COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1487 final.

Bruxelles, 23 september 1974

Proposal
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for dried figs falling within subheading No ex 08.03 B of the Common Customs Tariff, originating in Spain

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Proposal
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for dried grapes falling within subheading No ex 08.04 B I of the Common Customs Tariff

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(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. Article 2 of the Agreement at present in force between the European Community and Spain, read with Articles 2 and 9 of Annex I thereto, provides for the opening of Community tariff quotas for the importation into the Community of the following products, originating in Spain, at the quota duties specified below :

CCT Heading No	Product	Annual Volume	Quota Duty
ex 08.03 B	Certain dried figs	800 t	30% of the CCT duty
08.04 B I	Certain dried grapes	1 700 t	Exempt

2. These provisions apply only to the six original Member States, since the "Protocol fixing certain provisions relating to the Agreement between the European Economic Community and Spain in consequence of the accession of the new Member States to the European Economic Community" of 29 January 1973 (OJ No L 66, 13 March 1973) provides that as regards the new Member States the situation shall remain as before. The Protocol also provides that the contracting parties are to lay down before 1 January 1974 the transitional measures and adjustements which may appear necessary following the accession of the new Member States.

In July 1973, the Community opened negotiations with Spain with a view to concluding, by 1 January 1974, a new Agreement to replace the 1970 Agreement. However, in view of the present state of these negotiations, it is by no means certain that the Agreement could enter into force on 1 January 1975 but rather on a later date which might well be within the first half of 1975.

3. In view of the foregoing, the Commission believes that the possible necessity should be provided for of opening tariff quotas, for 1975, for the goods in question, in favour of Spain. Consequently, the tariff quotas for these products should be opened by 1 January 1975 and therefore approved by the Council before 1 November 1974. Accordingly, it is necessary to initiate immediately the procedure for opening the relevant tariff quotas.

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However, in view of the possible entry into force of a new Agreement it is proposed to confine the period of validity of these Community tariff quotas for the year 1975 to the period not covered by the Agreement.

Moreover, as regards agricultural products, the Regulations opening the relevant Community tariff quotas must be based on Article 43 of the EEC Treaty, which means that the European Parliament must be consulted. The time which the procedure for approving these Regulations will take must therefore be borne in mind.

This is the object of the proposals annexed hereto.

4. The Regulations provide, in the usual way, for the splitting up of the tariff volumes into two parts, the first of which will be allocated among the Member States as quota shares and the second will be kept as a reserve.

5. The allocation of the first part of the quota for dried grapes (08.04 B I) has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1971 to 1973 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off (see Annex).

6. However, it does not seem appropriate to apply this rule to the tariff quota for dried figs (ex 08.03 B) since :

(a) there have been no more than minimal imports into a single Member State and that only in one year;

(b) other Member States imported none at all;

(c) total Community imports are lower than the agreed tariff quota volume;

(d) it is difficult to forecast future imports.

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In order nevertheless to allocate the quota volume fairly among the Member States according to their respective sizes, the Commission works on the assumption that in this exceptional case the Member States should participate equally in the tariff quota. This participation aims to balance the Member States' advantages and liabilities as far as possible.

7. The quota duties are already fixed in the EEC/Spain Agreement itself.

8. The proposed Regulations provide for a single method of administration to be applied by all Member States, namely the "as and when" method.

Proposal

REGULATION (EEC) No ... OF THE COUNCIL

of ....

opening, allocating and providing for the administration of a Community tariff quota for dried figs falling within subheading No ex 08.03 B of the Common Customs Tariff originating in Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 9 of Annex I for the opening by the Community of an annual Community tariff quota of 200 metric tons of dried figs falling within subheading No ex 08.03 B of the Common Customs Tariff, originating in Spain and imported in immediate packings of a net capacity of 15 kg or less; whereas, pursuant to Article 9 of the said Annex, the quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned;

Whereas the Community tariff quota in question should be opened for the year 1975; and whereas, however, because of the possibility of the entry into force during 1975 of a new Agreement in this regard between the European Economic Community and Spain, it is necessary to confine the period of validity of this tariff quota to such period as is not covered by the new Agreement;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual trend of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Spain over a representative period and the economic outlook for the quota period concerned;

Whereas, during the past three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1971	1972	1973
Germany	—	—	–
Benelux	100 (= 5 mt)	—	–
France	—	—	–
Italy	—	—	–

Whereas, in view of these figures and of the estimates submitted by certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among all the Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	25
Benelux	25
France	25
Italy	25

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be fixed at a level which, under present circumstances, may be 80% of the quota amount;

Whereas, the initial shares of the Member States may be used up at differentrates whereas, in order to take this fact into account and to avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must in particular be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a substantial proportion of a Member State's initial share remains unused it is essential that that Member State return a significant percentage thereof to the reserve, in order to avoid a part of the Community quotas remaining unused in one Member State it could be used in others;

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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any one of its members ;

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1975 until 31 December 1975 the Common Customs Tariff duty in respect of dried figs falling within subheading No ex 08.03 B, originating in Spain and imported in immediate packings of a net capacity not exceeding 15 kg shall be partially suspended at 3% within the limits of a Community tariff quota of 200 metric tons.

Article 2

1. A first tranche, amounting to 160 metric tons of the Community tariff quota referred to in Article 1, shall be shared among the Member States: The The respective individual shares, which subject to Article 5 shall be valid until the end of the period specified in Article 1 shall be as follows:

Germany	40 metric tons
Benelux	40 metric tons
France	40 metric tons
Italy	40 metric tons

2. The second tranche of 40 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned to the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed without delay, in accordance with the conditions laid down in paragraph 1, to draw a third share equal to 7·5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may draw shares smaller than those fixed in those paragraphs, if there is reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until the end of the period specified in Article 1.

Article 5

If, by 15 September 1975, a Member State has not used up its initial share, it shall, not later than 10 October 1975, return to the reserve the unused portion of this share in excees of 20% of the initial amount. It may return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 10 October 1975, notify the Commission of the total imports of the product concerned effected up to 15 September 1975 inclusive, and charged against the Community quota and, of any proportion of their initial share returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 15 October 1975, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof of the Member State which makes the final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

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 8

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 9

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

Article 10

In the event that the preferential tariff arrangement for imports into the Commmunity of products as specified in Article 1, is made the subject of a new Agreement between the European Economic Community and Spain and that the said Agreement enters into force before 31 December 1974 this Regulation shall cease to have effect as on such date of entry into force.

Article 11

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels,

For the Council

The President

Proposal

REGULATION (EEC) No .... OF THE COUNCIL

of ....

opening, allocating and providing for the administration of a Community tariff quota for dried grapes falling within subheading No ex 08.04 B I of the Common Customs Tariff originating in Spain.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 9 of Annex I for the opening by the Community of an annual duty-free Community tariff quota of 1 700 metric tons of dried grapes falling within subheading No ex 08.04 B I of the Common Customs Tariff, originating in Spain and imported in immediate containers of a net capacity of 15 kg or less; whereas therefore a duty-free Community tariff quota of 1 700 metric tons should be opened for the product concerned for 1975;

Whereas the Community tariff quota in question should be opened for the year 1975; and whereas, however, because of the possibility of the entry into force during 1975 of a new Agreement in this regard between the European Economic Community and Spain, it is necessary to confine the period of validity of this tariff quota to such period as is not covered by the new Agreement;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual trend of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Spain over a representative period and the economic outlook for the quota period concerned;

Whereas, during the past three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1971	1972	1973
Germany	2·1	4·5	2.3
Benelux	18·6	13·5	11.1
France	66·5	61·7	70.2
Italy	12·8	20·3	16.4

Whereas, in view of these figures and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	2
Benelux	13
France	72
Italy	13

Whereas, in order to take into account import trends for the product concerned in the divided Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member States, the first tranche of the Community quota should be fixed at a level which, under present circumstances may be 80% of the quota amount;

Whereas the initial shares of the Member States may be used up at differentrates; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas, this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a substantial proportion of a Member State's initial share remains unused it is essential that that Member State return a significant percentage thereof to the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1975 until 31 December 1975 the Common Customs Tariff duty in respect of dried grapes falling within subheading No ex 08.04 B I, originating in Spain and imported in immediate containers of a net capacity not exceeding 15 kg shall be entirely suspended within the limits of a Community tariff quota of 1 700 metric tons.

Article 2

1. A first tranche, amounting to 1 360 metric tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States. The respective individual shares, which, subject to Article 5 shall be valid until the end of the period specified in Article 1 shall be as follows:

Germany	27	metric tons
Benelux	177	metric tons
France	980	metric tons
Italy	176	metric tons

2. The second tranche of 340 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned to the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed without delay, in accordance with the conditions laid down in paragraph 1, to draw a third equal to 7·5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until the end of the period specified in Article 1.

Article 5

If, by 15 September 1975, a Member State has not used up its initial share, it shall, not later than 10 October 1975, return to the reserve the unused portion of this share in excees of 20% of the initial amount. It may return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 10 October 1975, notify the Commission of the total imports of the product concerned effected up to 15 September 1975 inclusive and charged against the Community quota and, of any proportion of their initial share returned to the reserve.

Article 6

The Commission shall keep account of the share opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 15 October 1975, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. The Member States shall take all measures appropriate to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

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

Article 8

Member States shall inform the Commission at regular intervals of imports actually charged against their quota shares.

Article 9

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

Article 10

In the event that the preferential tariff arrangement for imports into the Community of products as specified in Article 1 1, is made the subject of a new Agreement between the European Economic Community and Spain and that the said Agreement enters into force before 31 December 1974 this Regulation shall cease to have effect as on such date of entry into force.

Article 11

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels,

For the Council

The President