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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

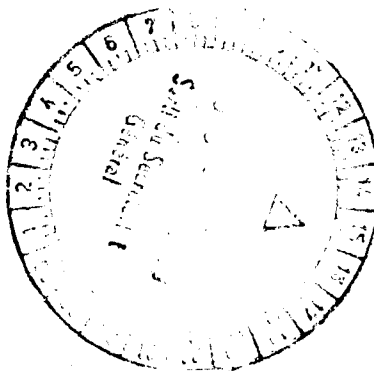
COM(80) 38 final.

Brussels, 6 February 1980

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for Rum, Arrack and Tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (1980)

(submitted to the Council by the Commission)



COM(80) 38 final.

EXPLANATORY MEMORANDUM

1. Decision No 76./198./EEC of the Council dated ^{9 February 1976} provides that rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries associated with the EEC shall be imported free of customs duty into the Community within the limits of a tariff quota. The validity of this decision is extended by Decision 80/.../EEC of 15 January 1980.

Owing to certain characteristic features inherent in the production and marketing of the products in question, the quota period shall be from 1 July to 30 June. The system should therefore in this case, in the first instance, end on 30 June 1980, after which date the normal annual periodicity should be resumed.

- 1.1. The volume of the tariff quota is to be determined by reference to an annual basic amount, calculated in hectolitres of pure alcohol, equal to the amount of the imports effected during the best of the latest years for which statistics are available. This basic amount is to be subject to a rate of growth of 18 %. In view of the fact that the pro rata temporis clause is applicable the volume of the tariff amounts to four-twelfths of this quantity.
- 1.2. The tariff quota is to be shared among the Member States taking in account actual trends on the markets, the needs of the Member States and the economic prospects for the period concerned.

2. The imports of the products in question during the last three years were as follows :

	- in hl of pure alcohol -		
	<u>1976</u>	<u>1977</u>	<u>1978</u>
Benelux	3,903	367	-
Denmark	2	-	-
Germany	48,187	34,871	70,285
France	-	-	-
Ireland	37	2	-
Italy	5	-	-
United Kingdom	<u>1</u>	<u>-</u>	<u>64</u>
	52,135	35,240	70,349

.../...

- 2.1. It follows from these figures that the quantities relative to the year 1978 should be taken as determining the annual basic amount. Having regard to the present over-all position concerning the products in question the rate of growth applicable to the basic amount may be taken as 18 %.
- 2.2. In these circumstances and applying to the pro rata temporis clause, the volume of the Community tariff quota for the period from 1 March 1980 to 30 June 1980 should be fixed at 27.670 hectolitres of pure alcohol.
- 2.3. The Regulation provides in the usual way, for the splitting up of the tariff volume into two parts, of which the first will be allocated among the Member States as quota shares and the second will be kept as a reserve. (see annex).
3. It is proposed that the draft regulation of the Council on the opening, allocation and administration of the Community tariff quota outlined above be approved.

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (1980)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 76/198/EEC of 9 February 1976 on import arrangements for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community¹, as extended by Decision 80/...../EEC²,

Having regard to the proposal from the Commission,

Whereas Decision 76/198/EEC stipulates that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual size of the quota for the period 1 July to 30 June is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, to which a rate of growth of 13 % is to be applied, equal to the amount of imports during the best of the last three years for which statistics are available;

Whereas the abovementioned countries and territories should be accorded the same import system for these products as that accorded to the ACP States by Regulation (EEC) No/80³; whereas, consequently, the rate of growth for the quota period in question may be fixed at 18%;

Whereas Community statistics for the years 1976 to 1978 show that the highest volume of imports into the Community of the products in question originating in the said countries and territories occurred in 1978, namely 70 349 hectolitres of pure alcohol;

Whereas the first quota period should be limited to 30 June 1980 and whereas, therefore, a pro rata temporis reduction of the quota volume to four twelfths should be introduced; whereas the size of the tariff quota for the period 1 March 1980 to 30 June 1980 should therefore be fixed at 27,670 hectolitres of pure alcohol;

¹ O.J. No. L37, 12.2.1976, p. 24

² O.J. No.

³ O.J. No.

Whereas it is in particular necessary to ensure for 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, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States,

Whereas, taking into account actual trends on the markets for the products in question, the needs of the Member States and the economic prospects for the period under consideration, the initial percentage shares in the quota volume could be as follows:

Benelux	5.25 %
Denmark	0.02 %
Germany	94.55 %
France	0.02 %
Ireland	0.05 %
Italy	0.02 %
United Kingdom	0.09 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 90% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between Member States and the Commission and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others;

Whereas the development of imports into the Community of these products should be recorded and imports should accordingly be monitored;

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 allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March until 30 June 1980, rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 76/198/EEC shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 27670 hectolitres of pure alcohol.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those mentioned in Article 5 of Decision 76/198/EEC.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment, amounting to 24900 hectolitres, shall be allocated among the Member States; the shares, which, subject to Article 5, shall be valid until 30 June 1980, shall be as follows:

(hectolitres)

Benelux	1 307
Denmark	5
Germany	23 542
France	5
Ireland	13
Italy	5
United Kingdom	23

3. The second instalment of 2 770 hectolitres shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission,

draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit.

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, then that Member State shall, in accordance with the conditions laid down in 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 conditions laid down in paragraph 1 draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 30 June 1980.

Article 5

The Member States shall return to the reserve, not later than 10 May 1980, such unused portion of their initial shares as, on 1 May 1980, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 10 May 1980, notify the Commission of the total quantities of the products in question imported up to 1 May 1980 and charged against the tariff quota, and of any quantity of the initial shares 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 is notified, inform each Member State of the extent to which the reserve has been used up as soon as it receives the notifications.

It shall inform the Member States, not later than 15 May 1980 of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance available, and to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.
2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.
3. The Member States shall charge imports of the products in question against their share 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 8

1. In accordance with Article 6 of Decision 76./198 EEC, the Community shall monitor imports of the products in question originating in the said countries and territories.
2. Member states shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month. Only products submitted to the customs authorities under cover of a declaration that they are to be made available for free circulation and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.
3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.
4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

Article 9

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 10

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

For the Council
The President