

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 618 final

Brussels, 8 December 1989

Proposal for a
COUNCIL REGULATION (EEC)

opening and providing for the administration of autonomous
community tariff quotas for certain agricultural
and chemical products (1990)

(presented by the Commission)

EXPLANATORY MEMORENDUM

1. Subsequent to requests made by various Member States, the Services of the Commission have examined, in conjunction with the Government experts concerned, the question of opening, from 1 January 1990, of autonomous tariff quotas for certain agricultural and chemical products.
2. Following this examination, which took place during the "ECONOMIC TARIFF" Group meetings held on 8 September 1989, it has been determined that the opening of tariff quotas for the following products could have the agreement of the Member States without disturbing the markets for such products :

9 and 20 October

- sour cherries, marinated in alcohol
- tellurium metal
- poly-alpha-olefin

For certain of these products, the quota volumes are provisional and setting them at the level indicated does not rule out their adjustments during the procedure.

This is the purpose of this proposal.

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of
opening and providing for the administration of autonomous Community tariff quotas for
certain agricultural and chemical products (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and chemical products is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Lower duty Community tariff quotas should therefore be opened within the limits of appropriate volumes for a period covering the year 1990; ; whereas, in order not to upset the balance of the markets for these products, the volume of certain of these Community tariff quotas should be set at provisional levels which cover immediate requirements; for zero
whereas, the setting of the quota volumes at this level does not rule out an adjustment during the year;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1990, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below :

Order No	CN code (د)	Description	Amount of quota	Quota duty (%)
09.2719	ex 2008 60 39	Sour cherries, marinated in alcohol, of a diameter not exceeding 18,9 mm, stoned, intended for the manufacture of chocolate products (1)	(in tonnes) 2 000	10
09.2737	ex 2804 50 90	Tellurium metal, in the form of ingots, rods, balls, pieces or powder	10	0
09.2739	ex 3902 90 00	Poly-alpha-olefin having a kinetic viscosity of around 4 centistokes (mm ² /S) at 100°C and not more than 2 600 centistokes at -40°C measured using the ASTM D 45 method and having a flash point of not lower than 205°C measured using the ASTM D 92 method.	100	0

(a) See TARIC codes in Annex.

(1) Checks on their prescribed end-use shall be carried out pursuant to the relevant Community provisions.

2. Within the limits of these tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be

allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels,

For the Council

The President

ORDER N°	CN Code	TARIC
09.2719	ex 2008 60 39	* 20
09.2737	ex 2804 50 90	* 10
09.2739	ex 3902 90 00	* 94

FICHE FINANCIERE

1. Ligne budgétaire concernée : Chap. 12, art. 120
2. Base juridique : article 28 du traité
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires autonomes pour certains produits agricole et chimiques (1990).
4. Objectif : Assurer la couverture à des conditions favorables, des besoins communautaires.
5. Mode de calcul :

Désignation des produits	Quantités	Prix en écus unité	Droit normal (en %)	Droit contingentaire (en %)	Perte de recettes (en écus)
Cerises acides	2 000 t	1 540	32	10	677 600
Tellure métallique	10 t	60 000	2,1	0	12 600
Poly-alpha-oléfine	100 t	2 406,35	12,5	0	30 080

					720 280

Nouvelles mesures tarifaires.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

La présente proposition vise l'ouverture de contingents tarifaires communautaires autonomes destinés à couvrir, à des conditions favorables, les besoins des industries utilisatrices. Elle aura pour effet de permettre à ces industries de concurrencer celles des pays tiers sur les marchés de la Communauté et des pays tiers et de maintenir ou même d'améliorer l'emploi dans la Communauté.

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