COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93)24 final

Brussels, 29 January 1993

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of a Community tariff quota for fresh strawberries originating in the occupied territories and laying down the procedure applicable to certain agricultural products subject to reference quantities originating in the said territories (1993)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 1134/91 on the tariff arrangements applicable to imports into the Community of products originating in the occupied territories and repealing Regulation (EEC) No 3363/86 provides for duties on imports of fresh strawberries and the agricultural products set out in the Annex and originating in the occupied territories to be eliminated in two equal instalments, on 1 January 1992 and 1 January 1993, and within the periods indicated.

2. Duties on strawberries falling within CN code 0810 10 90 are to be eliminated within the limits of a Community tariff quota of 1 200 tonnes.
The agricultural products set out in the Annex are subject to Community surveillance within a framework of reference quantities and pre-established timetables.

3. As regards the administration of the tariff quota, it is proposed that the entire volume of the quota form a Community reserve to which all Member States would have access according to the procedure laid down in Article 3 of the proposed Regulation.

With regard to the procedure applicable to the agricultural products, Article 3(2) of Regulation 1134/91 provides that where imports of one of these products exceeds the reference quantity, the product in question may be made subject to a Community tariff quota which will apply to a quantity equivalent to the reference quantity, if the amounts imported appear likely to cause difficulties in the Community market.

4. The system of surveillance planned for these reference quantities does not entail the adoption of common rules other than those currently applied uniformly by all Member States in the matter of the Community's external trade statistics. Given that reference quantities are generally opened for less than a calendar year, the Commission departments responsible for examining whether a product should be made subject to a tariff quota can obtain the requisite statistics from the Statistical Office of the European Communities.

Proposal for a

COUNCIL REGULATION (EEC) No /93

of

opening and providing for the administration of a Community tariff quota for fresh strawberries originating in the Occupied Territories and laying down the procedure applicable to certain agricultural products subject to reference quantities originating in the said territories (1993)

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 Council Regulation (EEC) No 1134/91 of 29 April 1991 on the tariff arrangements applicable to imports into the Community of products originating in the occupied territories and repealing Regulation (EEC) No 3363/86 (1), and in particular Articles 2 and 3 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 1134/91 provides for the elimination of customs duties on imports of the agricultural products set out in Annex II thereto and originating in the Occupied Territories in two equal instalments, on 1 January 1992 and 1 January 1993, and within the periods indicated for each product; whereas, therefore, it is appropriate to open on 1 January 1993 the Community tariff quotas laid down for the said products, the volumes of which are indicated in Article 1 and the Annex to this Regulation;

Whereas duties on strawberries falling within CN code 0810 10 90 are eliminated within the limits of a Community tariff quota of 1 200 tonnes;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted;

Whereas the decision for the opening, in the execution of its international obligations, of tariff quota should be taken by the Community; whereas, to ensure the efficiency of a common administration of this quota, there is no reasonable obstacle to authorising the Member States to draw from the quota-volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States accordingly;

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 concerning the administration of the quota may be carried out by any one of its members;

Whereas, in carrying out its international obligations the Community must open reference quantities and establish a statistical surveillance system regarding the products listed in the annex hereto;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 3 (2) of Regulation (EEC) No 1134/91, these products are subject to a statistical surveillance in accordance with Regulations (EEC) No 2658/81 (2) and (EEC) No 1736/75 (3);

Whereas, to ensure the efficiency of the surveillance system, the Member States must nevertheless charge imports of the products in question against the reference quantities as and when this products are presented to the customs under cover of declarations for release for free circulation; whereas the reference quantities for the products listed in the annex hereto should be opened for 1993;

HAS ADOPTED THIS REGULATION:

Article 1

The customs duty applicable to imports into the Community of fresh strawberries originating in the occupied territories shall be suspended at the levels indicated below and within the limits of the Community tariff quota as shown below:

Order No	Taric code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1381	0810 10 90 *36 *39 *41 *49	Fresh strawberries from 1 January to 31 March 1993	1 200	0

(1) OJ No L 112, 4. 5. 1991, p. 1.

(2) OJ No L 256, 7. 9. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1056/91 (OJ No L 107, 27. 4. 1991, p. 10).

(3) OJ No L 183, 14. 7. 1975, p. 3. Regulation as last amended by Regulation (EEC) No 1629/88 (OJ No L 147, 14. 6. 1988, p. 1).

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation including a request for preferential benefit for a product covered by Article 1, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities required are greater than the available balance of the tariff quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

1. Imports into the Community of certain products originating in the occupied territories shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 5

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

Article 6

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

It shall apply from 1 January 199 3

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

Done at Brussels,

For the Council

The President

ANNEX

Order No	CN code	Taric code	Description	Validity	Reference quantity (tonnes)
18.0310	ex 0702 00 10	*31 *39 *41 *49 *51 *59 *61 *69	Tomatoes, fresh or chilled	1. 1 — 31. 3	1 000
18.0320	ex 0709 30 00	*20 *30	Aubergines, fresh or chilled	15. 1 — 30. 4	3 000
18.0330	ex 0709 60 10	*11 *19 *20 *30	Sweet peppers	1. 1 — 31. 12	1 000
18.0340	ex 0709 90 70	*20	Courgettes, fresh or chilled	1. 1 — 29. 2	300
18.0350	ex 0805 10 11	*10 *90	Oranges, fresh	1. 1 — 31. 12	25 000
	ex 0805 10 15	*10 *90			
	ex 0805 10 19	*10 *90			
	0805 10 21 0805 10 25 0805 10 29				
	ex 0805 10 31	*10 *80			
	ex 0805 10 35	*10 *80			
	ex 0805 10 39	*10 *80			
	ex 0805 10 41	*12 *13 *18 *91 *98			
	ex 0805 10 45	*12 *13 *18 *91 *98			
	ex 0805 10 49	*12 *13 *18 *91 *98			
	ex 0805 10 70	*11 *13 *14 *18			
	ex 0805 10 90	*11 *19			

Order No	CN code	Taric code	Description	Validity	Reference quantity (tonnes)
18.0360	ex 0805 20 10	*31 *33 *35 *38	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh	1. 1 — 31. 12	500
	ex 0805 20 30	*31 *39 *33 *35 *38 *39			
	ex 0805 20 50	*31 *33 *35 *38			
	ex 0805 20 70	*31 *39 *33 *35 *38 *39			
	ex 0805 20 90	*11 *15 *16 *17 *18 *51 *53 *55 *58 *59			
18.0370	ex 0805 30 10	*10	Lemons (Citrus limon, Citrus limonom), fresh	1. 1 — 31. 12	800
18.0380	ex 0807 10 90	*13 *14 *23 *33 *34 *43	Melons, fresh	1. 1 — 31. 5	10 000

FINANCIAL STATEMENT

1. Budget heading: Chapter 12, Article 120

2. Legal basis: Article 113 of the Treaty

3. Title of the tariff measure: Proposal for a Council Regulation opening and providing for the administration of a Community tariff quota for fresh strawberries originating in the occupied territories and laying down the procedure applicable to certain agricultural products subject to reference quantities originating in the said territories (1993)

4. Aim: Fulfilment of a commitment arising from a Council Regulation

5. Calculation method:

CN code:	ex 08010 10 90
Volume of quota in tonnes:	1 200 T
Duty to be applied:	0 %
CN duties:	14%
Average estimated price in ECU/t:	2 364

6. Loss of revenue:

The total loss of revenue from fresh strawberries for 1993 will be ECU 397 152.

The application of the other provisions of this Regulation gives rise to no further loss of revenue.

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DOCUMENTS

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