

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 160 final

Brussels, 16 April 1975

Proposal for a
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of
a Community tariff quota for the products falling within
subheading No 22.09 CI of the Common Customs Tariff,
originating in the ACP
States

(rum)

(submitted to the Council by the Commission)

COM(75) 160 final



EXPLANATORY MEMORANDUM

1. Article 2(1) of the Convention between the ACP States and the EEC together with Protocol No 7 provides that the products falling within subheading No 22.09 CI of the CCT (rum, arrack, tafia), originating in the ACP States, shall be imported duty free into the Community. These preferential arrangements are restricted, however, to a quantity which is to be fixed annually by the Community on the basis of the largest quantities imported annually from the ACP States during the last three years for which statistics are available, increased by an annual growth rate of 40% on the British market and 13% on the other Community markets.

2. Although the date of implementation of the Convention is not yet known, the exchange of letters between the parties at Lomé on 28 February 1975 provides for the autonomous advance implementation of this tariff measure during the period 1 July 1975 to 29 February 1976. In order not to disturb seasonal fluctuations in the trade in these products it has however been proposed that the application of this measure should be extended autonomously to 30 June 1976.

3. In these circumstances the volume of imports for the period concerned shall be 204 503 hectolitres of pure alcohol.

The declaration contained in the Council Minutes (meeting of 13-15 January 1975) provides for the allocation of the annual quantity among the Member States under Community tariff quota arrangements.

4. The proposal for a Regulation opening this tariff quota provides, as is usual in this type of case, for the division of the quota volume into two tranches, the first being allocated in shares amongst the Member States and the second held as a reserve. The first tranche shall be allocated on the basis of the largest quantities imported annually into each Member State during the last three years.

5. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described above should be approved.

Annex: 1 proposal for a Council Regulation (EEC).

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation opening, allocating and providing for the administration of a Community tariff quota for products falling within subheading 22.09 C I of the Common Customs Tariff, originating in the ACP States

(Submitted to the Council by the Commission on 18 April 1975)

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 convention between the ACP States and the European Economic Community signed on 28 February 1975, provides in Article 2 (1), together with Protocol 7 annexed thereto, that until the entry into force of a common organization of the market in spirits, products falling within tariff subheading 22.09 C I (rum, arrack, tafia), originating in the ACP States, shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the past three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 13 % on the other markets of the European Economic Community; whereas the exchange of letters at Lomé on 28 February 1975 relating to the advance implementation of certain provisions of the said convention provides in particular that the European Economic Community shall apply autonomously between 1 July 1975 and 29 February 1976 the said Protocol 7;

Whereas, however, in order not to cause disturbances in the seasonal fluctuations peculiar to the trade in these products, the first period of application should be extended to 30 June 1976;

Whereas imports of the products concerned during the past three years for which complete statistics are available were as follows:

	<i>(in hectolitres of pure alcohol)</i>		
	1971	1972	1973
Benelux	982	1 852	2 420
Denmark	2 203	3 243	2 604
Germany	7 896	8 904	10 493
France	12 291	5 249	5 397
Ireland	1 300	1 900	3 100
Italy	231	416	496
United Kingdom	95 130	109 640	126 290
Community total	120 033	131 204	150 800

Whereas, in these circumstances and applying the growth rates provided for in Protocol 7, the Community tariff quota for the period concerned shall be fixed at 204 503 hectolitres of pure alcohol;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied

consistently to all imports of the product in question until the quota is used up; whereas a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the product in question, the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from the ACP States during a representative reference period and the economic outlook for the tariff period in question;

Whereas, however, in this case the tariff quota should be allocated amongst the Member States on the basis of the largest quantities imported annually into the Community during the three years referred to above; whereas, in these circumstances, the initial shares in the quota volume shall be as follows:

Benelux	1.5
Denmark	2.0
Germany	6.6
France	7.8
Ireland	2.0
Italy	0.3
United Kingdom	79.8

Whereas, to take account of future import trends in the various Member States for the products concerned, each quota volume should be divided into two tranches, the first being allocated amongst the Member States and the second held as a reserve to cover at a later date the requirements of Member States which have used up their initial share; whereas, to give importers some certainty, the first tranche of each Community tariff quota could be fixed at about 90 % of the quota volumes;

Whereas the initial shares may be used up more or less quickly; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share must draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas each initial and supplementary share must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the

extent to which the tariff quotas have been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 1975 until 30 June 1976 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff, originating in the ACP States, shall be imported duty free into the Community within the limits of a Community tariff quota of 204 503 hectolitres of pure alcohol.

These products are considered as originating in the ACP States if they fulfil the conditions laid down in Council Regulation (EEC) No. . . /75.

Article 2

1. A first tranche of 184 000 hectolitres of pure alcohol of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until the end of the period stipulated in Article 1 shall be as follows:

Benelux	2 760 hl of pure alcohol,
Denmark	3 680 hl of pure alcohol,
Germany	12 140 hl of pure alcohol,
France	14 350 hl of pure alcohol,
Ireland	3 680 hl of pure alcohol,
Italy	560 hl of pure alcohol,
United Kingdom	146 830 hl of pure alcohol.

2. A second tranche of 20 503 hectolitres of pure alcohol shall constitute a reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share, equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those fixed in those paragraphs if there are grounds for believing that they may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 30 June 1976.

Article 5

The Member States shall return to the reserve, not later than 1 April 1976, the unused portion of their initial share which on 15 March 1976, is in excess of 20 % of the initial amount. They shall return a greater portion if there grounds for believing that it may not be used up.

Member States shall, not later than 1 April 1976 notify the Commission of the total quantities of the said goods imported up to and including 15 March 1976 and charged against the Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 April 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community quota.

2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 July 1975.
This Regulation shall be binding in its entirety and directly applicable in all Member States.

Proposal for a Council Regulation relating to the arrangements applicable to certain agricultural and processed agricultural products, originating in the African, Caribbean and Pacific States [or in the overseas countries and territories]

(Submitted to the Council by the Commission on 25 April 1975)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to Council Regulation (EEC) No 1059/69 ⁽¹⁾ of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Regulation (EEC) No ..., and in particular Article 12 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the EEC-ACP Lomé convention, hereinafter called 'the convention', between the African, Caribbean and Pacific States, hereinafter called the 'ACP States', and the European Economic Community was signed on 28 February 1975;

Whereas Article 2 (2) (a) of that convention lays down that:

'products originating in the ACP States:

- listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the

implementation of the common agricultural policy,

shall be imported into the Community notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of custom duties for which Community provisions in force at the time of importation do not provide, apart from custom duties, for the application of any other measure relating to their importation;
- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure, as a general rule, more favourable treatment than the general treatment applicable to the same products originating in third countries to which the most-favoured-nation clause applies;

Whereas, when this convention was signed, the Community and the ACP States agreed in an exchange of letters to apply autonomously from 1 July 1975 certain provisions of the convention relating to trade in goods, including those of Article 2 (2) (a);

Whereas:

- Council Regulation (EEC) No 805/68 ⁽²⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No ...,

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.