

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 361 final

Brussels, 17 July 1989

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of
Community tariff quotas for certain agricultural products
originating in Morocco, Tunisia or Egypt
(1990)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Community's Cooperation Agreements with Morocco, Tunisia and Egypt provide for the opening of Community tariff quotas for imports into the Community of:

- 39 000 tonnes and 98 000 tonnes of new potatoes falling within CN code ex 0701 90 51 originating in Morocco and Egypt respectively (1 January-31 March);
- 31 556 tonnes of tomatoes, fresh or chilled, falling within CN code ex 0702 00 10 originating in Morocco (1 January-28 February);
- 4 524 tonnes of onions, fresh or chilled, falling within CN code ex 0703 10 11 or ex 0703 10 19 originating in Egypt (1-15 May);
- 4 900 tonnes of onions falling within CN code 0712 20 00 originating in Egypt (1 January-31 December);
- 100 tonnes of certain prepared or preserved sardines falling within CN code ex 1604 13 10 or ex 1604 20 80 originating in Tunisia (1 January-31 December);
- 8 700 tonnes of prepared or preserved peas and beans falling within CN code 2004 90 50, 2006 40 00 or ex 2008 59 00 originating in Morocco (1 January-31 December); and
- 8 250 tonnes and 4 300 tonnes of apricot pulp falling within CN code ex 2008 50 91 originating in Morocco and Tunisia respectively (1 January-31 December).

2. Within the limits of the tariff quotas customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 78, 243 and 268 of the Act of Accession.

However, as regards carrots, tomatoes and onions, fresh or chilled, Council Regulations (EEC) Nos 2573/87 and 3189/88, which lay down arrangements for trade between Spain and Portugal on the one hand and Egypt, Tunisia and Morocco on the other, provide that in the case of fruit and vegetable products covered by Regulation (EEC) No 1035/72 Portugal is to defer the application of preferential arrangements.

The tariff quotas for these products therefore apply only to the Community excluding Portugal.

Within the limits of these tariff quotas, Spain is to apply customs duties calculated in accordance with the relevant provisions of Regulations (EEC) Nos 2573/87 and 3189/88.

These Community tariff quotas should therefore be opened for the periods indicated in Article 1.

3. During the periods:

- 15 November-31 December 1989 and 1 March-30 April 1990 as regards tomatoes, fresh or chilled, originating in Morocco; and
- 1 February-30 April 1990 as regards onions, fresh or chilled, originating in Egypt.

these products are subject to a lower duty than that applicable to ^{products from} Spain and Portugal. The tariff quotas in question should therefore be opened for the periods 1 January-28 February 1990 and 1-15 May 1990 respectively and for volumes equivalent to traditional import ^{levels} during the periods in question.

4. It is proposed that the whole volume of each of these tariff quotas should form a Community reserve 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.

Annex: proposal for a Regulation

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

opening and providing for the administration of
Community tariff quotas for certain agricultural products
originating in Morocco, Tunisia or Egypt

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 Cooperation Agreements between the European Economic Community
of the one part and the Kingdom of Morocco,⁽¹⁾ the Republic of Tunisia⁽²⁾ and
the Arab Republic of Egypt⁽³⁾ of the other part, as supplemented by the
Additional Protocols thereto ⁽⁴⁾,⁽⁵⁾⁽⁶⁾ provide for the opening by the
Community of tariff quotas for:

- 39 000 tonnes and 96 000 tonnes of new potatoes falling within CN code
ex 0701 90 51 originating in Morocco and Egypt respectively
(1 January-31 March);
- 31 556 tonnes of tomatoes, fresh or chilled, falling within CN code
ex 0702 00 10 originating in Morocco (1 January-28 February);
- 4 524 tonnes of onions, fresh or chilled, falling within CN code
ex 0703 10 11 or ex 0703 10 19 originating in Egypt (1-15 May);

(1)OJ No L 264, 27.9.1978, p. 2
(2)OJ No L 265, 27.9.1978, p. 2
(3)OJ No L 266, 27.9.1978, p. 2
(4)OJ No L 224, 13.8.1988, p.17
(5)OJ L No 297, 21.10.1987, p.36
(6)OJ L No 297, 21.10.1987, p.11

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 Morocco¹ and 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 Egypt and Tunisia on the other² provide that Portugal shall defer until 31 December 1990 the application of preferential arrangements for fruit and vegetable products covered by Regulation (EEC) No 1038/72,³ as last amended by Regulation (EEC) No ;⁴ whereas the provisions of this Regulation concerning the tariff quotas laid down for the products covered by that Regulation therefore apply only to the Community excluding Portugal; whereas the Community tariff quotas in question should therefore be opened for 1990;

Whereas all Community importers should be ensured 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 quotas are exhausted;

Whereas the necessary measures should be taken to provide for the effective Community management of the quotas, so that the Member States may draw against the quotas such quantities as they may need, corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

1 OJ No L 257, 20.12.1988, p. 1.

2 OJ No L 250, 1.9.1987, p. 1.

3 OJ No L 118, 20.5.1972, p. 1.

4 OJ No L

Whereas since Belgium, the Netherlands and Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of quotas may be carried out by any member of that Union,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) The customs duties applicable to imports into the Community of the products listed below originating in Morocco, Tunisia or Egypt shall be suspended at the levels, during the periods and within the limits of the Community tariff quotas shown below:^a

a Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the designation of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this table by the application of the CN code. Where ex CN code positions are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Description	Origin	Quota volume in tonnes	Rate of duty (%)	Applicable in
(1)	(2)	(3)	(4)	(5)	(6)	(7)
09.1115 09.1705	ex 0701 90 51	New potatoes, from 1 January to 31 March 1990	Morocco Egypt	39 000 98 000	5.6 5.6) Community as) at present) constituted
09.1117	ex 0702 00 10	Tomatoes, fresh or chilled, from 1 January to 28 February 1990	Morocco	31 556	1.9 minimum ECU 0.3/ 100 kg net	Community excluding Portugal
09.1703	ex 0703 10 11 ex 0703 10 19	Onions, fresh or chilled, from 1 to 15 May 1990	Egypt	4 524	6.5	Community excluding Portugal
09.1701	0712 20 00	Dried onions, whole, cut or sliced, but not further prepared, from 1 January to 31 December 1990	Egypt	4 900	3.7	Community as at present constituted
09.1201	ex 1604 13 10 ex 1604 20 50	Prepared or preserved sardines of the species <i>sardine pilchardus</i> , from 1 January to 31 December 1990	Tunisia	100	Free	Community as at present constituted
09.1119	2004 90 50 2005 40 00 ex 2005 59 00	Peas (<i>Pisum sativum</i>) and immature beans of the genus <i>Phaseolus</i> , in pod, prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen, from 1 January to 31 December 1990	Morocco	8 700	0	Community as at present constituted
09.1105 09.1203	ex 2008 50 91	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4.5 kg or more, from 1 January to 31 December 1990	Morocco Tunisia	8 250 4 300	6.3 6.3) Community as) at present) constituted

(b) Within the limits of the tariff quotas, Spain shall apply customs duties calculated in accordance with the relevant provisions of Regulations (EEC) Nos 3189/88 and 2573/87.

(c) Within the limits of the tariff quotas for new potatoes, dried onions, prepared and preserved sardines, prepared and preserved peas and beans and apricot pulp, Portugal shall apply customs duties calculated in accordance with the relevant provisions of the above-mentioned Regulations (EEC) Nos 3189/88 and 2573/87.

2. If and when the *erga omnes* tariff quota opened by Regulation (EEC) No/89 is exhausted, a preferential duty of 6% shall apply to the dried onions falling within CN code 0712 20 00 referred to at order number 09.1701 above.

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

Where an importer enters a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements and that 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 of acceptance of the said entries, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the entry for free circulation, to the extent that the available balance so permits.

If a Member State does not use quantities drawn it shall return them 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

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.

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 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 tarifaires : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires de certains produits agricoles, originaires du Maroc, de Tunisie et d'Egypte (1990).
4. Objectif : Exécution d'une obligation contractuelle (Accords CEE/ Maroc, Tunisie, Egypte).
5. Mode de calcul :

Désignation des marchandises	Code NC	Origine	Volume du contingent - en t -	Période	Droits à appliquer - en % -	Droits de La NC - en % -	Prix estimé ECU/t	Perte des recettes (en ECU)
Tomates de terre de primeurs	ex 0701 90 51	MA	39.000	1.1-31.3	5,6	15	457	1.675.362
		EG	98.000	1.1-31.3	5,6	15	267	2.459.604
Tomates, à l'état frais ou réfrigéré	ex 0702 00 10	MA	31.556	1.1-28.2	1,9 MIN 0,3 ECU/100kg net	11 MIN 2 ECU/ 100 kg/net	749	215.083
Pignons, à l'état frais ou réfrigéré	ex 0703 10 11 ex 0703 10 19	EG	4.524	1.5-15.5	6,5	12	276	68.674
Pignons secs	0712 20 00	EG	4.900	1.1-31.12	3,7	16	1.434	86.427
Préparations et conserves de légumes	ex 1604 13 10 ex 1604 20 50	TU	100	1.1-31.12	exemption	25	2.467	61.675
Fèves et haricots préparés ou conservés	2004 90 50 2005 40 00 ex 2005 59 00	MA	8.700	1.1-31.12	9	24	1.066	1.391.130
Pulpes d'abricots	ex 2008 50 91	MA	8.250	1.1-31.12	6,3	17	783	691.193
		TU	4.300	1.1-31.12	6,3	17	649	298.605

6. Perte de recettes

La perte de recettes totale à inscrire pour l'année 1990 s'élève à 6.947.753 ECU.

En 1989 une perte globale de 5.934.276 ECU a été inscrite.

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.

Commission of the European Communities

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