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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1637/77

of 18 July 1977

amending Regulation (EEC) No 522/77 laying down special provisions applicable to trade in tomato concentrates and peeled tomatoes between the Community as originally constituted and the new Member States

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 from the Commission,

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

Whereas by Article 1 of Council Regulation (EEC) No 522/77 of 14 March 1977 laying down special provisions applicable to trade in tomato concentrates and peeled tomatoes between the Community as originally constituted and the new Member States ⁽²⁾ the levying in intra-Community trade by the Member States of the Community as originally constituted of compensatory amounts on imports of tomato concentrates from the new Member States is provided for only in respect of products of Community origin; whereas this levy does not therefore apply to products originating in non-member countries in free circulation in the new Member States;

Whereas Article 3 of Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽³⁾ provides for the fixing of a minimum import price for tomato concentrates; whereas that Article also provides for the fixing of a special minimum price for imports of these products into the new Member States until 31 December 1977;

Whereas, having regard to the difference between these two prices, large quantities of tomato concentrates originating in non-member countries have over recent months been dispatched by the new Member States to the Community as originally constituted; whereas such a practice could jeopardize the smooth

functioning of the trade arrangements with non-member countries; whereas Regulation (EEC) No 522/77 should therefore be amended by making provision for the levy of compensatory amounts to be extended to products originating in non-member countries;

Whereas by Article 4 (1) of Regulation (EEC) No 522/77, the compensatory amount for tomato concentrates is at present 25 % of the export refund; whereas this level is not high enough to safeguard the competitive position of the producers of the Community as originally constituted on the markets of the new Member States; whereas the level should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 522/77 shall be replaced by the following:

'Article 1

In order to offset price differences existing in trade between the new Member States and the Community as originally constituted or third countries, a system of compensatory amounts as set out in the following Articles shall be applied in respect of tomato concentrates and peeled tomatoes falling within subheading ex 20.02 C of the Common Customs Tariff during the period in which an export refund is granted pursuant to Article 6 of Regulation (EEC) No 516/77.'

Article 2

Article 2 of Regulation (EEC) No 522/77 shall be replaced by the following:

⁽¹⁾ Opinion delivered on 8 July 1977 (not yet published in the Official Journal).

⁽²⁾ OJ No L 73, 21. 3. 1977, p. 31.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 1.

Article 2

1. The Member States of the Community as originally constituted shall, for tomato concentrates :

- levy compensatory amounts on imports from the new Member States of products originating in the Community or in non-member countries,
- grant compensatory amounts on exports to the new Member States of products originating in the Community.

2. The Member States of the Community as originally constituted shall, for peeled tomatoes originating in the Community :

- levy compensatory amounts on imports from the new Member States,

- grant compensatory amounts on exports to the new Member States.'

Article 3

Article 4 (1) of Regulation (EEC) No 522/77 shall be replaced by the following :

- '1. The compensatory amount for tomato concentrates shall be 40 % of the export refund referred to in Article 1. The compensatory amount shall cease to be applicable on 1 January 1978.'

Article 4

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

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

Done at Brussels, 18 July 1977.

For the Council

The President

A. HUMBLET
