



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.07.1996  
COM(96) 380 final

96/0191 (ACC)

**Proposal for a  
COUNCIL REGULATION (EC)**

**amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

Council Regulation (EC) No 1981/94 of 25 July 1994, opening and providing for the administration of Community tariff quotas for certain products originating in the Mediterranean countries, as last amended by Commission Regulation (EC) No 1099/96 of 19 June 1996, established in its Annex IV the tariff quotas granted to certain products originating in Morocco under the cooperation agreement between that country and the Community.

As a result of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on the import of certain fruit and vegetables has been replaced by a system of specific customs duties linked to the entry price.

Negotiations have been held with Morocco with a view to sign an association agreement containing, *inter alia*, provisions relating to the adjustment of the existing concessions. This agreement includes arrangements on the quantities of tomatoes, courgettes, artichokes, cucumbers, clementines and oranges eligible for a reduction in the entry price and on an adjustment to the tariff quotas for flowers. It was agreed in the Council to implement these concessions at the earliest possible opportunity without waiting for the conclusion of the agreement by the Community and its ratification by the Member States.

Council Regulation (EC) No 3057/95 of 22 December 1995 amending Regulation (EC) N° 1981/94 brought these concessions into application from 1 November 1995. A quantity of 5 000 tonnes of tomatoes, equivalent to the quota for October, could not be taken into account when this regulation was adopted because the date of approval of the measure was out of step with the period during which these imports are made.

It is therefore necessary to complete the Council's political undertaking, by amending Regulation (EC) N° 1981/94.

For the sake of efficiency and the timely publication of regulations implementing the tariff quotas provided in the new Euro-Mediterranean Agreements, it is proposed to authorize the Commission to make, on the advice of the Customs Code Committee, any adaptation of Regulation (EC) N° 1981/94 made necessary by the entry into force of the new agreements.

This is the purpose of the present proposal for a regulation.

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**amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas**

**THE COUNCIL OF THE EUROPEAN UNION,**

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 1981/94 of 25 July 94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas,<sup>1</sup> as last amended by Commission Regulation (EC) No 1099/96,<sup>2</sup> opens in its Annex IV Community tariff quotas for certain products originating in Morocco as provided for under the cooperation agreements between the Community and that country;

Whereas, as a result of the Uruguay Round of multilateral trade negotiations, the reference price arrangements stipulating payment of a countervailing charge on the import of certain fruit and vegetables have been replaced by a system of specific customs duties linked to the entry price;

Whereas, the negotiations held with Morocco resulted in the conclusion of an association agreement containing, *inter alia*, provisions relating to the adjustment of the existing concessions; whereas this agreement contains specific provisions relating to the quantities of tomatoes, courgettes, artichokes, cucumbers, clementines and oranges eligible for a reduction in the entry price and relating to an adjustment to the tariff quotas for flowers; whereas it has been decided in the Council to implement these concessions as early as possible, without waiting for the conclusion of the agreement by the Community and its ratification by the Member States;

Whereas Council Regulation (EC) N° 3057/95 of 22 December 1995<sup>3</sup> amending Regulation (EC) N° 1981/94, brought these concession into application; whereas when that regulation was being adopted it was impossible to take account of a quantity of 5 000 tonnes of tomatoes, which is equivalent to the quota for October, because the date of approval of the measure was out of step with the period when these imports are made; whereas Regulation (EC) N° 1981/94 should therefore be amended so as to abide by Council's political undertaking;

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1 OJ No L 199, 02.08.1994, p. 1.

2 OJ No L 146, 20.06.1996, p. 8.

3 OJ No L 326, 30.12.1995, p. 3.

Whereas for the sake of efficiency and the timely publication of regulations implementing the tariff quotas provided in the new Euro-Mediterranean agreements, it should be provided that the Commission can make, on the advice of the Customs Code Committee, any adaptation of regulation (EC) N° 1981/94 made necessary by the entry into force of these new agreements between the Community and the countries in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) N° 1981/94 shall be amended as follows:

1. The text of Article 6 (1) (c) is replaced by the following text:

"the necessary adaptations arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the countries referred to in this regulation; and

2. The fourth indent of Article 6 (2) is deleted.

3. In Annexe IV on the Community tariff quotas for certain products originating in Morocco, order N° 09.1189 is inserted as follows:

Order No	CN code	Taric sub-division	Description	Quota volume per year or indicated period (in tonnes)	Rate of duty (%)
09.1189	0702 00 40		Tomatoes, fresh or chilled: - From 1 to 31 October	5 000 (5)(6)	—

At the end of the table relating to Morocco, the first indent of footnote (5) shall be replaced by the following:

"— ECU 492/tonne for tomatoes, from 1 October to 31 December 1996 and ECU 484/tonne in 1997,".

*Article 2*

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

It shall apply from 1 October 1996.

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

Done at

For the Council  
The President

## FINANCIAL STATEMENT

1. **Budget heading involved** Chapter 12, Article 120

2. **Legal basis** Article 113 of the Treaty

3. **Title of operation**

Proposal for a Council Regulation amending Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

4. **Objective**

Advanced implementation as authorized by the General Affairs Council of 10 November 1995, of certain provisions of the agricultural part of the future Euro-Mediterranean between the Community and Morocco, with a view to allowing Morocco to maintain its traditional exports of tomatoes during October.

5. **Financial details**

The purpose of this measure is to maintain, for tomatoes imported from Morocco to the European Union in October, the arrangements applicable to imports of this product before the results of the Uruguay Round of multilateral trade negotiations entrusted into force.

CN code : 0702 00 40

Quota duty rate : identical to CN duty, but taking account of a conventional entry price above which the additional specific duty is reduced to zero

CN duty : 16,8% plus additional specific duty linked to the entry price

The application of this regulation entails no additional loss of revenue in comparison with the agreement with Morocco.

6. **Anti-fraud measures**

Provisions on the management of tariff quotas provide the necessary measures to prevent and protect against frauds and irregularities.

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# DOCUMENTS

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