

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 609 final

Brussels, 23 October 1980

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus (1981)

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

1. Article 4 of the Supplementary Protocol to the Agreement EEC/Cyprus of 1973, completed by the Protocol of Adaptation to take account of the accession of Greece to the Community, provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of dried grapes, in immediate containers of a net capacity of 15 Kg or less, falling within subheading 08.04 B I of the CCT and originating in Cyprus.

The provisions of the Transitional Protocol (EEC) Cyprus will lapse on 31 December 1980. Pending the entry into force of a new protocol it is necessary to extend the arrangements that the Community applies to trade with the Republic of Cyprus within the context of the Association with that country;

2. The Regulation provides for the splitting up of the quota volume into two parts, of which the first will be allocated among the Member States as quota share and the second will be kept as a Community reserve.

The allocation of the first part of the quota has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1977 to 1979 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off.

In the absence of Community statistics, for a period sufficiently representative, the initial quota shares have been calculated on the basis of the possible demand on the markets of the various Member States and on the basis of forecasts made by some of them.

3. As the method of administration to be applied by all Member States, the Commission proposes the "greyhound" system.
4. This is the subject of the proposal annexed hereto.

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opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus (1981)

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 provisions of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (1) will lapse on 31 December 1980;

Whereas pending the entry into force of a new protocol it is necessary to extend the arrangements that the Community applies to trade with the Republic of Cyprus within the context of association with that country;

Whereas the abovementioned Supplementary Protocol, as supplemented by the Protocol of Adaptation (2) to take account of the accession of the Hellenic Republic to the Community, provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of certain dried grapes, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Cyprus over a representative reference period and also to the economic outlook for the quota period in question;

(1) OJ No L 172, 28. 6. 1978, p. 2.

(2) OJ No L

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Cyprus of the products concerned:

Member States	1977	1978	1979
Benelux	-	1	2
Denmark	-	-	-
Germany	-	-	-
Greece	-	-	-
France	-	-	-
Ireland	-	-	-
Italy	-	-	-
United Kingdom	100	99	98

Whereas, in view of these factors, of market forecasts for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	2.8
Denmark	2.8
Germany	6.0
Greece	0.7
France	2.8
Ireland	2.8
Italy	0.7
United Kingdom	81.4

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 75 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 united in and represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1981, the Common Customs Tariff duty for dried grapes, in immediate containers of a net capacity of 15 kg or less, falling within sub-heading 08.04 B I of the Common Customs Tariff and originating in Cyprus, shall be totally suspended within the limits of a Community tariff quota of 500 tonnes.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the Act of Accession and the Protocol of Adaptation.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment amounting to ³⁷⁵ tonnes shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1981, shall be as follows:

Benelux	10	tonnes
Denmark	10	tonnes
Germany	22	tonnes
Greece	3	tonnes
France	10	tonnes
Ireland	10	tonnes
Italy	3	tonnes
United Kingdom	307	tonnes

3. The second instalment of ¹²⁵ tonnes shall constitute the reserve,

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, 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, then, to the extent permitted by the amount of the reserve, that Member State shall, in accordance with the conditions laid down in 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

The Member States shall return to the reserve, not later than 1 October 1981, such unused portion of their initial share as, on 15 September 1981, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1981, of the total quantities of the products in question imported up to 15 September 1981 and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.