

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 97 final

Brussels, 11 March 1980

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 516/77 on the common organization of the  
market in products processed from fruit and vegetables and amending  
Regulation (EEC) No 950/68 on the Common Customs Tariff

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(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

SUBJECT : Proposal for a Council Regulation amending Regulation (EEC) No 516/77 on the common organisation of the market products processed from fruit and vegetables, and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

Fruit pulps may, on account of their classification based on the sugar content, be subject to the levy by virtue of the added sugars. The current provisions of the regulations prescribe the imposition of a levy as from a certain sugar content. It has become apparent that this content stands at too low a level for fruit pulps, thereby causing an unwarranted imposition of the levy. This proposal, therefore, introduces a raising of the sugar content in the case of those products when applying the levy system.

At the same time, and following a decision of the Court of Justice, this proposal causes to be applied, without possibility of proof to the contrary, the natural sugar contents currently assigned to certain processed fruits.

Proposal for  
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 516/77 on the common organization of the market in products processed from fruit and vegetables and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

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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 from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas the common organization of the market in sugar and cereals includes a levy system intended to cover the difference between the prices obtaining for sugar and glucose within the Community and outside; whereas, given the direct impact of the price of these raw materials on the cost price of certain products processed from fruit and vegetables, Article 2 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<sup>(1)</sup>, as last amended by Regulation (EEC) No<sup>(2)</sup>, provided that on importation of the products concerned, in addition to the customs duty, a levy should be charged on the various added sugars which they contain;

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(1) OJ No L 73, 21.3.1977, p. 1

(2)

Whereas, for the products listed in Annex I, part 1, to that Regulation this levy is fixed at a standard 2 % of the customs value of the products;

Whereas on importation fruit pulp in immediate packings of a net weight of over 1 kg with a high natural sugar content falls within sub-heading 20.06 B IIa of the Common Customs Tariff;

Whereas provision should be made to avoid charging a levy on the imports in question, and whereas this aim can be attained by applying in respect of the products concerned a levy only on a sugar content exceeding, by weight, 22 % for bananas, pineapples and grapes and 16 % for other fruit.

Whereas it should be made clear that the added sugar content as determined in accordance with Article 2 of Regulation (EEC) No 516/77 constitutes an irrebuttable legal presumption;

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 516/77 is amended as follows :

1. Article 2(1) shall be replaced by the following :

"1. For the products shown in Article 1, the rates of the Common Customs Tariff shall apply. In addition to the customs duty an import levy shall apply on the sugars contained in the products listed in Annex I."

2. Article 2(1a) shall be replaced by the following :

"1a. The import levy for the products shown in Annex I, Part I, shall be 2 % ad valorem of the customs value. For the products shown in Annex I, Part II, the import levy shall be calculated as described in the paragraphs which follow and charged on the content of sugars deemed to be added."

3. Annex I, Part I, shall be replaced by the text shown in Annex I to this Regulation.

Article 2

The text concerning subheading 20.06 B II a) of the Common Customs tariff annexed to Regulation (EEC) No 950/68 shall be replaced by the text shown in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on 1.5.1980.

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

It shall apply, on the request of the party concerned, from 1 April 1980.

Done at Brussels,

For the Council  
The President

CCT Heading No	Description
20.06	<p>Fruit otherwise prepared or preserved, whether of not containing added sugar or spirit :</p> <p>B. Other</p> <p>I. Containing added spirit :</p> <p>d) Peaches, pears and apricots, in immediate packings of a net capacity :</p> <p>1. Of more than 1 kg :</p> <p>aa) With a sugar content exceeding 13 % by weight :</p> <p>11. Of an actual alcoholic strength by mass not exceeding 11.85 % mas</p> <p>e) Other fruits :</p> <p>1. With a sugar content exceeding 9 % by weight :</p> <p>aa) Of an actual alcoholic strength by mass not exceeding 11.85 % mas</p> <p>f) Mixtures of fruit :</p> <p>1. With a sugar content exceeding 9 % by weight :</p> <p>aa) Of an alcoholic strength by mass not exceeding 11.85 % mas</p> <p>II. Not containing added spirit :</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg</p> <p>2. Grapefruit segments :</p> <p>bb) Other</p> <p>3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids :</p> <p>bb) Other</p> <p>4. Grapes :</p> <p>bb) Other</p>

CCT Heading No	Description
20.06 (contd)	<p>5. Pineapples :</p> <ul style="list-style-type: none"><li>aa) With a sugar content exceeding 22 % by weight</li><li>bb) With a sugar content exceeding 17 % by weight but not 22 %, other than pulp</li></ul> <p>6. Pears :</p> <ul style="list-style-type: none"><li>aa) With a sugar content exceeding 16 % by weight</li><li>bb) With a sugar content exceeding 13 % by weight but not 16 %, other than pulp</li></ul> <p>7. Peaches and apricots :</p> <ul style="list-style-type: none"><li>aa) With a sugar content exceeding 16 % by weight</li><li>bb) With a sugar content exceeding 13 % by weight but not 16 %, other than pulp</li></ul> <p>B. 11. b) 8. Other fruits :</p> <ul style="list-style-type: none"><li>aa) Pulp of bananas :<ul style="list-style-type: none"><li>11) With a sugar content exceeding 22 % by weight</li></ul></li><li>bb) Other<ul style="list-style-type: none"><li>22) Other</li></ul></li></ul> <p>9. Mixtures of fruit :</p> <ul style="list-style-type: none"><li>aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits</li><li>bb) Other<ul style="list-style-type: none"><li>22) Other</li></ul></li></ul>





Heading number	Description	Rate of duty	
		Auton. % or levy (L)	Conventional %
1	2	3	4
20.06 (contd)	B. II. a) 6. Pears :		
	aa) With a sugar content exceeding 16 % by weight	23 + (L)	20 + 2 ads
	bb) With a sugar content exceeding 13 % by weight but not 16 %, other than pulp	23 + (L)	20 + 2 ads
	cc) Other	23	20 (2)
	7. Peaches and apricots :		
	aa) With a sugar content exceeding 16 % by weight	23 + (L)	22 + 2 ads
	bb) With a sugar content exceeding 13 % by weight but not 16 %, other than pulp	23 + (L)	22 + 2 ads
	cc) Other	23	22 (3)
	8. Other fruits :		
	aa) Pulp of bananas :		
	11) With a sugar content exceeding 22 % by weight	23 + (L)	21.8 + 2 ads
	22) Other	23	21.8 + 2 ads
	bb) Other :		
	11) Pulp with a sugar content not exceeding 16 % by weight	23	21.8 + 2 ads
	22) Other	23 + (L)	21.8 + 2 ads
	9. Mixtures of fruit :		
	aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits	23 + (L)	20.9 + 2 ads
	bb) Other	23 + (L)	21.8 + 2 ads

- (1) The rates for pulp with a sugar content exceeding 17 % by weight but not 22 %, is 22 + 2 ads.
- (2) The rate for pulp with a sugar content exceeding 13 % by weight but not 16 %, is 20 + 2 ads.
- (3) The rate for pulp with a sugar content exceeding 13 % by weight but not 16 %, is 22 + 2 ads.

