

COUNCIL REGULATION (EEC) No 3910/87

of 22 December 1987

amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the Community is a Contracting Party to the International Convention on the Harmonized Commodity Description and Coding System, hereinafter referred to as the 'harmonized system', which is intended to replace the Convention of 15 December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs;

Whereas Council Regulation (EEC) No 2658/87 ⁽³⁾ established, from 1 January 1988, a combined goods nomenclature based on the harmonized system which will meet the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas, as a result, it is necessary to express the descriptions of goods and tariff heading numbers which appear in Regulation (EEC) No 1035/72 ⁽⁴⁾, as last amended by Regulation (EEC) No 2275/87 ⁽⁵⁾, according to the terms of the combined nomenclature, based on the harmonized system;

Whereas mixtures of nuts may be classified according to their essential character in various subheadings of Chapter 8 of the Common Customs Tariff at present in force; whereas, in the combined nomenclature, by way of simplification, a single subheading has been established to cover all mixtures of nuts; whereas it is desirable that the said mixtures be covered by Regulation (EEC) No 1035/72;

Whereas certain mixtures of dried fruits, or of dried fruits and nuts, are classified, according to their essential character, in subheadings of Chapter 8 of the Common Customs Tariff at present in force which are covered by Regulation (EEC) No 1035/72; whereas, in the combined nomenclature, by way of simplification, a single subheading has been established to cover all mixtures of dried fruits and of dried fruits and nuts; whereas it is desirable that the said mixtures be covered by Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽⁶⁾, as last amended by Regulation (EEC) No 3909/87 ⁽⁷⁾; whereas, as a result, they should no longer be covered by Regulation (EEC) No 1035/72;

Whereas numerous regulations in the fruit and vegetables sector must be adapted in the light of the new nomenclature; whereas, under Article 15 of Regulation (EEC) No 2658/87, the changes made may be of a technical nature only; whereas, accordingly, a provision should be introduced whereby all other adjustments to Council or Commission regulations on the common organization of the markets in fruit and vegetables should be made in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72, provided that such adjustments are required solely as a result of the introduction of the harmonized system,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1035/72 is hereby amended as follows:

1. Article 1 (2) is replaced by the following:
 - '2. The organization shall cover the following products:

CN code	Description of goods
0702 00	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled

⁽¹⁾ Opinion delivered on 18 December 1987 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 16 December 1987 (not yet published in the Official Journal).

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 209, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 49, 27. 2. 1987, p. 1.

⁽⁷⁾ See page 20 of this Official Journal.

CN code	Description of goods
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
ex 0709	Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled, excluding azeca (or betel) and cola of subheading 0802 90 30
0804 20 10	Figs, fresh
0805	Citrus fruit, fresh or dried
0806 10 11	Fresh table grapes
0806 10 15	
0806 10 19	
0807	Melons (including water melons) and papaws (papayas), fresh
0808	Apples, pears and quinces, fresh
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810	Other fruit, fresh
0813 50 30	Mixtures, exclusively of dried nuts of heading Nos 0801 and 0802'

2. Annex III is replaced by the Annex to this Regulation.

organization of the market in fruit and vegetables which result from the application of Article 1.

Article 2

The Commission, in accordance with the procedure provided for in Article 33 of Regulation (EEC) No 1035/72, shall make the necessary adaptations to Council or Commission acts concerning the common

Article 3

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

Article 1 shall apply with effect from 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council
The President
N. WILHJELM

ANNEX

'ANNEX III

List referred to in Article 22

CN code	Description of goods	Periods
0702 00	Tomatoes, fresh or chilled	15 May to 31 December
ex 0705	Lettuces, curled-leaved endives and broad-leaved (Batavian) endives	15 November to 15 June
ex 0708 20	Beans (of the species <i>Phaseolus</i>) (not including beans for shelling or shelled beans)	1 June to 30 September
0709 10 00	Globe artichokes	15 March to 30 June
0806 10 11	Fresh table grapes	1 July to 31 January
0806 10 15		
0806 10 19		
ex 0807 10	Melons	1 July to 15 October
0809 10 00	Apricots	5 June to 31 July'