

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 339 final

Brussels, 11 July 1989

Proposal for a

COUNCIL REGULATION (EEC)

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

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Agreement establishing an association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof, provides for the opening of annual Community tariff quotas for imports into the Community of:

- 60 000 tonnes for new potatoes falling within CN code 0701 90 59,
- 2 500 tonnes for carrots falling within CN code 0706 10 00,
- 300 tonnes of sweet peppers falling within CN code 0709 60 10,
- 1 500 tonnes of salad beetroot falling within CN code 0709 30 00,
- 7 500 tonnes for fresh table grapes falling within CN codes ex 0806 10 15 and 0806 10 19,
- 1 500 tonnes of dried grapes in containers of 15 kg or less falling within CN codes 0806 20 11, 0806 20 19, ex 0806 20 91 or ex 0806 20 99,
- 3 000 tonnes of certain types of concentrated grape juice falling within CN code 2009 60 51, 2009 60 71, ex 2009 60 90 or ex 2204 30 91,
- 35 000 hl of wine of fresh grapes falling within CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39,
- 26 000 hl of wine of fresh grapes falling within CN code ex 2204 29 25, ex 2204 29 29, 2204 29 35 or ex 2204 29 39 and
- 150 000 hl of certain liqueur wines,
originating in Cyprus.

However, under Articles 18 and 19 of the Protocol in question, the quantities for all the above products except wine of fresh grapes in containers holding more than 2 litres are subject to annual increases from the entry into force of the Protocol. The quotas in 1990 will accordingly be increased to the amounts indicated in Article 1.

2. 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 5 and 16 of the said Protocol.

However, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community lays

down 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 new potatoes and dried grapes, 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 Protocol to the EEC/Cyprus Association agreement consequent to the accession of Spain and Portugal.

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. In this case 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 a
COUNCIL REGULATION (EEC) No

of

opening and providing for the administration of Community tariff quotas for certain
agricultural products originating in Cyprus
(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 Articles 18 and 19 of the Agreement establishing an
Association between the European Economic Community
and the Republic of Cyprus, as supplemented by the Protocol
laying down the conditions and procedures for the
implementation of the second stage of the said Agreement
and adapting certain provisions thereof ⁽¹⁾, provide for the
opening of annual Community tariff quotas for:

- 60 000 tonnes for new potatoes falling within CN code 0701 90 59
(16 May - 30 June),
- 2 500 tonnes for carrots falling within CN code 0706 10 00, (1 April - 15 May),
- 300 tonnes of sweet peppers falling within CN code
0709 60 10,
- 1 500 tonnes of salad beetroot falling within CN code
ex 0709 30 00,
- 7 500 tonnes for fresh table grapes falling within CN codes ex 0806 10 15 and
0806 10 19, (8 June - 4 August),
- 1 500 tonnes of dried grapes in immediate containers
of a net capacity not exceeding 15 kg falling within CN
code 0806 20 11, 0806 20 19, ex 0806 20 91 or
ex 0806 20 99,
- 3 000 tonnes of certain types of concentrated grape
juice falling within CN code 2009 60 51, 2009 60 71,
ex 2009 60 90 or ex 2204 30 91,
- 35 000 hectolitres of certain wines of fresh grapes,
in containers holding 2 litres or less, falling within
CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or
ex 2204 21 39;
- 26 000 hectolitres of certain wines of fresh grapes,
in containers holding more than 2 litres, falling within
CN code ex 2204 29 25, ex 2204 29 29, 2204 29 35 or
ex 2204 29 39; and
- 150 000 hectolitres of certain liqueur wines falling within
CN code ex 2204 21 35, ex 2204 21 39, ex 2204 29 35,
ex 2204 29 39, ex 2204 21 49, ex 2204 29 49,
ex 2204 21 59 or ex 2204 29 59, originating in
Cyprus;

(1) OJ N° L 393, 31.12.1987, p. 1.

Whereas, pursuant to Articles 18 and 19 of the protocol in question, these volumes are with the exception of the quantities for wine of fresh grapes in containers holding more than 2 litres each year subject to an increase from the entry into force of the Protocol and will therefore in 1990 increase to the quantities indicated at Article 1;

whereas, within the limits of these tariff quotas, the customs duties applicable are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community (1) lays down that those two Member States will postpone, until 31 December 1989 and 31 December 1990 respectively, implementation 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 new potatoes and dried grapes, shall apply only in the Community to the exclusion of Portugal;

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, as last amended by Regulation (EEC) No 2964/88 (4), is adhered to;

Whereas liqueur wines, to qualify for the Community tariff quota, must be so designated in the VI 1 document or VI 2 extract provided for in Regulation (EEC) No 3590/85 (5);

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they need, under the conditions and according to the procedures specified in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission;

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, all transactions concerning the administration of these tariff quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. a) The customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following products originating in Cyprus shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas as shown below for each one(a):

Order No (1)	CN code (2)	Description (3)	Volume of tariff quota (4)	Rate of duty (5)	Applicability (6)
09.1401	0701 90 59	New potatoes, 16 May - 30 June 1990	75 000 T	6,8%	Community as presently constituted
09.1403	ex0706 10 00	Carrots, 1 April - 15 May 1990	2 875 T	4,9%	Community excluding Portugal

(a) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the designation of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the application of the CN code. Where ex CN code positions are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

(1) OJ N° L 393, 31.12.1987, p. 37

(2) OJ N° L 118, 20.5.1972, p. 1.

(3) OJ N° L 84, 27.3.1987, p. 1.

(4) OJ N° L 373, 31.12.1988, p. 55.

(5) OJ N° L 343, 20.12.1985, p. 20.

(1)	(2)	(3)	(4)	(5)	(6)
09.1409	0709 60 10	Sweet peppers, 1 January - 31 December 1990	345 T	3,2%	Community excluding Portuga
09.1411	ex0706 90 00	Salad beetroot, 1 January - 31 December 1990	1 725 T	6,2%	Community excluding Portuga
09.1407	ex0806 10 15 ex0806 10 19	Fresh table grapes, 8 June - 4 August 1990	8 900 T	5,2% 6,4%	Community excluding Portuga
09.1413	0806 20 11 0806 20 12 ex 0806 20 91 ex 0806 20 99	Dried grapes, in immediate containers of a net capacity not exceeding 15 kg 1 January - 31 December 1990	1 725 T	exemption	in the Community as at present constituted
09.1421	2009 2009 60 51 2009 60 71 ex 2009 60 90 ex 2204 30 91	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: - Grape juice (including grape must): - - Of a density not exceeding 1,33 g/cm ³ at 20 °C: - - - Of a value exceeding ECU 18 per 100 kg net weight: - - - - Concentrated - - - - Of a value not exceeding ECU 18 per 100 kg net weight: - - - - With an added sugar content exceeding 30% by weight: - - - - Concentrated - - - - Other Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009: - Other grape must: - - Other: - - - Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1% vol Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature 1 January - 31 December 1990	3 450 T	20,4% + AD S/Z	in the Community excluding Portugal

(1)	(2)	(3)	(4)	(5)	(6)
09.1415	2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009: - Other wine; grape must with fermentation prevented or arrested by the addition of alcohol: - - In containers holding 2 litres or less: - - - Other: - - - - Of an actual alcoholic strength by volume not exceeding 13% vol: - - - - - Other: - - - - - White - - - - - Other - - - - - Of an actual alcoholic strength by volume exceeding 13% vol but not exceeding 15% vol: - - - - - Other: - - - - - White - - - - - Other than liqueur wines of an actual alcoholic strength by volume of 15% vol (1) - - - - - Other - - - - - Other than liqueur wines of an actual alcoholic strength by volume of 15% vol (1) 1 January - 31 December 1991	40 250 hl	2,6 ECU/hl 3, ECU/hl	Community excluding Portugal
09.1423	2204 29 25 ex 2204 29 29 2204 29 35 ex 2204 29 39	- - - Other: - - - - Other: - - - - - Of an actual alcoholic strength by volume not exceeding 13% vol: - - - - - Other: - - - - - White - - - - - Other wine - - - - - Of an actual alcoholic strength by volume exceeding 13% vol but not exceeding 15% vol: - - - - - Other: - - - - - White - - - - - Other wine 1 January - 31 December 1991	26 000 hl	7,9 ECU/hl 9,7 ECU/hl	Community excluding Portugal
09.1417	ex 2204 21 35 ex 2204 21 39 ex 2204 21 49 ex 2204 21 59	- Other wine; grape must with fermentation prevented or arrested by the addition of alcohol: - - In containers holding 2 litres or less: - - - Other: - - - - Of an actual alcoholic strength by volume exceeding 13% vol but not exceeding 15% vol: - - - - - Other: - - - - - White - - - - - Liqueur wines of an actual alcoholic strength by volume of 15% vol - - - - - Other - - - - - Liqueur wines of an actual alcoholic strength by volume of 15% vol - - - - - Of an actual alcoholic strength by volume exceeding 15% vol but not exceeding 18% vol: - - - - - Other - - - - - Liqueur wines - - - - - Of an actual alcoholic strength by volume exceeding 18% vol but not exceeding 22% vol: - - - - - Other - - - - - Liqueur wines	172 500 hl	3,6 ECU/hl 3,6 ECU/hl 5,0 ECU/hl	Community excluding Portugal

(1)	(2)	(3)	(4)	(5)	(6)
09.1417 (cont'd)		-- Other:	172 500 hl (cont'd)	2,8 ECU/hl	
		-- -- Other:			
		-- -- -- Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:			
		-- -- -- -- Other:			
ex 2204 29 35		-- -- -- -- -- White Liqueur wines of an actual alcoholic strength by volume of 15 %			
ex 2204 29 39		-- -- -- -- -- Other Liqueur wines of an actual alcoholic strength by volume of 15 %			
		-- -- -- -- Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:			
ex 2204 29 49		-- -- -- -- -- Other Liqueur wines			
		-- -- -- -- Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:			
ex 2204 29 59		-- -- -- -- -- Other Liqueur wines			
1 January - 31 December 1990					

b) Within the limits of these tariff quotas, the Kingdom of Spain shall apply duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

c) Within the limits of the tariff quotas for new potatoes and dried grapes, the Republic of Portugal shall apply customs duties calculated in conformity with the relevant provisions of the Protocol mentioned in paragraph b) 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. Liqueur wines shall qualify for the tariff quota only if they are designated as liqueur wines in the VI 1 document or VI 2 extract provided for by Regulation (EEC) No 3590/85.

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 effective administration thereof.

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 that declaration is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

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

Done at Brussels,

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

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

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

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volumes so permits. Corresponding

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.

For the Council
The President

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.

