

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 537 final

Brussels, 10 September 1982

~~Proposal for a~~

## COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for "sljivovica" plum spirit falling within subheading ex 22.09 C IV a) of the Common Customs Tariff and originating in Yugoslavia (1983)

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Proposal for a

## COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for certain tobaccos falling within subheading ex 24.01 B of the Common Customs Tariff and originating in Yugoslavia (1983)

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(submitted to the Council by the Commission)

COM(82) 537 final



## EXPLANATORY MEMORANDUM

1. The Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia provides in Articles 21 and 23 for the opening of annual Community tariff quotas to be imported into the Community of, respectively

- 5420 hectolitres plum spirit, marketed under the name Sljivovica, falling within subheading ex 22.09 C IV a) of the CCT at customs duties of 0,3 ECU per hl per % vol alcohol + 3 ECU per hl, and
- 1500 tonnes of tobacco Prilep, falling within subheading ex 24.01 B of the CCT, at customs duties of 7 % with a minimum levying of 13 ECU/100 kg and a maximum levying of 45 ECU/100 kg.

The description tobacco Prilep, originating in Yugoslavia and the model of the certificate of authenticity to be established by the Yugoslavian authorities are specified in the exchange of letters of 11 July 1980.

These tariff quotas should therefore be opened for 1983.

2. The proposals for regulations opening these tariff quotas provide - as is customary - for the division of each of the quota volumes into two instalments, the first being allocated among the Member States as quota shares, the second being held as a reserve.

The allocation of the volumes of the first instalment of each quota should be based on the rules generally applied. These involve calculating each Member State's total imports over the last three years as a proportion of total Community imports during the same period and applying for each Member State, the percentage thus obtained to the volume of the first instalment.

Because there exist no Community statistics for the goods in question the import figures from Yugoslavia for fruit spirit, falling within subheading 22.09 C IV a) on the one hand and for tobacco, falling within subheading 24.01 B on the other hand, has been taken as a basis.

In this process account was also taken of the fact that certain Member States effected no or only occasional imports during these years. In view of the necessity of allocating the quota volumes in an equitable manner these Member States were granted small percentages representing commercially exploitable shares.

3. It is proposed that the proposals for Council Regulations opening the Community tariff quotas described above be approved.

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ANNEX: 2 proposals for Regulations (EEC) of the Council.

Proposal for a  
**COUNCIL REGULATION (EEC) No /82**  
of  
**opening, allocating and providing for the administration of a Community tariff quota for 'Šljivovica' plum spirit, falling within subheading ex 22.09 C IV a) of the Common Customs Tariff and originating in Yugoslavia (1983)**

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 21 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia on trade and trade cooperation<sup>(1)</sup> provides that plum spirit, marketed under the name Šljivovica, falling within subheading ex 22.09 C IV a) of the Common Customs Tariff and originating in Yugoslavia shall be imported into the Community at customs duties of 0.3 ECU per hectolitre per % volume of alcohol plus 3 ECU per hectolitre, within the limits of an annual Community tariff quota of 5 420 hectolitres; whereas these goods must be accompanied by a certificate of authenticity; whereas the tariff quota in question should be opened for 1983.

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 rate 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 Yugoslavia over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State represent the following percentages of imports into the Community from Yugoslavia of the products in question:

Member States	1979	1980	1981
Benelux	2.4	3.9	0.7
Denmark	0.2	0.1	-
Germany	93.0	91.9	95.1
Greece	-	-	-
France	3.7	1.9	3.9
Ireland	-	-	-
Italy	0.6	-	0.2
United Kingdom	0.1	2.2	0.1

Whereas both these percentages and the estimates from certain Member States should be taken into account as well as the need to ensure that, in the circumstances, the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas the approximate percentages of the initial quota shares may therefore be fixed as follows:

Benelux	5.0
Denmark	2.5
Germany	92.0
Greece	0.1
France	0.1
Ireland	0.1
Italy	0.1
United Kingdom	0.1

<sup>(1)</sup> OJ No L

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 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*

1. From 1 January to 31 December 1983 a Community tariff quota of 5 420 hectolitres shall be opened for plum spirit marketed under the name Šljivovica, in containers holding two litres or less,

falling within subheading ex 22.09 C IV a) of the Common Customs Tariff and originating in Yugoslavia.

2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to these products shall be suspended at 0.3 ECU per hectolitre per % volume of alcohol plus 3 ECU per hectolitre.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession.

3. Such goods, when imported, shall be accompanied by a certificate of authenticity issued by the competent Yugoslav authority conforming with the model annexed to this Regulation.

#### *Article 2*

1. A first instalment amounting to 4 060 hectolitres 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 31 December 1983, shall be as follows:

	<i>(hectolitres)</i>
Benelux	200
Denmark	100
Germany	3735
Greece	5
France	5
Ireland	5
Italy	5
United Kingdom	5

2. The second instalment amounting to 1 360 hectolitres shall constitute the reserve.

#### *Article 3*

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), 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 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.

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 1983.

*Article 5*

The Member States shall return to the reserve, not later than 1 October 1983, such unused portion of their initial share as, on 15 September 1983 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 1983, of the total quantities of the products in question imported up to 15 September 1983 and charged against the tariff quota and of any quantity of the initial shares 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, as soon as it is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1983, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

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

Done at Brussels,

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and, to this end, notify the amount of the balance to the Member State making the last drawing.

*Article 7*

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

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

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

*Article 8*

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

*Article 9*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 10*

This Regulation shall enter into force on 1 January 1983.

*For the Council  
The President*

BILAG - ANHANG - ΠΑΡΑΡΤΗΜΑ - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

<p>1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)</p>	<p>2 No</p>	<p><b>ORIGINAL</b></p>	
<p>5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)</p>	<p>3 Quota year Année contingentaire</p>	<p>4 Country of destination Pays de destination</p>	
<p>8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport</p>	<p>6 Issuing authority Organisme émetteur</p> <hr/> <p>7</p> <p><b>CERTIFICATE OF AUTHENTICITY CERTIFICAT D'AUTHENTICITÉ</b></p> <p><b>Plum spirit 'Šljivovica' Eau-de-vie de prunes «Šljivovica»</b></p> <p>(CCT subheading ex 22.09 C IV a) [Sous-position du TDC: ex 22.09 C IV a)]</p>		
<p>9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis</p>	<p>10 % vol of alcohol % vol d'alcool</p>	<p>11 Litres Litres</p>	
<p>12 % vol of alcohol and litres (in words) % vol d'alcool et litres (en lettres)</p>			
<p>13 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR</p> <p>I hereby certify that the plum spirit 'Šljivovica' described in this certificate corresponds with the definition given on the reverse. Je certifie que l'eau-de-vie de prunes «Šljivovica» décrite dans ce certificat correspond à la définition figurant au verso.</p> <p>Place Date Lieu Date</p> <p>(Stamp and signature) (Cachet et signature)</p>			



**DEFINITION**

Plum spirit with an alcoholic strength of 40 % vol or more, marketed under the name ŠLJIVOVICA, corresponding to the specifications laid down in the Regulation relating to the quality of spirituous beverages, published in the Official Journal of the Socialist Federal Republic of Yugoslavia on 7 October 1971.

**DÉFINITION**

Eau-de-vie de prunes ayant un titre alcoométrique égal ou supérieur à 40 % vol, commercialisée sous la dénomination ŠLJIVOVICA correspondant à la spécification reprise dans la réglementation relative à la qualité des boissons alcooliques publiée au Journal officiel de la république socialiste fédérative de Yougoslavie le 7 octobre 1971.

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Proposal for a  
**COUNCIL REGULATION (EEC) No**      /82  
of  
**opening, allocating and providing for the administration of a Community tariff quota for certain tobaccos, falling within subheading ex 24.01 B of the Common Customs Tariff and originating in Yugoslavia (1983)**

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,

23 of the Cooperation Agreement

Whereas Article 23 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia on trade and trade cooperation<sup>(1)</sup> provides that tobacco of the 'Prilep' type, falling within subheading ex 24.01 B of the Common Customs Tariff, originating in and coming from Yugoslavia and specified in an Agreement in the form of an exchange of letters of 11 July 1980 shall be imported into the Community at a rate of customs duty of 7 % with a minimum amount of 13 ECU per 100 kilograms and a maximum of 45 ECU per 100 kilograms within the limits of an annual Community tariff quota of 1 500 tonnes; whereas the tobacco must be accompanied by a certificate of origin and authenticity; whereas the tariff quota in question should be opened for 1983;

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 rate 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 Yugoslavia over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State represent the following percentages of imports into the Community from Yugoslavia of the products in question:

Member States	1979	1980	1981
Benelux	—	—	1
Denmark	—	—	—
Germany	55	48	41
Greece	—	—	—
France	—	—	—
Ireland	—	—	—
Italy	45	52	58
United Kingdom	—	—	—

Whereas both these percentages and the estimates from certain Member States should be taken into account as well as the need to ensure that, in the circumstances, the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas the approximate percentages of the initial quota shares may therefore be fixed as follows:

Benelux	0.4
Denmark	0.4
Germany	39.2
Greece	0.4
France	0.4
Ireland	0.4
Italy	58.4
United Kingdom	0.4

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 80 % of the quota volume;

<sup>(1)</sup> OJ No L

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 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

1. From 1 January to 31 December 1983 a Community tariff quota of 1 500 tonnes shall be opened for tobacco of the 'Prilep' type, falling within sub-heading ex 24.01 B of the Common Customs Tariff and originating in and coming from Yugoslavia.

2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to this product shall be suspended at a rate of 7 % *ad valorem* with a minimum amount of 13 ECU per 100 kilograms and a maximum of 45 ECU per 100 kilograms.

Within the limits of this tariff quota Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession.

3. Such goods, when imported, shall be accompanied by a certificate of authenticity issued by the competent Yugoslav authority, conforming with the model annexed to this Regulation.

#### Article 2

1. A first instalment amounting to 1 200 tonnes 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 31 December 1983, shall be as follows:

	(tonnes)
Benelux	5
Denmark	5
Germany	470
Greece	5
France	5
Ireland	5
Italy	700
United Kingdom	5

2. The second instalment amounting to 300 tonnes shall constitute the reserve.

#### Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), 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 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.

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 1983.

*Article 5*

The Member States shall return to the reserve, not later than 1 October 1983, such unused portion of their initial share as, on 15 September 1983, 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 1983, of the total quantities of the products in question imported up to 15 September 1983 and charged against the tariff quota and of any quantity of the initial shares returned to the reserves.

*Article 6*

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

It shall inform the Member States, not later than 5 October 1983 of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

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

Done at Brussels,

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and, to this end, notify the amount of the balance to the Member State making the last drawing.

*Article 7*

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

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

3. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

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

*Article 8*

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

*Article 9*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 10*

This Regulation shall enter into force on 1 January 1983.

*For the Council  
The President*

BILAG - ANHANG - ΠΑΡΑΡΤΗΜΑ - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	2 No	<b>ORIGINAL</b>
	3 Quota year Année contingentaire	4 Country of destination Pays de destination
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	6 Issuing authority Organisme émetteur	
	<p>7</p> <p><b>CERTIFICATE OF AUTHENTICITY CERTIFICAT D'AUTHENTICITÉ</b></p> <p><b>Tobacco — Tabac</b></p> <p><b>'Prilep'</b></p> <p>(CCT subheading ex 24.01 B) (Sous-position du TDC: ex 24.01 B)</p>	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport		
9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis	10 Net weight (kg) Poids net (kg)	
11 Net weight (kg) (in words) Poids net (kg) (en lettres)		
<p>12 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR</p> <p>I hereby certify that the tobacco described in this certificate is 'Prilep' tobacco within the meaning of the Agreement. Je certifie que le tabac décrit dans ce certificat est le tabac «Prilep» au sens de l'accord.</p> <p>Place Date Lieu Date</p> <p>(Stamp and signature) (Cachet et signature)</p>		

