

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 472 final

Brussels, 27 November 1991

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  
(1992)

(presented by the Commission)

- 1 -  
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.

- 3 -  
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  
(1992)

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,<sup>1</sup> 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 1992 the Community tariff quotas laid down for the said products as, per the pro rata temporis calculation, volumes have reached the levels indicated in Article 1 and the Annex to this Regulation;

---

<sup>1</sup> OJ No L 112, 4.5.1991, p.1.

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 it is appropriate to take the necessary measures to ensure effective Community administration of this tariff quota while offering the Member States the opportunity 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;

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 the products set out in the Annex are subject to Community surveillance within a framework of reference quantities and pre-established timetables;

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 the above-mentioned Regulation (EEC) No 1134/91, these products are subject to a statistical surveillance in accordance with Council Regulation (EEC) No 2658/87<sup>1</sup> and (EEC) No 1736/75;<sup>2</sup>

Whereas imports of the products in question are charged against the reference quantities at Community level as and when the products are entered with the customs authorities for free circulation,

---

1 OJ No L 256, 7.9.1987, p.1.

2 OJ No L 183, 14.7.1975, p.3.

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	CN code	Description	Amount of quota	Quota duty (%)
09.1381	0810 10 90	Fresh strawberries from 1 January to 31 March 1992	720	7

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 of this Regulation, 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 force on 1 January 1992.

This Regulation shall be binding in its entirety and directly

- 7 -  
applicable in all Member States.

Done at Brussels, ...

For the Council  
The President



Order No	CN code	Taric code	Description	Validity	Reference quantity (tonnes)
(1)	(2)	(3)	(4)	(5)	(6)
18.0310	ex07020010	* 31 * 39 * 41 * 49 * 51 * 59 * 61 * 69	Tomatoes, fresh or chilled	1.1-31.3	750
18.0320	ex07093000	* 20 * 30	Aubergines, fresh or chilled	15.1-30.4	3 000
18.0330	ex07096010	* 11 * 19 * 20 * 30	Sweet peppers	1.1-31.12	1 000
18.0340	ex07099070	* 10 * 20	Courgettes, fresh or chilled	1.1-29.2	200
18.0350	ex08051011 ex08051015 ex08051019 08051021 08051025 08051029  ex08051031 ex08051035 ex08051039 ex08051041  ex08051045	* 10 * 90 * 10 * 90 * 10 * 90  * 10 * 80 * 10 * 80 * 10 * 80 * 12 * 13 * 18 * 91 * 98 * 12 * 13 * 18 * 91 * 98	Oranges, fresh	1.1-31.12	25 000

(1)	(2)	(3)	(4)	(5)	(6)
	ex08051049  ex08051070  ex08051090	* 12 * 13 * 18 * 91 * 98 * 11 * 13 * 14 * 18 * 11 * 19			
18.0360	ex08052010  ex08052030  ex08052050  ex08052070  ex08052090	* 31 * 33 * 35 * 37 * 31 * 33 * 35 * 37 * 31 * 33 * 35 * 37 * 31 * 33 * 35 * 37 * 11 * 12 * 13 * 14 * 51 * 53 * 55 * 57	<b>Mandarins</b> <b>(including</b> <b>tangerines and</b> <b>satsumas);</b> <b>clementines,</b> <b>wilkins and</b> <b>similar citrus</b> <b>hybrids, fresh</b>	1.2-31.12	500
18.0370	ex08053010	* 10	<b>Lemons (Citrus</b> <b>limon, Citrus</b> <b>limonom), fresh</b>	1.1-31.12	800
18.0380	ex08071090	* 12 * 13 * 14 * 23 * 24 * 31 * 33 * 34 * 43 * 44	<b>Melons, fresh</b>	1.1-31.5	6 000

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 (1992)
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:	720
Duty to be applied:	7%
CN duties:	14%

Average estimated price in ECU/t: 2 252

6. Loss of revenue:

The total loss of revenue from fresh strawberries for 1992 will be ECU 113 500.

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



- 11 -

ISSN 0254-1475

COM(91) 472 final

# DOCUMENTS

**EN**

**03 02**

---

Catalogue number : CB-CO-91-530-EN-C

ISBN 92-77-77880-6

---

Office for Official Publications of the European Communities  
L-2985 Luxembourg