

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 8 final

Brussels, 23 January 1980

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff, originating in the African, Caribbean and Pacific States (1980)

Proposal for a

COUNCIL REGULATION (EEC)

establishing ceilings and Community surveillance for imports of carrots and onions falling within subheading ex 07.01 of the Common Customs Tariff, originating in the ACP-States (1980)

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

A

1. Article 14 of the Regulation (EEC) N°...../..... on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States provides for the opening of a Community tariff quota of 2 000 tonnes for tomatoes originating in the above States, at duties equal to 40 % of the CCT duties, with a minimum charge of 0.8 EUA/100 kg, for the period from 15 November to 30 April. This Regulation will enter into force on 1 March 1980. Consequently for the volume of the quota to be fixed for the period 1 March to 30 April 1980, the prorata temporis clause is applicable.

It is therefore necessary to open a tariff quota for the period concerned,

This is the subject of the annexed proposal.

2. As regards the administration of this quota, the proposed text provides that the volume of the tariff quota shall constitute a reserve from which Member States in which needs arise may draw shares. The "greyhound system" is proposed as the form of administration.

B

1. The said artikel 14 also provides for a reduction in the CCT duties for onions and carrots originating in the above States during certain periods of the year. However, this reduction is limited to ceilings of 500 tonnes for each product. As soon as imports have reached these levels, the customs duties actually applicable to third countries may be reimposed.

.../...

As this Regulation is to enter into force on 1 March 1980, the pro rata temporis clause will apply during the periods covered by these tariff measures.

It is therefore necessary to fix ceilings for the periods concerned.

2. Implementation of the ceiling system and the possibility of reintroducing customs duties imply the adoption of precise common rules to be applied uniformly by all Member States. These requirements may be met by the establishment of a Community system of surveillance of actual imports from each of the partner countries.
3. As far as application of the rule on ceilings and reintroduction of duties is concerned, the attached proposal makes provision for conferring certain of the Council's powers on the Commission.

ANNEXES :

Two proposals for Council Regulations.

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff, originating in the African, Caribbean and Pacific States (1980)

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 Article 14 of Council Regulation (EEC) No (1) provides for the opening by the Community of a Community tariff quota of 2 000 tonnes of fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff, originating in the African, Caribbean and Pacific States;

whereas the quota period runs from 15 November to 30 April; whereas the customs duty applicable to the quota is set at 4.4 %, with a minimum charge of 0.8 European Units of Account per 100 kilograms net weight; whereas this Regulation only enters into force on 1 March

1980; whereas, therefore, the *pro rata temporis* clause is applicable to the quota for the period 1 March to 30 April 1980;

whereas a Community tariff quota of 727 tonnes should therefore be opened for the period in question,

Whereas it is necessary in particular to ensure to all Community importers equal and uninterrupted access to the abovementioned quota, and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the tariff quota involved is of a rela-

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tively low volume and the period of application is very short, it seems possible to allocate the whole quota volume to the Community reserve and to provide for the possibility of those Member States in which needs might arise drawing appropriate quantities from that reserve; whereas the shares thus drawn from the reserve must be valid until the end of the quota period; whereas this method of management 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 quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any operation relating to the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 March to 30 April 1980, a Community tariff quota of 727 tonnes shall be opened in the Community for fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff, originating in the African, Caribbean and Pacific States and in the overseas countries and territories.

Within this tariff quota the Common Customs Tariff duty applicable to the products shall be suspended at 4.4 % with a minimum charge of 0.8 European Units of Account per 100 kilograms net weight.

2. The volume of the tariff quota referred to in paragraph 1 shall constitute a reserve.

3. If the need should arise for the products in question in a Member State, the latter shall draw an appropriate share from the reserve, providing that the size of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until 30 April 1980.

Article 2

1. The Member States shall take all measures necessary to ensure that shares drawn pursuant to Article 1 are opened in such a way that changes may be made without interruption against their accumulated shares of the Community quota.

2. Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with customs authorities for **free circulation**.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

Article 4

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

Article 5

This Regulation shall enter into force on 1 March 1980.

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

Done at Luxembourg,

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)

establishing ceilings and Community surveillance for imports
of carrots and onions falling within subheading ex 07.01 of
the Common Customs Tariff, originating in the ACP-States (1980)

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 Article 14 of Council Regulation (EEC) No ...¹ provides that,
for the period 1 January to 31 March, carrots falling within subheading
ex 07.01 G II of the Common Customs Tariff and, for the period 15 February
to 15 May, onions falling within subheading ex 07.01 H of the Common
Customs Tariff, originating in the African, Caribbean and Pacific States,
are subject on importation into the Community to the reduced rates of
duty of 10.2% and 4.8% respectively; whereas such reduction of duties
applies to imports only up to ceilings above which the customs duties
actually applicable to third countries may be reintroduced; whereas
this Regulation is to enter into force on 1 March 1980; whereas the
pro rata temporis clause is therefore applicable for the purpose of
determining of the ceilings concerned;

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.....

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in these countries; whereas imports should therefore be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the ceilings at Community level as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the possibility of customs tariff duties being reintroduced as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of the products originating in the African, Caribbean and Pacific States which are listed in the Annex to this Regulation shall be subject to ceilings and to Community surveillance.

The products referred to in the first subparagraph, their Tariff headings, the customs duties applicable, the periods of validity and the levels of the ceilings are set out in the said Annex.

.../...

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for free circulation accompanied by a movement certificate.

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which customs duties are reintroduced.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it as defined in the preceding subparagraphs.

Member States shall inform the Commission at the intervals and within the time limits specified in paragraph 4 of imports effected in accordance with the above procedures.

3. As soon as a ceiling has been reached, the Commission may adopt a Regulation reintroducing, until the end of its period of validity, the customs duties applicable to third countries.

4. Member States shall send the Commission statements of the quantities charged for periods of ten days, to be forwarded within five clear days of the end of each ten-day period.

Article 2

The Commission shall take all appropriate measures, in close cooperation with the Member States, for the purposes of applying this Regulation.

Article 3

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels,

For the Council
The President

ANNEX

Order No	CCT heading No	Description	Customs duties applicable	Level of ceiling (tonnes)
1	2	3	4	5
ACP 1	07.01	Vegetables, fresh or chilled : G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots : ex II. Carrots and turnips : - Carrots, from 1 March to 31 March	10.2 %	166
ACP 2		ex H. Onions, shallots and garlic : - Onions, from 1 March to 15 May	4.2 %	416