

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 558 final

Brussels, 17 December 1992

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Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of Community tariff quotas for certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia

Proposal for a

COUNCIL REGULATION (EEC)

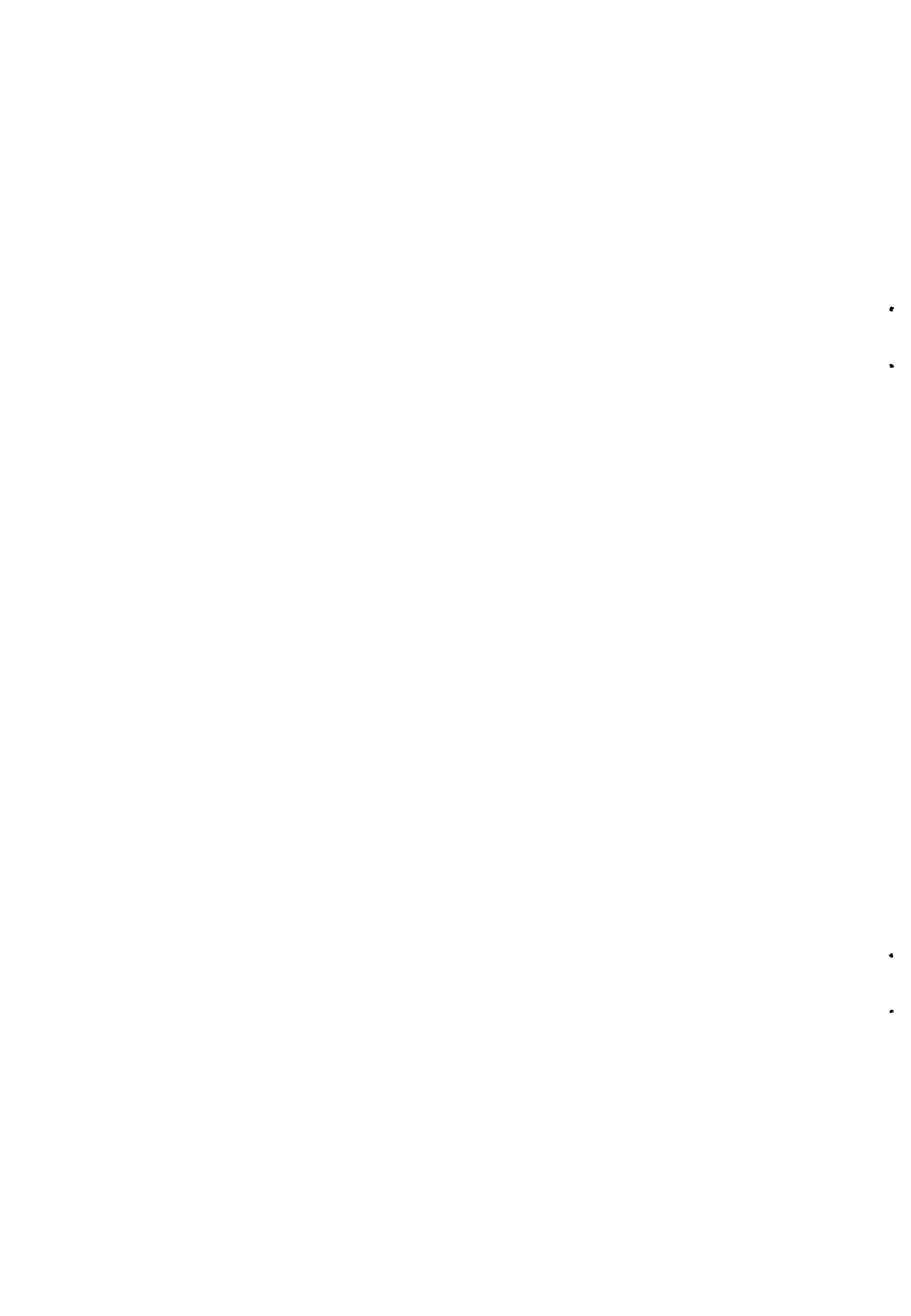
establishing ceilings and Community surveillance for imports of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia (1993)

Draft

DECISION

of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council establishing ceilings and Community surveillance for imports of certain products falling within the ECSC Treaty and originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia (1993)

(presented by the Commission)



EXPLANATORY MEMORANDUM

On 3 February 1992 the Council adopted Regulation (EEC) No 545/92 concerning the arrangements applicable to the import of products originating in the Republics of Croatia and Slovenia and the Yugoslav Republics of Bosnia-Herzegovina, Macedonia and Montenegro⁽¹⁾.

The Regulation entitled those Republics to benefit from trade provisions equivalent to those contained in the EEC-Yugoslavia Cooperation Agreement, suspended and later denounced by the Community.

Since then, Montenegro has been removed from the list of beneficiaries.

Given that there are no conventional relations with most of these countries, and that the preferential arrangements from which they benefit must be retained, the provisions concerned should be maintained in 1993.

Therefore, for 1993, Community tariff quotas should be opened, and ceilings and control measures provided for under Council Regulation (EEC) No ... and Decision (ECSC) No ... of ..., concerning arrangements (EEC and ECSC) to be applied to imports of products originating in Republics of Bosnia-Herzegovina, Croatia, and Slovenia and in the territory of the former Yugoslav Republic of Macedonia⁽²⁾.

Such is a purpose of this proposal.

(1) OJ No L 63, 7.3.1992.

(2) OJ No L..., ...

of

opening and providing for the administration of Community tariff quotas for certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia, and in the territory of the former Yugoslavian Republic of Macedonia

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 Council Regulation (EEC) No .../92 of ...1992 concerning the arrangements applicable to the import of products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia provides for the opening of Community tariff quotas for imports into the Community of:

- 300 tonnes of garlic falling within CN code ex 0703 20 00, for the period 1 February to 31 May,
- 1 200 tonnes of sweet peppers falling within CN code 0709 60 10,
- 1 300 tonnes of frozen peas falling with CN code 0710 21 00,
- 3 000 tonnes of sweet cherries, clear-fleshed of a diameter not exceeding 18,9 millimetres, stoned, intended for the manufacture of chocolate products falling within CN code ex 2008 60 39,
- 545 000 hectolitres of certain wine of fresh grapes falling within Chapter 22 of the combined nomenclature,
- 5 420 hectolitres of plum spirit marketed under the name of 'Sljivovica', falling within CN code ex 2208 90 33, and
- 1 500 tonnes of tobacco of the 'Prilep' type, falling within CN code ex 2401 10 60 or ex 2401 20 60, as defined in an agreement in the form of an exchange of letters of 11 July 1980,

or territory
originating in the republics to which this Regulation refers;

Whereas, within the limits of these tariff quotas, customs duties will be brought down to the level stipulated in Article 4 of Regulation (EEC) No .../92;⁽¹⁾

⁽¹⁾ See page ... of this Official Journal.

Whereas plum spirit and tobacco of the 'Prilep' type must be accompanied by a certificate of authenticity;

Whereas importation into the Community of the wines in question is subject to compliance with the free-at-frontier reference price; whereas the said wines qualify for these tariff quotas only if Article 54 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (2), as last amended by Regulation (EEC) No 388/90 (3), is adhered to;

(1)

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas, the decision for the opening of tariff quotas should be taken by the Community in the execution of its international obligations; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorising the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; 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 up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of these quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION.

Article 1

1 The customs duties applicable to imports into the Community of the following products, originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia, shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas as shown below for each one:

(2) OJ No L 84, 27. 3. 1987, p. 1.

(3) OJ No L 42, 16. 2. 1990, p. 9.

(1)	(2)	(3)	(4)	(5)
09 1505	ex 2401 10 60 ex 2401 20 60	Tobacco of the 'Prilep' type, from 1 January to 31 December 1993	1 500 tonnes	0

Order No	CN code	Taric code
09 1507	ex 0703 20 00	0703 20 00 • 10 0703 20 00 • 20 0703 20 00 • 30
09 1517	ex 2008 60 39	2008 60 39 • 10
09 1515	ex 2204 21 29 ex 2204 21 39 ex 2204 29 29 ex 2204 29 39	2204 21 29 • 95 2204 21 29 • 96 2204 21 39 • 94 2204 21 39 • 95 2204 21 39 • 96 2204 29 29 • 91 2204 29 39 • 93
09.1503	ex 2208 90 33	2208 90 33 • 10
09 1505	ex 2401 10 60 ex 2401 20 60	2401 10 60 • 10 2401 20 60 • 10

(1) Use of the products for the particular purpose laid down shall be monitored in accordance with the relevant Community provisions

2. In order to be eligible for these tariff concessions, the products listed in paragraph 1 must be accompanied by a movement certificate in accordance with the rules of origin adopted in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (1), as last amended by Regulation (EEC) No 456/91 (2)

3. Imports of wine shall be subject to compliance with the free-at-frontier reference price. They shall qualify for the tariff quotas only if Article 54 of Regulation (EEC) No 822/87 is adhered to.

(1) OJ No L 148, 28.6.1968, p. 1.
(2) OJ No L 54, 28.2.1991, p. 4.

4. Imports of plum spirit and tobacco of the 'Prilep' type must be accompanied by certificates of authenticity issued by the competent authority of the republics to which this Regulation refers and conforming to the models annexed to this Regulation.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure efficient management 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 by the customs authorities of the Member State concerned, 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 volume, the balance shall be allocated on a *pro rata* basis. The Commission shall inform the Member States of the drawings made.

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 the day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1993

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

Done at Brussels,

For the Council
The President

DEFINITION

Plum spirit with an alcoholic strength of 40 % vol or more, marketed under the name ŠLJIVOVICA, corresponding to the specifications laid down in the Regulation relating to the quality of spirituous beverages, being into-force in the Republics envisaged by the present regulation.

DÉFINITION

Eau-de-vie de prunes ayant un titre alcoométrique égal ou supérieur à 40 % vol, commercialisée sous la dénomination ŠLJIVOVICA correspondant à la spécification reprise dans la réglementation relative à la qualité des boissons alcooliques en vigueur dans les républiques visées par le présent règlement.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	2 No	ORIGINAL	
	3 Quota year Année contingentaire	4 Country of destination Pays de destination	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	6 Issuing authority Organisme émetteur		
	7 CERTIFICATE OF AUTHENTICITY CERTIFICAT D'AUTHENTICITÉ Plum spirit 'Šljivovica' Eau-de-vie de prunes «Šljivovica» (CN Code ex 2208 90 33) (Code NC ex 2208 90 33)		
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport			
9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis	10 % vol of alcohol % vol d'alcool	11 Litres Litres	
12 % vol of alcohol and litres (in words) % vol d'alcool et litres (en lettres)			
13 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR I hereby certify that the plum spirit 'Šljivovica' described in this certificate corresponds with the definition given on the reverse Je certifie que l'eau-de-vie de prunes «Šljivovica» décrite dans ce certificat correspond à la définition figurant au verso Place Date Lieu Date <p style="text-align: right;">(Stamp and signature) (Cachet et signature)</p>			

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	2 No	ORIGINAL
	3 Quota year Année contingentaire	4 Country of destination Pays de destination
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	6 Issuing authority Organisme émetteur	
	<p>7</p> <p align="center">CERTIFICATE OF AUTHENTICITY CERTIFICAT D'AUTHENTICITÉ</p> <p align="center">Tobacco — Tabac</p> <p align="center">'Prilep'</p> <p align="center">(CN Code ex 2401 10 60 and ex 2401 20 60) (Code NC ex 2401 10 60 et ex 2401 20 60)</p>	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport		
9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis	10 Net weight (kg) Poids net (kg)	
11 Net weight (kg) (in words) Poids net (kg) (en lettres)		
<p>12 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR</p> <p>I hereby certify that the tobacco described in this certificate is 'Prilep' tobacco within the meaning of Regulation (EEC) No 547/92 Je certifie que le tabac décrit dans ce certificat est le tabac «Prilep» au sens du règlement (CE) n° 547/92</p> <p>Place _____ Date _____ Lieu _____ Date _____</p> <p align="right">(Stamp and signature) (Cachet et signature)</p>		

Proposal for a
COUNCIL REGULATION (EEC) No 192

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of

establishing ceilings and Community surveillance for imports of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia (1993)

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 Council Regulation (EEC) No .../92 of ... 1992 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia⁽¹⁾ provides for exemption from customs duty and charges having an equivalent effect for almost all products falling within Chapters 25 to 97 of the combined nomenclature and originating in those Republics; whereas Article 3 of that Regulation stipulates that the products listed in Annexes I to C IV hereto should be subject to annual import ceilings, the exceeding of which may result in reintroduction of the customs duties applicable to third countries; whereas, under these circumstances, the Commission must be kept regularly informed of the trend of imports of the said products and whereas it is therefore necessary for imports of those products to be subject to surveillance; whereas the said tariff ceilings should therefore be opened for 1993;

Whereas Community surveillance may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when those products are entered with the customs authorities for free circulation; whereas this administrative procedure must make provision for the possibility of reintroducing customs duties 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

(1) See page ... of this Official Journal.

Commission must be able to take appropriate measures to reintroduce customs duties if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION

Article 1

1. From 1 January to 31 December 1993, imports into the Community of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia and listed in Annexes C I, C II, C III and C IV to Regulation (EEC) No .../92 shall be subject to ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, their combined nomenclature codes and the corresponding ceilings or sub-ceilings are set out in the said Annexes. In Annex C II, the ceilings are indicated in column 4 (b).

2. The ceilings laid down for certain products listed in Annex C II which have been the subject of an outward processing operation in accordance with the Community rules on economic outward processing are indicated in column 4 (a).

3. Quantities shall be charged against the ceilings or sub-ceilings as and when the products are entered with customs authorities for free circulation accompanied by a movement certificate in accordance with the rules of origin adopted in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods⁽²⁾, as last amended by Regulation (EEC) No 456/91⁽³⁾.

4. With regard to the ceilings established for categories 5, 6, 7, 8, 15 and 16 of column 4 (a) of Annex C II, reimported goods which have been the subject of an outward processing

(2) OJ No L 148, 28.6.1968, p. 1.

(3) OJ No L 54, 28.2.1991, p. 4.

operation in accordance with the Community rules on economic outward processing may be charged against the respective ceilings only if the movement certificate issued by the competent authorities of the Republics in question contains a reference to the prior authorization provided for by the Community rules on economic outward processing.

Goods may be charged against a ceiling or sub-ceiling only if the movement certificate is presented before the date on which customs duties are reintroduced.

The extent to which the ceilings and sub-ceilings are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first, second and third subparagraphs.

Member States shall periodically inform the Commission of imports charged in accordance with the above procedure; such information shall be supplied in the manner laid down in paragraph 5.

4. As soon as the ceilings or sub-ceilings have been reached, the Commission may adopt a regulation reintroducing, until the end of the calendar year, the customs duties actually applied in respect of third countries.

5. Member States shall send the Commission not later than the fifteenth day of each month statements of the quantities charged during the preceding month. If the Commission so requests, they shall provide such statements for a period of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

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

Article 3

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

It shall apply from 1 January 1993

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

Done at Brussels,

For the Council
The President

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
OF THE EUROPEAN COAL AND STEEL COMMUNITY,
MEETING WITHIN THE COUNCIL

establishing ceilings and Community surveillance for imports of certain products falling within the ECSC Treaty and originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia

(../.../ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

1. From 1 January to 31 December 1992 imports into the Community of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia and referred to in Article 1 of Decision 2../.../ECSC⁽¹⁾ of the Representatives of the Governments of the Member States meeting within the Council concerning the arrangements applicable to the import into the Community of products covered by the ECSC Treaty⁽¹⁾ shall be admitted into the Community free of quantitative restrictions and measures having equivalent effect and free of customs duty and charges having equivalent effect.

2. Imports of the products listed in the Annex to Decision 2../.../ECSC shall, however, be subject to annual ceilings and Community surveillance.

The description of the goods referred to in the preceding subparagraph, their CN codes and the levels of the ceilings are given in the Annex thereto.

3. Amounts shall be set off against the ceilings as and when the goods are entered with customs authorities for free circulation and accompanied by movement certificate in accordance with the rules of origin adopted in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (2), as last amended by Regulation (EEC) No 456/91 (3)

Goods shall be set off against the ceilings only if the movement certificate has been submitted before the date on which the levying of customs duties is reintroduced.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the rules laid down in this paragraph; such information shall be supplied in the manner laid down in paragraph 5.

4. As soon as the ceilings are reached at Community level, Member States may at any time, at the request of any one of them or of the Commission, and in respect of the whole of the Community, reintroduce the levying of the customs duties applicable to third countries.

Within the framework of the foregoing provisions, the Commission shall coordinate the procedures for reintroducing the customs duties applicable to third countries, in particular by notifying the date common to the whole of the Community and directly applicable in each Member State. The notification shall be published in the *Official Journal of the European Communities*

5. Member States shall forward to the Commission, not later than the 15th day of each month, statements of the

(1) See page .. of this Official Journal.

(2) OJ No L 148, 28.6.1968, p. 1.

(3) OJ No L 54, 28.2.1991, n. 4.

amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of ten days and forward them within five clear days of expiry of the preceding 10 day period.

Article 2

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

Article 3

Member States shall take all measures necessary to implement this Decision

Done at Brussels,

The President

FINANCIAL RECORD

1. Budget line concerned : Chap. 12 Art. 120

2. Legal basis : Art. 113 of the Treaty

3. Title of the tariff measure concerned :

Proposal for a Council Regulation opening and providing for the administration of Community tariff quotas for certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia;

Proposal for a Council Regulation establishing ceilings and Community surveillance for imports of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia;

Draft Decision of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council establishing ceilings and Community surveillance for imports of certain products falling within the ECSC Treaty and originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and in the territory of the former Yugoslavian Republic of Macedonia.

4. Objective : Application of autonomous measures (maintenance of the preferential trade arrangements for certain Republics or territory of former Yugoslavia)

5. Duty-loss : Loss of duties due to the measures cannot be evaluated accurately due to the delicacy of the trade relation with the former Yugoslavia. Nevertheless, for the tariff quotas of 1992 a loss of duties of 8 105 062 ECU was envisaged.

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DOCUMENTS

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