

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 615 final

Brussels, 7 December 1989

Proposal for a  
COUNCIL REGULATION (EEC)

Opening and providing for the administration of autonomous tariff quotas for coffee, not roasted and not decaffeinated, and for cocoa beans, whole or broken (1990)

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(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In the context of the accession negotiations and to take into account the traditional trade flows between Spain and Latin America, the Community proposed to open duty-free Community tariff quotas for the following products for the first three years of the transitional period, ending on 31 December 1988.

CN code	Description	Quota volume
0901 11 00	Coffee, not roasted and not decaffeinated	40 000 tonnes
1801 00 00	Cocoa beans, whole or broken	10 000 tonnes

These quotas were renewed in 1989 to ensure, as in the past that Spain obtained the main benefit from these measures, in order to take into account its particular situation vis-à-vis Latin America.

2. In line with the joint declaration made in the minutes to the Act of Accession, and given that it was impossible to obtain a satisfactory solution for 1990 in the frame of the generalized system of preferences, Spain has submitted a request for the renewal of these tariff measures for a further year.

In the light of the above considerations and while waiting for a definitive solution to be reached in the frame of the generalized system of preferences when it is revised for the following ten-year period, the Commission proposes the renewal in 1990 of the two quotas in question, with the same principles maintained, but with a change to the provision for administration, to bring them more into line with the Decree of the court of justice in affair 51/87.

The Commission's proposal therefore provides that the quota will be divided into two parts, the first of which will be allocated to Spain, and the second of which will constitute a Community reserve to be used by the other Member States for drawing quantities as and when they actually need to do so.

Proposal for  
COUNCIL REGULATION (EEC) No  
of

Opening and providing for the administration of unilateral tariff quotas for coffee, not roasted and not decaffeinated, and for cocoa beans, whole or broken (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, in conformity with the conclusions of the accession negotiations, and in order to take account the traditional trade flows between Spain and Latin America, the Community opened, for the first three years of the transitional period that is, until 31 December 1988 duty-free autonomous Community tariff quotas of 40 000 tonnes for coffee, not roasted and not decaffeinated and of 10 000 tonnes for cocoa beans, whole or broken; whereas, for the same reasons, these tariff measures were renewed for 1989, while taking into account, as in previous years, the special position of Spain; whereas, while waiting for a definitive solution to the problem in the frame of the generalized system of preferences when it is revised for the ten-year period 1991-2000, it is recommended to renew the tariff measures in question once again for 1990;

Whereas, in particular, equal and continuous access to the said quotas should be ensured for all importers, and the rate of duty for the tariff quotas should be applied consistently to all imports until the said quotas are used up; whereas, with the aim of warranting moreover the granting of the main benefit of these measures to Spain, the maintenance of a certain allocation of these quotas among member states, seems necessary  
whereas it is therefore appropriate to subdivide the quota amount into two parts, the first one to be allocated from the outset to Spain, the second one to constitute a reserve from which the other Member States and where appropriate, Spain could draw the necessary quantities to cover their actual needs; whereas this method of management requires close cooperation between the Member States and the Commission, and requires the Commission in particular to be able to monitor the extent to which the quota volumes have been used up and inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of Spain's initial share remains unused, it is essential that the Member State concerned should return any unused quantities in order to prevent part of the Community tariff quotas from 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 Luxemburg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of these quotas 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 of the following products shall be suspended at the level indicated and within the limits of Community tariff quotas as shown herewith:

Order No	CN code	Description	Quota volume (tonnes)	Rate of duty (%)
09.2733	0901 11 00	Coffee, not roasted and not decaffeinated.	40 000	
09.2735	1801 00 00	Cocoa beans, whole or broken	10 000	

2. Imports of the products in question may not be charged against these tariff quotas if they are already free of customs duties under other preferential tariff arrangements.

Article 2

1. The tariff quotas referred to in Article 1 (1) shall each be divided into two parts.

2. The first part amounting to 37 525 tonnes for coffee, and 9 405 tonnes for cocoa, shall be allocated to Spain until the date fixed in Article 4.

3. The second part, amounting to 2 475 tonnes for coffee, and 595 tonnes for cocoa, shall be reserved for the Member States other than Spain, and shall be managed by the Commission, which can take any administrative measure necessary to achieve its efficient management.  
The provisions of Article 3 below shall apply for the management of these quantities.

### Article 3

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

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

The drawings shall be granted by the Commission by reference to the date of acceptance of the entries for release for 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 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 thereof.

### Article 4

Spain shall, as quickly as possible, return to the second part of each of the quotas the total quantities which, on 15 September 1990, have not been used in the first part which was allocated to that Member State.

It shall, within the same time limit, inform the Commission of the total imports of the products in question, up to and including 15 September 1990, charged against the tariff quotas and, if appropriate, the quantities being returned to the second part of the quota.

With effect from 16 September 1990, imports of the products in question in Spain shall only benefit from the tariff quotas within the limits of the balances available, and in accordance with the rules provided in Article 3.

**Article 5**

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such time as the residual balance of the quota volumes so permit.

**Article 6**

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

**Article 7**

This Regulation enter into force on 1 January 1990.

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

Done at Bruxelles,

For the Council

The President

FICHE FINANCIERE

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1. Ligne budgétaire concernée : Chap. 12 art. 120
2. Base juridique : art. 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 le café non torréfié et non décaféiné et le cacao en fèves et brisures de fèves.
4. Objectif : Tenir compte des courants d'échanges traditionnels de l'Espagne avec l'Amérique latine, dans le cadre de l'adhésion.
5. Mode de calcul :

	<u>café</u>	<u>CACAO</u>
-volume du contingent :	40.000 tonnes	10.000 tonnes
-Droits à appliquer :	0 %	0 %
-Droits :	5 %	3 %

6. Perte de recettes :

valeur d'une tonne (en écus)	3.946	3.357
valeur totale (en écus)	157.840.000	33.570.000
perte	7.892.000	1.007.100

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8.899.100

Par rapport à 1989, augmentation des pertes de recettes de 8.899.100 écus - 8.473.955 écus = 425.145 écus.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

La présente proposition vise l'ouverture de contingents tarifaires 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 et de maintenir ou même d'améliorer l'emploi dans la Communauté. Elle permettra d'autre part de tenir compte des relations commerciales particulières de l'Espagne avec les pays de l'Amérique latine.



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# DOCUMENTS

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