COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 649 final
Brussels, 13.12.1994

94/0289 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion of an agreement in the form of an exchange of letters between the European Community, of the first part, and the Kingdom of Morocco, of the second part, on the regime for imports into the European Community of tomatoes and courgettes originating in and imported from Morocco

(presented by the Commission)

EXPLANATORY MEMORANDUM

Following the agreements concluding the Uruguay Round of GATT trade negotiations, some changes have been made to the present legislation on imports into the Community of tomatoes and courgettes as from 1 January 1995.

An additional specific duty will be levied on imports of the two products for a period during which there would have been no charge previously. A country can be exempted from this specific duty if a given entry price is complied with. This regime could have a negative effect on the Community's traditional imports from Morocco.

Article 25 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco provides for adjustments to the Agreement when changes are made in the current rules.

Negotiations were held and an agreement was reached with the Kingdom of Morocco which enables the concessions previously granted for traditional Community imports of tomatoes and courgettes originating in and imported from Morocco to be maintained.

This agreement must enter into force on 1 January 1995.

The agreement is contained in an exchange of letters (attached), which the Commission herewith recommends to the Council for adoption.

For the agreement to enter into force in time, the detailed rules for implementing it must be fixed now.

COUNCIL DECISION

on the conclusion of an agreement in the form of an exchange of letters between the European Community, of the first part, and the Kingdom of Morocco, of the second part, on the regime for imports into the European Community of tomatoes and courgettes originating in and imported from Morocco

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with the first sentence of Article 228(2) thereof,

Having regard to the proposal from the Commission,

Whereas, in the context of the Uruguay Round of multilateral trade negotiations the import regime for tomatoes and courgettes has been changed;

Whereas Article 25 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco provides that, where the existing rules are changed, the Community may amend the regime set out in the Agreement for the products concerned;

Whereas the Community has agreed with the Kingdom of Morocco that the said regime will be adjusted on the basis of an agreement in the form of an exchange of letters;

Whereas this agreement should now be approved;

Whereas it is also necessary to determine the detailed rules for implementing the said agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The agreement in the form of an exchange of letters between the European Community, of the first part, and the Kingdom of Morocco, of the second part, on the regime for imports into the European Community of tomatoes and courgettes originating in and imported from Morocco is hereby approved on behalf of the European Community.

The text of this agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the exchange of letters on behalf of the European Community.

Article 3

The detailed arrangements for implementing this agreement, including possible surveillance measures, shall be adopted, as appropriate, in accordance with the procedure set out in Article 33 of Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables[1] or in accordance with the provisions of Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas[2].

Where implementation of the agreement calls for close cooperation with the Kingdom of Morocco, the Commission may take all necessary steps to ensure such cooperation.

Done at .... **For the Council**

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1 OJ No L 118, 20.05.1972, p.1.
2 OJ No L 199, 2.8.1994, p. 1

AGREEMENT
in the form of an exchange of letters between the European Community and the Kingdom of Morocco on the regime for imports into the European Community of tomatoes and courgettes originating in and imported from the Kingdom of Morocco

Letter No 1

Brussels,

Sir,

I have the honour to refer to the consultations which have taken place between the Moroccan authorities and officials of the Commission of the European Communities concerning the application to agricultural products of the outcome of the Uruguay round of multilateral trade negotiations.

The purpose of these consultations was to investigate the possibility, pursuant to Article 25 of the Cooperation Agreement, of according to imports originating in and imported from Morocco an advantage comparable to that provided for in the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco.

The consultations led to agreement on the following arrangements.

1. For fresh tomatoes under heading NC 07.02.00.10:

(a) for each five-month period from 1 November to 31 March, for a maximum quantity of 130 000 tonnes, distributed as follows over the five months:

- November: .16 304 T
- December: .32 690 T
- January: .27 756 T
- February: .29 594 T
- March: .23 656 T

total .130 000 T

the entry price beyond which the specific duty is cut to zero shall be ECU 560 per tonne (hereinafter referred to as the agreed entry price);

(b) for the period from 1 January to 31 March 1995, the maximum quantity shall be 81 006 tonnes, distributed over the three months as shown above;

(c) if, in the course of a given month, the quantities provided for have not been achieved, the remaining amount up to a maximum of 10% of the total for that month may be carried over to the following month;

(d) in any given month, the quantity laid down may be exceeded by up to 10% provided the total for the period does not exceed 130 000 tonnes (or 81 006 tonnes for the period from 1 January to 31 March 1995).

2. For fresh courgettes under heading NC 07.09.90.70:

(a) for each period from 1 October to 20 April, for a maximum quantity of 1 200 tonnes, the entry price beyond which the specific duty is cut to zero shall be ECU 451 per tonne (hereinafter referred to as the agreed entry price);

(b) for the period from 1 January to 20 April 1995, the maximum quantity shall be 1 000 tonnes.

3. (a) If the entry price for a consignment is lower than the agreed entry price by 2%, 4%, 6% or 8%, the specific customs duty shall be equal to 2%, 4%, 6% or 8% of the said agreed price.

(b) If the entry price for a consignment is less than 92% of the agreed price, the specific rate of customs duty bound in GATT shall apply.

4. The Kingdom of Morocco undertakes to ensure that total exports of tomatoes and courgettes to the European Community in the course of the periods concerned shall not exceed the quantities agreed. To this end, it shall inform the Commission of the European Communities, every Tuesday for tomatoes, and once a month for courgettes, of the quantities exported during the preceding week or month.
The Commission reserves the right to introduce a system of import licences to ensure proper application of this arrangement.

The Kingdom of Morocco and the European Community shall consult together at all times, at the request of either party, on the operation of the system.

5. The purpose of this agreement is to maintain the level of traditional Moroccan exports to the Community, i.e. the average volume of exports recorded during the crop years 1990/91, 1991/92 and 1992/93.

The parties shall consult together each year, in the course of the second quarter, to consider trade during the previous crop year; they shall take any steps necessary to ensure that this purpose is fully achieved for the forthcoming crop year.

6. The quantity of 130 000 tonnes, agreed for imports of tomatoes from 1 November to 31 March, shall be adjusted in the light of the average exports from Morocco to the new Member States (average for 1990/91, 1991/92 and 1992/93) over the same five-month period.

7. The regime set out in this agreement shall be incorporated in the new agreement to be concluded between the European Community and the Kingdom of Morocco.

8. The provisions of this agreement shall be applicable from 1 January 1995.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Letter No 2

Rabat,
Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"I have the honour to refer to the consultations which have taken place between the Moroccan authorities and officials of the Commission of the European Communities concerning the application to agricultural products of the outcome of the Uruguay round of multilateral trade negotiations.

The purpose of these consultations was to investigate the possibility, pursuant to Article 25 of the Cooperation Agreement, of according to imports originating in and imported from Morocco an advantage comparable to that provided for in the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco.

The consultations led to agreement on the following arrangements.

1. For fresh tomatoes under heading NC 07.02.00.10:

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	total	.130 000 T

the entry price beyond which the specific duty is cut to zero shall be ECU 560 per tonne (hereinafter referred to as the agreed entry price);

(b) for the period from 1 January to 31 March 1995, the maximum quantity shall be 81 006 tonnes, distributed over the three months as shown above;

(c) if, in the course of a given month, the quantities provided for have not been achieved, the remaining amount up to a maximum of 10% of the total for that month may be carried over to the following month;

(d) in any given month, the quantity laid down may be exceeded by up to 10% provided the total for the period does not exceed 130 000 tonnes (or 81 006 tonnes for the period from 1 January to 31 March 1995).

2. For fresh courgettes under heading NC 07.09.90.70:

(a) for each period from 1 October to 20 April, for a maximum quantity of 1 200 tonnes, the entry price beyond which the specific duty is cut to zero shall be ECU 451 per tonne (hereinafter referred to as the agreed entry price);

(b) for the period from 1 January to 20 April 1995, the maximum quantity shall be 1 000 tonnes.

3. (a) If the entry price for a consignment is lower than the agreed entry price by 2%, 4%, 6% or 8%, the specific customs duty shall be equal to 2%, 4%, 6% or 8% of the said agreed price.

(b) If the entry price for a consignment is less than 92% of the agreed price, the specific rate of customs duty bound in GATT shall apply.

4. The Kingdom of Morocco undertakes to ensure that total exports of tomatoes and courgettes to the European Community in the course of the periods concerned shall not exceed the quantities agreed. To this end, it shall inform the Commission of the European Communities, every Tuesday for tomatoes, and once a month for courgettes, of the quantities exported during the preceding week or month.
The Commission reserves the right to introduce a system of import licences to ensure proper application of this arrangement.

The Kingdom of Morocco and the European Community shall consult together at all times, at the request of either party, on the operation of the system.

5. The purpose of this agreement is to maintain the level of traditional Moroccan exports to the Community, i.e. the average volume of exports recorded during the crop years 1990/91, 1991/92 and 1992/93.

The parties shall consult together each year, in the course of the second quarter, to consider trade during the previous crop year; they shall take any steps necessary to ensure that this purpose is fully achieved for the forthcoming crop year.

6. The quantity of 130 000 tonnes, agreed for imports of tomatoes from 1 November to 31 March, shall be adjusted in the light of the average exports from Morocco to the new Member States (average for 1990/91, 1991/92 and 1992/93) over the same five-month period.

7. The regime set out in this agreement shall be incorporated in the new agreement to be concluded between the European Community and the Kingdom of Morocco.

8. The provisions of this agreement shall be applicable from 1 January 1995.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

Please accept, Sir, the assurance of my highest consideration."

I have the honour to confirm that the Kingdom of Morocco is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Kingdom of Morocco

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DOCUMENTS

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