

# 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 sweet peppers falling within subheading No 07.01 S of the Common Customs Tariff, originating in Cyprus

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes falling within subheading No 08.04 B I of the Common Customs Tariff, originating in Cyprus

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for wines of fresh grapes falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for liqueur wines falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for aubergines falling within subheading No ex 07.01 T of the Common Customs Tariff, originating in Cyprus

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for table grapes falling within subheading No ex 08.04 A I of the Common Customs Tariff, originating in Cyprus

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(submitted to the Council by the Commission)

## EXPLANATORY MEMORANDUM

### A. First part

1. On 7th April 1978 a supplementary Protocol and a Protocol laying down certain provisions relating to trade in agricultural products between the EEC and Cyprus, to be annexed to the Agreement EEC/Cyprus of 1973, have been initialled. The entry into force is foreseen for 1st July 1978.

These Protocols provide for the opening of annual Community tariff quotas for the products listed below originating in Cyprus, beginning from the abovementioned date; the prorata temporis clause is applicable :

- a) Sweet peppers, sub-heading 07.01 S of the CCT, 150 tonnes at a duty rate of 5.5%,
- b) Dried grapes, in immediate containers of a net capacity of 15 kg or less, sub-heading 08.04 B I of the CCT, 250 tonnes, duty free,
- c) Wine of fresh grapes, other than liqueur wines, sub-heading ex 22.05 C of the CCT, 5 000 hl at duty rates of 3 UA/hl and 3.5 UA/hl,
- d) Liqueur wines, sub-heading ex 22.05 C of the CCT, 125 000 hl at duty rates of 3.3 UA/hl, 4.2 UA/hl, 5.1 UA/hl and 5.7 UA/hl.

These wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price.

Consequently, the Community tariff quotas shown above should be opened for the period from 1 July to 31 December 1978.

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2. These Regulations provide for the splitting up of the tariff volumes into two parts, of which the first will be allocated among the Member States as quota share and the second will be kept as a reserve.

In the absence of Community statistics, for a period sufficiently representative, the initial quota shares have been calculated on the basis of the possible demand on the markets of the various Member States and on the basis of forecasts made by some of them.

3. As the method<sup>of</sup> administration to be applied by all Member States, the Commission propose the "greyhound" system for sweet peppers and dried grapes. On the other hand, because of the inherent particularities in the trade in wines which, additionally, are different from one Member State to another, the provisions of the Regulation for wines, exceptionnally, do not lay down a common method of administration.

**B. Second part**

1. The Protocol laying down certain provisions relating to trade in agricultural products mentioned in A.1. above provides in addition for the opening of Community tariff quotas for the products originating in Cyprus listed below; the prorata temporis clause is applicable :

- a) fresh table grapes, sub-heading ex 08.04 A I a) and b) of the CCT, 7 000 tonnes at duty rates of 7.2 and 8.8% , for the period from 1 July to 10 August 1978,
- b) Aubergines, sub-heading ex 07.01 T of the CCT, ~~300~~tonnes at a duty rate of 6.4% , for the period from 1st October to 30 November 1978.

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2. In these cases and because there are tariff quotas of small volume or which have in particular a short period of validity, the general rule of dividing of the quota amount into two tranches has not been used and instead the total of the quota amounts has been allocated to the Community reserve.
  
3. The "greyhound" system is provided for as method of administration.

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Annexes : Seven proposals for Regulations.

Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for sweet peppers falling within subheading No 07.01 S of the Common Customs Tariff, originating in Cyprus

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, a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus (1) to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 2 of this Protocol provides for the opening of an annual Community tariff quota of 300 tonnes of sweet peppers originating in Cyprus of subheading 07.01 S of the Common Customs Tariff at a rate of customs duty equal to 50% of the customs duty in the Common Customs Tariff; whereas the prorata temporis clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 150 tonnes for the period 1 July to 31 December 1978;

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(1) O.J. ...

(2) O.J. No L 133 ; 21.5.1973, p. 2.

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 rates 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from / over a representative period and the economic outlook for the quota period concerned;

/ Cyprus

Whereas in this case, 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 circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these / on the markets of the various Member States; products

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 90 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares 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 entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

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Whereas, if at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota 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 all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. From 1 July until 31 December 1978, the Common Customs Tariff duty for sweet peppers, falling within subheading 07.01 S of the Common Customs Tariff, originating in Cyprus, shall be partially suspended at 5.5% within the limits of a Community tariff quota of 150 tonnes.

*Article 2*

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 135 tonnes, shall be shared among the Member States ; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows :

Benelux	7 tonnes
Denmark	7 tonnes
Germany	14 tonnes
France	7 tonnes
Ireland	7 tonnes
Italy	7 tonnes
United Kingdom	86 tonnes.

3. The second tranche, amounting to 15 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 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw 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*

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

### *Article 5*

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.



### *Article 6*

The Commission shall keep account of the 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.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing 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 makes the final drawing.

### *Article 7*

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

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*

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

### *Article 9*

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 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes falling within subheading No 08.04 B I of the Common Customs Tariff, originating in Cyprus

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, a supplementary Protocol (1) to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978 ; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 4 of this Protocol provides for the opening of an annual duty free Community tariff quota of 500 tonnes of certain dried grapes, originating in Cyprus of subheading 08.04 B I of the Common Customs Tariff; whereas the prorata temporis clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 250 tonnes for the period 1 July to 31 December 1978;

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(1) O.J. ...

(2) O.J. No L 133 ; 21.5.1973, p. 2.

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 rates 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from <sup>✓</sup> Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas in this case, 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 circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these <sup>✓</sup> on the markets of the various Member States; products

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 90 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares 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 entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas, if at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota 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 all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. From 1 July until 31 December 1978, the Common Customs Tariff duty for the following products originating in Cyprus shall be totally suspended within the limits of a Community tariff quota of 250 tonnes.

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CCT heading No	Description
08.04	Grapes, fresh or dried : B. dried : I. in immediate containers of a net capacity of 15 kilograms or less

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*Article 2*

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 225 tonnes, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows :

Benelux	10 tonnes
Denmark	10 tonnes
Germany	20 tonnes
France	10 tonnes
Ireland	10 tonnes
Italy	10 tonnes
United Kingdom	155 tonnes.

3. The second tranche of 25 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 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw 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*

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

### *Article 5*

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

*Article 6*

The Commission shall keep account of the 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.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing 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 makes the final drawing.

*Article 7*

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

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*

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

*Article 9*

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 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for wines falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus / of fresh grapes

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament

Whereas, a supplementary Protocol<sup>(1)</sup> to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 5 of this Protocol provides for the opening of an annual Community tariff quota of 10 000 hectolitres of certain wines of fresh grapes, in containers holding 2 litres or less, originating in Cyprus of subheading ex 22.05 C of the Common Customs Tariff at rates of customs duty equal to 25% of the customs duty in the Common Customs Tariff; whereas the prorata temporis clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 5 000 hectolitres for the period 1 July to 31 December 1978;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products, especially as regards observance of the reference price;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries (3), introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

(1) O.J.

(2) O.J. No L 133, 21.5.1973, p. 2.

(3) O.J. No L 256, 2.10.1975, p. 2.

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 rates 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from / over a / Cyprus representative period and the economic outlook for the quota period concerned;

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each of the types of wine in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these / on the markets of the various Member States; wines

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 90 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares 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 entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;





2. The first tranche, amounting to 4 500 hectolitres, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Benelux	140 hl
Denmark	140 hl
Germany	140 hl
France	140 hl
Ireland	300 hl
Italy	140 hl
United Kingdom	3 500 hl

3. The second tranche, amounting to 500 hectolitres, 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 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

#### Article 5

Member States shall return to the reserve, not later than 15 / November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

#### Article 6

The Commission shall keep account of the 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.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing 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 makes the final drawing.

#### Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. Member States shall ensure that importers of the said goods 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 of the goods in question entered at customs for home use.

#### Article 8

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

*Article 9*

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 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for liqueur wines falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ,

Whereas, a supplement<sup>(1)</sup> to Protocol to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978 ; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 6 of this Protocol provides for the opening of an annual Community tariff quota of 250 000 hectolitres of liqueur wines originating in Cyprus of subheading ex 22.05 C of the Common Customs Tariff at rates of customs duty equal to 30% of the customs duty in the Common Customs Tariff ; whereas the prorata temporis clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 125 000 hectolitres for the period 1 July to 31 December 1978;

Whereas these wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price ; whereas entry under the above Community tariff quota must be conditional on the wines being described as "liqueur wines" in the VI. 1 document provided for in Regulation (EEC) No 2115/76 (3);

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries (4), introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied ;

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(1) O.J.

(2) O.J. No L 133 , 21.5.1973, p. 2

(3) O.J. No L 237 , 28.8.1976, p. 2

(4) O.J. No L 256 , 2.10.1975, p. 2.

Whereas these wines are, for the greater part, imported into the Community during the last months of each year due to particular reasons inherent in their method of production and distribution ; whereas, consequently,

the quota opened by Regulation (EEC) No .../78 (1) for the period 1 May to 30 June 1978 has not been entirely used up; whereas, by way of exception, it is necessary to provide for the residual amount left over from this period to be taken into consideration to be used during the period of validity of this Regulation;

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 rates 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from  over a representative period and the economic outlook for the quota period concerned;

Cyprus

Whereas in this case, however, neither Community nor national statistics showing the breakdown for each of the types of wines in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 90 % of the quota amount;

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(1) O.J. ...

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares 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 entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas, if at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota 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 all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. From 1 July until 31 December 1978, the Common Customs Tariff duties in respect of the following products originating in Cyprus shall be partially suspended at the levels shown below within the limits of a Community tariff quota of 125 000 hectolitres :

CCT heading Number	Description	Rate of duty
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol :	
	C. Other :	
	II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding :	
	ex a) Two litres or less :	
	- liqueur wines of an actual alcoholic strength of 15°	4.2 u.a./hl
	ex b) More than two litres :	
	- liqueur wines of an actual alcoholic strength of 15°	3.3 u.a./hl

III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding :

a) Two litres or less :

ex 2. Other :

- liqueur wines

5.1 u.a./hl

b) More than two litres :

ex 3. Other :

- liqueur wines

4.2 u.a./hl

IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding :

a) Two litres or less :

ex 2. Other :

-liqueur wines

5.7 u.a./hl

b) More than two litres :

ex 3. Other :

-liqueur wines

5.7 u.a./hl

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2. The entry of these wines under the tariff quota shall be conditional on their being described in the V.I.1 document provided for in Regulation (EEC) No 2115/76 as "liqueur wines".

3. The inclusion of these wines in this Community tariff quota shall be conditional upon observance of the reference price applying to them.

4. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

#### *Article 2*

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

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2. The first tranche, amounting to  $\sqrt{\quad}$  hectolitres, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Benelux	3 750	hl
Denmark	3 750	hl
Germany	3 750	hl
France	3 750	hl
Ireland	15 000	hl
Italy	3 750	hl
United Kingdom	78 750	hl.

3. The shares determined in paragraph 2 shall be increased by any remnants of the shares allocated under Regulation (EEC) No .../78 existing on 30 June 1978.

Member States shall notify the Commission not later than 15 July 1978 of any remnants of the shares allocated under the above-mentioned Regulation existing on 30 June 1978.

4. The second tranche, amounting to 12 500 hectolitres, shall constitute the reserve to which any remnants of the reserves constituted under Article 2 of Regulations (EEC) Nos 3016/77, 533/78 and  $\sqrt{\quad}$ /78, existing on 30 June 1978 shall be added, irrespective of the implementation of Article 5.

### Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.



3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw 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*

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

#### *Article 5*

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

#### *Article 6*

The Commission shall keep account of the 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.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing 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 makes the final drawing.

*Article 7*

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.
2. Member States shall ensure that importers of the said goods 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 of the goods in question entered at customs for home use.

*Article 8*

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

*Article 9*

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 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for aubergines falling within subheading No 07.01 T of the Common Customs Tariff, originating in Cyprus

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, a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus (1) to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 2 of this Protocol provided for the opening of an Community tariff quota of 300 tonnes of aubergines originating in Cyprus of subheading 07.01 T of the Common Customs Tariff, <sup>p</sup> for the period from 1 October to 30 November 1978; whereas it is necessary to open a Community tariff quota of 300 tonnes for the goods and the period in question;

<sup>p</sup> at a rate of customs duty equal to 40 % of the customs duty in the Common Customs Tariff,

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(1) O.J. No ...  
(2) O.J. No L 133, 21.5.1973, p. 2

Whereas it is necessary in particular to ensure to all Community importers equal and uninterrupted access to the abovementioned quota, and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the tariff quota involved is of a relatively low volume and the period of application is very short, it seems possible to allocate the whole quota volume to the Community reserve and to provide for the possibility of those Member States in which needs might arise drawing appropriate quantities from that reserve; whereas the shares thus drawn from the reserve must be valid until the end of the quota period; whereas this method of management 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 quota is used up and inform the Member States thereof;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

1. From 1 October until 30 November 1978 the Common Customs Tariff duty for aubergines originating in Cyprus, falling within subheading ex 07.01 T of the Common Customs Tariff shall be partially suspended at 6.4% within the limits of a Community tariff quota of 60 tonnes.
2. The volume of the tariff quota referred to in paragraph 1 shall constitute a Community reserve.
3. If the need should arise for the products in question in a Member State, the latter shall draw an appropriate share from the reserve, providing that the size of the reserve so permits.
4. The shares drawn pursuant to paragraph 3 shall be valid until 30 November 1978.

*Article 2*

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 are opened in such a way that imports may be charged without interruption against their cumulative portions of the Community quota.
2. Member States shall ensure that importers of the said goods established in its territory have free access to the shares allocated to it.
3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.
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 3*

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

*Article 4*

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

*Article 5*

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for table grapes falling within subheading No ex 08.04 A I of the Common Customs Tariff, originating in Cyprus

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus (1) to be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (2) was initialled on 7 April 1978; whereas the entry into force of this Protocol is expected for 1 July 1978; whereas Article 2 of this Protocol provides for the opening of an Community tariff quota of 7 500 tonnes of table grapes originating in Cyprus of subheadings ex 08.04 A I a) and b) of the Common Customs Tariff at rates of customs duty equal to 40% of the customs duty in the Common Customs Tariff, for the period 8 June to 10 August 1978; whereas the prorata temporis clause is applicable; whereas, however, as part of the tariff measures taken autonomously by the Community and anticipating the provisions of this Protocol, the Community, by Regulation (EEC) No. ..../78 (3), has opened a tariff quota of 500 tonnes instead of 2 500 tonnes, that is, a volume which would be the result of application of the prorata temporis clause; whereas, in these circumstances, a Community tariff quota of 7 000 tonnes should be opened for the period 1 July to 10 August 1978;

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(1) O.J. No ...

(2) O.J. No L 133 ; 21.5.1973, p. 2

(3) O.J. No ...

Whereas it is necessary in particular to ensure to all Community importers equal and uninterrupted access to the abovementioned quota, and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the tariff quota involved is of a relatively low volume and the period of application is very short, it seems possible to allocate the whole quota volume to the Community reserve and to provide for the possibility of those Member States in which needs might arise drawing appropriate quantities from that reserve; whereas the shares thus drawn from the reserve must be valid until the end of the quota period; whereas this method of management 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 quota is used up and inform the Member States thereof;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 July until 10 August 1978 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 :	
	I. table grapes	
	ex a) from 1 November to 14 July - from 1 July to 14 July	7.2%
	ex b) from 15 July to 31 October - from 15 July to 10 August	8.8%

2. The volume of the tariff quota referred to in paragraph 1 shall constitute a Community reserve.

3. If the need should arise for the products in question in a Member State, the latter shall draw an appropriate share from the reserve, providing that the size of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until 10 August 1978.

*Article 2*

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 are opened in such a way that imports may be charged without interruption against their cumulative portions of the Community quota.
2. Member State shall ensure that importers of the said goods established in its territory have free access to the shares allocated to it.
3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.
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 3*

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

*Article 4*

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

*Article 5*

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels,

*For the Council*  
*The President*

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FICHE FINANCIERE

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

2. Base juridique : Articles 43, et 113

3. Intitulé de la mesure tarifaire :

Propositions de règlements (CEE) du Conseil portant ouverture, répartition et mode de gestion des contingents tarifaires communautaires de certains produits agricoles originaires de Chypre

4. Objectif : Exécution d'une obligation contractuelle (Accord CEE/Chypre)

5. Mode de calcul :

- Annexe	<u>A</u>	<u>B</u>	<u>C</u>
- N° du T.D.C.	: 07.01 S	08.04 B I	ex 22.05 C
- Volume du/des contingent(s)/	: 150 T	250 T	5.000 hl
- Droits à appliquer	: 5,5 %	0 %	3 et 3,5 UC/hl (Ø pondérée= 3,4)
- Droits du T.D.C. :	: 11 %	4 %	12 et 14 UC/hl (Ø pondérée= 12,5)
- Annexe	<u>D</u>	<u>E</u>	<u>F</u>
- N° du T.D.C.	: ex 22.05 C	ex 07.01 T	ex 08.04. A I
- Volume du contingent	: 125.000 hl	300 T	7.000 T
- Droits à appliquer	: de 3,3 à 5,7 UC/hl (Ø pondérée = 4)	6,4 %	7,2 et 8,8 % (Ø pondérée = 8,5)
- Droits du T.D.C.	: de 11 à 19 UC/hl (Ø pondérée = 12)	16 %	18 et 22 % (Ø pondérée= 21,2)

6. Perté de recettes :

A. Valeur par t = 890 UCE; $890 \times 5,5\% \times 150 =$	7.344 UCE	
B. Valeur par t = 390 UCE; $390 \times 4\% \times 250 =$	3.900 UCE	
C. $5.000 \times 9,1 =$		45.000 UC
D. $125.000 \times 8 =$		1.000.000 UC
E. Valeur (est.) t = 350 UCE; $350 \times 9,6\% \times 300 =$	10.080 UCE	
F. Valeur par t = 414 UCE ; $414 \times 12,7\% \times 7.000 =$	368.050 UCE	
	<u>373.246 UCE</u>	<u>1.045.000 UC</u>