

## REGULATION (EEC) No 827/68 OF THE COUNCIL

of 28 June 1968

on the common organisation of the market in certain products listed in Annex II to the Treaty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas a common organisation of the market, involving a special system of rules has been established or is shortly to be established for many of the products listed in Annex II the Treaty; whereas appropriate provisions must also be adopted, within the framework of a common organisation of markets, so as to permit the establishment of a single market for all the other products listed in that Annex;

Whereas the establishment of this single market entails the introduction of a single trading system at the external frontiers of the Community; whereas the essence of this system may be expressed as the integral application of the Common Customs Tariff and the liberalisation of trade;

Whereas, however, in exceptional circumstances, the protection resulting from application of the Common Customs Tariff may prove defective; whereas, in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been abolished, the Community should be enabled to take all necessary measures without delay;

Whereas the establishment of a single market for all the products in question involves the removal at the internal frontiers of the Community of all obstacles to the free movement of these goods;

Whereas the establishment of this single market would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty, which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market, should be

made to apply to the products covered by this Regulation;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Management Committee;

Whereas the transition from the system in force in Member States to that established by this Regulation should be effected as smoothly as possible; whereas, to that end, transitional measures may prove necessary;

Whereas the common organisation of the market in the products covered by this Regulation must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty;

HAS ADOPTED THIS REGULATION:

*Article 1*

The common organisation of the market established by this Regulation shall cover the products listed in the Annex.

*Article 2*

1. The Common Customs Tariff shall apply from 1 July 1968, without prejudice to the provisions of the Association Agreements.

2. Save as otherwise provided in this Regulation, and save derogations decided on 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, and subject to the obligations arising from international agreements relating to the products listed in the Annex, the following shall be prohibited in trade with third countries:

- the levying of any charge having effect equivalent to a customs duty, and
- the application of any quantitative restriction or measure having equivalent effect, subject to the provisions of the Protocol on the Grand Duchy of Luxembourg.

*Article 3*

1. If by reason of imports or exports the Community market in one or more of the products listed in the Annex experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

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 detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt of the request.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may amend or repeal the measures in question in accordance with the voting procedure laid down in Article 43 (2) of the Treaty.

*Article 4*

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

- the levying of any customs duty or charge having equivalent effect;
- any quantitative restriction or measure having equivalent effect, subject to the provisions of the Protocol on the Grand Duchy of Luxembourg;
- recourse to Article 44 of the Treaty.

2. The goods listed in the Annex which are manufactured or obtained from products which are not in the situation specified in Article 9 (2) and Article 10 (1) of the Treaty, shall not be admitted to free circulation within the Community.

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

Done at Luxembourg, 28 June 1968.

*Article 5*

Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products listed in the Annex.

*Article 6*

Where reference is made to the procedure laid down in this Article, procedure laid down in Article 26 of Council Regulation No 120/67/EEC<sup>1</sup> of 13 June 1967 on the common organisation of the market in cereals, or any other similar procedure laid down in other Regulations on the common organisation of the market in agricultural products, shall apply. 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 appoint a Management Committee for each product.

*Article 7*

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

*Article 8*

This Regulation shall apply without prejudice to the Community provisions adopted or to be adopted with a view to harmonising the laws, regulations and administrative action of Member States the purpose of which is to maintain or improve the technical or genetic level of the production of certain products listed in the Annex and intended specifically for re-production.

*Article 9*

Should transitional measures be necessary to facilitate the transition from the system in force in Member States to that of this Regulation, in particular if the introduction of this system on the date provided for would give rise to substantial difficulties in respect of certain products, such measures shall be adopted in accordance with the procedure laid down in Article 6. They shall be applicable until 30 June 1969 at the latest.

*Article 10*

This Regulation shall enter into force on 1 July 1968.

*For the Council*  
The President  
E. FAURE

<sup>1</sup> OJ No 117, 19.6.1967, p. 2269/67.

## ANNEX

CCT heading No	Description of goods
ex 01.01	Live horses, asses, mules and hinnies, except horses for slaughter
01.02	Live animals of the bovine species, A. Domestic species: I. Pure-bred breeding animals <sup>1</sup> B. Other
01.03	Live swine: A. Domestic species: I. Pure-bred breeding animals <sup>1</sup> B. Other
01.04	Live sheep and goats A. Domestic species: I. Sheep (a) Pure-bred breeding animals <sup>1</sup> II. Goats B. Other
01.06	Other live animals
02.01	Meat and edible offals of the animals falling within headings Nos 01.01 to 01.04, fresh, chilled or frozen: A. Meat: ex I. Of asses, mules and hinnies II. Of bovine animals: (b) other III. Of swine: (b) other ex IV. other, except mutton and lamb: B. Offals: I. Of horses, asses, mules and hinnies ex II. Of bovine animals and swine, other than domestic ex III. Other, except for offal of sheep not intended for the manufacture of pharmaceutical products

<sup>1</sup> Inclusion in this sub-heading is subject to conditions to be laid down by the competent authorities.

CCT heading No	Description of goods
02.04	Other meat and edible meat offals, fresh, chilled or frozen
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked: C. Other: ex II. Other, except for meat and offal of domestic sheep
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not: A. Eggs in shell, fresh or preserved II. Other eggs B. Eggs, not in shell; egg yolks: II. Other
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
ex 05.15 B	Animal products not elsewhere specified or included; dead animals of Chapter I, unfit for human consumption
ex 07.05	Dried leguminous vegetables, shelled, whether or not skinned or split, except those intended for use as seed
ex 07.06	Jerusalem artichokes and other similar products with a high inulin content, sweet potatoes, dried or sliced, sago pith
ex 08.01	Dates, mangoes, mangosteens, avocados, guavas, coconuts, brazil nuts, cashew nuts, fresh or dried, shelled or not
ex Chapter 9	Tea and spices, except maté
11.03	Flours of the leguminous vegetables falling within heading No 07.05
11.04	Flours of the fruits falling within any heading in Chapter 8
11.08 B	Inulin
12.07	Plants and parts (including seeds and fruit) of trees, bushes, shrubs or other plants, being goods of a kind used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purpose, fresh or dried, whole, cut, crushed, ground or powdered
12.08	Locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading
12.09	Cereal straw and husks, unprepared, or chopped but not otherwise prepared
ex 12.10	Mangolds, swedes, fodder roots; hay, lucerne, clover, sainfoin, forage kale, lupines, vetches and similar forage products, except flours of dehydrated green fodder
ex 15.02	Tallow (including premier jus) produced from goat fat
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way

CCT heading No	Description of goods
ex 16.01	Sausages and the like, of meat, meat offal or animal blood, except those containing meat or offal of swine, bovine animals or sheep
ex 16.02	Other prepared or preserved meat or meat offal: ex A. Of liver, other than that of swine, bovine animals or sheep ex B. Other, except those containing meat or offal of domestic poultry, swine, bovine animals or sheep
16.03	Meat extracts and meat juices
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks, skins and waste
22.07	Other fermented beverages (for example cider, perry and mead)
23.01 A	Flours and meals of meat and offals; unfit for human consumption
ex 23.02	Bran, sharps and other residues derived from the sifting, milling or working of leguminous vegetables
ex 23.03	Brewing and distilling dregs and wastes; residues of starch manufacture and similar residues
23.06	Products of vegetable origin of a kind used for animal food, not elsewhere specified or included ex A. Acorns, horse chestnuts and pomace or marc of fruit, except pomace or marc of grapes B. Other
23.07	Sweetened forage; other preparations of a kind used in animal feeding: A. Fish or whale solubles ex B. Other, except products containing glucose or glucose syrup falling within sub-headings 17.02 B and 17.05 B, and products containing starch (amidon) or milk products <sup>1</sup>

<sup>1</sup> For the purpose of subheading ex 23.07 B, 'milk products' means the products falling within headings 04.01, 04.02, 04.03, 04.04, and sub-headings 17.02 A and 17.05 A.