

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 391 final

Brussels, 27 July 1989

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of Community tariff
quotas for dried figs and certain dried grapes coming from
Spain (1990)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Articles 30 and 75 of the Act of Accession provide for the phasing-out of customs duties on imports into the Community as constituted on 31 December 1985 of agricultural products coming from Spain. This applies *inter alia* to the customs duties to be levied under the following Community tariff quotas for products produced in Spain:

(i) 200 tonnes of dried figs falling within CN code ex 0804 20 90; and
(ii) 1 900 tonnes of dried grapes falling within CN code 0803 20 11, 0803 20 19, ex 0803 20 91 or ex 0803 20 99 coming from Spain.

2. On 1 January 1990 the duties in question are reduced to 37,5% of the basic duties.

Council Regulation (EEC) No 4161/87 of 22 December 1987 laid down, consequent on the entry into force of the Combined Nomenclature, the basic duties to be adopted within the Community as constituted on 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal. These tariff measures do not apply to Portugal since Regulation (EEC) No 3792/85 laying down the arrangements applying to trade in agricultural products between Spain and Portugal includes special provisions on this subject.

The above-mentioned tariff quotas should therefore be opened in the Community as constituted on 31 December 1985 for the period 1 January to 31 December 1990; the customs duties applicable should be calculated in accordance with the appropriate provisions as in the Act of Accession of Spain and Portugal.

3. The proposal for a Regulation does not provide for them to be allocated among the Member States: the latter will draw quantities from the reserve to cover their needs under the procedure as set out in Article 3 of the proposed Regulation.

That is the purpose of the attached proposal.

Proposal for a
COUNCIL REGULATION (EEC) .../89
of 16 December 1988

opening and providing for the administration of Community tariff quotas for dried figs and certain dried grapes coming from Spain (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 30 and 75 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 30 and 75 of the Act of Accession, the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products coming from Spain are to be phased out within the limits of Community tariff quotas of 200 tonnes of dried figs falling within CN code ex 0804 20 90 and 1 900 tonnes of certain dried grapes falling with CN code 0806 20 11, 0806 20 19, ex 0806 20 91 or ex 0806 20 99; whereas on 1 January 1990 the duties in question are to be reduced to 37,5 % of the basic duties; whereas the said basic duties are those laid down by Council Regulation (EEC) No 4161/87 of 22 December 1987 laying down, consequent on the entry into force of the combined nomenclature, the basic duties to be adopted within the Community as constituted at 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal ⁽¹⁾; whereas the said tariff quotas should therefore be opened for 1990;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽²⁾, as last amended by Regulation (EEC) No 222/88 ⁽³⁾, lays down special arrangements for imports into Portugal of the products in question coming from Spain; whereas the Community tariff quotas should therefore apply only to the Community as constituted at 31 December 1985;

Whereas all Community importers should be assured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted;

whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas since Belgium, the Netherlands and Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota, may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1990 the customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following products coming from Spain shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Serial No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)
09.0301	ex 0804 20 90	Dried figs in immediate containers of a net capacity not exceeding 15 kg	200	1,1
09.0303	0806 20 11 0806 20 19 ex 0806 20 91 ex 0806 20 99	Dried grapes in immediate containers of a net capacity not exceeding 15 kg	1 900	Free

⁽¹⁾ OJ No L 995, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽³⁾ OJ No L 28, 1. 2. 1988, p. 1.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if that declaration is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests. Member

States shall be informed by the Commission in accordance with the same procedures.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such time as the residual balance of the 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 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

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée en conformité avec un engagement contractuel de la Communauté. L'impact découlant de cette concession a été pris en considération lors de la prise de décision d'adoption de ces contingents et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.

cc

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