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REGULATION (EEC) No 2783/75 OF THE COUNCIL
of 29 October 1975
on the common system of trade for ovalbumin and lactalbumin

(OJ L 282, 1.11.1975, p. 104)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Regulation (EEC) No 4001/87 of 23 December 1987	L 377	44	31.12.1987
► <u>M2</u> Council Regulation (EC) No 3290/94 of 22 December 1994	L 349	105	31.12.1994
► <u>M3</u> Commission Regulation (EC) No 2916/95 of 18 December 1995	L 305	49	19.12.1995

Corrected by:

► C1 Corrigendum, OJ L 196, 24.7.1997, p. 82 (3290/94)

▼B**REGULATION (EEC) No 2783/75 OF THE COUNCIL****of 29 October 1975****on the common system of trade for ovalbumin and lactalbumin**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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⁽¹⁾;

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, a common system of trade should be established for ovalbumin corresponding to that established for eggs; whereas it is necessary to extend the application of this system 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 (EEC) No 2771/75⁽²⁾ of 29 October 1975 on the common organization of the market in eggs, a single market system for eggs has been introduced in the Community 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 on 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 to 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, by reason of the close economic relationship existing between the various egg products, it is necessary to provide for the possible adoption, for ovalbumin and lactalbumin, of marketing standards which correspond as far as possible with the marketing standards laid down for the products referred to in Article 1 (1) (b) of Regulation (EEC) No 2771/75;

Whereas to the extent necessary for the proper working of the mechanism of export refunds for eggs provided for in Regulation (EEC) No 2771/75, and of the system laid down in this Regulation, provision should be made for regulation or, when the situation on the market so requires, prohibiting, the use of 'inward processing arrangements';

⁽¹⁾ OJ No C 128, 9. 6. 1975, p. 39.

⁽²⁾ See page 49 of this Official Journal. (SIC! OJ No L 282, 1. 11. 1975, p. 49.)

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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,

HAS ADOPTED THIS REGULATION:

▼M3*Article 1*

Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the following products:

CN code	Description
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:
	- Egg albumin:
ex 3502 11	- - Dried:
3502 11 90	- - - Other (than unfit, or to be rendered unfit, for human consumption)
ex 3502 19	- - Other:
3502 19 90	- - - Other (than unfit, or to be rendered unfit, for human consumption)
ex 3502 20	- Milk albumin, including concentrates of two or more whey proteins:
	- - Other (than unfit, or to be rendered unfit, for human consumption):
3502 20 91	- - - Dried (for example, in sheets, scales, flakes, powder)
3502 20 99	- - - Other

▼M2*Article 2*

1. Imports into the Community, of any of the products listed in Article 1 ►**C1** may be subject ◀ to presentation of an import licence.

Licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to measures taken for the application of Article 4.

Import licences shall be valid throughout the Community. Such licences shall be issued subject to the lodging of a security guaranteeing that the products are imported during the term of validity of the licence; except in cases of force majeure, the security shall be forfeited on whole or in part if import is not carried out, or is only carried out partially, within that period.

2. The term of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 3

1. In order to prevent or counteract adverse effects on the market in the Community which may result from imports of certain products listed in Article 1, imports of one or more of such products at the rate of duty laid down in Article 10 shall be subject to payment of an additional import duty if the conditions set out in Article 5 of the Agreement on Agriculture concluded in accordance with Article 228 of the Treaty in the framework of the Uruguay Round of multilateral trade negotiations have been fulfilled unless the imports are unlikely

▼ **M2**

to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. The trigger prices below which an additional duty may be imposed shall be those notified by the Community to the World Trade Organization.

The trigger volumes to be exceeded in order to have the additional import duty imposed shall be determined particularly on the basis of imports into the Community in the three years preceding the year in which the adverse effects referred to in paragraph 1 arise or are likely to arise.

3. The import prices to be taken into consideration for imposing an additional import duty shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked to that end against the representative prices for the product on the world market or on the Community import market for that product.

4. The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75. Such detailed rules shall specify in particular:

- (a) the products to which additional import duties shall be applied under the terms of Article 5 of the Agreement on Agriculture;
- (b) the other criteria necessary to ensure application of paragraph 1 in accordance with Article 5 of the Agreement on Agriculture.

Article 4

1. Tariff quotas for the products listed in Article 1 resulting from agreements concluded in the framework of the Uruguay Round of multilateral trade negotiations shall be opened and administered in accordance with detailed rules adopted under the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

2. Quotas shall be administered by applying one of the following methods or a combination of them:

- method based on chronological order of the lodging of applications (first come, first served principle),
- method of distribution in proportion to the quantities requested when the applications were lodged (using the simultaneous examination method),
- method based on taking traditional trade patterns into account (using the traditional/new arrivals method).

Other appropriate methods may be adopted.

They must avoid any discrimination between the operators concerned.

3. Compliance with the limits on volumes arising from agreements concluded in accordance with Article 228 of the Treaty shall be ensured on the basis of the export certificates issued for the reference periods provided for therein and applicable to the products concerned. With regard to compliance with the obligations arising under the Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.

4. The detailed rules referred to in paragraph 1 shall provide for annual quotas, suitably phased over the year, if necessary to be opened and, where appropriate, for:

- (a) guarantees covering the nature, provenance and origin of the product;
- (b) recognition of the document used for verifying the guarantees referred to in (a); and
- (c) the conditions under which import licences are issued and their term of validity.

▼ M2*Article 5*

Where prices on the Community market rise significantly and where that situation is likely to continue, thereby disturbing or threatening to disturb that market, appropriate measures may be taken.

The Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, shall, if necessary, adopt detailed rules for the application of this Article.

▼ B*Article 6*

For the products listed in Article 1, marketing standards may be adopted which, subject to the need to take into account the characteristics of those products, shall correspond to the marketing standards provided for in Article 2 (2) of Regulation (EEC) No 2771/75 for the products listed in Article 1 (1) (b) of that Regulation. In particular the standards may relate to grading by quality, packaging, storage, transport, presentation and marking.

The standards, their scope and the general rules for their application shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

▼ M2*Article 7*

1. To the extent necessary for the proper working of the common organization of the market in eggs and 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, in special cases, 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. In derogation from paragraph 1, if the situation referred to in paragraph 1 arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.

3. Measures decided on by the Commission may be referred to the Council by any Member State within a week of the day on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission decision. If the Council has not acted within three months, the Commission decision shall be deemed to have been repealed.

Article 8

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

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

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

▼B*Article 9*

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

Article 10

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 (EEC) No 2771/75.

Article 11

1. Council Regulation No 170/67/EEC⁽¹⁾, of 27 June 1967 on the common system of trade for ovalbumin and lactalbumin and repealing Regulation No 48/67/EEC, amended by Regulation (EEC) No 1081/71⁽²⁾ is hereby repealed.

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

References to Articles of this Regulation are to be read in accordance with the correlation given in the Annex.

Article 12

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.

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2596/67

⁽²⁾ OJ No L 116, 28. 5. 1971, p. 9.

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ANNEX

Correlation

Regulation No 170/67/EEC

Article 5a

Article 6

Article 7

Article 8 (2)

Article 9

This Regulation

Article 6

Article 7

Article 8

Article 9

Article 10