



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.12.1995

COM(95) 650final

95/ 0329 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

(presented by the Commission)

EXPLANATORY MEMORANDUM

Annexes II and IV to Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in the Mediterranean countries lays down the tariff quotas granted to Israel and Morocco respectively under the cooperation agreements between those countries and the Community.

As a result of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on the import of certain fruit and vegetables has been replaced by a system of specific customs duties linked to the entry price.

Negotiations have been held with Morocco with a view to concluding an association agreement containing, *inter alia*, provisions relating to the adjustment of the concessions. The negotiations culminated in an agreement on the quantities of tomatoes, courgettes, artichokes, cucumbers, clementines and oranges eligible for a reduction in the entry price and on an adjustment to the tariff quotas for flowers. It was agreed in the Council to implement these concessions at the earliest possible opportunity without waiting for the conclusion of the agreement by the Community and its ratification by the Member States.

Protocol No 2 to the Association Agreement between the European Community and Morocco on the arrangements applicable to the import into the Community of fishery products originating in Morocco has also been initialled. The Protocol provides for the opening of a tariff quota for prepared and preserved sardines with effect from 1 January 1996.

Since the new agreement between the European Community and Israel does not include provisions relating to the new arrangements for the import of oranges to the Community, an exchange of letters has been signed authorizing the import of 200 000 tonnes of oranges at a reduced entry price with effect from 1 December 1995.

Regulation (EC) No 1981/94 must therefore be amended to allow the traditional exports of the product concerned to continue.

This is the purpose of the attached proposal for a Regulation.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas,¹ as last amended by Commission Regulation (EC) No 2612/95,² provides in Annexes II and IV for concessions granted respectively to Israel and Morocco under the cooperation agreements between the Community and those countries;

Whereas, as a result of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on the import of certain fruit and vegetables have been replaced by a system of specific customs duties linked to the entry price;

Whereas Article 25 of the cooperation Agreement with Morocco³ provides that in the event of modification of the existing Community rules, the Community may modify the arrangements laid down in that Agreement in respect of the products concerned;

Whereas, in accordance with the directives adopted by the Council on 6 December 1993, negotiations have been held with Morocco with a view to concluding an association agreement containing, *inter alia*, provisions relating to the adjustment of the concessions; whereas in the light of those negotiations an agreement has been initialled specifying the quantities of tomatoes, courgettes, artichokes, cucumbers, clementines and oranges eligible for a reduction in the entry price and relating to an adjustment to the tariff quotas for flowers;

Whereas the cooperation agreement between the Community and the Kingdom of Morocco provides that prepared and preserved sardines of the species *Sardina pilchardus* falling within CN codes ex 1604 13 11, ex 1604 13 19 and 1604 20 50 originating in Morocco may be imported into the Community free of duty subject to certain conditions;

1 OJ No L 199, 02.08.1994, p. 1.

2 OJ No L 268, 10.11.1995, p. 4.

3 OJ No L 264, 27.09.1978, p. 2.

Whereas Protocol No 2 of the Association Agreement between the European Community and Morocco on the arrangements applying to imports into the Community of fishery products originating in Morocco, has been initialled; whereas the protocol concerned provides for the opening of a tariff quota for prepared and preserved sardines from 1 January 1996; whereas, therefore, that quota should be opened;

Whereas the Community has agreed to guarantee Israel the import of 200 000 tonnes of oranges at a reduced entry price from 1 December 1995; whereas, therefore, that quota should be opened;

Whereas Regulation (EC) No 1981/94 should be amended to allow traditional exports of the products concerned from Morocco and Israel to continue, for certain products with effect from 1 November 1995; whereas in order to permit application of Regulation (EEC) No 4088/87⁴ to other countries eligible for tariff quotas in respect of fresh cut flowers and flower buds, the references to specific countries in Article 3 of Regulation (EC) No 1981/94 should be deleted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1981/94 is amended as follows:

1. In Article 3, the words "originating in Cyprus, Israel, Jordan and Morocco" are deleted.
2. In Annex II, concerning Israel, the table with the order number 09.1323 is replaced by the table contained in Annex I to this Regulation.
3. In Annex IV, concerning Morocco, the tables with the order numbers 09.1114, 09.1117, 09.1121, 09.1129 and 09.1133 are replaced and the tables containing the order numbers 09.1135, 09.1136, 09.1137 and 09.1138 are inserted as they appear in Annex II to this Regulation.

Article 2

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

It shall apply from 1 November 1995.

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

Done at _____, on _____ 1995.

For the Council
The President

4 OJ No L 382, 31.12.1987, p. 22.

ANNEX I
amending Annex II (Israel) to Regulation (EC) No 1981/94

Order no	CN Code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1323	0805 10 01		Fresh oranges: - from 1 July to 30 June of the following year	328.100	0
	0805 10 05				
	0805 10 09				
	0805 10 11				
	0805 10 15				
	0805 10 19				
	0805 10 21				
	0805 10 25				
	0805 10 29				
	0805 10 31				
09.1324	0805 10 33		- from 1 December to 31 May of the following year	200.000 (1)(2)	-
	0805 10 35				
	0805 10 37				
	0805 10 38				
	0805 10 39				
	0805 10 42				
	0805 10 44				
	0805 10 46				
	0805 10 51				
	0805 10 55				
	0805 10 59				
	0805 10 61				
	0805 10 65				
	0805 10 69				
	ex 0805 10 82	10			
	ex 0805 10 84	11			
		13			
		17			
ex 0805 10 86	10				

(1) For this quota, the entry price beyond which the specific additional duty provided in the Community's list of concessions to the WTO is reduced to zero, is 275 ECU/tonne.
This entry price shall be reduced in the same proportions and at the same time as the entry prices bound within the WTO.

(2) If the entry price for consignment is 2, 4, 6 or 8% lower than the entry price of 275 ECU/tonne, the specific customs duty shall be equal respectively to 2, 4, 6 or 8% of this entry price.

If the entry price of a consignment is less than 92% of the entry price of 275 ECU/tonne, the specific rate of customs duty bound within the WTO shall apply.

ANNEX II
amending Annex IV (Morocco) to Regulation (EC) 1981/94

Order no	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1114	0603 10 51 0603 10 53 0603 10 55 0603 10 61 0603 10 65 0603 10 69 0603 10 11 0603 10 13 0603 10 15 0603 10 21 0603 10 25 0603 10 29		Fresh cut flowers and flower buds of a kind suitable for ornamental purposes: - from 1 November to 31 May of the following year - from 1 June to 31 October of each year	336.5	0
09.1135	0603 10 11 0603 10 51 0603 10 13 0603 10 53 0603 10 21 0603 10 61 0603 10 25 0603 10 65		Fresh cut flowers and flower buds Roses, gladioli and chrysanthemums, from 15 October to 14 May of the following year Carnations, from 15 October to 31 May of the following year	1 663.5 (1)(2)	0
09.1136	0603 10 15 0603 10 55 0603 10 29 0603 10 69		Orchids and other flowers from 15 October to 14 May of the following year	1 600 (1)(3)	0
09.1117	0702 00 15 0702 00 20 0702 00 45		Tomatoes, fresh or chilled: - from 15 November to 30 April of the following year	96 208	0
09.1190	0702 00 50		- from 1 November to 31 March of the following year	145 676 (4)(5)	-
09.1137	0707 00 10 0707 00 15 0707 00 20 0707 00 25 0707 00 35 0707 00 40		Cucumbers - from 1 November to 31 May of the following year	5000 (4)(5)	-
09.1138	0709 10 40		Artichokes - from 1 November to 31 December of each year	500 (4)(5)	-
09.1133	0709 90 71 0709 90 73 ex 0709 90 75 ex 0709 90 79	10 to 60 31 to 36 51 to 56	Courgettes: - from 1 October to 20 April of the following year	5 000 (4)(5)	-

- (1) Drawings from this quota shall be granted only once quota 09.1114 has been exhausted.
- (2) This volume shall be increased to 2063.5 t for the period 1996/97, 2263.5 t for the period 1997/98 and 2663.5 t for the period 1998/99 *et seq.*
- (3) This volume shall be increased to 1700 t for the period 1996/97, 1900 t for the period 1997/98 and 2000 t for the period 1998/99 *et seq.*

Order no	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)
09.1121	0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25		Fresh oranges: - from 1 July to 30 June of the following year	296 800	0
09.1122	0805 10 29 0805 10 31 0805 10 33 0805 10 35 0805 10 37 0805 10 38 0805 10 39 0805 10 42 0805 10 44 0805 10 46 0805 10 51 0805 10 55 0805 10 59 0805 10 61 0805 10 65 0805 10 69 ex 0805 10 82 ex 0805 10 84 10 11 13 17 ex 0805 10 86		- from 1 December to 31 May of the following year	300 000 (4)(5)	-
09.1129	ex 0805 20 11 11 21 31 41 51 61 ex 0805 20 13 11 21 31 41		Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, fresh Minneolas fresh: - from 1 July to 30 June of the following year	123 200	0
09.1130	51 61 ex 0805 20 15 11 21 31 41 51 61		Fresh clementines, from 1 November to the end of February the following year	110 000 (4)(5)	-

(4) For these quotas, the entry price beyond which the specific additional duty provided in the Community's list of concessions to the WTO is reduced to zero, is :

- 500 ECU/tonne for tomatoes,
- 500 ECU/tonne for cucumbers,
- 600 ECU/tonne for artichokes,
- 451 ECU/tonne for courgettes, with a reduction to 439 ECU/tonne from 1 February to 31 March 1996,
- 275 ECU/tonne for oranges,
- 500 ECU/tonne for clementines.

These entry prices shall be reduced in the same proportions and at the same time as the entry prices bound within the WTO.

(5) If the entry price for consignment is 2, 4, 6 or 8% lower than the respective entry prices, the specific customs duty shall be equal respectively to 2, 4, 6 or 8% of this entry price. If the entry price of a consignment is less than 92% of the respective entry prices, the specific customs duty bound within the WTO shall apply.

Order no	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (%)	
suite	ex 0805 20 17	11				
		21				
		31				
		41				
		51				
		61				
	ex 0805 20 19	13				
		15				
		23				
		25				
		33				
		35				
		43				
		45				
		53				
		55				
		63				
		65				
	ex 0805 20 21	11				
		31				
		51				
		71				
	ex 0805 20 23	11				
		31				
		51				
		71				
		11				
		31				
	ex 0805 20 25	11				
		31				
		51				
		71				
	ex 0805 20 27	11				
		13				
		31				
		51				
		71				
	ex 0805 20 29	11				
		21				
		31				
		41				
		51				
	ex 0805 20 31	61				
		11				
		21				
		31				
		41				
		51				
ex 0805 20 33	61					
	11					
	21					
	31					
	41					
	51					
ex 0805 20 35	61					
	11					
	21					
	31					
	41					
	51					
		61				

Order no	CN code	Taric	Description	Quota volume (in tonnes)	Rate of duty (in %)
suite	ex 0805 20 37	11 21 31 41 51 61			
	ex 0805 20 39	11 21 31 41 51 61			
09.1101	ex 1604 13 11	11 19	Prepared or preserved sardines of the species <i>Sardina pilchardus</i>		0
	ex 1604 13 19	11 19	- from 1 January to 31 December 1996	19 500 (1)	
	ex 1604 20 50	13 15	- from 1 January to 31 December 1997	21 000 (2)	
			- from 1 January to 31 December 1998	22 500 (3)	

- (1) A customs duty of 6% shall be applied in respect of quantities imported in excess of the quota
(2) A customs duty of 5% shall be applied in respect of quantities imported in excess of the quota
(3) A customs duty of 4% shall be applied in respect of quantities imported in excess of the quota

FINANCIAL STATEMENT

1. **budget heading involved** Chapter 12, Article 120

2. **legal basis** Article 113 of the Treaty

3. **title of operation**

Proposal for a Council Regulation amending Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

4. **objective**

To maintain traditional exports of the products concerned from Morocco and Israel

5. **method of calculation (year 1996)**

1. New duty-free tariff quotas:

Description	Quantity	Price in ECU/unit	Normal duty (%)	Quota duty	Loss of revenue (ECU)
Flowers	3 263.5 t	4 492 /t	15.6	free	2 286 904
Sardines	19 500 t	2 277 /t	22.5	free	9 990 337

Total loss of revenue: ECU 12 277 241

2. Reduced entry price

These measures do not entail any additional loss of revenue in comparison with the measures foreseen in the agreements with those countries.

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DOCUMENTS

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