

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 312 final

Brussels, 28 June 1978

Recommendation for a
COUNCIL REGULATION (EEC) /78

on the conclusion of an Agreement in the form of a Community tariff
quota in favour of Malta for certain prepared or preserved bovine
meat falling within subheading ex 16.02 of the Common Customs Tariff

COM(78) 312 final

COMMISSION COMMUNICATION TO THE COUNCIL

1. Article 7 of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Malta, which was signed on 27 October 1977, stipulates that for preserved meat falling within tariff subheading ex 16.02 the Community shall open, for the period 1 July 1977 to 30 June 1978, a Community tariff quota free of customs duties of the volume of 650 tonnes. A derogation from the rules of origin in Annex II to the Origin Protocol is granted in respect of the same product until 30 June 1978.
2. In notes Verbales of 16 and 26 May 1978 to the Commission, the Government of Malta requested an extension of these provisions until 30 June 1979.
3. The Commission considers that in order to take account of Malta's special situation, new arrangements should be made in its favour in respect of the product in question, for the period from 1 July 1978 to 30 June 1979 in the form of a tariff preference of 80 % from 1 July to 31 December 1978 and 60 % from 1 January to 30 June 1979, within the limit of a Community tariff quota of 650 tonnes ⁽¹⁾.
4. The Commission submits to the Council herewith a proposal for a regulation concluding an exchange of letters to that effect, and a proposal for a regulation opening the above-mentioned Community tariff quota. The Council is requested to take a decision as soon as possible, in order that the regulations can enter into force in July.

(1) As regard the question of origin rules, Maltese producers are now able to obtain raw material supplies on the Community Market.



Regulation for a
Council Regulation (EEC) 178

on the conclusion of an Agreement in the form of
an exchange of letters on the opening of a
Community tariff quota in favour of Malta for certain prepared
or preserved bovine meat falling within subheading
ex 16.02 of the Common Customs Tariff

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 recommendation from the Commission,

Whereas it is necessary to establish preferential arrangements for imports
into the Community of certain prepared bovine meat originating in Malta,

HAS ADOPTED THIS REGULATION :

Article 1

The Agreement in the form of an exchange of letters on the opening of
a Community tariff quota in favour of Malta for certain prepared or preserved
bovine meat falling within subheading ex 16.02 of the Common Customs tariff
hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

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

Done at

For the Council
The President

Agreement in the form of an exchange
of letters on the opening of a
Community tariff quota in favour of
Malta for certain prepared or preserved bovine meat
falling within subheading ex 16.02 of the Common
Customs Tariff

Letter N° 1

Sir,

I have the honour to refer to Article 7 of the Additional protocol to the Agreement establishing an association between the European Economic Community and Malta, concerning arrangements for the importation into the Community of preserved meat, which expire on 30 June 1978, and to the Maltese Government's request dated 26 May 1978 for the extension of these arrangements for these products until 30 June 1979.

I have the honour to inform you that the Community is willing to open a Community tariff quota of 650 tonnes for certain prepared or preserved bovine meat falling within subheading ex 16.02 B III b) 1 bb) of the Common Customs tariff, originating in Malta, for the period from the completion of the procedure for bringing this Agreement into force until 30 June 1979. Customs duties on imports of these products into the Community will be reduced by 80% from the same date until 31 December 1978; they will be reduced by 60% from 1 January 1979 to 30 June 1979.

I should be grateful if you would inform me of your Government's agreement to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Letter N° 2

Sir,

I have the honour to acknowledge your letter of today's date in which you inform me as follows :

I have the honour to refer to Article 7 of the Additional protocol to the Agreement establishing an association between the European Economic Community and Malta, concerning arrangements for the importation into the Community of preserved meat, which expire on 30 June 1978, and to the Maltese Government's request dated 26 May 1978 for the extension of these arrangements for these products until 30 June 1979.

I have the honour to inform you that the Community is willing to open a Community tariff quota of 650 tonnes for certain prepared or preserved bovine meat falling within subheading ex 16.02 B III b) 1 bb) of the Common Customs tariff, originating in Malta, for the period from the completion of the procedure for bringing this Agreement into force until 30 June 1979. Customs duties on imports of these products into the Community will be reduced by 80% from the same date until 31 December 1978; they will be reduced by 60% from 1 January 1979 to 30 June 1979.

I should be grateful if you would inform me of your Government's agreement to the contents of this letter.

I have the honour to advise you of my Government's agreement to the contents of the above letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Government of Malta.

Proposal for a
COUNCIL REGULATION (EEC) No .../78

of

opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved bovine meat falling within heading No ex 16.02 of the Common Customs Tariff, originating in Malta (1978 /79)

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 Agreement in the form of an exchange of letters between the European Economic Community and Malta lays down that the Community is to open a Community tariff quota of 650 tonnes at reduced duty rates for certain prepared and preserved bovine meat, originating in Malta, falling within subheading ex 16.02 B III b) I bb) of the Common Customs Tariff; whereas the tariff preference in question is to apply from the date of entry into force of the Regulation bringing the said Agreement into effect until 30 June 1979;

whereas the rules of origin laid down in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta (1); are applicable;

whereas consequently a Community tariff quota of 650 tonnes should be opened for the period in question;

Whereas it is in particular necessary to ensure equal and uninterrupted access to the abovementioned quota for all Community importers and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Mem-

ber States until the quota has been used up; whereas having regard to the principles mentioned above the Community nature of the quota might be respected by means of a system of use of the Community tariff quota based on allocation among the Member States; whereas to represent as closely as possible the actual state of the market in the products in question, allocation should be proportionate to the requirements of the Member States as calculated from both statistics on imports from Malta during a representative reference period and the economic outlook for the tariff period in question;

Whereas the Community statistics available provide no information on the situation of the products in question on Member States' markets; whereas however it may be taken that those products are marketed almost exclusively in one Member State; whereas consequently, to ensure a fair allocation of the quota volume among the Member States, each Member State should take a significant part of the quota volume, making due allowance for the situation referred to above;

Whereas, to take account of the development of imports into the various Member States of the products concerned, the quota volume should be divided into two instalments, the first being shared among the Member States and the second held as a reserve to cover the subsequent requirements of those Member States which have used up their initial share; whereas to give each Member State's importers some degree of certainty, the first instalment of the Community quota might be fixed at approximately 90 % of the quota volume;

Whereas the initial shares of Member States may be used up at varying speeds; whereas accordingly to avoid any discontinuity any Member State which has almost used up its initial share must take an additional share from the reserve; whereas this must be done by each Member State as each one of its additional shares is almost used up and as many times as the reserve allows; whereas the initial and additional shares must apply 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 able to monitor the extent to which the quota volume has 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 the Member State concerned should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while 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 measure concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

and

1. From 1 ~~1978~~ until 30 June 1979 the Common Customs Tariff duty on the products indicated below, originating in Malta, shall be reduced to the level given below in respect of a Community tariff quota of 650 tonnes:

CCT heading No	Description	Customs Tariff duties applicable for the period	
		from 1978 until 31.12.1978	from 1.1.1979 until 30.6.1979
16.02	Other prepared or preserved meat or meat offal: B. Other: III. Other: b) Other: 1. Containing bovine meat or offal: bb) Other	5.2%	10.4%

definition

2. The Protocol concerning the ~~of~~ of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta is applicable.

Article 2

600

1. A first instalment of / tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares which subject to Article 5 shall be valid until 30 June 1979 shall be as follows:

Benelux	5 tonnes,
Denmark	5 tonnes,
Germany	5 tonnes,
France	5 tonnes,
Ireland	5 tonnes,
Italy	5 tonnes,
United Kingdom	570 tonnes.

2. The second instalment of 50 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (1), or of that share less the amount returned to the reserve if Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, take a second share equal to 15 % of its initial share rounded up to the next unit, in so far as the reserve permits.

2. If after its initial share has been exhausted 90 % or more of the second share taken by a Member State has been used, that Member State shall in accordance with the conditions laid down in paragraph 1 take a third share equal to 7.5 % of its initial share rounded up to the next unit.

3. If after its second share has been exhausted 90 % or more of the third share taken by a Member

State has been used, that Member State shall, in the same way, take a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may take shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Additional shares taken pursuant to Article 3 shall apply until 30 June 1979.

Article 5

The Member States shall return to the reserve not later than 1 May 1979 the unused portion of their initial shares which on 15 April 1979 is in excess of 20 % of the initial amount. They may return a greater amount if there are grounds for believing that amount may not be used up.

The Member States shall notify the Commission not later than 1 May 1979 of the total imports of the products in question effected up to 15 April 1979 inclusive and charged against the Community quota and of any portion of their initial shares which they are returning to the reserve.

Article 6

The Commission shall keep account of the quota shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

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

Done at Brussels,

The Commission shall notify Member States not later than 5 May 1979 of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any share taken which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which takes the last share.

Article 7

1. The Member States shall take all appropriate measures to ensure that when additional shares are taken out pursuant to Article 3 it is possible for quantities to be charged, without interruption against their accumulated shares of the Community 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 extent to which a Member State has used up its share shall be determined on the basis of the imports originating in Malta entered with customs authorities for home use.

Article 8

At the request of the Commission, Member States shall inform it 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 the same day as Council Regulation (EEC) No

For the Council

The President