

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 299 final

Brussels, 20 June 1989

Proposal for a
COUNCIL REGULATION (EEC)

opening and providing for the administration of Community
tariff quotas for cut flowers and flower buds, fresh,
originating in Cyprus, Israel, Jordan or Morocco
(1989/90)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The additional Protocols to the Community's Cooperation Agreements with Morocco, Jordan and Israel and the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the EEC and Cyprus provide for the opening of annual Community tariff quotas for the importation of 300, 50, 17 000 and 30 tonnes respectively of cut flowers and flower buds, fresh, falling within Combined Nomenclature codes 0603 10 11 to 0603 10 69, originating in those countries.

However, Article 18 of the Protocol to the EEC/Cyprus Agreement provides that the 50 tonne quota must be increased by 8% per year from the Protocol's entry into force (1 January 1988). The quota will therefore be set at 57.5 tonnes for the period under consideration.

2. The purpose of this proposal is to open the said tariff quotas for the period from 1 November 1989 to 31 October 1990.
3. Under the tariff quotas for Morocco, Jordan and Israel customs duties are to be phased out according to the same timetables and under the same conditions as laid down in Articles 75 and 243 of the Act of Accession.

Under the tariff quota for Cyprus, customs duties are to be phased out according to the timetable and under the same conditions laid down in Articles 8 and 16 of the relevant Protocol.

Within the limits of these tariff quotas, Spain and Portugal are to apply customs duties calculated:

- in accordance with the provisions of Council Regulations (EEC) Nos 3189/86, 2573/87 and 4162/87 laying down the arrangements for trade between Spain and Portugal and Morocco, Jordan and Israel, and

- in accordance with 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. Roses with large or small flowers and carnations of the unifloral or multifloral types are covered by the quota only where they meet the price conditions laid down by Council Regulation (EEC) No 4088/87, amended by Regulation (EEC) No 3391/88.
 5. In this case, it is proposed that the full quota volumes should be set aside as Community reserves, to which all Member States will have access according to the procedure laid down in Article 3 of the proposed Regulation.

This is the purpose of the attached proposal.

Proposal for
COUNCIL REGULATION (EEC)

of

opening and providing for the administration of Community
tariff quotas for cut flowers and flower buds, fresh,
originating in Cyprus, Israel, Jordan or Morocco (1989/90)

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 additional Protocols to the Cooperation Agreements between the
European Economic Community and the Kingdom of Morocco,¹ the Hashemite
Kingdom of Jordan² and the State of Israel³ and the Protocol laying down
the conditions and procedures for the implementation of the second stage of
the Agreement establishing an association between the European Economic
Community and the Republic of Cyprus and adapting certain provisions
thereof⁴ provide that fresh cut flowers and flower buds, falling within
the CN codes indicated in Article 1 and originating in the abovementioned
countries, may be imported into the Community at reduced rates of customs
duty within the limits of annual Community tariff quotas of 300, 50, 17 000
and 50 tonnes respectively; whereas, however, Article 18 of the Protocol
with Cyprus provides that the volume of the tariff quota for that country
must be increased by 5% per year from the entry into force of the Protocol,
and it will therefore be set at 57.5 tonnes for the 1989/90 period;

Whereas, within the limits of these tariff quotas, customs duties are to be
phased out:

- under the tariff quotas for Morocco, Jordan and Israel, according
to the same timetables and under the same conditions as laid down
in Articles 73 and 243 of the Act of Accession;
- under the tariff quota for Cyprus, according to the timetable and
under the conditions laid down in Articles 5 and 18 of the
abovementioned Protocol concerning Cyprus;

Whereas within the limits of these tariff quotas, Spain and Portugal are to
apply customs duties calculated in accordance with:

1 OJ No L 224, 13.8.1983, p.18.
2 OJ No L 297, 21.10.1987, p. 19.
3 OJ No L 327, 30.11.1988, P. 36.
4 OJ No L 363, 31.12.1987, p. 2.

- Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between the Kingdom of Spain and the Portuguese Republic and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey¹ and 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,² in respect of the tariff quotas opened for Morocco, Jordan and Israel, 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,³ in respect of the tariff quota open for Cyprus;

Whereas roses with large or small flowers and carnations of the unifloral or multifloral types are covered by the quotas only subject to the conditions laid down by Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel and Jordan,⁴ as amended by Regulation (EEC) No 3851/88;⁵ whereas these tariff concessions apply only to imports in respect of which certain price conditions are observed;

Whereas all Community importers should be ensured that 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 product in question into all Member States until the quotas are exhausted; whereas the quotas should not in this instance be allocated among the Member States, which should, however, be able to draw against the quotas such quantities as they may need, under the conditions and according to the procedure set out 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 and inform the Member States accordingly;

1 OJ No L 250, 1.9.1987, p. 1.
2 OJ No L 287, 20.10.1988, p. 1.
3 OJ No L 393, 31.12.1987, p. 37.
4 OJ No L 382, 31.12.1987, p. 22.
5 OJ No L 311, 17.11.1988, p. 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 November 1989 to 31 October 1990, the customs duties applicable to imports into the Community of the products listed below originating in Morocco, Jordan, Israel or Cyprus shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN Code	Description	Origin	Amount of quota (in tonnes)	Quota duty (%)
09.1114	0603 10 51	Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	Morocco	300	From 1 Nov to 31 Dec 1989: 8.5
	0603 10 53				
	0603 10 55				
	0603 10 81				
09.1152	0503 10 65	- From 1 Nov to 31 May - From 1 June to 31 Oct	Jordan	50	From 1 Jan to 31 May 1990: 6.3
	0603 10 89		Israel	17 000	
09.1306	0603 10 11				From 1 June to 31 Oct 1990: 9
	0603 10 13				
	0603 10 15				
	0603 10 21				
09.1420	0603 10 25		Cyprus	57.5	From 1 Nov to 31 Dec 1989:13.8 From 1 Jan to 31 May 1990:12.4 From 1 June to 31 Oct 1990:17.5
	0603 10 29				

Within the limits of these tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the provisions of Regulation (EEC) No 2573/87 and Regulation (EEC) No 3189/88 as regards the quotas for Morocco, Jordan and Israel, and with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal as regards the quota for Cyprus.

2. In the case of large-flowered and small-flowered roses and unifloral and multifloral carnations, application of the quota referred to in Article 1(1) may be interrupted if it is found at Community level that the price conditions laid down by Regulation (EEC) No 4088/87 are not being observed.

In that event, the Commission shall adopt regulations re-establishing the duties applicable to the products in question under the Common Customs Tariff and, where appropriate, re-introducing this Regulation on the dates and in respect of the products and periods indicated in the Regulations in question.

However, products on which customs duties have been re-established and imported into the Community during the period in which such re-establishment remains in force shall be excluded from the quantities drawn from the tariff quota concerned.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States accordingly.

Article 4

1. Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

2. Member States shall charge imports of the products in question against

their drawings as and when the goods are entered with the customs authorities for free circulation.

3. Depletion of the quotas shall be measured on the basis of the imports charged in accordance with paragraph 3.

Article 5

Member States shall inform the Commission at its request of imports of the products concerned actually charged against the quotas.

Article 6

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 7

This Regulation shall enter into force on 1 November 1969.

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

Done at Brussels,

*For the Council
The President*

LIGNE FINANCIERE

- 1. Ligne budgétaire concernée : Chap. 12, art. 120.
- 2. Base juridique : article 113 du traité
- 3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires pour des fleurs et boutons de fleurs frais, coupés, originaires de Maroc, de Jordanie, d'Israël et de Chypre.
- 4. Objectif : Exécution d'une obligation contractuelle (Accords CEE/Maroc, Jordanie, Israël et Chypre).

<u>Mode de calcul</u>	Maroc, Jordanie et Israël	Chypre
Code N.C.	: 0403 10 11 à 49	
Volume du contingent	: 200, 50 et 17 000 t	57,5 t
Droit à appliquer	: 3,5; 6,3 et 9	13,9; 12,4; 17,5
Droit du T.D.C.	: 17; 17; 24	17; 17; 24
Prix ϕ par tonne	: 4 253 ecu/t	

5. Perte de recettes

La perte de recettes à inscrire s'élève à 8.959.493 ECU pour la période allant du 1er novembre 1989 au 31 octobre 1990.
Au cours de la même période des années 1988:89 la perte en question s'est élevée à 7 341 988 ECU

EFFECT D'UN DRAPEAU 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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Office for Official Publications of the European Communities
L - 2985 Luxembourg

Series: DOCUMENTS

1989 — 10 pp. — Format: 21.0 × 29.7 cm

EN

ISSN 0254-1475

ISBN 92-77-51198-2

Catalogue number: CB-CO-89-265-EN-C

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