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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) 1 final

Brussels, 14 January 1980

Proposal for a  
COUNCIL REGULATION (EEC)

on the opening, allocation and 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 ACP States  
(1980)

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(submitted to the Council by the Commission)

COM(80) 1 final

## EXPLANATORY MEMORANDUM

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1. The new Convention between the EEC and the ACP States (Lomé II) was signed on 31 October 1979. It was to replace on 1 March 1980 the Convention of Lomé I which expires on 29 February 1980. The date on which this new Convention will enter into force will be delayed because it has to be ratified by the participating States. These Conventions provide that the products falling within subheading No 22.09 C I of the CCT (rum, arrack, tafia), originating in the ACP States, shall be imported duty free into the Community. These preferential arrangements are restricted to a quantity which is to be fixed annually by the Community on the basis of the largest quantities imported annually from the ACP States during the last three years for which statistics are available, increased by certain annual growth rates.

While waiting for the new Convention to come into force it is advisable to apply, anticipatively, the provisions of Protocol N° 5 annexed to that Convention, which fixes the rules of importation for the products in question.

The preferential system in question should therefore be put into force and a Community tariff quota should be opened for rum, arrack and tafia originating in the ACP States. However, this system should be limited at this moment to 30 June 1980 to take up afterwards the annual periodicity applied before.

•     .../...

2. Community imports of the goods concerned during the last three years were as follows :

- in hectolitres of pure alcohol -

	<u>1976</u>	<u>1977</u>	<u>1978</u>
Benelux	4 979	4 963	6 218
Denmark	3 349	1 942	1 559
Germany	19 666	20 169	30 566
France	5 233	5 802	2 774
Ireland	1 345	2 004	2 432
Italy	384	304	343
United Kingdom	<u>85 474</u>	<u>74 958</u>	<u>90 363</u>
EC	120 430	110 142	134 255

The quota volume to be taken into account on this basis for the period from 1 March 1980 to 30 June 1980 should be 59 433 hectolitres of pure alcohol (four twelfths of 178 300).

3. In this case, as an exception to the normal rule, provision is not being made to divide the quota volume into two instalments one of which institutes a reserve. Instead, a method of use of the quota is provided for based on an allocation in definitive shares amongst Member States.

The calculation of these shares is based on the largest quantities imported annually into each Member States during the three years referred to above, respecting, however, the growth rates mentioned under point 1. This method of calculation has already been used for the allocation of the tariff quota at present in force.

4. The annexed table shows in detail the amounts actually charged, against the tariff quotas in question (periods 1976/77, 1977/78 and 1978/79).
5. It is proposed that the draft for a Council Regulation described above should be approved (see annex).

ACP - Rum - heading 22.09 c I

Amounts actually charged against the tariff quotas  
opened for 1976/77, 1977/78 and 1978/79

1976/77

1977/78

1978/79

Member State	Volume of the quota hl	Amount actually charged		Volume of the quota hl	Amount actually charged		Volume of the quota hl	Amount actually charged	
		hl	%		hl	%		hl	%
Benelux	4 827	4 827	100	5 926	5 143	87	6 000	5 816	97
Denmark	2 700	2 115	78	4 000	1 577	39	3 698	1 448	39
Germany	24 643	23 188	94	24 000	20 956	87	24 706	24 706	100
France	12 051	4 881	41	11 395	5 509	48	9 022	3 551	39
Ireland	1 000	891	89	1 000	682	68	1 000	492	49
Italy	550	216	39	658	295	45	424	424	100
United Kingdom	125 395	76 617	63	126 030	83 337	66	116 957	103 872	89
E.C.	171 166	115 735	68	173 009	117 489	68	161 807	140 309	87

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 ACP States (1980)

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 Convention signed at Lomé on 28 February 1975 expires on 29 February 1980; whereas pending the entry into force of the Convention signed at Lomé on 31 October 1979, it is appropriate to apply in advances from 1 March 1980, the provisions of Protocol No 5 to the latter Convention;

whereas that Protocol provides that products originating in the ACP States which fall within subheading 22.09 C I (rum, arrack, tafia), shall, until the entry into force of a common organization of the market in spirits, be imported into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 1 % on the other markets of the Community, these growth rates being based on foreseeable internal demand in each Member State;

Having regard to the levels reached by imports of the products concerned into the Community and the Member States during the last three years for which statistics are available;

.... / ....

Whereas the first quota period should be limited to 30 June 1980 and 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 59 433 hectolitres of pure alcohol;

Whereas it is in particular necessary to ensure to 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 principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas in this case the tariff quota should be allocated amongst the Member States on the basis of the largest quantities imported annually into each Member State during the three last years and taking into account the abovementioned growth rates;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

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*

From 1 March 1980 until 30 JUNE 1980, rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States shall be imported duty free into the Community within the limits of a Community tariff quota of 59 433 hectolitres of pure alcohol.

.....



Article 2

The Community tariff quota referred to in Article 1 shall be shared among the Member States; the shares, which shall be valid until 30 June 1980, shall be as follows (in hl of pure alcohol)

Benelux	2 370
Denmark	1 276
Germany	11 647
France	2 211
Ireland	927
Italy	146
United Kingdom	40 856

Article 3

1. 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.
2. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with the customs authorities for free circulation.
3. 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 2.

Article 4

1. 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 entered with customs authorities for free circulation and accompanied by a movement certificate EUR 1 shall be taken into consideration for this purpose.

2. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

3. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

*Article 5*

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

*Article 7*

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 Brussels,

*For the Council*

*The President*

1. Ligne budgétaire concernée : Chap. 12 art. 120

2. Base juridique : Art. 113

3. Intitulé de la mesure tarifaire :

Proposition de règlement (CEE) du Conseil portant ouverture, répartition et mode de gestion d'un contingent tarifaire communautaire pour le rhum, l'arak et le tafia, relevant de la sous-position 22.09 C I du tarif douanier commun, originaires des Etats ACP (1980)

4. Objectif :

Application anticipative d'une disposition de la Convention Lomé II

5. Mode de calcul :

- N° du T.D.C. : 22.09 C I
- Volume du/des contingent(s) : 59.433 hl a.p. (période 1.3 - 30.6.80)
- Droits à appliquer : exemption
- Droits du T.D.C. :
  - 1 UCE/hl par % vol + 5 UCE/hl
  - 1 UCE/hl par % vol

6. Perte de recettes :

Une mesure tarifaire analogue était appliquée en 1979 donc pas de perte de recettes à inscrire pour 1980.