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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.9.2008
COM(2008) 555 final

2008/0179 (ACC)

Proposal for a

COUNCIL REGULATION

concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Reference is made to Council Decision XXXX, regarding the conclusion of an Agreement with the Republic of Cuba following negotiations in the framework of Article XXIV:6 of GATT 1994.
2. The present proposal for a Council Regulation implements the Agreement entered into by the Community.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) Council Regulation (EEC) No 2658/87² established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.
- (2) By its Decision XX/XXX/EC of [day month] 2008 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba, the Council approved, on behalf of the Community, the above-mentioned Agreement with a view to closing negotiations initiated pursuant to Article XXIV: 6 of GATT 1994.
- (3) Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 2658/87, Annex 7 entitled "WTO tariff quotas to be opened by the competent Community authorities", of Section III of Part Three of Annex I, shall be supplemented with the volumes shown in the Annex to this Regulation.

¹ OJ C [...], [...], p. [...].

² OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 129/2007 (OJ L 56, 23.2.2007, p. 1).

Article 2

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

It shall apply two months after the date of the signed letter from the Republic of Cuba.

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

Done at Brussels, [...]

For the Council
The President
[...]

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the present Regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

In Regulation (EEC) No 2658/87, Annex 7 entitled 'WTO tariff quotas to be opened by the competent Community authorities', of Section III of Part Three of Annex I, the other terms and conditions are the following:

CN Code	Description	Other terms and conditions
Tariff item numbers 1701 11 10	Raw cane sugar, for refining	Add a country allocation of 20000 tonnes for Cuba for marketing year 2008/2009 in the EC tariff rate quota, in-quota rate 98€/t. Add a country allocation of 10000 tonnes for Cuba as from marketing year 2009/2010 in the EC tariff rate quota, in-quota rate 98€/t.

LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE

1. NAME OF THE PROPOSAL:

Proposal for a Council Regulation concerning the implementation of the Agreement between the European Community and the Republic of Cuba relating to compensatory adjustment as provided for by Article XXIV:6 of GATT 1994.

2. BUDGET LINES:

Chapter and Article: Chapter 10 - Agricultural duties

Amount budgeted for the year concerned: 1 683.2 Mio €

3. FINANCIAL IMPACT

- Proposal has no financial implications
- Proposal has no financial impact on expenditure but has a financial impact on revenue – the effect is as follows:

(€million to one decimal place)

Budget line	Revenue ³	12 month period, starting dd/mm/yyyy	Year 2008
Article 100...	Impact on own resources	[...]	- 2.4
Article ...	Impact on own resources	[...]	[...]

Situation following action					
	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
Article ...					

³ Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs.

Article ...					
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4. ANTI-FRAUD MEASURES

5. OTHER REMARKS