

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 515 final

Brussels, 19 October 1989

Proposal for
COUNCIL REGULATION (EEC)
opening and providing for the administration of Community
tariff quotas bound in GATT for certain
agricultural and industrial products

Proposal for
COUNCIL REGULATION (EEC)
opening and providing for the administration of Community tariff
quotas for certain fruits and fruit juices

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Certain agreements concluded under the General Agreement on Tariffs and Trade (GATT) provide for the opening of Community tariff quotas at specified rates of duty for agreed volumes of certain agricultural and industrial products over agreed periods.
2. The attached proposals concern the implementation of the said tariff quotas for the agreed quota periods, beginning during the first semester of 1990.
3. As in the case of other Community tariff quotas, the proposals do not provide for the quota volumes to be allocated among the Member States, which will make drawings from the quota volumes to cover actual imports.

Proposal for
COUNCIL REGULATION (EEC)
of
opening and providing for the administration of Community tariff
quotas bound in GATT for certain agricultural and industrial products

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 Community has undertaken within the framework of the General Agreement on Tariffs and Trade (GATT) to open yearly reduced or zero-duty Community tariff quotas on certain conditions for certain agricultural and industrial products; whereas the tariff quotas in question should accordingly be opened for 1990, specifying, where appropriate, the agreed entry conditions;

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 ensure efficient administration of the tariff quotas at Community level by providing for Member States to draw against the quota volumes such quantities as they may need to cover actual imports as recorded; 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 quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports of the following products shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Quota period	Quota volume (tonnes)	Rate of duty (%)
09.0006	0302 40 90 0303 50 90 0304 10 93 ex 0304 10 98 0304 90 25	Herring, subject to compliance with the reference prices	16 June 1990 to 14 February 1991	34 000	0
09.0007	ex 0305 51 10 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 0305 69 10	Cod of the species <i>Gadus morhua</i> or <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, whole, headless or in pieces	From 1 January to 31 December 1990	25 000	0
09.0009	ex 0302 69 65 ex 0303 78 10 ex 0304 90 47	Silver hake (<i>Merluccius bilinearis</i>), fresh, chilled or frozen	From 1 January to 31 December 1990	2 000	8
09.0011	ex 0304 20 29	Frozen cod fillets (<i>Gadus morhua</i>) (1)	From 1 January to 31 December 1990	10 000	8

(1) Subject to limits and conditions to be determined by the competent authorities.

09.0013	ex 4412 19 00 ex 4412 99 90	Plywood of coniferous species, without the addition of other substances: - Of a thickness greater than 8.5 mm, the faces of which are not further prepared than the peeling process - Sanded, and of a thickness greater than 18.5 mm	From 1 January to 31 December 1990	650 000 m ²	0
09.0015	4801 00 10	Newsprint ¹ - From Canada	From 1 January to 31 December 1990	600 000	0
09.0017		- From other third countries	1990	50 000	0

(1) Entry under this subheading is subject to conditions determined by the relevant Community provisions.

09.0019	7202 21 10 7202 21 90 7202 29 00	Ferro-silicon	From 1 January to 31 December 1990	12 600	0
09.0021	7202 30 00	Ferro-silico-manganese	From 1 January to 31 December 1990	18 550	0
09.0023	ex 7202 49 10 ex 7202 49 50	Ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not more than 90% of chromium (super-refined ferro-chromium)	From 1 January to 31 December 1990	2 950	0
09.0035	0712 20 00	Dried, dehydrated or evaporated onions, whole, cut, sliced, broken or in powder, but not further prepared	From 1 January to 31 December 1990	12 000	10
09.0039	0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	From 15 January to 14 June 1990	10 000	6
09.0041	0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter almonds	From 1 January to 31 December 1990	45 000	2

(a) See TARIC codes in Annex

2. Within the limits of these tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.
3. Imports of products listed in paragraph 1 which are subject to a lower or equal customs duty under other preferential tariff arrangements shall not be charged against the corresponding tariff quota.

Article 2

1. Without prejudice to the Community's international obligations, Member States may charge against the tariff quotas referred to in Article 1(1) under order numbers 09.0015 and 09.0017 other types of paper corresponding, except as regards the criterion relating to watermarks, to the definition of newsprint contained in additional note 1 to Chapter 48 and falling within CN code 4801 00 90.
2. From 30 November 1990, imports of newsprint from Canada or from other third countries may be charged against the remainder of either of the quota volumes for newsprint referred to in Article 1(1) not used by 29 November 1990 and not expected to be used by 31 December 1990.

Article 3

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 4

Where an importer presents a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the 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 on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion 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 5

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 6

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

Article 7

The Commission may adopt a Regulation suspending the application of the tariff quotas opened for ^{T onions} lemons and almonds under order numbers ^{F 09 0035} 09.0039 and 09.0041 if the reciprocity provided for in the Agreement is no longer ensured.

Article 8

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*

TARIC codes

Order no	CN code	TARIC code
09.0006	EX 0304 10 98	*11 *12
09.0007	0305 51 10 0305 51 90 0305 62 00	*10 *20 *90 *11 *19 *20 *11 *19 *21 *29 *31 *39
09.0009	0302 69 65 0303 78 10 0304 90 47	*10 *10 *20
09.0011	0304 20 29	*11 *19
09.0013	4412 19 00 4412 99 90	*10 *10
09.0023	7202 49 10 7202 49 50	*10 *10
09.0039	0805 30 10	*11

Proposal for
COUNCIL REGULATION (EEC) No
of
opening and providing for the administration of Community tariff
quotas for certain fruits and fruit juices

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 under the Agreement with the United States of America on the Mediterranean preferences, citrus and pasta the Community has undertaken to suspend provisionally and in part the customs duties applicable to certain fruits and fruit juices within the limits of Community tariff quotas of appropriate volumes and of varying duration; whereas in order to ensure the balance of reciprocal concessions provided for in the Agreement, the Commission may adopt a Regulation suspending the application of the tariff measures in question;

Whereas the use of these tariff quotas is, however, conditional on presentation to the Community customs authorities of a certificate of authenticity issued by the competent authorities of the country of origin certifying that the products comply with the specific characteristics laid down;

Whereas Community tariff quotas for sweet oranges of high quality, citrus hybrids known as 'Minneolas' and certain types of frozen concentrated orange juice should therefore be opened for all or part of 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 ensure efficient administration of the tariff quotas at Community level by providing for Member States to draw against the quota volumes such quantities as they may need to cover actual imports as recorded; 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 quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports of the following products shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Quota period	Quota volume (tonnes)	Rate of duty (%)
09.0025	ex 0805 10 11, 15, 19, 41, 45, 49	Sweet oranges of high quality	From 1 February to 30 April 1990	20 000	10
09.0027	ex 0805 20 90	Citrus hybrids known as 'Minneolas'	From 1 February to 30 April 1990	15 000	2
09.0033	ex 2009 11 99	Frozen concentrated orange juice having a degree of concentration of up to 50 degrees Brix, in containers of two litres or less, not containing blood orange concentrate	From 1 January to 31 December 1990	1 500	13

(a) See TARIC codes in Annex III

2. Within the limits of these tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

1. For the purposes of this Regulation:
 - (a) sweet oranges of high quality means oranges of similar varietal characteristics which are mature, firm, well-formed, at least fairly well coloured, of fairly smooth texture and are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and are free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, soars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or damage caused by mechanical or other means, provided that not more than 15% of the fruit in any lot fails to meet these specifications and, included in this amount, not more than 5% shall be allowed for defects causing serious damage and, included in this latter amount, not more than 0.5% may be affected by decay;
 - (b) citrus fruit hybrids known as 'Minneolas' means hybrids of the citrus fruit variety 'Minneola' (*Citrus paradisi* Macf. C. V. Duncan and *Citrus reticulata* blanca C. V. Dancy);

- (c) frozen concentrated orange juice having a degree of concentration of up to 50 degrees Brix means orange juice that has a density of 1.229 g/cm³ or less at 20°C.
2. Use of the tariff quotas referred to in paragraph 1 shall be subject to:
- presentation, in support of the entry for release for free circulation, of a certificate of authenticity conforming to one of the models in Annex I, issued by the competent authorities of the country of origin - listed in Annex II - certifying that the products shown on it possess the specific characteristics referred to in paragraph 1, or
 - in the case of concentrated orange juice, presentation to the Commission before importation of a general attestation in which the competent authority of the country of origin certifies that concentrated orange juice produced in that country does not contain the juice of blood oranges. The Commission shall inform the Member States to enable them to notify the customs departments concerned.

Article 3

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 4

Where an importer presents a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the 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 on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion 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 5

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 6

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

Article 7

The Commission may adopt a Regulation suspending the application of the tariff quotas opened for by this Regulation if the reciprocity provided for in the Agreement is no longer ensured.

Article 8

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*

ANEXO I – BILAG I – ANHANG I – ΠΑΡΑΡΤΗΜΑ Ι – ANNEX I – ANNEXE I – ALLEGATO I – BIJLAGE I – ANEXO I

**MODELOS DE CERTIFICADO
MODELLER TIL CERTIFIKAT
MUSTER DER BESCHEINIGUNGEN
ΥΠΟΔΕΙΓΜΑ ΠΙΣΤΟΠΟΙΗΤΙΚΟΥ
MODEL CERTIFICATES
MODÈLES DE CERTIFICAT
MODELLI DI CERTIFICATO
MODELLEN VAN CERTIFICAAT
MODELOS DE CERTIFICADO**

1 Exporter (Name, full address, country)	2 Number	00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY FRESH SWEET ORANGES 'HIGH QUALITY'		
	4 Country of origin	5 Country of destination	
6 Place and date of shipment — Means of transport	7 Supplementary details		
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	9 Gross weight (kg)	10 Net weight (kg)	
	11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the above sweet oranges consist of oranges of similar varietal characteristics which are mature, firm, well-formed, fairly well-coloured, of fairly smooth texture and are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and pecking), and are free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means, provided that not more than 15 % of the fruit in any lot fails to meet these specifications and, included in this amount, not more than 5 % shall be allowed for defects causing serious damage, and, included in this latter amount, not more than 0.5 % may be affected by decay. <i>damage caused by</i>		
12 Competent authority (Name, full address, country)	At on (Signature) (Seal)		

1 Exporter (Name, full address, country)	2 Number	00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY FRESH MINNEOLA		
	4 Country of origin	5 Country of destination	
6 Place and date of shipment — Means of transport	7 Supplementary details		
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	9 Gross weight (kg)	10 Net weight (kg)	
	11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the citrus described in this certificate are fresh citrus hybrid of the variety Minneola (<i>Citrus paradisi</i> Macf. C.V. Duncan and <i>Citrus reticulata</i> blanco C.V. Dancy).		
12 Competent authority (Name, full address, country)	At _____, on _____ (Signature) (Seal)		

1 Exporter (Name, full address, country)	2 Number	00000	
3 Consignee (Name, full address, country)	CERTIFICATE OF AUTHENTICITY CONCENTRATED ORANGE JUICE		
6 Place and date of shipment — Means of transport	4 Country of origin	5 Country of destination	
8 Marks and numbers — Number and kind of packages — DETAILED DESCRIPTION OF GOODS	7 Supplementary details		
	9 Gross weight (kg)	10 Net weight (kg)	
11 CERTIFICATION BY THE COMPETENT AUTHORITY I hereby certify that the above frozen concentrated orange juice has a density of 1,229 g/cm ³ or less and does not contain blood orange juice.			
12 Competent authority (Name, full address, country)	At on (Signature) (Seal)		

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ ΙΙ — ANNEX II — ANNEXE II —
 ALLEGATO II — BIJLAGE II — ANEXO II

País de origen Opprindelsesland Ursprungsland Χώρα καταγωγής Country of origin Pays d'origine Paese di origine Land van oorsprong País de origem	Autoridad competente Kompetent myndighed Zuständige Behörde Αρχόδια υπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit Autoridade competente
1. Para las 3 contingentes — For de 3 kontingenter — Für die 3 Kontingente — Για τις 3 ποσοτώσεις — For the 3 quotas — Pour les 3 contingents — Per i 3 contingenti — Voor de 3 contingenten — Para os 3 contingentes	
Estados Unidos De Forenede Stater USA ΗΠΑ USA États-Unis d'Amérique Stati Uniti Verenigde Staten Estados Unidos da América	United States Department of Agriculture
Cuba Cuba Kuba Κούβα Cuba Cuba Cuba Cuba	Ministère de l'Agriculture
Argentina Argentina Argentinien Αργεντινή Argentina Argentine Argentina Argentinie Argentina	Dirección Nacional de Producción y Comercialización de la Secretaría de Agricultura, Ganadería y Pesca
2. Únicamente para los híbridos de agrinos conocidos por el nombre de «Minneolas» — udelukkende til krydsninger af citrusfrugter, benævnt «Minneolas» — Nur für Kreuzungen von Zitrusfrüchten, bekannt unter dem Namen «Minneolas» — μόνο για τα υβρίδια κοπεριδοειδών γνωστά με την ονομασία «Minneolas» — Only for citrus fruit known as 'Minneolas' — Uniquement pour les hybrides d'agrumes connus sous le nom de «Minneolas» — Solo per gli ibridi d'agrumi conosciuti sotto il nome di «Min- neolas» — Uitsluitend voor kruisingen van citrusvruchten die bekend staan als 'minneolas' — Somente para os citrinos híbridos conhecidos pelo nome de «Minneolas»	
Israel Israel Israel Ισραήλ Israel Israel Israele Israel Israel	Ministry of Agriculture Department of Plant Protection and Inspection
Chipre Cypem Zypern Κύπρος Cyprus Chypre Cipro Cyprus Chipre	Ministry of Commerce and Industry Produce Inspection Service

TARIC codes

Order no	CN code	TARIC code
09.0025	0805 10 11	*10
	0805 10 15	*10
	0805 10 19	*10
	0805 10 41	*18
	0805 10 45	*18
	0805 10 49	*18
09.0027	0805 20 90	*13
		*23
09.0033	2009 11 99	*10

FICHE FINANCIERE

DATE

1. Ligne budgétaire concernée : Chap. 12, art. 120
2. Base juridique : article 113
3. Intitulé de la mesure tarifaire : Propositions de règlements du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires consolidés au GATT. pour certains produits agricoles et industriels
4. Objectif : Respecter les engagements contractés par la Communauté
5. Perte de recettes :

Désignation des produits	Quantité	Prix en Ecu/unité	Droit normal (%)	Droit contingentaire (%)	Perte de recettes (en écus)
1) Morues séchées, salées	25 000 T	4 250	13	0	13 812 500
2) Merlus argentés	2 000 T	1 174	15	8	164 360
3) Filets congelés de morues	10 000 T	3 082	15	8	2 157 400
4) Bois contre-plaqués de conifères	650 000 M3	416	10	0	27 040 000
5) Papier journal Canada	600 000 T	602	moyen 8,795	0	31 767 540
6) Papier journal autres pays tiers	50 000 T	602	moyen 8,795	0	2 647 295
7) Ferrosilicium	12 600 T	853	6,2	0	666 364
8) Ferrosilicomanganèse	18 550 T	564	5,5	0	575 421
9) Ferrochrome sur-raffiné	2 950 T	635	8	0	149 860
10) Oignons secs	12 000 T	2 512	16	10	1 808 640
11) Citrons	10 000 T	431	8	6	86 200
12) Amandes douces	45 000 T	3 745	7	2	8 426 250
13) Oranges douces	20 000 T	660	moyen: 17	10	924 000
14) Minneolas	15 000 T	942	20	2	2 543 400
15) Jus d'oranges concentrés	1 500 T	2 443	19	13	219 870
16) Harengs	34 000 T	442	15	0	2 254 200

					95 243 300

Par rapport à l'année 1989, augmentation des pertes de :
 95 243 300 écus - 90 580 337 écus = 4 662 963 écus

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Ces propositions sont formulées en conformité avec des engagements contractuels de la Communautés. L'impact découlant de ces concessions 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.

ISSN 0254-1475

COM(89) 515 final

DOCUMENTS

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Catalogue number : CB-CO-89-474-EN-C

ISBN 92-77-53896-1

Office for Official Publications of the European Communities
L-2985 Luxembourg
