

REGULATION (EEC) No 2730/75 OF THE COUNCIL

of 29 October 1975

on glucose and lactose

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas, in order to avoid technical difficulties as regards customs treatment, the Council Decision of 12 December 1964 ⁽²⁾ on the introduction of some amendments to the Common Customs Tariff, provided for glucose, glucose syrup, lactose and lactose syrup to fall within one heading and for chemically pure glucose and lactose to fall within another;

Whereas, however, glucose and lactose falling respectively within subheadings 17.02 B II and 17.02 A II are listed in Annex II to the Treaty and are therefore subject to the system of trade with third countries provided for under the common organization of the markets to which they belong, while chemically pure glucose and lactose not listed in Annex II to the Treaty are subject to the system of customs duties, the economic incidence of which can be appreciably different;

Whereas this situation creates difficulties which are the greater in that the products in question, whatever their degree of purity, are derived from the same basic products; whereas the criterion for customs classification between those products which are and those which are not chemically pure is a 99% degree of purity; whereas products with a slightly higher or slightly lower degree of purity may have the same economic use; whereas, therefore, the application of different systems leads to distortions of competition

which are all the greater because of interchangeability;

Whereas the only solution to these difficulties is to follow the Council Decision of 12 December 1964 by giving the products the same economic treatment whatever their degree of purity or, to the extent that this would appear adequate, by harmonizing the treatment given to the two groups of products;

Whereas the Treaty does not specifically provide the authority needed to take such action; whereas in these circumstances the necessary measures should be taken on the basis of Article 235 of the Treaty; whereas the most appropriate measures are to extend to chemically pure glucose the treatment given to other glucose under Council Regulation (EEC) No 2727/75 ⁽³⁾ of 29 October 1975 on the common organization of the market in cereals, and to extend to chemically pure lactose the treatment given to other lactose under Council Regulation (EEC) No 804/68 ⁽⁴⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The treatment given to glucose and glucose syrup falling within subheading 17.02 B II of the Common Customs Tariff under Regulation (EEC) No 2727/75 and under the provisions adopted for the application of that Regulation shall be extended to glucose and glucose syrup falling within subheading 17.02 B I of the Common Customs Tariff.

⁽¹⁾ Opinion delivered on 16 October 1975 (not yet published in the Official Journal).

⁽²⁾ OJ No 220, 31. 12. 1964, p. 3741/64.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 74, 22. 3. 1975, p. 1.

Article 2

The treatment given to lactose and lactose syrup falling within subheading 17.02 A II of the Common Customs Tariff under Regulation (EEC) No 804/68 and under the provisions adopted for the application of that Regulation shall be extended to lactose and lactose syrup falling within subheading 17.02 A I of the Common Customs Tariff.

Article 3

When the treatment given to glucose and glucose syrup or to lactose and lactose syrup falling respectively within subheadings 17.02 B II and 17.02 A II of the Common Customs Tariff is amended pursuant to Article 43 of the Treaty or in accordance with procedures established for the application of that Article, such amendments shall extend as appropriate to glucose and glucose syrup or to lactose and lactose syrup falling respectively within

subheadings 17.02 B I and 17.02 A I of the Common Customs Tariff, unless, in accordance with the same procedures, other measures are taken for the harmonizing of the treatment applicable to these products with the treatment applicable to those already mentioned.

Article 4

1. Council Regulation No 189/66/EEC ⁽¹⁾ of 24 November 1966 on glucose and lactose, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No 218, 28. 11. 1966, p. 3713/66.