

2596/67

OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES

28.6.67

REGULATION No 170/67/EEC OF THE COUNCIL

of 27 June 1967

on the common system of trade for ovalbumin and lactalbumin and repealing
Regulation No 48/67/EEC

THE COUNCIL OF THE EUROPEAN ECONOMIC
COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 14 (7) and Articles 28, 92 to 94, 111 and following, and 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament;

Whereas ovalbumin, which is not included in Annex II to the Treaty, is not subject to application of the agricultural provisions of the Treaty while egg yolk is;

Whereas a situation arises therefrom which may adversely affect the efficiency of the common agricultural policy in the egg sector;

Whereas, in order to reach a balanced solution, Council Regulation No 48/67/EEC¹ of 7 March 1967 on the introduction of a common trade system for ovalbumin and lactalbumin established a system of trade for ovalbumin corresponding to that established for eggs; whereas the application of this system has been extended to lactalbumin in view of the fact that the latter can to a large extent be substituted for ovalbumin;

Whereas, in pursuance of Council Regulation No 122/67/EEC² of 13 June 1967 on the common organisation of the market in eggs, a single market system for eggs has been introduced in the Community from 1 July 1967 comprising, in particular, single levies and single refunds in respect of third countries on eggs and egg yolk in the unaltered state or in the

form of certain processed goods containing egg white;

Whereas the system of trade applicable to albumins should follow the system in force for eggs in view of the dependence of the former products on the latter;

Whereas ovalbumin prices normally follow egg prices, which are different in the Community and on the world market; whereas in order to prevent distortions of competition resulting from this difference it is necessary to levy an import duty sufficient to offset this difference; whereas it seems that the most appropriate method for determining the amount of this duty would be to derive it from the levy on eggs in shell;

Whereas it is necessary to provide for different coefficients which take account of the presentation of the processed product;

Whereas the price of eggs is not the only factor other than processing costs affecting the price of albumin on the world market; whereas in order to ensure the effectiveness of the system of import duties it is necessary to provide for an additional amount, to be added to the duty when offers on the world market are made at abnormally low prices;

Whereas to the extent necessary for the proper working of the mechanism of export refunds for eggs provided for in Regulation No 122/67/EEC, and of the system laid down in this Regulation, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of 'inward processing arrangements';

Whereas the system of import duties makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas the establishment of a single market involves the removal at the internal frontiers of the Community of all obstacles to the free movement of the goods in question;

¹ OJ No 44, 10.3.1967, p. 646/67.

² OJ No 117, 19.6.1967, p. 2293/67.

Whereas the transition from the system provided in Regulation No 48/67/EEC to that established by this Regulation should be effected as smoothly as possible; whereas products marketed during the first weeks following the date on which this Regulation begins to apply will have been manufactured from eggs obtained from cereals purchased at the national prices ruling in the producing country before that date and differing from the common prices; whereas, therefore, the production costs of albumin can still be influenced by differences between the national prices for cereals ruling before that date and between these prices and the common prices; whereas differences in production costs may lead to certain disturbances in trade between Member States and with third countries; whereas, therefore, provision should be made for levying intra-Community import duties and supplementary import duties in respect of third countries on imports of the products in question for a certain transitional period; whereas, moreover, other transitional measures may prove necessary to facilitate the transition from the system provided in Regulation No 48/67/EEC to the system established by this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

In trade between the Community and third countries import duties shall be applied to the following products:

CCT heading No	Description of goods
ex 35.02	Albumins:
ex A II	Others (not unfit or rendered unfit for human consumption)
	(a) Ovalbumin and lactalbumin:
	1. Dried (for example, sheets, scales, flakes, powder)
	2. Other

Article 2

1. The amount of the duty on imports into the Community of each of the products listed in Article 1 shall be equal to the amount of the levy on eggs in shell fixed in accordance with the provisions of Article 4 (1) of Regulation No 122/67/EEC, this amount being adjusted by the coefficient mentioned in Article 3 for the product in question.

2. The amounts of the duties shall be fixed in advance for a period of three months in accordance with the procedure laid down in Article 17 of Regulation No 122/67/EEC.

Article 3

The coefficients for the products listed in Article 1 shall be fixed in accordance with the procedure laid down in Article 17 of Regulation No 122/67/EEC, by establishing the value complementary to the coefficients fixed for egg yolk in accordance with the ratio laid down in the second indent of Article 5 (1) of Regulation No 122/67/EEC.

Article 4

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market the necessary measures may be taken.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 5

1. One sluice-gate price shall be fixed for the liquid or frozen products listed in Article 1 and another for the dried products listed therein. The fixing shall be on the basis of the sluice-gate price fixed for eggs in shell according to the provisions of Article 7 (2) of Regulation No 122/67/EEC, taking into account the lower value of the basic material, the coefficients mentioned in Article 3 and the processing costs.

2. Sluice-gate prices shall be fixed in advance for a period of three months.

3. Where the free-at-frontier offer price for a product falls below the sluice-gate price the import duty on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

However, the duty shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price for imports of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

4. The free-at-frontier offer price shall be determined for all imports from all third countries. However, if exports from one or more third countries are

effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Regulation No 122/67/EEC.

The following shall be fixed in accordance with the same procedure:

- sluice-gate prices;
- where necessary, the additional amounts.

Article 6

1. To the extent necessary for the proper working of the common organisation of the market in eggs and of this Regulation, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of products listed in Article 1 which are intended for the manufacture of products listed in that Article.

2. Community provisions to regulate the inward processing trade in the products listed in Article 1 shall be adopted not later than 1 July 1968.

3. Rules to be applied until the provisions mentioned in paragraph 2 enter into force shall be adopted in accordance with the procedure referred to in paragraph 1; they shall apply in respect of:

- (a) the rate of yield to be taken when determining the quantity of Article 1 products used in the manufacture of processed goods for export;
- (b) the determination, for the purpose of applying the import duty, of the quantity of products used in the manufacture of processed goods put into free circulation.

4. For the purposes of this Article 'inward processing arrangements' means all those provisions determining the conditions under which products from third countries are used within the Community in the manufacture of goods for export and enjoy exemption from the import duties applicable to them.

Article 7

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from application of this Regu-

lation shall be incorporated in the Common Customs Tariff from the date on which the latter is fully applied.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, the following shall be prohibited in trade with third countries:

- the levying of any customs duty or charge having equivalent effect;
- the application of any quantitative restriction or measure having equivalent effect.

Article 8

1. The following shall be prohibited in the internal trade of the Community:

- the levying of any customs duty or charge having equivalent effect;
- the application of any measure having effect equivalent to a quantitative restriction.

2. Goods listed in Article 1 which are manufactured or obtained from products to which Article 9 (2) and Article 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 9

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17 of Regulation No 122/67/EEC.

Article 10

1. In order to offset the differences in feeding costs between Member States resulting from differences between feed-grain prices existing before 1 July 1967, provision may be made for charging a duty on imports into one Member State from another Member State during the period ending 30 July 1967 in respect of the products listed in Article 1.

2. In order to offset the differences in feeding costs between third countries and Member States whose feed-grain prices are higher than the common prices, such differences resulting from differences in such prices existing before 1 July 1967, provision may be made for charging additional duty, in addition to the

import duties set out in Article 2 increased where appropriate in pursuance of Article 5, during the period ending 30 July 1967 on imports from third countries of the products listed in Article 1.

3. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall where necessary fix the amounts of the import duties and additional import duties provided for in paragraphs 1 and 2.

Article 11

Should transitional measures be necessary to facilitate the transition from the system provided in Regulation No 48/67/EEC to that established by this Regulation, such measures shall be adopted in accordance with

the procedure laid down in Article 17 of Regulation No 122/67/EEC. They shall be applicable until 31 December 1967 at the latest.

Article 12

Regulation No 48/67/EEC is hereby repealed with effect from 1 July 1967.

Article 13

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

The system provided for in this Regulation shall be applicable from 1 July 1967.

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

Done at Brussels, 27 June 1967.

For the Council

The President

Ch. HEGER