

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 757 final

Brussels, 17 December 1979

Proposal for a
COUNCIL REGULATION (EEC)

establishing ceilings and Community surveillance in respect of imports
of certain products originating in Portugal (1980)

(submitted to the Council by the Commission)

COM(79) 757 final

EXPLANATORY MEMORANDUM

1. The Supplementary Protocol between the European Economic Community and the Portuguese Republic, annexed to the Agreement between the Community and Portugal provides for the exemption from duty for certain types of paper and paperboard (subheadings ex 48.01 C II and 48.01 F of the CCT), originating in Portugal imported into the Community as originally constituted and Ireland. Nevertheless, these imports are limited to annual ceilings.

When a ceiling is reached, the residual customs duties applicable to Portugal may be reimposed by the Community until the end of the calendar year.

The volumes of the annual ceilings are fixed by the Supplementary Protocol itself.

2. The implementation of the system of ceilings and the option of reintroducing customs duties require the adoption of precise common rules to be applied uniformly by the Member States concerned. These requirements may be met by setting up a Community system of surveillance of actual imports from the partner concerned. To that end the Member States must take appropriate measures to permit the rapid collection of statistical returns for the whole Community

In this connection imports of the products in question should be recorded only as and when they are entered for free circulation accompanied by a movement certificate conforming to the rules of the Agreement referred to in 1 above.

.../...

The returns will be drawn up by the Member States at the end of each month and forwarded before the fifteenth day of the following month to the Commission in order to enable the latter to send by telex to the Member States a comprehensive product-by-product statement of the imports in question effected during the preceding month. The surveillance system will require quick action and close cooperation between the relevant departments of the Member States and the Commission. Since the products in question belong to the sensitive products category and duty-free imports in excess of the ceilings may disturb the Community market, it is absolutely essential that the Member States observe strictly the above-mentioned time limit of fifteen days.

The following procedure will be used for setting in train the machinery for reintroducing duties : as soon as one of the comprehensive monthly statements compiled by the Commission shows that 75 % of the ceiling fixed for a given product has been reached, the Commission will inform the Member States and consultations may take place, in particular within the Economic Tariff Problems Group, either at the request of a Member States or on the Commission's own initiative. The purpose of these consultations will be to examine in each individual case whether the customs duties applicable to Portugal should be reimposed when the ceiling is actually reached.

Imports of the product in question will continue to be the subject of monthly returns or, if the Commission so requests, of a telex message covering each period of ten days. This message must reach the Commission within five days.

The commission can thus take within the shortest possible time the measures required for the adoption of a regulation reintroducing customs duties in respect of the partner country until the end of the calendar year. In that event, the customs duties on the product

.../...

in question would naturally be reimposed within the time limit laid down by the regulation ending exemption from duties.

3. The attached proposal provides for the delegation by the Council to the Commission of the power to apply the rule on ceilings and the reintroduction of duties.

The proposal for a regulation merely outlines how these powers are to be exercised so that the machinery to be used may be adjusted flexibly and rapidly in consultation with the Member States. Again with a view to maximum efficiency and rapidity, the proposal lays down that the Commission will be responsible for reintroducing, in respect of the partner country, the duties applicable.

ANNEX :

Proposal for a Council Regulation

Proposal for a
COUNCIL REGULATION (EEC)

establishing ceilings and Community surveillance in
respect of imports of certain products originating in
Portugal (1980)

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 Supplementary Protocol (1) annexed to the Agreement
between the European Economic Community and the Portuguese
Republic (2) provides for the exemption from duties for Kraftliner
and for other paper and paperboard falling within subheadings
ex 48.01 C II and 48.01 F of the Common Customs Tariff, originating
in Portugal when imported into the Community as originally constituted
and Ireland; whereas, however, the benefit of the exemption of
duties is limited to annual ceilings of 60 000 tonnes and 2 000 tonnes
respectively above which the residual customs duties for each
product may be reimposed until the end of the calendar year; whereas
the application of ceilings requires that the Community be regularly
informed on imports of the products in question originating in Portugal;
whereas it is therefore desirable that imports of these products be
subjected to a system of surveillance;

Whereas this objective may be achieved by means of a method of administration
based on charging imports of the products in question against
the ceilings at Community level as and when the products are entered
with customs authorities for free circulation; whereas this administrative
procedure must make provision for the possibility of the residual
customs tariff duties being reintroduced as soon as the ceilings
are reached in respect of the Community as originally constituted
and Ireland

(1) OJ

(2) OJ, N° L 30, 31.12.1972, p. 165.

Whereas this method of administration requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached.

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January until 31 December 1980, imports to the Community as constituted originally and Ireland of the products listed in the Annex originating in Portugal shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, their tariff headings and statistical numbers and the ceilings are set out in the Annex hereto.

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for free circulation accompanied by a movement certificate.

Goods may be charged against the ceiling only if the movement certificate is submitted before the date on which custom duties are reimposed.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

.../...

The Member States concerned shall inform the Commission at the intervals and within the time limits specified in paragraph 4 of imports effected in accordance with the above procedures.

3. As soon as the ceilings have been reached, the Commission may adopt a Regulation reimposing until the end of the calendar year the residual customs duties.
4. Member States concerned shall forward to the Commission not later than the fifteenth day of each month statements of the quantities charged during the preceding month. If the Commission so requests, they shall provide such statements in respect of periods of ten days and forward them within five clear days of the end of each ten-day period.

Article 2

The Commission shall take all appropriate measures, in close cooperation with the Member States, for the purposes of applying this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1980.

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

Done at Brussels,

For the Council

The President

ANNEX

List of products subject to import ceilings in 1980

Serial N°	CCT heading N°	Description	Nimexe code	Level of ceiling (tonnes)
1	2	3	4	5
P 1	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets : C. Kraft paper and kraft board : ex II. Other : - Kraft liner (a)	48.01 - 14,15,21,27,31	60 000
P 2		F. Other	48.01 - 41 til 97	2 000

(a) "Kraftliner" means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.

1. Ligne budgétaire concernée : Chap. 12 art. 120

2. Base juridique : Article 113

3. Intitulé de la mesure tarifaire :

Proposition de règlement (CEE) du Conseil portant établissement de plafonds et d'une surveillance communautaire des importations de certains produits originaires du Portugal (1980)

4. Objectif :

Exécution d'une obligation contractuelle
(Protocole complémentaire CEE/Portugal à signer le 20.12.79)

5. Mode de calcul :

- N° du T.D.C.	: ex 48.01 C II	48.01 F
- Volume de /des contingents (s)XXX plafonds:	61.000 tonnes	2.000 tonnes
- Droits à appliquer	: exemption	exemption
- Droits du T.D.C., réduits	:	
vis-à-vis du Portugal	6%	6%

6. Perte de recettes :

La même réduction de droits de douane pour les mêmes volumes est déjà applicable en 1979; donc pas de perte de recettes à inscrire au budget 1980.