

COMMISSION OF THE EUROPEAN COMMUNITIES

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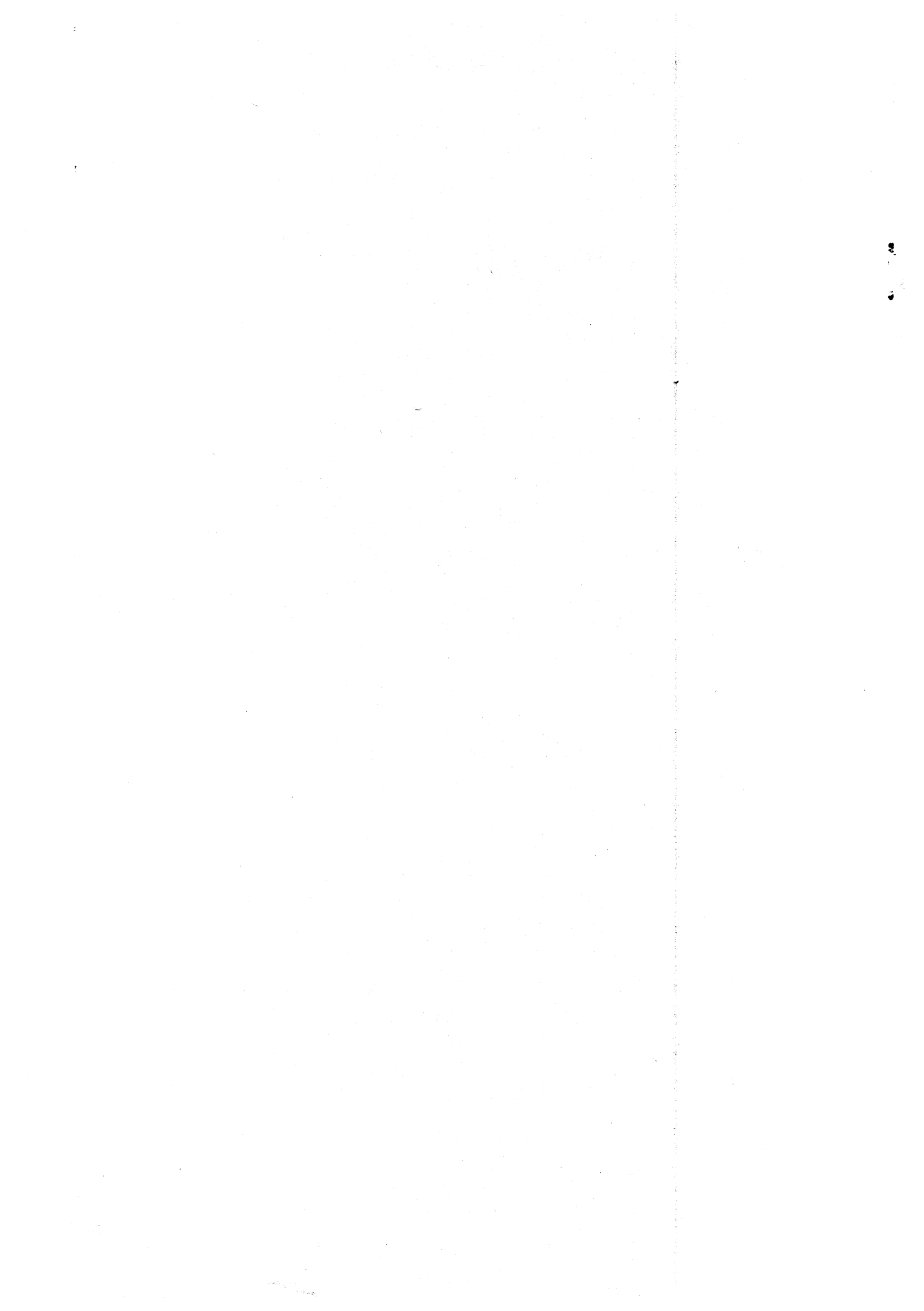
Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for fresh table grapes falling within subheading ex 08.04 A I of the Common Customs Tariff and originating in Cyprus (1983)

(submitted to the Council by the Commission)

COM(83) 88 final



EXPLANATORY MEMORANDUM

1. Article 2 of the Protocol concerning the arrangements to be applied during 1981, in the framework of the Decision adopted by the EEC-Cyprus Association Council on 24 November 1980 establishing the process into the second stage of the Association Agreement between the European Economic Community and the Republic of Cyprus, provides for the opening of a Community tariff quota of 7 000 tonnes of fresh table grapes, falling within subheadings ex 08.04 A I a) and b) of the Common Customs Tariff and originating in Cyprus, at rates of customs duty equal to 40 % of the customs duty in the Common Customs Tariff, for the period 8 June to 31 July 1981.

Article 2 of Regulation (EEC) No 3532/82, provides for a pro rata temporis extension of these arrangements until 30 June 1983, however it is appropriate with a view to maintaining traditional trade, to provide for the opening of the whole of the tariff quota and for the period 8 June to 31 July 1983.

2. The Regulation makes provision for the division of the quota volume into two instalments, the first of which is allocated by shares amongst all Member States, while the second constitutes a reserve. The allocation of the first instalment is usually based on the statistical data of the last three years and estimates for the period in question.
3. In this case there are neither Community nor national statistical data available which correspond to the quota period in question and no estimates can be put forward. In these circumstances initial shares should be established for taking into account the possibilities of consumption of these goods in each of the Member States.
4. 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 regulation

Proposal for a
COUNCIL REGULATION (EEC) 1

opening, allocating and providing for the administration of a Community tariff
quota for fresh table grapes, falling within subheading ex 08.04 A I of the
Common Customs Tariff and originating in Cyprus (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 2 of the Protocol concerning the
arrangements to be applied during 1981, in the
framework of the Decision adopted by the EEC-
Cyprus Association Council on 24 November 1980
establishing the process into the second stage of the
Association Agreement between the European
Economic Community and the Republic of Cyprus⁽¹⁾,
provides for the opening of a Community tariff quota
of 7 000 tonnes of fresh table grapes, falling within
subheadings ex 08.04 A I a) and b) of the Common
Customs Tariff and originating in Cyprus, at rates of
customs duty equal to 40 % of the customs duty in
the Common Customs Tariff, for the period 8 June to
31 July 1981;

Whereas Article 2 of Regulation (EEC) No 3532/82⁽²⁾,
provides for a *pro rata temporis* extension of these
arrangements until 30 June 1983; whereas, however, it
is appropriate with a view to maintaining traditional
trade, to provide for the opening of the whole of the
tariff quota and for the period 8 June to 31 July 1983;

Whereas it is in particular necessary to ensure for all
Community importers equal and uninterrupted access
to the abovementioned quota and uninterrupted applica-
tion 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 require-

ments of the Member States, calculated by reference to
the statistics for imports from Cyprus over a represen-
tative reference period and also to the economic
outlook for the quota period in question;

Whereas, however, neither Community nor national
statistics showing the breakdown for the products in
question are available and no reliable estimates of
future imports can be made; whereas, in these circum-
stances, the quota volumes should be allocated in
initial shares, to take into account demand for these
products on the markets of the various Member States;

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 93 % 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 the 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 volumes have
been used up and to inform the Member States
thereof;

Whereas if, at a given date in the quota period, a
substantial quantity of the initial share remains unused
in any Member State, it is essential that that Member
State should return a significant proportion to the

⁽¹⁾ OJ No L 174, 30. 6. 1981, p. 28.

⁽²⁾ OJ No L 371, 30. 12. 1982, p. 2.

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 8 June to 31 July 1983 the Common Customs Tariff duties for the products listed below, originating in Cyprus, shall be partially suspended at the levels shown below, within the limits of a Community tariff quota of 7 000 tonnes :

CCT heading No	Description	Rate of duty
08.04	Grapes fresh or dried : A. Fresh : 1. Table grapes : a) From 1 November to 14 July : ex 2. Other : — From 8 June to 14 July	7.2 %
	ex b) From 15 July to 31 October : — From 15 July to 31 July	8.8 %

Within the limits of this tariff quota, Greece shall apply customs duties calculated in accordance with the relevant provisions of the 1979 Act of Accession and of the Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus consequent on the accession of the Hellenic Republic to the Community (1).

minus the portion returned to the corresponding 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.

Article 2

- The Community tariff quota referred to in Article 1 shall be divided into two tranches.
- The first tranche, amounting to 6 500 tonnes, shall be allocated among the Member States ; the shares, which subject to Article 5 shall be valid until 31 July 1983 shall be as follows :

Benelux	200 tonnes
Denmark	200 tonnes
Germany	200 tonnes
Greece	2 tonnes
France	2 tonnes
Ireland	200 tonnes
Italy	2 tonnes
United Kingdom	5 700 tonnes

- The second tranche amounting to 494 tonnes, shall constitute the reserve.

- 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.

- 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.

Article 3

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

- 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.

(1) OJ No L 174, 30. 6. 1981, p. 2.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 July 1983.

Article 5

The Member States shall return to the reserve, not later than 15 July 1983, such unused portion of their initial share as, on 10 July 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 15 July 1983, of the total quantity of the products in question imported up to 10 July 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 20 July 1983, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

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

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

Done at Brussels,

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 share of the tariff quota.

2. The Member States shall ensure that imports of the products in question have free access to the ^{res} 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 8 June 1983.

*For the Council
The President*