

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 279 final

Brussels, 13 June 1989

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of Community tariff
quotas for Chinese cabbages and "iceberg" lettuce, originating
in Morocco and Cyprus (1989)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Protocols to the Agreements between the EEC, on the one hand, and Morocco and Cyprus on the other, provide for the opening of annual Community tariff quotas for imports into the Community from each of these countries of respectively 100 tonnes of "iceberg lettuce" and 100 tonnes Chinese cabbages, originating in those countries.

Whereas, pursuant to Article 18 of the Protocol in question, these quantities are subject to an annual increase of 5% from the entry into force of the Protocol, and the quotas in 1989 will accordingly be 110 tonnes, respectively.

2. The purpose of this proposal is to open the quotas in question for the period 1 November to 31 December 1989.
3. In the context of the tariff quotas opened for Morocco, customs duties are to be abolished progressively over the same periods and in accordance with the same timetables as laid down in Articles 75 and 268 of the Act of Accession.

In the context of the tariff quotas opened for Cyprus, customs duties are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the Protocol relative thereto.

However, Council Regulation (EEC) No 3189/88 laying down trade arrangements between Spain and Portugal on the one hand and Morocco on the other as well as the Protocol to the Cooperation Agreement between the EEC and Cyprus consequent on the accession of Spain and Portugal, provide that those Member States are to postpone the application of the preferential arrangements for the products in question until
and 31 December 1990 respectively. The above tariff
quotas therefore apply only to the Community as constituted on 31
December 1985.

These Community tariff quotas should therefore be opened for the period 1 November to 31 December 1989.

4:

In this case, it is proposed that the whole of the quota volumes be held as Community reserves 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.

Proposal for a
COUNCIL REGULATION (EEC) No /

of

opening and providing for the administration of Community tariff quotas for
Chinese cabbages and 'iceberg' lettuce originating in Morocco and Cyprus (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the relevant articles of the Protocols to the
Agreements between the European Community, on the
one hand, and Morocco (1) and Cyprus (2) on the other,
provide for the opening of Community tariff quotas for
imports into the Community of the following products
originating in each of those countries:

- 100 tonnes Chinese cabbages, falling within CN code
ex 0704 90 90,
- 100 tonnes of 'iceberg' lettuce falling within CN codes
ex 0705 11 10 and ex 0705 11 90,

for the period 1 November to 31 December 1989;

Whereas, pursuant to Article 18 of the Protocol
in question, these quantities are subject to an
annual increase of 5% from the entry into force
of the Protocol, and the quotas in 1989 will
accordingly be 110 tonnes respectively;

Whereas, within the limits of Community tariff quotas
opened for Morocco, the customs duties are to be
abolished progressively over the same periods and in
accordance with the same timetables as laid down in
Articles 75 and 268 of the Act of Accession of Spain and
Portugal; whereas for the period 1 November to 31
December 1989 the quota duties are to be equal to
63,6 % and 60 % respectively of the basic duties;
whereas, within the limits of the Community tariff quotas
opened for Cyprus, the customs duties are to be abolished
progressively according to the same timetables and under
the same conditions as laid down in Articles 5 and 16 of
the Protocol relative thereto;

Whereas, however Council Regulation (EEC) No 3189/88
of 14 October 1988 laying down the arrangements to be
applied by Spain and Portugal to trade with Morocco and
Syria (3), and the Protocol to the Association Agreement
between the European Economic Community and the
Republic of Cyprus consequent on the accession of the
Kingdom of Spain and the Portuguese Republic to the

Community (4) provide that those two Member States are
to postpone implementation of the preferential
arrangements for the products in question until 31
December 1989 and 31 December 1990 respectively;
whereas, consequently, the above tariff quotas apply only
to the Community as constituted on 31 December 1985;

Whereas these Community tariff quotas should therefore
be opened for the period 1 November to 31 December
1989;

Whereas it is in particular necessary to ensure that all
Community importers enjoy equal and uninterrupted
access to the abovementioned quotas and uninterrupted
application of the rates laid down for those quotas to all
imports of the products concerned into all Member States
until the quotas have been used up; whereas, in the
present case, it would appear advisable not to allocate the
quotas among the Member States, without prejudice to
the drawing against the quota volumes of such quantities
as they may need, under the conditions and according to
the procedures specified in Article 3; whereas this
method of administration 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 quotas are used up and inform the Member
States accordingly;

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, all transactions concerning the
administration of drawings made by that economic
union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 November to 31 December 1989, the
customs duties applicable to imports into the Community
as constituted on 31 December 1985 of the following
products originating in Morocco and Cyprus shall be
suspended at the levels indicated and within the limits of
the Community tariff quotas as shown below:

(1) OJ No L 224, 13. 8. 1988, p. 18.
(2) OJ No L 393, 31. 12. 1987, p. 2.
(3) OJ No L 287, 20. 10. 1988, p. 1.

(4) OJ No L 393, 31. 12. 1987, p. 37.

| Order No | CN code | Description | Origin | Volume of tariff quota (in tonnes) | Rate of duty (%) |
|------------------------|--------------------------------|---|-----------------------|------------------------------------|--|
| 09.1109 09.1425 | ex 0704 90 90 | Chinese cabbages | Morocco Cyprus | 100 110 | 9,5 12,3 |
| 09.1111 09.1427 | ex 0705 11 10 ex 0705 11 90 | Crisp head cabbage lettuce (<i>Lactuca sativa</i> L. var. <i>capitata</i> (Iceberg)) | Morocco Cyprus | 100 110 | from 1 to 30 November 9 % MIN 1,5 ECU/100 kg/net from 1 to 31 December 7,8% MIN 0,9 ECU/100 kg/net from 1 to 30 November 12,3% MIN 2,0 ECU/100 kg/net from 1 to 31 December 10,6 % MIN 1,3 ECU/100 kg/net |

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 this 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 of the drawings made.

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against the Community quotas.
2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volumes so permits.
3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.
4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

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 1 November 1989.

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 de contingents tarifaires communautaires de choux de Chine et des salades "iceberg", originaires du Maroc et de Chypre (1.11-31.12.1989).
4. Objet : Exécution d'une obligation contractuelle (Accords de Commerce Libre (Chypre))

| | | |
|----------------------------|-----------------|---------------|
| 5. <u>Mode de calcul</u> : | <u>MAROC</u> | <u>CHYPRE</u> |
| a) <u>Choux de Chine</u> : | | |
| Code NC | : ex 0704 90 90 | |
| Volume du contingent | 100 | 110 |
| Droit à appliquer | 9,5 % | 12,3 % |
| Droit du T.D.C. | 15 % | 15 % |
| Prix ϕ | : 525 ECU/t | |
| | 2.888 ECU | 1.559 ECU |

| | | |
|-------------------------------|----------------------------------|---------------------------|
| b) <u>Salades "iceberg"</u> : | | |
| Codes NC | : ex 0705 11 10 et ex 0705 11 90 | |
| | <u>MAROC</u> | <u>CHYPRE</u> |
| Volume du contingent: | 100 | 110 |
| Droits à appliquer: | | |
| - du 1.11 au 30.11.: | 9% | 12,3% |
| | MIN 1,5 ECU/ 100 kg/br | MIN 2,0 ECU/ 100 kg/br |
| - du 1.12. au 31.12.: | 7,8% | 10,6% |
| | MIN 0,9 ECU/ 100 kg/br | MIN 1,3 ECU/ 100 kg/br |
| Droits du T.D.C.: | | |
| - du 1.11. au 30.11.: | 15% | |
| | MIN 2,5 ECU/100 kg/br | |
| - du 1.12. au 31.12.: | | 13% |
| | | MIN 1,6 ECU/100 kg/br |
| Prix ϕ : | 920 ECU/t | |
| | 5.152 ECU | 2.580 ECU |

6. Parte de recettes :

Pour 1989, une partie de recette, de 4 447 ECU pour les choux de Chine et de 7 732 ECU pour les salades "iceberg" est à inscrire.

Les parts de recettes respectives s'élevaient respectivement à 2 943 et 4 839 ECU.

$$\text{Choux de Chine 0701 ex27} = \frac{34\,961\,000}{66\,602} = 525 \text{ ECU/t}$$

$$\begin{aligned} \text{Salades "iceberg" 0701 ex31 (1.4.-31.11.)} &= \frac{98\,051\,000 + 101\,671\,000}{119\,723 + 97\,279} = \\ \text{ex32 (1.12.-31.5.)} & \\ &= \frac{199\,722\,000}{217\,009} = 920 \text{ ECU/t} \end{aligned}$$

D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée en conformité avec des engagements contractuels 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.

Commission of the European Communities

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