

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 421 final

Brussels, 12 September 1989

Proposal for a
COUNCIL REGULATION (EEC)

opening and providing for the administration of a
Community tariff quota for fresh or dried hazelnuts,
shelled or not, originating in
Turkey (1990)

(presented by the Commission)

Com 4278

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 3721/84 of 18 December 1984 on imports into the Community of agricultural products originating in Turkey provides for the opening of an annual Community tariff quota of 25 000 tonnes at zero duty for fresh or dried hazelnuts, shelled or not, falling within the CN codes
No 0802 21 00 or 0802 22 00.

2. Within the limits of this tariff quota, Spain shall apply the customs duty calculated according to the Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Turkey on the other. This regulation also provides for Portugal to defer until 31 December 1990 the application of the preferential arrangements for these products.

Therefore, this tariff quota should be opened for 1990.

3. As regards the method of administration of this quota it is proposed that the entire quota volume be held as a Community reserve to which all Member States will have access in accordance with the procedure provided for in Article 3 of the proposal for a Regulation.

This is the purpose of the attached proposal.

ANNEX : Proposal for a Regulation.

Proposal for a
COUNCIL REGULATION (EEC) No .../89

of

opening and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or not, originating in Turkey (1990)

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 Annex to Council Regulation (EEC) No 3721/84 of 18 December 1984 on imports into the Community of agricultural products originating in Turkey (1), provides that fresh or dried hazelnuts, shelled or not and originating in Turkey shall be admitted on importation into the Community at zero duty within the limits of a Community tariff quota of 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1990;

Whereas, however, Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other (2) provides for the Portuguese Republic to defer until 31 December 1990 the application of the preferential arrangements for the products in question; whereas, consequently this Regulation does not apply to Portugal; whereas the Community tariff quota in question should be opened for 1990;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into the 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 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, any operation concerning the administration of the quota 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 duty applicable to imports into the Community with the exception of Portugal of the following products originating in Turkey shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

(1) OJ No L 343, 31. 12. 1984, p. 6.

(2) OJ No L 250, 1. 9. 1987, p. 1.

Order No	CN code	Description	Amount of quota (tonnes)	Rate of quota duty (%)
09.0201	0802 21 00 0802 22 00	Fresh or dried hazelnuts, shelled or not,	25 000	0

Within the limit of this tariff quota the Kingdom of Spain shall apply customs duties calculated in accordance with Regulation (EEC) No 2573/87.

2. Imports of the products in question may not be charged against this tariff quota if they already qualify for the same customs duties under other preferential tariff arrangements.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient 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 this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State 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 tariff quota.

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

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for each time the residual balance of the quota so permits.

Article 5

The Member States and the Commission shall cooperate closely in order 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

FICHE FINANCIERE

1. Ligne budgétaire concernée : Chap. 12 art.120
2. Base juridique : art. 113 du traité
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion d'un contingent tarifaire communautaire pour les noisettes fraîches ou sèches, même sans leurs coques ou décortiquées, originaires de Turquie (année 1990)
4. Objectif : Respect des engagements de la Communauté vis-à-vis de la Turquie.

5. Mode de calcul :

Codes N.C. : 0802 21 00 et 0802 22 00
Volume du contingent : 25 000 tonnes
Droit à appliquer : 0 %
Droit normal : 4 %
Prix moyen : 3 358 écus/t

6. Perte de recettes :

Valeur d'une tonne : 3 358 écus
Valeur de 25 000 tonnes : 83 950 000 écus
Perte totale : 3 358 000 écus

En 1988, une perte de recettes de 4 141 500 écus a été inscrite (prix Ø : 4 141,5 écus).

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 ce contingent et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.

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