

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 366 final

Brussels, 14 July 1976

Proposal for a
COUNCIL REGULATION (EEC)

supplementing Regulation (EEC) No 100/76 with regard
to arrangements for importing prepared and preserved
sardines

(submitted to the Council by the Commission)

COM(76) 366 final

1. The first part of the document is a...

The second part of the document is a...

3. The final part of the document is a...

EXPLANATORY MEMORANDUM.

Subject : Proposal for a Council regulation amending Regulation (EEC) No 100/76 by introducing Community arrangements for the importation of prepared and preserved sardines.

When Regulation (EEC) No 100/76 on the common organization of the market in fishery products was adopted no Community arrangements were introduced for prepared and preserved sardines.

The Council declared however, in a statement contained in the minutes, the need for the Community to introduce at a later date Community import arrangements for those products ensuring adequate protection for Community production, and to undertake first of all the necessary negotiations with the countries which supply those products in order to permit the introduction of such arrangements.

The proposed regulation is intended to introduce Community arrangements for the products in question. The liberalization of imports must be accompanied by protective measures at the frontier. This protection may be provided by the fixing of minimum prices and by the introduction of a system of import licences.

In order to ensure the implementation of the Community import system it is proposed to fix the minimum price applicable until 30 June 1977 within the framework of the present regulation.

FINANCIAL IMPLICATIONS.

There are no financial implications.

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Proposal for
COUNCIL REGULATION (EEC) No /76
of 1976

supplementing Regulation (EEC) No 100/76 with regard to arrangements for importing prepared and preserved sardines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Opinion of the Economic and Social Committee (2),

Whereas, pending the implementation of Community arrangements for the importation of, inter alia, prepared and preserved sardines, Article 18(3) of Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products (3), authorized the Member States to retain provisionally the quantitative restrictions which they apply to imports of those products ;

Whereas all quantitative restrictions can now be added on the products concerned at the external frontiers of the Community;

Whereas, however, it is necessary to limit the risks which may result from the abolition of all quantitative restrictions ; whereas, in order to prevent disturbances on the Community market owing to imports at abnormally low prices, import arrangements providing for the fixing of minimum prices should be laid down for the products concerned; whereas, however, such arrangements must not have a more restrictive effect on trade than the measures previously applied ;

Whereas it is also necessary to lay down in respect of those products which are particularly sensitive, a system of import licences which importers will undertake to observe; whereas, to ensure the proper functioning of the system, the issue of an import licence should be conditional on the provision of a security to guarantee the carrying out of the undertaking to import within the period of validity of the licence and an additional security should be provided to guarantee the observance of the minimum prices by the importer;

(1) OJ No C

(2) OJ No C

(3) OJ No L 20, 28.1.1976, p. 1

Whereas in order to allow the Community import system mentioned above to become operative as soon as possible, the minimum price to apply until 30 June 1977 should be fixed; whereas, to take account of the customs duties applied by certain new Member States to imports from third countries under Article 59 of the Act of Accession, a special minimum price should be fixed for one time only until 30 June 1977,

HAS ADOPTED THIS REGULATION :

Article 1

Article 18(3) of Regulation (EEC) No 100/76 is hereby amended to read as follows:

"3. Until such time as Community arrangements for imports of the prepared and preserved tunny referred to in Annex IV(C) are implemented, Member States may retain in respect of those products the quantitative restrictions in relation to third countries applicable when this Regulation enters into force".

Article 2

The following Articles are hereby added to Regulation (EEC) No 100/76:

"Article 20a :

1. Each year, a minimum price for imports of the prepared and preserved sardines referred to in Annex IV(C) shall be fixed before 1 July for the following marketing year.
2. The minimum price shall take into account:
 - the average cost prices for the Community product during the period from the beginning of the two years immediately preceding the year in which that price is fixed until the date of such fixing,
 - the free-at-frontier prices for imports during the period from the beginning of the two years immediately preceding the year in which that price is fixed until the date of such fixing, excluding import prices which are excessively low or excessively high in relation to normal fluctuations ; the duties applicable under the Common Customs Tariff shall be added to these prices,
 - the prices for the products concerned : on the main world markets,
 - the need to prevent the application of the minimum price from having a more restrictive effect on trade than the measures previously applied by the Member States,

- the need to ensure that the application of the minimum prices contributes to the harmonious and normal development of competition with third countries.
- 3. The Council, acting by a qualified majority on a proposal from the Commission, shall fix the minimum price for a product with given commercial specifications according to variety, composition, preparation, packaging and size and the date of the entry into force of the minimum price.
- 4. The conversion factors to be applied to such price to take into account any differences in the variety, quality, composition, preparation, packaging or size from those for which it was fixed shall be adopted in accordance with the procedure laid down in Article 32.
- 5. In so far as is necessary, detailed rules for the application of this Article shall be adopted, in accordance with the procedure laid down in Article 32.

"Article 20b :

1. All imports into the Community of prepared and preserved sardines shall be conditional on the presentation of an import licence issued by the Member States to any applicant, irrespective of his place of establishment within the Community. Such licence shall be valid for an operation carried out within the Community.
2. The issue of the import licence shall be conditional on :
 - the provision of a security guaranteeing the carrying out of the undertaking to import within the period of validity of the licence; save in case of force majeure, this security shall be forfeited, in whole or in part, if the importation is not effected within the said period or, is only effected in part;
 - the provision of an additional security guaranteeing that the free-at-frontier prices, plus the customs duties, for the products to be imported under the licence will not be less than the minimum prices. This security shall be forfeit in respect of quantities imported at a price lower than the minimum price ; however, this additional security shall not be required in the case of products originating in third countries which undertake to guarantee, and are in a position to ensure, that the price applied will not be lower than the minimum price and that any deflection of trade will be prevented.

3. The period of validity of the licences and the other detailed rules for applying this Article, which may in particular lay down a time-limit for the issue of the licences, shall be adopted in accordance with the procedure laid down in Article 32 ,

Article 3

1. The minimum price referred to in Article 20a of Regulation (EEC) No 100/76 which shall be valid until 30 June 1977 and the product to which it relates are specified in Annex I hereto.
2. A special minimum price for imports of prepared and preserved sardines into Denmark and the United Kingdom and the product to which it relates are specified in Annex II hereto.
The said price shall be valid until 30 June 1977. Articles 20a (4) and (5) and 20b of the said Regulation shall apply to the imports referred to in the first subparagraph.

Article 4

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

The arrangements provided for in this Regulation shall apply with effect from the first day of the second month following that of the said publication.

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

Done at Brussels,

For the Council

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ANNEX I.

Size		Net weight		Semi-gross weight less packaging	Capacity	Minimum prices customs duties included UA per carton of 100 tins
Trade Specification	Total height mm	ounces	g	g	cubic cm	Community excluding Denmark and United-Kingdom
						in olive oil
1/4 club	30	4 3/8	125	190	125	18.50

ANNEX II.

Size		Net weight		Semi-gross weight less packaging	Capacity	Minimum prices customs duties included UA per carton of 100 tins
Trade Specification	Total height mm	ounces	g	g	cubic cm	Denmark and United-Kingdom
						in olive oil
1/4 club	30	4 3/8	125	190	125	17.76