

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 3 March 1982

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff and originating in Turkey

(submitted to the Council by the Commission)



1

Com 84

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 3825/81 amending Regulation (EEC) No 562/81 of 20 January 1981 on the reduction of customs duties on imports into the Community of certain agricultural products originating in Turkey (1)(2) provides for the opening of an annual Community tariff quota of 90 tonnes at a rate of 8.3%, for apricot pulp falling within subheading ex 20.06 B II C) 1 aa) of the Common Customs Tariff, originating in Turkey.

Such a quota was opened for the period from 1 July 1981 to 30 June 1982 by Regulation (EEC) No 2059/81 of 13 July 1981 (3).

2. The aim of this proposal is to open the quota concerned for the period from 1 July 1982 to 30 June 1983.
3. The tariff / ^{arrangements} concerned may be modified in the light of current negotiations with the contracting country for the conclusion of an Adaptation Protocol to the abovementioned Agreement. Pending the outcome, the proposed Regulation enables the engagements contracted by the Community to be respected.

The Commission therefore reserves the right to modify the proposal in the course of the proceedings in order to adapt it, as necessary, to the Adaptation Protocol.

4. In accordance with the principles normally followed, the allocation of the quota volume among the Member States should be based on previous and foreseeable imports by the Member States, specifically those originating in or coming from Turkey. Imports of these products from Turkey have been negligible or non-existent in recent years. Furthermore, the Member States cannot make forecasts for the quota period under consideration.

(1) OJ No L 388, 31.12.1981, p
(2) OJ No L 65, 11.03.1981, p. 1
(3) OJ No L 202, 22.7.1981, p. 44.

Consequently, pending a more Community-based administration of this quota, based on the experience acquired, the Commission considers that it can propose the extension of the system adopted by the Council for the current quota period, namely the allocation of a large portion of the quota volume to the Community reserve and the allocation of equal initial quota-shares, corresponding to one-seventh of the remainder of the quota, to the Member States.

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opening, allocating and providing for the administration of a Community tariff quota for
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Tariff and originating in Turkey

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 Annex to Council Regulation (EEC)
No 562/81 of 20 January 1981 on the reduction of
customs duties on imports into the Community of
certain agricultural products originating in Turkey⁽¹⁾,
as amended by Regulation (EEC) No 3825/81⁽²⁾,
provides for the opening by the Community,
of an annual Community
tariff quota of 90 tonnes at a rate of 8.3 % for
apricot pulp falling within subheading ex 20.06 B II c)
1 aa) of the Common Customs Tariff, originating in
Turkey; whereas such a quota has been opened for
the period up to 30 June 1982 by Regulation (EEC)
No 2059/81⁽³⁾,

whereas the tariff quota in question
should therefore be opened for the abovementioned
volume for the period 1 July 1982 to 30 June 1983;

Whereas, since a Protocol as provided for in Article
118 (1) of the 1979 Act of Accession does not exist,
the Community adopted the measures envisaged in
Article 119 of that Act in Regulation (EEC)
No 3555/80⁽⁴⁾ determining the arrangements to be
applied to imports into Greece originating, in
particular, in Turkey; whereas the tariff measure
concerned will, therefore, apply to the Community of
Nine;

⁽¹⁾ OJ No L 65, 11. 3. 1981, p. 1.

⁽²⁾ OJ No L 388, 31.12.1981, p.

⁽³⁾ OJ No L 202, 22.7.1981, p. 44.

⁽⁴⁾ OJ No L 382, 31.12.1980, p. 1.

Whereas it is in particular necessary to guarantee all
importers of the Community equal and uninterrupted
access to the quota and uninterrupted application of
the rates laid down for that quota to all imports of
the product in question into the Member States until
the quota has been used up; whereas having regard to
the above principles the Community nature of the
quota can be respected by allocating the tariff quota
among the Member States; whereas, to reflect most
accurately the actual development of the market in
the products in question, such allocation should be in
proportion to the requirements of the Member States,
assessed by reference both to the statistics relating to
imports from Turkey over a representative reference
period and to the economic outlook for the quota
period concerned;

Whereas, during the last three years for which
statistics are available, the corresponding imports of
each Member State from Turkey have been negligible
or non-existent; whereas those data cannot therefore
be considered as representative to serve as a basis for
allocation of the quota volume among the Member
States; whereas it is difficult to estimate imports by
Member States because of the absence of truly
representative figures for previous years; whereas,
consequently, the only solution seems to be to
allocate part of the quota volume to the Community
reserve and to allocate one seventh of the balance to
the Benelux countries, Denmark, Germany, France,
Ireland, Italy and the United Kingdom;

Whereas the initial shares may be used up fairly
quickly; whereas, therefore, to avoid disruption of
supplies, any Member State which has almost used up
its initial share shall draw a supplementary share from
the Community reserve; whereas this must be done by
each Member State as each one of its supplementary
shares is almost used up, and as many times as the
reserve allows; whereas the initial and supplementary
shares must be valid until the end of the quota
period; whereas this form of administration requires
close collaboration between the Member States and
the Commission, and the Commission must be in a
position to follow the extent to which the tariff quota
has been used up and inform the Member States
thereof;

Whereas if, at a given date in the quota period, a considerable quantity of a share remains in any Member State, it is essential that that State should return a significant proportion to the reserve in order to avoid 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 the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning 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. From 1 July 1982 to 30 June 1983 a Community tariff quota of 90 tonnes shall be opened in the Community of Nine for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff and originating in Turkey.

2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to these products shall be partially suspended at a rate of 8.3 %.

Article 2

1. A first instalment of 70 tonnes shall be allocated among the Member States; the respective shares of the Member States, which subject to Article 5 shall be valid from 1 July 1982 to 30 June 1983 shall be as follows:

— Benelux:	10 tonnes
— Denmark:	10 tonnes
— Germany:	10 tonnes
— France:	10 tonnes
— Ireland:	10 tonnes
— Italy:	10 tonnes
— United Kingdom:	10 tonnes

2. The second instalment of 20 tonnes shall be held as the Community reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15 % of

its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

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

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares smaller than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 30 June 1983.

Article 5

The Member States shall return to the reserve, not later than 1 April 1983, the unused portion of their initial share which on 15 March 1983 is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that such quantity might not be used.

Member States shall, not later than 1 April 1983, notify the Commission of the total quantities of the said goods imported up to and including 15 March 1983 and charged against the Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 April 1983, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quota.
2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.
3. Member States shall charge imports of the said goods against their shares as and when such goods are entered for free circulation.

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

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 July 1982.

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

3. Intitulé de la mesure tarifaire :

Proposition de règlement du Conseil portant ouverture, répartition et mode de gestion d'un contingent tarifaire de pulpes d'abricots, originaires de Turquie.

4. Objectif :

Assurer le respect des engagements contractés par la Communauté.

5. Mode de calcul :

- N° du T.D.C.	: ex 20.06 B II C) 1 aa)
- Volume du/des contingent(s)	: 90 tonnes
- Droits à appliquer:	: 8,3 %
- Droits du T.D.C.	: 17 %

6. Perte de recettes :

Valeur des marchandises : $490 \text{ Ecus} \times 90 = 44.100 \text{ Ecus}$

Perte de recettes : $44.100 \text{ Ecus} \times 8,7 \% = 3.837 \text{ Ecus}$

Par rapport à la période précédente (1.7.1981 au 30.6.1982),
augmentation des pertes de 308 Ecus.