



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.07.1995  
COM(95) 358 final

95/0194 (ACC)

Proposal for a

**COUNCIL REGULATION (EC)**

amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature  
and on the Common Customs Tariff

(presented by the Commission)





## EXPLANATORY MEMORANDUM

Subject: Proposal for Council Regulation (EC) No ..../. amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

When, in December 1994, the Council adopted Regulation (EC) No 3290/94 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (OJ No L 349, 31.12.1994, p. 105), the Commission made the following statement concerning fruit and vegetables:

"Should the entry price be adjusted, the Commission will see to it that the import prices, within the meaning of Article 23(2) and (3) (Annex XIII), are set separately for sour cherries and cucumbers for processing, including in situations where they are shown together with the products for eating under the tariff heading."

The above proposal, which complements the proposal already made for cucumbers for processing, follows and replaces the transitional measures taken by the Commission concerning the system of entry prices applicable to sour cherries. Its objective is to reduce the entry price for sour cherries listed in Annex II to the combined nomenclature which is set at a level intended to ensure the protection of eating cherries. The level of the entry price proposed takes account of import prices recorded over the last few years and is designed to maintain supply conditions for Community sour cherry processing industries.

Proposal for  
COUNCIL REGULATION (EC) No  
of  
amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature  
and on the Common Customs Tariff

---

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 28 and 113 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2658/87<sup>1</sup>, as last amended by Commission Regulation (EC) No 1305/95<sup>2</sup>, contains in Part 3, Section I, Annex 2 in the combined nomenclature the list of products to which an entry price applies and also, in respect of those products, the scale of entry prices used for the tariff classification of imported products and for determining the import duties applicable; whereas the application of the said entry prices in the case of sour cherries, products which are used almost exclusively by the processing industry, can represent an excessive burden for the industry; whereas lower entry prices should therefore be set for those products; whereas the entry price to be fixed must take into account the average unit values recorded in trade over a representative period; whereas the ad valorem autonomous rates of duties for those products should also be reduced to the same level as the ad valorem conventional rates of duties;

Whereas the period of importation for sour cherries commences on 15 June; whereas, in order to allow the industry to be supplied under normal conditions from the beginning of the processing period, the necessary transitional measures are adopted in Commission Regulation (EC) No ..../. adopting certain transitional measures relating to the entry price arrangements applicable to sour cherries,

---

<sup>1</sup> OJ No L 256, 7.9.1987, p. 1.

<sup>2</sup> OJ No L 126, 9.6.1995, p. 11.

his

HAS ADOPTED THIS REGULATION:

Article 1

1. Annex I, Part 3, Section I, Annex 2 in the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as set out in the Annex to this Regulation.
2. At the time of the annual reduction of the ad valorem conventional rates of duty in respect of sour cherries falling under CN codes 0809 20 31, 0809 20 41, 0809 20 51 and 0809 20 61, decided in the framework of implementing the agreements concluded during the Uruguay Round of multilateral trade negotiations, the corresponding ad valorem autonomous rates of duties shall be reduced to the same level and according to the same timetable.

Article 2

This Regulation shall enter into force on the seventh 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,

For the Council

## ANNEX

C'N code	Description	Rate of duties	
		autonomous (%)	conventional (%)
1	2	3	4
0809 20 31	-- from 21 to 31 May: --- Sour cherries ( <i>Prunus cerasus</i> ): ---- with an entry price per 100 kg net weight of: ----- not less than ECU 155,1 ----- not less than ECU 152 but less than ECU 155,1 ----- not less than ECU 148,9 but less than ECU 152 ----- not less than ECU 145,8 but less than ECU 148,9 ----- not less than ECU 142,7 but less than ECU 145,8  ----- not less than ECU 50,7 (1) but less than ECU 142,7 (2) ----- not less than ECU 49,7 (1) but less than ECU 50,7 (3) ----- not less than ECU 48,7 (1) but less than ECU 49,7 (4) ----- not less than ECU 47,7 (1) but less than ECU 48,7 (5) ----- not less than ECU 46,6 (1) but less than ECU 47,7 (6) ----- less than ECU 46,6 (1)(7)	14,5 14,5 14,5 14,5 14,5  14,5 14,5 + 1,0 Ecu/100 kg/net 14,5 + 2,0 Ecu/100 kg/net 14,5 + 3,0 Ecu/100 kg/net 14,5 + 4,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net	14,5 14,5 + 3,1 Ecu/100 kg/net 14,5 + 6,2 Ecu/100 kg/net 14,5 + 9,3 Ecu/100 kg/net 14,5 + 12,4 Ecu/100 kg/net  14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net
0809 20 41	-- from 1 June to 15 July: --- Sour cherries ( <i>Prunus cerasus</i> ): ---- with an entry price per 100 kg net weight of: ----- not less than ECU 131,7 ----- not less than ECU 128,5 but less than ECU 131,1 ----- not less than ECU 125,9 but less than ECU 128,5 ----- not less than ECU 123,2 but less than ECU 125,9 ----- not less than ECU 120,6 but less than ECU 123,2  ----- not less than ECU 50,7 (1) but less than ECU 120,6 (1)(8) ----- not less than ECU 49,7 (1) but less than ECU 50,7 (1)(9) ----- not less than ECU 48,7 (1) but less than ECU 49,7 (1)(10) ----- not less than ECU 47,7 (1) but less than ECU 48,7 (1)(11) ----- not less than ECU 46,6 (1) but less than ECU 47,7 (1)(12) ----- less than ECU 46,6 (1)(13)	14,5 14,5 14,5 14,5 14,5  14,5 14,5 + 1,0 Ecu/100 kg/net 14,5 + 2,0 Ecu/100 kg/net 14,5 + 3,0 Ecu/100 kg/net 14,5 + 4,1 Ecu/100 kg/net 14,5 + 33,1 Ecu/100 kg/net	14,5 14,5 + 2,6 Ecu/100 kg/net 14,5 + 5,2 Ecu/100 kg/net 14,5 + 7,9 Ecu/100 kg/net 14,5 + 10,5 Ecu/100 kg/net  14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net 14,5 + 33,1 Ecu/100kg/net

0809 20 51	-- from 16 to 31 July:		
	--- Sour cherries ( <i>Prunus cerasus</i> ):		
	---- with an entry price per 100 kg net weight of:		
	----- not less than ECU 131,1	14,5	14,5
	----- not less than ECU 128,5 but less than ECU 131,1	14,5	14,5 + 2,6 Ecu/100 kg/net
	----- not less than ECU 125,9 but less than ECU 128,5	14,5	14,5 + 5,2 Ecu/100 kg/net
	----- not less than ECU 123,2 but less than ECU 125,9	14,5	14,5 + 7,9 Ecu/100 kg/net
	----- not less than ECU 120,6 but less than ECU 123,2	14,5	14,5 + 10,5 Ecu/100 kg/net
	----- not less than ECU 45,9 (1) but less than ECU 120,6 (14)	14,5	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 45,0 but less than ECU 50,7 (15)	14,5 + 0,9 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 44,1 but less than ECU 49,7 (16)	14,5 + 1,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 43,1 but less than ECU 48,7 (17)	14,5 + 2,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 42,2 but less than ECU 47,7 (18)	14,5 + 3,6 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- less than ECU 42,2 (19)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
0809 20 61	-- from 1 to 10 August:		
	--- Sour cherries ( <i>Prunus cerasus</i> ):		
	---- with an entry price per 100 kg net weight of:		
	----- not less than ECU 97,3	14,5	14,5
	----- not less than ECU 95,4 but less than ECU 97,3	14,5	14,5 + 1,9 Ecu/100 kg/net
	----- not less than ECU 93,4 but less than ECU 95,4	14,5	14,5 + 3,9 Ecu/100 kg/net
	----- not less than ECU 91,5 but less than ECU 93,4	14,5	14,5 + 5,8 Ecu/100 kg/net
	----- not less than ECU 89,5 but less than ECU 91,5	14,5	14,5 + 7,8 Ecu/100 kg/net
	----- not less than ECU 45,9 (1) but less than ECU 89,5 (20)	14,5	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 45,0 (1) but less than ECU 45,9 (1)(21)	14,5 + 0,9 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 44,1 (1) but less than ECU 45,0 (1)(22)	14,5 + 1,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 43,1 (1) but less than ECU 44,1 (1)(23)	14,5 + 2,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- not less than ECU 42,2 (1) but less than ECU 43,1 (1)(24)	14,5 + 3,6 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net
	----- less than ECU 42,2 (25)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100kg/net

(1) Entry price fixed on autonomous basis

(2) Taric code 0809 20 31 \* 61

(3) Taric code 0809 20 31 \* 62

(4) Taric code 0809 20 31 \* 63

(5) Taric code 0809 20 31 \* 64

(6) Taric code 0809 20 31 \* 65

(7) Taric code 0809 20 31 \* 66

(8) Taric code 0809 20 41 \* 61

(9) Taric code 0809 20 41 \* 62

(10) Taric code 0809 20 41 \* 63

(11) Taric code 0809 20 41 \* 64

(12) Taric code 0809 20 41 \* 65

(13) Taric code 0809 20 41 \* 66

(14) Taric code 0809 20 51 \* 61

(15) Taric code 0809 20 51 \* 62

(16) Taric code 0809 20 51 \* 63

(17) Taric code 0809 20 51 \* 64

(18) Taric code 0809 20 51 \* 65

(19) Taric code 0809 20 51 \* 66

(20) Taric code 0809 20 61 \* 61

(21) Taric code 0809 20 61 \* 62

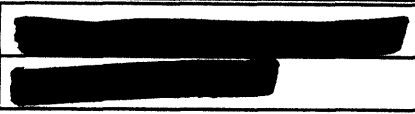
(22) Taric code 0809 20 61 \* 63

(23) Taric code 0809 20 61 \* 64

(24) Taric code 0809 20 61 \* 65

(25) Taric code 0809 20 61 \* 66

# FINANCIAL STATEMENT



1. BUDGET HEADING: 1 000

APPROPRIATIONS:  
ECU 946.2 million

2. TITLE:

Proposal for a Council Regulation amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

3. LEGAL BASIS: Articles 28 and 113 of the Treaty.

4. AIMS:

Maintaining market protection and fixing separate entry prices for products for use by the processing industry (sour cherries).

5. FINANCIAL IMPLICATIONS:

PERIOD OF 12 MONTHS

CURRENT FINANCIAL YEAR (95)

FOLLOWING FINANCIAL YEAR (96)

5.0. ~~EXPENDITURE~~  
~~- CHARGED TO THE EC BUDGET~~  
~~(REFUNDS/INTERVENTION)~~  
~~- NATIONAL AUTHORITIES~~  
~~- OTHER~~

5.1. REVENUE  
- OWN RESOURCES OF THE EC  
(LEVIES/CUSTOMS DUTIES)  
~~- NATIONAL~~

p.m.

p.m.

p.m.

5.0.1. ~~ESTIMATED EXPENDITURE~~  
5.1.1. ESTIMATED REVENUE

1997

1998

1999

2000

-

-

-

-

5.2. METHOD OF CALCULATION:

Since the application of an entirely new system is involved, any data available cannot be taken as a reliable basis for assessing any financial implications.

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

YES

6.1. CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?

YES/NO

6.2. WILL A SUPPLEMENTARY BUDGET BE NECESSARY?

YES/NO

6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY?

YES/NO

OBSERVATIONS

Fixing separate entry prices for products for use by the processing industry will provide protection for the market, rendering it more stable than is currently the case.

5





ISSN 0254-1475

COM(95) 358 final

# DOCUMENTS

EN

02 03 17

---

Catalogue number : CB-CO-95-389-EN-C

ISBN 92-77-91920-5

---

Office for Official Publications of the European Communities

L-2985 Luxembourg

6