

COUNCIL REGULATION (EEC) No 3808/81
of 21 December 1981

amending Regulations (EEC) No 2358/71 on the common organization of the market in seeds, (EEC) No 2727/75 on the common organization of the market in cereals and (EEC) No 950/68 on the Common Customs Tariff

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⁾,

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

Whereas the cultivation of spelt (*Triticum spelta*) is of considerable economic importance in certain regions of the Community where alternatives are not easily found by reason of climatic and soil factors;

Whereas the production of certified spelt seed is particularly expensive for producers, especially because of the small size of the market involved;

Whereas appropriate steps should be taken to stabilize this market and ensure a fair return to producers of spelt seed;

Whereas to this end Regulation (EEC) No 2358/71 ⁽³⁾, as last amended by the 1979 Act of Accession, includes the possibility of granting aid to producers of certain seeds; whereas the field of application of that Regulation should therefore be extended to include spelt grown for seed production, hitherto covered by Regulation (EEC) No 2727/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 1949/81 ⁽⁵⁾;

Whereas provision should also be made, through the granting of such aid, to encourage production of basic and certified spelt seed; whereas this product should for this purpose be included in the Annex to Regulation (EEC) No 2358/71;

Whereas, in view of the nature of the common organization of the market in seeds, the import levy on spelt for use as seed should be replaced by a customs duty of 20 %;

Whereas, in respect of imports, it must be possible to distinguish spelt for use as seed from other spelts; whereas this can be achieved by amending Regulation (EEC) No 950/68 ⁽⁶⁾, as last amended by Regulation (EEC) No 3300/81 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2358/71 is hereby amended as follows:

- Article 1 shall be replaced by the following:

'Article 1

A common organization of the market in the products set out is hereby established in the seed sector:

CCT heading No	Description
07.05 A	Dried leguminous vegetables, shelled, whether or not skinned or split, for sowing
10.01 A	Spelt for sowing
10.05 A	Hybrid maize for sowing
10.06 A	Rice for sowing
12.01 A	Oil seeds and oleaginous fruit, whole or broken, for sowing
12.03	Seeds, fruit and spores, of a kind used for sowing'

- Article 8a (1) shall be replaced by the following:

'1. The Common Customs Tariff rates of duty shall be applied to the products named in Article 1.';

⁽¹⁾ Opinion delivered on 17 December 1981 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 25 November 1981 (not yet published in the Official Journal).

⁽³⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽⁶⁾ OJ No L 172, 27. 7. 1968, p. 1.

⁽⁷⁾ OJ No L 335, 23. 11. 1981, p. 1.

3. the Annex shall be replaced by Annex I to this Regulation.

Article 2

The Annex 'Common Customs Tariff' to Regulation (EEC) No 950/68 shall be amended in accordance with Annex II to this Regulation.

Article 3

Article 1 of Regulation (EEC) No 2727/75 shall be replaced by the following:

'Article 1

The common organization of the market in cereals shall comprise a price and trading system and cover the following products:

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

Done at Brussels, 21 December 1981.

CCT heading No	Description
a) 10.01 B I	Common wheat and meslin
10.02	Rye
10.03	Barley
10.04	Oats
10.05 B	Maize, other than hybrid maize for sowing
10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals
b) 10.01 B II	Durum wheat
c) 11.01 A	Wheat or meslin flour
11.01 B	Rye flour
ex 11.02 A	Cereal groats and cereal meal (durum wheat and common wheat)
d)	The products listed in Annex A.'

Article 4

This Regulation shall enter into force on 1 February 1982.

For the Council
The President
 N. RIDLEY

ANNEX I

CCT heading No	Description
10.01 A	1. CERES Triticum spelta L.
10.06 A	Oryza sativa L.
ex 12.01 A	2. OLEAGINEAE Linum usitatissimum L. (textile flax) Linum usitatissimum L. (linseed) Cannabis sativa L. (monoica)
ex 12.03 C	3. GRAMINEAE Arrhenatherum elatius (L.) Beauv. ex. J. and C. Presl. Dactylis glomerata L. Festuca arundinacea Schreb. Festuca ovina L. Festuca pratensis Huds. Festuca rubra L. Lolium multiflorum Lam. Lolium perenne L. — of high persistence, late or medium late — new varieties and others — of low persistence, medium late, medium early or early Lolium × hybridum Hausskn. Phleum pratense L. Poa nemoralis L. Poa pratensis L. Poa trivialis L.
ex 07.05 A I	4. LEGUMINOSAE Pisum sativum L. (partim) (field pea)
ex 07.05 A III	Vicia faba L. (partim) (field beans)
ex 12.03 C	Medicago sativa L. (ecotypes) Medicago sativa L. (varieties) Trifolium pratense L. Trifolium repens L. Trifolium repens L. var. giganteum Vicia sativa L.

ANNEX II

The Common Customs Tariff is amended as indicated below:

1. Additional Note 1 to Chapter 10 shall be replaced by the following:

'1. The term "durum wheat", as used in subheading 10.01 B II, shall be taken to mean wheat of the "triticum durum" species and the hybrids derived from the interspecific crossing of "triticum durum" with the same number of chromosomes as that species. Durum wheat thus defined must be of a colour ranging from amber yellow to brown and show a translucent horn-like vitreous fracture.'

2. Heading No 10.01 shall be replaced by the following:

Heading number	Description	Rate of Duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
10.01	Wheat and meslin (mixed wheat and rye):		
	A. Spelt for sowing (a)	20	—
	B. Other:		
	I. Common wheat and meslin	20 (L)	—
	II. Durum wheat	20 (L)	—

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.'