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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(83) 516 final

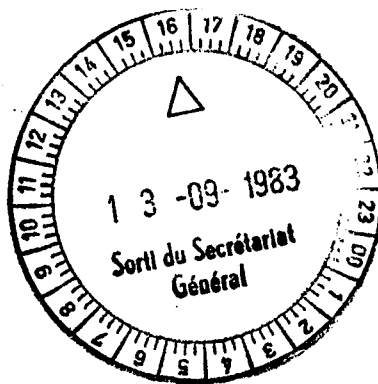
Brussels, 8 September 1983

Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a  
Community tariff quota for sweet peppers falling  
within subheading 07.01 S of the Common Customs Tariff  
and originating in Cyprus (1984)

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(submitted to the Council by the Commission)



COM(83) 516 final

## EXPLANATORY MEMORANDUM

1. In Regulation (EEC) No 1932 /83 the Community has established the arrangements applicable to trade with Cyprus for 1983. Article 2 of this Regulation provides for the opening of an annual Community tariff quota for 300 tonnes sweet peppers, falling under subheading 07.01 5 of the CCT, originating in Cyprus, at a duty rate of 4.5 %.

Pending the definition of arrangements applicable beyond 31 December 1983 it is necessary to extend provisionally for 1984 the arrangements which the Community applies currently to trade with Cyprus on the basis of the abovementioned Regulation.

In consequence, it is advisable to open the Community tariff quota described above for the period from 1 January to 31 December 1984.

2. This Regulations provides for the splitting up of the quota volume into two parts, of which the first will be allocated among the Member States as quota share and the second will be kept as a reserve.

In the absence of Community statistics, for a period sufficiently representative, the initial quota shares have been calculated on the basis of the possible demand on the markets of the various Member States and on the basis of the forecasts made by some of them.

3. As the method of administration to be applied by all Member States, the Commission proposes the "greyhound" system.
4. This is the subject of the proposal annexed hereto.

NOTE

The tariff quota in question is still likely to be modified in the light of the results of the 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) No 1922/83  
of

opening, allocating and providing for the administration of a  
Community tariff quota for sweet peppers falling within subheading  
07.01 S of the Common Customs Tariff and originating in  
Cyprus (1984)

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 in Regulation (EEC) No 1922/83 (1) the Community has  
established the arrangements applicable to trade with Cyprus for  
1983, whereas Article 2 of this Regulation provides for the opening  
of an annual Community tariff quota of 300 tonnes of sweet peppers,  
falling within subheading 07.01 S of the Common Customs Tariff  
and originating in Cyprus, at a rate of customs duty equal to 50 %  
of the customs duty in the Common Customs Tariff;

Whereas Pending the definition of arrangements applicable  
beyond 31 December 1983 it is necessary to extend  
provisionally for 1984 the arrangements which the Community  
applies currently to trade with Cyprus on the basis  
of the abovementioned Regulation,

whereas the abovementioned Community tariff quota should be  
opened for the period from 1 January to 31 December 1984;

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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 rate 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

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(1) OJ No L 191, 15.7.1983, p. 1.

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, however, neither Community nor national statistics for the products in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volume should be allocated in initial shares, to take into account demand for these products on the markets of the various Member States;

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 imports 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 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 volumes have 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 January to 31 December 1984 the Common Customs Tariff duty for sweet peppers, falling within subheading 07.01 S of the Common Customs Tariff and originating in Cyprus, shall be partially suspended at 4.5 % within the limits of the Community tariff quota of 500 tonnes.

Within the limits of the tariff quota, Greece shall apply customs 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 225 tonnes shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1984 shall be as follows:

	(tonnes)
Benelux	7
Denmark	7
Germany	15
Greece	1
France	1
Ireland	7
Italy	1
United Kingdom	186

3. The second instalment, amounting to 75 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 corresponding 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.

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 31 December 1984.

*Article 5*

The Member States shall return to the reserve, not later than 1 October 1984 such unused portion of their initial share as, on 15 September 1984, 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 1984, of the total quantities of the products in question imported up to 15 September 1984 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 Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 198<sup>4</sup>, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any 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 have free access to the shares allocated to them.

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

Done at Brussels,

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 share 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 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 198<sup>4</sup>.

*For the Council*  
*The President*

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