

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 581 final

Brussels, 22 November 1989

Proposal for a
COUNCIL REGULATION (EEC)

opening and providing for the administration of a Community quota for chemically-pure fructose originating in third countries not bound to the Community by a preferential trade agreement (1990)

(presented by the Commission)

Explanatory memorandum

1. In its proposal for a Council Regulation (EEC) amending Regulation (EEC) No. 3033/80 laying down the system of trade applicable to certain goods processed from agricultural products (COM (89) 71 of 29th. March 1989), the Commission envisages the introduction of a variable component to be levied on imports of chemically-pure fructose, of CN code 1702 50 00, originating in third countries not bound to the Community by a preferential agreement.

2. In the current context of the Uruguay Round, it would appear advisable, for evident reasons of trade policy, not to sacrifice the trade in goods as it exists already. Thus, the possibilities for importing chemically-pure fructose, originating in the said countries, into the Community market, should be maintained at their proper level. To this end, account should be taken of the average imports of this product throughout 1987 and 1988. Given that this average amounts to 4 504 tonnes, the opening of a Community quota in 1990 for 4 504 tonnes, with a customs duty equal to 20%, i.e. the current duty on this product, and with exemption from the variable component, should constitute a satisfactory solution.

3. Once the quota volume has been reached at Community level, further imports of the said product will be subject to the additional levy of the variable component, to be applied at that instant within the Community. Therefore, this Community quota should be opened for 1990.

4. As regards the method of administration of this quota, it is proposed that the entire quota volume be held as a Community reserve, to which all Member States will have access, in accordance with the procedure provided for in Article 3 of the proposal for a Regulation.

This is the purpose of the attached proposal.

ANNEX : Proposal for a Regulation.

opening and providing for the administration of a Community quota for chemically-pure fructose originating in third countries not bound to the Community by a preferential trade agreement (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 Article 7 bis of Council Regulation (EEC) No. 3033/80 of 11 November 1980 determining the system of trade applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by the Regulation (EEC) no. 189 (2),

provides for the variable component, which is imposed on imports of the product of CN code 1702 50 00, originating in third countries not bound to the Community by a preferential trade agreement, to be equal to the levy mentioned in paragraph 6 of Article 16 of Council Regulation (EEC) No. 1785/81 (3) burdening imports of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30;

Whereas, in the current context of the Uruguay Round, it is fitting to maintain the possibility of imports into the Community market, of chemically-pure fructose,

originating in third countries not bound to the Community by a preferential trade agreement; whereas this aspect is fulfilled if the possibility, in 1990, for individual agricultural products, originating in the aforesaid third countries, to penetrate the Community market is not less than the average for 1987 and 1988; whereas the average imports of chemically-pure fructose, originating in these third countries, during 1987 and 1988, amount to 4 504 tonnes; whereas it is fitting to open a Community quota for 1990, exempt of the variable component, for an amount equal to 4 504 tonnes;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing on the amount of the quota, of such quantities as they may need, under conditions and according to the procedure provided for in Article 3;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the drawings made by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

(1) OJ No. L 323 of 29.11.1980, p. 1.

(2) OJ No. L . . . of . . . 1989, p. . .

(3) OJ No. L 177 of 1.7.1981, p. 4.

Article 1

From 1 January to 31 December 1990, the variable component applicable to imports, into the Community, of the following product, originating in third countries not bound to the Community by a preferential trade agreement, shall be suspended totally, within the limits of a Community quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0091	1702 50 00	Chemically-pure fructose	4 504	20

Article 2

The quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota, by means of notification to the Commission, a quantity corresponding to these needs.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such times as the residual balance of the quota so permits.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

Article 5

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

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

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 d'un contingent communautaire pour le fructose chimiquement pur, originaire des Pays tiers non liés avec la Communauté par un accord commercial préférentiel (1990)
4. Objectif: Exécution d'un engagement de la Communauté au Gatt
5. Mode de calcul:

Code NC : 1702 50 00
Volume du contingent : 4 504 tonnes
Droits à appliquer : 20%
Droits de douane appliqués en dehors du contingent : 20% + MOB
(MOB = 326 ECU/tonne environ)
6. Perte de recettes: La perte de recettes à inscrire pour 1990 s'élève à 1 468 304 écus. En 1989, l'élément mobile en question n'était pas encore d'application dans la Communauté.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée en conformité avec un engagement pris au sein du Gatt. L'impact découlant de cet engagement a été pris en considération lors de la prise de décision correspondante et il n'aura pas des répercussions sur la compétitivité et l'emploi dans la Communauté.

ISSN 0254-1475

COM(89) 581 final

DOCUMENTS

EN

11 02

Catalogue number : CB-CO-89-555-EN-C

ISBN 92-77-55300-6

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