

6.3 WILL FUTURE BUDGET APPROBIATIONS BE NECESSARY ?

YES/NO.

OBSERVATIONS : (1) The proposal is considered as preventive measures against abuses and therefore will have a positive effect on own resources. A precise amount cannot be estimated because no reliable data is available.

