



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.06.1997
COM(97) 311 final

97/0172 (ACC)

Proposal for a
COUNCIL REGULATION (EC)
on the conclusion of an Agreement in the form of an
exchange of letters between the European Community and Turkey
on the adjustment of the regime for imports into the European Community
of tomato concentrate originating in Turkey
and amending Council Regulations (EEC) No 4115/86 and (EC) No 1981/94
(presented by the Commission)

Explanatory memorandum

The EC-Turkey Association Council Resolution of 6 March 1995 provides for negotiations between the European Community and Turkey on reciprocal agricultural concessions. These negotiations on a general agreement have almost been concluded and the parties have agreed, among other things, to amend the regime for imports into the Community of tomato concentrate. A Community tariff quota of 15 000 tonnes at zero duty for each half of the year will replace the preferential regime currently in force for that product.

It will not be possible for the general agreement to enter into force before 1 January 1998 because of the time needed for the procedure. Given the sensitivity of the market in tomato concentrate and the disturbances that could affect it, the parties have agreed that the entry into force of the new regime for that product is to be brought forward. For 1997 it has been agreed to open the second quota of 15 000 tonnes from 1 September onwards in view of the time available. It has also be laid down that the Commission is to adjust that quantity if at any time imports at zero duty prove to be greater than 15 000 tonnes in the first part of 1997.

The Agreement, contained in the attached exchange of letters, applies from 1 September 1997.

Implementation of the Agreement with Turkey also requires the amendment of Council Regulations (EEC) No 4115/86 and (EC) No 1981/94. In order to ensure timely implementation and for the sake of efficiency, the approval of the agreement and the amendment to those Council Regulations are contained in the same legal text.

The Commission herewith recommends this Agreement to the Council for adoption.

Proposal for a
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on the conclusion of an Agreement in the form of an
exchange of letters between the European Community and Turkey
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of tomato concentrate originating in Turkey
and amending Council Regulations (EEC) No 4115/86 and (EC) No 1981/94

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 consultations have taken place between the European Community and Turkey on the preferential regime applicable to imports into the Community of tomato concentrate originating in Turkey; whereas those consultations were held in the context of the general agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995 and whereas they resulted in the conclusion of a new preferential regime for tomato concentrate;

Whereas, pending the entry into force of the general agreement on agricultural products originating in Turkey and in order to avoid serious disturbance of the Community market in tomato concentrate in the 1997 marketing year, an agreement has been reached for the entry into force of the agreement concluded for that product to be brought forward;

Whereas that Agreement should now be approved on behalf of the Community;

Whereas Council Regulation (EEC) No 4115/86 of 22 December 1986 on imports into the Community of agricultural products originating in Turkey¹ should be amended as regards tomato concentrate;

Whereas Council Regulation (EC) No 1981/94 of 25 July 1994, opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia

¹ OJ No L 380, 31.12.1986, p. 16.

and Turkey, and providing detailed rules for extending and adapting these tariff quotas², should also be modified to implement the new regime for imports into the European Community of tomato concentrate originating in Turkey, as provided for in the abovementioned Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an exchange of letters between the European Community and Turkey on the adjustment of the regime for imports into the European Community of tomato concentrate originating in Turkey is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement so as to bind the Community.

Article 3

Regulation (EEC) No 4115/86 is hereby amended as follows:

1. The following subparagraph is added to Article 1(2):

“However, the regime for imports into the Community of tomato concentrate originating in Turkey shall be as follows:

(a) 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be exempt from customs duty on importation into the European Community from 1 September to 31 December 1997; to ensure that the annual quantity to be imported exempt from customs duty does not exceed 30 000 tonnes, the volume of 15 000 tonnes shall be adjusted by the Commission on the basis of the imports exempt from customs duty in the first part of 1997;

(b) from 1 January 1998 onwards, 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be exempt from customs duty on importation into the European Community, each year for the period from 1 January to 30 June;

(c) from 1 July 1998 onwards, 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey

² OJ No L 199, 2.8.1994, p.1. Regulation as last amended by Council Regulation (EC) No 592/97 of 11 March 1997 (OJ No L 89, 4.4.1997, p. 1.).

Annex

Tomato concentrate: correction coefficients

Dry matter content by weight		Coefficients
not less than:	not more than:	
12	14	0.44828
14	16	0.51724
16	18	0.58621
18	20	0.65517
20	22	0.72414
22	24	0.7931
24	26	0.86207
26	28	0.93103
28	30	1
30	32	1.06897
32	34	1.13793
34	36	1.20689
36	38	1.27586
38	40	1.34483
40	42	1.41379
42	93	1.44828
93	100	3.32759

shall be exempt from customs duty on importation into the European Community, each year for the period from 1 July to 31 December;

d) The tariff quotas referred to in points (a), (b) and (c) shall refer to a dry matter content of 28/30% by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex."

2. The following paragraph is hereby added to Article 1:

"3. The provisions of the Annex relating to prepared or concentrated tomatoes falling within heading 20.02 C of the Common Customs Tariff shall continue to apply only to prepared, unconcentrated tomatoes falling within CN codes 2002 10, 2002 90 11 and 2002 90 19."

Article 4

Regulation (EC) No 1981/94 is hereby amended as follows::

1. In Annex I, Order Nos 09.0207 and 09.0209 are inserted as follows:

Order number	CN code	Description	Quota volume per year or indicated period (tonnes)	Rate of duty (%)
09.0207	2002 90 31	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12% by weight: - from 1 September to 31 December 1997 (1) - from 1 January to 30 June, from 1998 onwards	15 000, of a dry matter content of 28/30% by weight (2)	0
	2002 90 39			
	2002 90 91			
	2002 90 99			
09.0209	2002 90 31	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12% by weight: - from 1 July to 31 December, from 1998 onwards	15 000, of a dry matter content of 28/30% by weight (2)	0
	2002 90 39			
	2002 90 91			
	2002 90 99			

2. At the end of Annex I, the following footnotes are added:

" (1) To ensure that the annual quantity to be imported in 1997 exempt from customs duty does not exceed 30 000 tonnes, the quota volume of 15 000 tonnes shall be adjusted by the Commission on the basis of the imports exempt from customs duty in the first part of 1997.

That adjustment shall be made in accordance with the procedure laid down in Article 7(2) of this Regulation.

(2) For the administration of these Community tariff quotas, the following coefficients shall be applied to imports of products with a dry matter content other than 28/30% by weight:

Dry matter content by weight		Coefficients
not less than	but less than	
12	14	0.44828
14	16	0.51724
16	18	0.58621
18	20	0.65517
20	22	0.72414
22	24	0.7931
24	26	0.86207
26	28	0.93103
28	30	1
30	32	1.06897
32	34	1.13793
34	36	1.20689
36	38	1.27586
38	40	1.34483
40	42	1.41379
42	93	1.44828
93	100	3.32759

“

Article 5

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96³.

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 September 1997.

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

Done at Brussels,

For the Council, the President

³ OJ No L 297, 21.11.1996, p.1.

AGREEMENT

in the form of an exchange of letters between the European Community and Turkey on the adjustment of the regime for imports into the Community of tomato concentrate originating in Turkey

A. Letter from the Community

Sir,

I have the honour to refer to the consultations between the Turkish authorities and the European Commission on the regime for imports into the Community of tomato concentrate originating in Turkey.

Those consultations were held in the context of the agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995. The parties agreed that it is not possible for the new general agreement to enter into force in 1997. In order to avoid serious disturbance of the Community market in tomato concentrate and pending the entry into force of the general agreement, an agreement has been reached for the entry into force of the new regime for the products concerned to be brought forward.

Notwithstanding Decision No 1/80 of the Association Council, it has been agreed that:

(a) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened for the period 1 September to 31 December 1997.

However, the total annual quantity for 1997 for importation into the Community of tomato concentrate originating in Turkey and qualifying for exemption from customs duty may not exceed 30 000 tonnes. If the quantity imported free of customs duty during the first part of 1997 proves to be greater than 15 000 tonnes, the Community reserves the right to adjust the quota of 15 000 tonnes provided for accordingly.

(b) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 January to 30 June of each year.

(c) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 July to 31 December of each year.

(d) The above quantities shall refer to a dry matter content of 28/30% by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex.

This Agreement shall replace, as regards tomato concentrate, paragraph 3 of the Exchange of Letters of 20 January 1981 between the European Economic Community and the Republic of Turkey relating to Article 3(3) of Decision No 1/80 of the Association Council and the Exchange of Letters of 26 November 1981 concerning the implementation of paragraph 3 of the previous Exchange of letters.

It shall enter into force on the date on which it is signed by both parties. It shall apply from 1 September 1997.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration

For the Council of the European Union

Annex

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Dry matter content by weight		Coefficients
not less than:	not more than:	
12	14	0.44828
14	16	0.51724
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36	38	1.27586
38	40	1.34483
40	42	1.41379
42	93	1.44828
93	100	3.32759

B. Letter from Turkey

Sir,

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

"Sir,

I have the honour to refer to the consultations between the Turkish authorities and the European Commission on the regime for imports into the Community of tomato concentrate originating in Turkey.

Those consultations were held in the context of the agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995. The parties agreed that it is not possible for the new general agreement to enter into force in 1997. In order to avoid serious disturbance of the Community market in tomato concentrate and pending the entry into force of the general agreement, an agreement has been reached for the entry into force of the new regime for the products concerned to be brought forward.

Notwithstanding Decision No 1/80 of the Association Council, it has been agreed that:

(a) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened for the period 1 September to 31 December 1997.

However, the total annual quantity for 1997 for importation into the Community of tomato concentrate originating in Turkey and qualifying for exemption from customs duty may not exceed 30 000 tonnes. If the quantity imported free of customs duty during the first part of 1997 proves to be greater than 15 000 tonnes, the Community reserves the right to adjust the quota of 15 000 tonnes provided for accordingly.

(b) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 January to 30 June of each year.

(c) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 July to 31 December of each year.

(d) The above quantities shall refer to a dry matter content of 28/30% by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex.

This Agreement shall replace, as regards tomato concentrate, paragraph 3 of the Exchange of Letters of 20 January 1981 between the European Economic Community and the Republic of Turkey relating to Article 3(3) of Decision No 1/80 of the Association Council and the Exchange of Letters of 26 November 1981 concerning the implementation of paragraph 3 of the previous Exchange of letters.

It shall enter into force on the date on which it is signed by both parties. It shall apply from 1 September 1997.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

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

For the Council of the European Union”

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

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

For the Government of Turkey

Annex

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FINANCIAL STATEMENT

1. BUDGET HEADING:
Chapter 10 - agricultural duties

APPROPRIATIONS: ECU 873 million

2. TITLE:
Proposal for a Council Regulation on the conclusion of an Agreement in the form of an exchange of letters between the European Community and Turkey on the adjustment of the regime for imports into the European Community of tomato concentrate originating in Turkey and amending Council Regulations (EEC) No 4115/86 and (EC) No 1981/94.

3. LEGAL BASIS: Article 113 of the Treaty

4. AIMS:
To fix two annual quotas of 15 000 tonnes at zero duty for the first and second half-year for tomato concentrate originating in Turkey

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (97)	FOLLOWING FINANCIAL YEAR (98)
5.0 EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL AUTHORITIES - OTHER			
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	ECU 1.2 million	ECU 0.6 million	ECU 1.2 million
5.0.1 ESTIMATED EXPENDITURE	1998 1.2 million	1999 1.2 million	2000 1.1 million
5.1.1 ESTIMATED REVENUE			2001 1 million

5.2 METHOD OF CALCULATION:

Quota at zero duty 2 x 15 000 tonnes

Current imports 40 000 tonnes.

Assuming that imports remain at their current level, the result of this operation will be an annual saving in own resources of an amount of:

from 1.7.1997 to 30.6.1998: 10 000 x ECU 723/t x 16.2% = ECU 1 171 260

from 1.7.1998 to 30.6.1999: 10 000 x ECU 723/t x 15.6% = ECU 1 127 880

from 1.7.1999 to 30.6.2000: 10 000 x ECU 723/t x 15.0% = ECU 1 084 500

from 1.7.2000: 10 000 x ECU 723/t x 14.4% = ECU 1 041 120

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO

6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY? YES/NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS:

Assuming that Turkey readjusts the level of its current imports to fall in line with the zero-duty quota, this measure will have no financial impact.

ISSN 0254-1475

COM(97) 311 final

DOCUMENTS

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03 11 02

Catalogue number : CB-CO-97-298-EN-C

ISBN 92-78-21531-7

Office for Official Publications of the European Communities

L-2985 Luxembourg