

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 266 final

Brussels, 22 May 1980

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States  
(1980/81)

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(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

1. A new Convention between the EEC and the ACP States (Lomé II) was signed on 31 October 1979. It was to replace on 1 March 1980 the Convention of Lomé I which expired on 29 February 1980. The date on which this new Convention will enter into force has been delayed because it has to be ratified by the participating States.

In spite of this situation the Community intends to maintain the commercial relations with the ACP States. To avoid disrupting the trade flow certain provisions of this convention, especially those of Protocol No 5, should therefore be applied autonomously and by anticipation.

2. This Protocol provides that the products falling within subheading No 22.09 C I of the CCT (rum, arrack, tafia), originating in the ACP States, shall be imported duty free into the Community. These preferential arrangements are restricted to a quantity which is to be fixed annually by the Community on the basis of the largest quantities imported annually from the ACP States during the last three years for which statistics are available, increased by certain annual growth rates.
3. The preferential system in question should therefore be put into force and a Community tariff quota should be opened for rum, arrack and tafia originating in the ACP States. Because there has already been taken an identical measure until 30 June 1980 this tariff quota should be opened for the period 1 July 1980 to 30 June 1981.

.../...

4. Community imports of the goods concerned during the last three years were as follows :

- in hectolitres of pure alcohol -

	<u>1977</u>	<u>1978</u>	<u>1979</u>
Benelux	4 963	6 218	4 897
Denmark	1 942	1 559	1 661
Germany	20 169	30 566	24 587
France	5 802	2 774	2 899
Ireland	2 004	2 432	2 337
Italy	304	343	474
United Kingdom	74 958	90 363	94 778
EC	<u>110 142</u>	<u>134 255</u>	<u>131 633</u>

The quota volume to be taken into account on this basis for the period 1 July 1980 to 30 June 1981 should be  $\frac{1}{178\ 300}$  - hectolitres of pure alcohol

5. In this case, as an exception to the normal rule, provision is not being made to divide the quota volume into two instalments one of which institutes a reserve. Instead, a method of use of the quota is provided for based on an allocation in definitive shares amongst Member States.

The calculation of these shares is based on the imports of the products in question from ACP States during the previous three years, 1977, 1978, 1979 and the economic outlook for the period in question, respecting, however, the growth rates mentioned under point 1.

6. The annexed table shows in detail the amounts actually charged, against the tariff quotas in question (periods 1977/78, 1978/79 and 1979/80).
7. It is proposed that the draft for a Council Regulation described above should be approved (see annex).

ACP - Rum - heading 22.09 C I

Amounts actually charged against the tariff quotas  
opened for 1977/78, 1978/79 and 1979/80

1977/78

1978/79

1979 until February 1980

Member State	Volume of the quota hl	Amount actually charged		Volume of the quota hl	Amount actually charged		Volume of the quota hl	Amount actually charged	
		hl	%		hl	%		hl	%
Benelux	5 926	5 143	87	6 000	5 216	97	4 542	3 683	81
Denmark	4 000	1 577	39	3 698	1 448	39	2 446	645	26
Germany	24 000	20 956	87	24 706	24 706	100	22 332	17 826	80
France	11 395	5 509	48	9 022	3 551	39	4 238		
Ireland	1 000	682	68	1 000	492	49	1 777		
Italy	658	295	45	424	424	100	280		
United Kingdom	126 030	83 337	66	116 957	103 872	89	81 789	237	24
E.C.	173 009	117 489	68	161 807	140 309	87	117 404		

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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 on 31 October 1979 a Convention was signed between the European Economic Community and the African, Caribbean and Pacific States;  
whereas, pending the entry into force of that Convention, it is appropriate to apply in advance for the period 1 July 1980 to 30 June 1981 the provisions of Protocol 5 to the Convention;

whereas that Protocol provides that, until the entry into force of a common organization of the market in spirits, products of subheading 22.09 CI originating in the ACP States, shall be imported duty-free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 18 % on the other markets of the Community;

Whereas the levels reached by imports of the products concerned into the Community and the Member States during the last three years for which statistics are available should be taken into consideration; whereas, therefore, the volume of the tariff quota for the period 1 July 1980 to 30 June 1981 should be fixed at 178 300 hectolitres of pure alcohol;

.../...

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas 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 requirements of the Member States calculated by reference to the statistics of imports from the countries in question over a representative period and also to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from the countries in question of the products concerned:

Member States	1977	1978	1979
Benelux	4.5	4.6	3.7
Denmark	1.9	1.2	1.3
Germany	18.3	22.8	18.7
France	5.3	2.0	2.2
Ireland	1.8	1.8	1.8
Italy	0.2	0.3	0.3
United Kingdom	68.0	67.3	72.0

Whereas, in view of these factors, of market forecasts for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	4.28
Denmark	1.37
Germany	20.03
France	3.05
Ireland	1.80
Italy	0.30
United Kingdom	69.17;

.../...

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 July 1980 until 30 June 1981, rum, arrack and tafia, falling within subheading 22.09 C1 of the Common Customs Tariff and originating in the ACP States, shall be imported duty-free into the Community within the limits of a Community tariff quota of 178 300 hectolitres of pure alcohol.

Article 2

The Community tariff quota referred to in Article 1 shall be shared among the Member States; the shares, which shall be valid until 30 June 1981, shall be as follows (in hl of pure alcohol)

Benelux	7 631
Denmark	2 443
Germany	35 714
France	5 438
Ireland	3 209
Italy	535
United Kingdom	123 330.

.../...



Article 3

1. 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.
2. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with the customs authorities for free circulation.
3. 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 2.

Article 4

1. Member States shall forward to the Commission, not later than the 15th day of each month, statements of imports of the products in question effected during the preceding month. Only products entered with customs authorities for free circulation and accompanied by a movement certificate EUR 1 shall be taken into consideration for this purpose.
2. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.
3. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

*Article 5*

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

*Article 6*

This Regulation shall enter into force on 1 July 1980.

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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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