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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(81) 482 final

Brussels, 14 September 1981

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a
Community tariff quota for certain dried grapes, falling within
subheading 08.04 B I of the Common Customs Tariff and originating
in Cyprus (1982)

(submitted to the Council by the Commission)

COM(81) 482 final

EXPLANATORY MEMORANDUM

1. Article 1 of the Protocol concerning the arrangements to be applied during 1981 in the framework of the Decision adopted by the Association Council on 24 November 1980 establishing the process into the second stage of the Association Agreement between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol of Adaptation to that Agreement to take account of the accession of the Hellenic Republic, lays down

- on the one hand, that the provisions of the 1978 Supplementary Protocol shall be applicable during 1981, and
- on the other hand, that the contracting parties shall enter into negotiations early in 1981 for the purpose of establishing the trade arrangements to be applied in 1982 and 1983.

Pending the conclusion of these negotiations and the entry into force of the trade arrangements to be applied in 1982, it is important to extend the validity of the arrangements laid down in the abovementioned Supplementary Protocol. The Protocol provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of certain dried grapes in immediate containers of a net capacity of 15 kg or less, falling within subheading 08.04 B I of the CCT and originating in Cyprus.

In consequence, it is advisable to open the Community tariff quota described above for the period from 1 January to 31 December 1982.

2. The provisions of the Regulation lay down that the quota volume shall be divided into two instalments, the first to be allocated among the Member States and the second to constitute the Community reserve.

As regards the allocation of the volume of the first instalment of the tariff quota, it should be pointed out that this was carried out on the basis of the rules generally applied so far. Thus the sum of the imports by each Member State during the period from 1978 to 1980 was proportional to the Community imports over the same period. The percentages resulting from this were applied - per Member State - to the volume of this initial quota by rounding up the last figures expressed in tonnes.

3. As regards the method of administration to be applied by all the Member States, the Commission proposes the "Greyhound system".

4. Such is the purpose of the appended proposal.

5. The tariff quota in question is still likely to be modified in the light of the results of the current negotiations. Until these results are available, the Regulation proposed will be the instrument which will make it possible to fulfil the commitment entered into by the Community.

The Commission thus reserves the right to amend its proposal while it is still going through channels in order to adapt it, if necessary, to the new arrangements.

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a
Community tariff quota for certain dried grapes falling within
subheading 08.04 B I of the Common Customs Tariff quota and
originating in Cyprus (1982)

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 1 of the Protocol
concerning the arrangements to be
applied during 1981 in the framework
of the Decision adopted by the
Association Council on 24 November
1980 establishing the process into
the second stage of the Association
Agreement between the European
Economic Community and the Republic
of Cyprus(1), as supplemented by the
Protocol (2) adapting that
Agreement to take account of the
accession of the Hellenic Republic
lays down, on the one hand, that the
provisions of the Supplementary
Protocol to the Agreement establish-
ing an Association between the
European Economic Community and the
Republic of Cyprus(3) shall be
applicable for 1981 and, on the
other hand, that the contracting
parties shall enter into negotiations
early in 1981 for the purpose of
establishing the trade arrangements
to be applied in 1982 and 1983;

Whereas, pending the establishment
of such arrangements, it is advisable
to extend provisionally for 1982
the period of validity of the arrange-
ments applicable in 1981;

Whereas the abovementioned Supplemen-
tary Protocol provides for the opening
of an annual duty-free Community
tariff quota of 500 tonnes of certain
dried grapes falling within sub-
heading 08.04 B I of the Common
Customs Tariff and originating in
Cyprus; whereas this Community tariff
quota should be opened for the period
from 1 January to 31 December 1982.

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, in order to reflect as accurately as possible
the true trend of the market in the products in
question, such allocation should be in proportion to
the requirements of the Member States, calculated by
reference to the statistics for imports from Cyprus
over a representative reference period and also to the
economic outlook for the quota period in question;

Whereas, during the last 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
Cyprus of the products concerned:

| Member States | 1978 | 1979 | 1980 |
|----------------|------|------|------|
| Benelux | 1 | 2 | 11 |
| Denmark | — | — | — |
| Germany | — | — | — |
| Greece | — | — | — |
| France | — | — | 5 |
| Ireland | — | — | — |
| Italy | — | — | — |
| United Kingdom | 99 | 98 | 84 |

(1) OJ No

(2) OJ No

(3) OJ No L 172 of 28 June 1978, p. 2.

Whereas, in view of these factors of market forecasts for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

| | |
|----------------|------|
| Benelux | 2.8 |
| Denmark | 2.8 |
| Germany | 6.0 |
| Greece | 0.7 |
| France | 2.8 |
| Ireland | 2.8 |
| Italy | 0.7 |
| United Kingdom | 81.4 |

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1982, the Common Customs Tariff duty for dried grapes, in immediate containers of a net capacity of 15 kilograms or less, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus shall be totally suspended within the limits of a Community tariff quota of 500 tonnes.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession and the Protocol of Adaptation.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.
2. A first instalment amounting to 375 tonnes shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1982 shall be as follows:

| | (tonnes) |
|----------------|----------|
| Benelux | 10 |
| Denmark | 10 |
| Germany | 22 |
| Greece | 3 |
| France | 10 |
| Ireland | 10 |
| Italy | 3 |
| United Kingdom | 307 |

3. The second instalment of 125 tonnes 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, to the extent permitted by the amount of the reserve, 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.

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount 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 circumstances be fixed at 75 % 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 quota share should draw an additional share from the corresponding 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 the 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, 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 relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

The Member States shall return to the reserve, not later than 1 October 1982 such unused portion of their initial share as, on 15 September 1982 is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1982 of the total quantities of the products in question imported up to 15 September 1982 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, as soon as it is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982 of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and, to this end, notify the amount of that 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 shares of the tariff 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 the imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

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

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels,

For the Council
The President