

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 427 final

Brussels, 12 September 1989

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of Community
tariff quotas for certain products originating
in Yugoslavia (1990)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Articles 21 and 23 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia, supplemented by the Protocol to that Agreement establishing new trade arrangements, provide for the opening of annual Community tariff quotas for imports into the Community of:

- 1 200 tonnes of sweet peppers falling within CN code 0709 60 10;
- 1 300 tonnes of frozen peas falling within CN code 0710 21 00; and
- 300 tonnes of garlic falling within CN code ex 0703 20 00,
- 545 000 hectolitres of fresh grape wine falling within CN-codes ex 2204 21 and ex 2204 29,
- 5 420 hectolitres of plum spirit marketed under the name of "Sljivovica" falling within CN code ex 2208 90 33, and
- 1 500 tonnes of tobacco of the "Prilep" type falling within CN code ex 2401 10 60 or ex 2401 20 60

originating in Yugoslavia.

Within the limits of these tariff quotas customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75, 243 and 268 of the Act of Accession.

However, Council Regulation (EEC) No 4150/87 laying down arrangements for Spain's and Portugal's trade with Yugoslavia provides that

Portugal will postpone until 31 December 1990, implementation of the preferential arrangements for the products covered by Regulation (EEC) N° 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables and for the products covered by Regulation (EEC) N° 822/87 on the common organisation of the market in wine. Until then, the tariff quotas indicated above, but excluding those quotas for plum spirit, frozen peas and "Prilep" tobacco, will apply only to the Community with the exclusion of Portugal. Within the limits of these quotas Spain shall apply the duties calculated according to the relevant provisions as set out in the Council Regulation (EEC) No. 4150/87 mentioned.

Whereas, by Council Regulation (EEC) no. 1673/89 of 12 June 1989, suspending totally certain custom duties applied by the Community of Ten to importations from Spain and Portugal, the customs duties foreseen for the plum spirit coming from Spain and Portugal are totally suspended. Therefore, it is advisable to apply the same rate of duties to imports of these products originating from Yugoslavia.

These Community tariff quotas should be opened for the periods indicated in Article 1.

3. Importations of these wines continue to be subject to the rules governing the common organization of the market in wine, in particular as regards the reference price applicable to them.
4. Plum spirit and
"Tobacco of the 'Prilep' type" originating in Yugoslavia is defined and a model for the certificate of authenticity to be issued by the Yugoslav authorities laid down in an exchange of letters dated 11 July 1980.
5. As regards the management system of these quotas it is proposed that the whole of the quota volumes be held as Community reserves to which all Member States will have access in accordance with the procedure provided for in Article 1 (2) of the proposal for a Regulation.

That is the purpose of the attached proposal.

ANNEX: 1 proposal for a Regulation.

Proposal for
COUNCIL REGULATION (EEC) No .../89

of

opening, allocating and providing for the administration of Community tariff quotas for
certain products originating in Yugoslavia (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia (1) supplemented by the Protocol to that Agreement establishing new trade arrangements (2) provide for the opening of Community tariff quotas for imports into the Community of:

- 300 tonnes of garlic falling within CN code ex 0703 20 00, (1 February - 31 May);
- 1 200 tonnes of sweet peppers falling within CN code 0709 60 10;
- 1 300 tonnes of frozen peas falling within CN code 0710 21 00;
- 545 000 hectolitres of certain fresh grapes wine, falling within CN Chapter 22;
- 5 420 hectolitres of plum spirit marketed under the name of 'Sljivovica' falling within CN code ex 2208 90 33
- 1 500 tonnes of tobacco of the 'Prilep' type falling within CN code ex 2401 10 60 or ex 2401 20 60, as defined in an exchange of letters dated 11 July 1980,

originating in Yugoslavia;

Whereas, within the limits of these tariff quotas, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75, 243 and 268 of the Act of Accession of Spain and Portugal;

(1) OJ No L 389, 31. 12. 1987, p. 73.

(2) OJ No L 389, 31. 12. 1987, p. 1.

however, Council Regulation (EEC) No 4150/87 of 21 December 1987 laying down arrangements for Spain's and Portugal's trade with Yugoslavia and amending Regulations (EEC) No 449/86 and No 2573/87 (1) provides that

Portugal shall defer until 31 December 1990 the application of the preferential arrangements for the products covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (2), and for products covered by Regulation (EEC) N° 822/87 of 16 March 1987 on the common organization of the market in wine (3); until that date, the above mentioned tariff quotas, but excluding those quotas provided for frozen peas, plum spirit, tobacco of the "Prilep" type and fresh grapes wine, shall apply only in the Community to the exclusion of Portugal;

Whereas, by virtue of Council Regulation (EEC) no. 1673/89 of 12 June 1989 (4) totally suspending certain customs duties applied by the Community of Ten to imports from Spain and Portugal the Customs duties foreseen for plum Spirit coming from Spain and Portugal are totally suspended, it is advisable to apply the same rate of duty to imports of these products originating from Yugoslavia;

Whereas, importation into the Community of

the wines in question are subject to the free-at-frontier reference price; whereas the said wines qualify for these tariff quotas only if Article 54 of Regulation (EEC) No 822/87(3), as last amended by Regulation (EEC) No 2964/88 (5), is adhered to;

Whereas the above products must be accompanied by a certificate of authenticity; whereas the tariff quotas in question should therefore be opened for 1990;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted;

whereas the necessary measures should be taken to provide for effective Community management of the quotas, so that the Member States may draw against the quotas such quantities as they may need, corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas since Belgium, the Netherlands and Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of these quotas carried out by any one member of that Union;

(1) OJ No L 389, 31.12.1987, p. 73

(2) OJ No L 118, 20.5.1972, p. 1

(3) OJ No L 84, 27.3.1987, p. 1

(4) OJ No L 164, 15.6.1989, p. 1

(5) OJ No L 373, 31.12.1988, p. 55

(1)	(2)	(3)	(4)	(5)	(6)
09.1503	ex 2208 90 33	Plum spirit marketed under the name of Slijivovica, in containers holding two litres or less, from 1 January to 31 December 1990	5 420hl	0	Community as at present constituted
09.1505	ex 2401 10 60 ex 2401 20 60	Tobacco of the Prilep type, from 1 January to 31 December 1990	1 500 t	5,2% MIN 10,5 ECU MAX 26,2 ECU/ 100 kg/net	Community as at present constituted

b) Within the limits of these tariff quotas, the Kingdom of Spain shall apply duties calculated in accordance with the relevant provisions of the Regulation (EEC) No. 4150/87.

c) Within the limits of the tariff quotas for peas, plum spirit and tobacco of the Prilep type, the Republic of Portugal shall apply customs duties calculated in conformity with the relevant provisions of the Regulation (EEC) No 4150/87 mentioned above.

Importations of:

2. The wine in question shall be subject to the free-at-frontier reference price. It shall qualify for the tariff quotas only if Article 54 of Regulation (EEC) No 822/87 is adhered to.

3. Imports of plum spirit and tobacco of the "Prilep" type must be accompanied by certificates of authenticity issued by the competent Yugoslav authority and conforming with the models annexed to this Regulation.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure efficient management thereof.

Article 3

Where an importer enters a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements and that entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date of acceptance of the said entries, must be sent to the Commission without delay.

The drawings ^(shall be) granted by the Commission by reference to the date of acceptance of the entry for free circulation, to the extent that the available balance so permits.

If a Member State does not use quantities drawn it shall return them to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States accordingly.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels.

For the Council

The President

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	2 No	ORIGINAL	
	3 Quota year Année contingentaire	4 Country of destination Pays de destination	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	6 Issuing authority Organisme émetteur		
	7 CERTIFICATE OF AUTHENTICITY CERTIFICAT D'AUTHENTICITÉ Plum spirit 'Šljivovica' Eau-de-vie de prunes «Šljivovica» (CN Code ex 2208 90 33) (Code NC ex 2208 90 33)		
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport			
9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis	10 % vol of alcohol % vol d'alcool	11 Litres Litres	
12 % vol of alcohol and litres (in words) % vol d'alcool et litres (en lettres)			
13 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR I hereby certify that the plum spirit 'Šljivovica' described in this certificate corresponds with the definition given on the reverse. Je certifie que l'eau-de-vie de prunes «Šljivovica» décrite dans ce certificat correspond à la définition figurant au verso.			
Piece Lieu	Date Date	(Stamp and signature) (Cachet et signature)	

DEFINITION

Plum spirit with an alcoholic strength of 40 % vol or more, marketed under the name ŠLJIVOVICA, corresponding to the specifications laid down in the Regulation relating to the quality of spirituous beverages, published in the Official Journal of the Socialist Federal Republic of Yugoslavia on 7 October 1971.

DÉFINITION

Eau-de-vie de prunes ayant un titre alcoométrique égal ou supérieur à 40 % vol, commercialisée sous la dénomination ŠLJIVOVICA correspondant à la spécification reprise dans la réglementation relative à la qualité des boissons alcooliques publiée au Journal officiel de la république socialiste fédérative de Yougoslavie le 7 octobre 1971.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée en conformité avec un engagement contractuel de la Communauté. L'impact découlant de cette concession a été pris en considération lors de la prise de décision d'adoption de ces contingents et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.

FICHE FINANCIERE

1. Ligne budgétaire concernée : Chap. 12 art.120
2. Base juridique : art. 113 du traité
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires de certains produits originaires de Yougoslavie
4. Objectif : Exécution d'une obligation contractuelle (Accord CEE/Yougoslavie)
5. Mode de calcul :

Désignation des marchandises	Codes NC	Volume du contingent	Période d'application	Droits à appliquer	Droit de la NC	Prix estimé ECU/t	Perte de recettes (en EC
Aulx	ex 0703 20 00	300 t	1.2. - 31.5.	6,5 %	12 %	1.405	23.182
Piments doux ou poivrons	0709 60 10	1.200 t	1.1. - 31.12	3,4 %	9 %	900	60.480
Pois (pisum sativum)	0710 21 00	1.300 t	1.1. - 31.12	6,7 %	18 %	388	56.997
Vins de raisin frais	2204 21 25; ex 29 2204 21 35; ex 39 2204 29 25; ex 29 2204 29 35; ex 39	545.000 hl	1.1. - 31.12.	6,4 * 7,5 * 4,8 * 5,9 *	14,5 * 16,9 * 10,9 * 13,3 *	-	3.381.833
Eaux-de-vie de Prunes "sljivovica"	ex 2208 90 33	5.420 hl	1.1. - 31.12.	0	1,3 ECU % vol/hl + 5 ECU/hl	-	346 988
Tabac de type (Prilep)	ex 2401 10 60 ex 2401 20 60	1.500 t	1.1. - 31.12.	5,2 % MIN 10,5 ECU MAX 26,2 ECU /100kg/net	14 % MIN 28 ECU MAX 70 ECU /100kg/net	3.776	498.432

* ECU/hl.

6. Perte de recettes :

La perte de recettes totale à inscrire pour l'année 1990 s'élève à 4.367.912 ECU. En 1989 une perte globale de 3.310.278 ECU a été inscrite.

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DOCUMENTS

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