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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 781/78

of 17 April 1978

concerning the arrangements applicable to trade in the agricultural sector between the European Economic Community and Cyprus

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 the proposal from the Commission,

Whereas the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus signed on 15 September 1977 extends, until 31 December 1979, with certain supplementary measures, the first stage of the abovementioned Agreement;

Whereas in a declaration annexed to the Final Act of the Agreement the Community stated that it was prepared to re-examine with the Republic of Cyprus the provisions of the Agreement relating to agricultural products, in the light of the result of work undertaken with a view to a global approach to the Community's relations with the Mediterranean countries, in the course of which work the interests of Cyprus should be taken into consideration;

Whereas as a result of the negotiations for the conclusion of the abovementioned Additional Protocol an exchange of letters took place concerning agricultural products, whereby the Community undertakes to use its best endeavours to see that negotiations on agriculture take place in good time to put into effect the conclusions of these negotiations on 1 January 1978; whereas, by Regulation (EEC) No 3018/77 [1], the Community has laid down autonomous preferential arrangements for certain agricultural products originating in Cyprus, which were applicable until 31 March 1978;

[1] OJ No L 355, 31. 12. 1977, p. 42.

Whereas from 1 April 1978 onwards certain agricultural products are no longer covered by preferential arrangements in trade with the Community; whereas provision should therefore be made for certain additional autonomous measures, of a short-term nature, in order to avoid disturbance in trade in the products in question pending the entry into force of a Supplementary Protocol on agricultural products;

Whereas equal and uninterrupted access to the Community tariff quotas provided for in this Regulation and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until each quota has been used up should in particular be ensured for all Community importers; whereas, having regard to the abovementioned principles, the Community nature of the quotas can be respected by allocating them among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Cyprus over a representative reference period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for each of the types of wines in question are available; whereas, however, it is to be anticipated that the greater part thereof will be imported into two Member States; whereas in these circumstances the quota volumes should be allocated in initial shares by reference to the probable demand for these wines on the market of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated

among the Member States and the second instalment forming a reserve intended to cover the subsequent requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 90 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used, and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State, it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 April 1978, customs duties on imports into the Community of the products originating in Cyprus which are listed below shall be reduced by the percentage rates indicated for each of them:

CCT heading No	Description	Rate of reduction (%)
07.01	Vegetables, fresh or chilled:	
	F. Leguminous vegetables, shelled or unshelled:	
	II. Beans (of the species Phaseolus):	
	ex a) From 1 October to 30 June:	
	— From 1 to 30 April	60
	ex H. Onions, shallots and garlic:	
	— Onions, from 1 April to 15 May	60
	M. Tomatoes:	
	ex I. From 1 November to 14 May:	
	— From 1 to 15 April	60
	S. Sweet peppers	40
	ex T. Other:	
	— Aubergines, from 1 to 30 April	60
	— Stick celery, from 1 to 30 April	50
08.02	Citrus fruit, fresh or dried:	
	ex A. Oranges:	
	— Fresh	60
	ex B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids:	
	— Fresh	60
	D. Grapefruit	80

CCT heading No	Description	Rate of reduction (%)
ex 08.09	Other fruit, fresh :	
	— Melons, from 1 April to 31 May	50
	— Water melons, from 1 April to 15 June	50
12.03	Seeds, fruit and spores, of a kind used for sowing :	
	E. Other (a)	60
12.08	Chicory roots, fresh or dried, whole or cut, unroasted ; locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared ; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading :	
	C. Locust bean seeds	100
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit :	
	B. Other :	
	II. Not containing added spirit :	
	a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg :	
	2. Grapefruit segments	80
	ex 8. Other fruits :	
	— Grapefruit	80
	b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less :	
	2. Grapefruit segments	80
	ex 8. Other fruits :	
	— Grapefruit	80
	c) Not containing added sugar, in immediate packings of a net capacity :	
	1. Of 4·5 kg or more :	
	ex dd) Other fruits :	
	— Grapefruit segments	80
	— Grapefruit	80
	2. Of less than 4·5 kg :	
	ex bb) Other fruits and mixtures of fruit :	
	— Grapefruit segments	80
	— Grapefruit	80

(a) This concession is solely for seeds complying with the provisions of the Directives on the marketing of seeds and plants.

CCT heading No	Description	Rate of reduction (%)
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit :	
	A. Of a specific gravity exceeding 1·33 at 15 °C :	
	III. Other :	
	ex a) Of a value exceeding 30 u.a. per 100 kg net weight :	
	— Orange juice	70
	— Grapefruit juice	70
	ex b) Of a value not exceeding 30 u.a. per 100 kg net weight :	
	— Orange juice	70
	— Grapefruit juice	70
	B. Of a specific gravity of 1·33 or less at 15 °C :	
	II. Other :	
	a) Of a value exceeding 30 u.a. per 100 kg net weight :	
	1. Orange juice	70
	2. Grapefruit juice	70
	b) Of a value of 30 u.a. or less per 100 kg net weight :	
	1. Orange juice	70
	2. Grapefruit juice	70

Article 2

1. From 1 April to 15 May 1978, the Common Customs Tariff duty on new potatoes, falling within subheading ex 07.01 A II a) and originating in Cyprus shall be suspended at 5·2 % within the limit of a Community tariff quota of 25 000 tonnes.

2. From 16 May to 30 June 1978, the Common Customs Tariff duty on new potatoes, falling within subheading 07.01 A II b) and originating in Cyprus, shall be suspended at 7·3 % within the limit of a Community tariff quota of 75 000 tonnes.

3. The tariff quota referred to in paragraphs 1 shall constitute the Community reserves.

4. If a need for such products arises in a Member State that State shall draw an adequate share from the corresponding reserve to the extent that the reserves so permit.

5. The shares drawn pursuant to paragraph 4 shall be valid until 15 May and 30 June 1978 respectively.

Article 3

1. From 1 April to 15 May 1978, the Common Customs Tariff duty on carrots, falling within subheading ex 07.01 G II and originating in Cyprus, shall be suspended at 6·8 % within the limit of a Community tariff quota of 2 200 tonnes.

2. The tariff quota referred to in paragraph 1 shall constitute the Community reserve.

3. If a need for such products arises in a Member State that State shall draw an adequate share from the reserve to the extent that the reserves so permit.

4. The shares drawn pursuant to paragraph 3 shall be valid until 15 May 1978.

Article 4

1. From 8 to 30 June 1978, the Common Customs Tariff duty on table grapes, falling within subheading ex 08.04 A I a) and originating in Cyprus, shall be suspended at 7·2 % within the limit of a Community tariff quota of 500 tonnes.

2. The tariff quota referred to in paragraph 1 shall constitute the Community reserve.

3. If a need for such products arises in a Member State that State shall draw an adequate share from the reserve to the extent that the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until 30 June 1978.

Article 5

1. From 1 April 1978, the Common Customs Tariff duty on sweet peppers, falling within subheading 07.01 S and originating in Cyprus, shall be suspended at 4·5 % within the limit of a Community tariff quota of 75 tonnes.

2. The tariff quota referred to in paragraph 1 shall de divided into two tranches.

A first tranche of 67 tonnes of the quota shall be allocated among the Member States; the shares which, subject to Article 10, shall be valid until 30 June 1978, shall be as follows:

	(tonnes)
Benelux	3
Denmark	3
Germany	6
France	3
Ireland	3
Italy	3
United Kingdom	46

The second tranche of the quota, i.e. eight tonnes, shall constitute the corresponding reserve.

Article 6

1. From 1 April 1978, the Common Customs Tariff duty on dried grapes, in immediate containers of a net capacity of 15 kilograms or less, falling within subheading 08.04 B I and originating in Cyprus, shall be totally suspended within the limit of a Community tariff quota of 125 tonnes.

2. The tariff quota referred to in paragraph 1 shall be divided into two tranches.

A first tranche of 110 tonnes of the quota shall be allocated among the Member States; the shares which, subject to Article 10, shall be valid until 30 June 1978, shall be as follows:

	(tonnes)
Benelux	5
Denmark	5
Germany	10
France	5
Ireland	5
Italy	5
United Kingdom	75

The second tranche of the quota, i.e. 15 tonnes, shall constitute the corresponding reserve.

Article 7

1. From 1 April 1978, the Common Customs Tariff duties on the products originating in Cyprus which are listed below shall be suspended at the rates indicated for each of them, within the limit of a Community tariff quota of 2 500 hectolitres.

CCT heading No	Description	Rate of duty
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:	
	C. Other:	
	I. Of an actual alcoholic strength not exceeding 13 °C, in containers holding:	
	ex a) Two litres or less:	
	— Wine of fresh grapes	3 u.a./hl
	II. Of an actual alcoholic strength exceeding 13 °C but not exceeding 15 °C, in containers holding:	
	ex a) Two litres or less:	
	— Wine of fresh grapes other than liqueur wines of an actual alcoholic strength of 15 °C	3·5 u.a./hl

2. The tariff quota referred to in paragraph 1 shall be divided into two tranches.

A first tranche of 2 250 hectolitres of the quota shall be allocated among the Member States; the shares which, subject to Article 10, shall be valid until 30 June 1978, shall be as follows:

	(hectolitres)
Benelux	50
Denmark	50
Germany	50
France	50
Ireland	100
Italy	50
United Kingdom	1 900

The second tranche of the quota, i.e. 250 hectolitres, shall constitute the corresponding reserve.

3. The wines in question shall benefit from this tariff quota on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 which apply to such prices.

Article 8

1. If 90 % or more of a Member State's initial share, as determined in Articles 5 to 7, or of that share minus any portion returned to the corresponding reserve, where Article 10 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the corresponding reserve so permits, equal to 15 % of its initial share, rounded up to the next whole number, if necessary.

2. If, after any of the initial shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, under the conditions laid down in paragraph 1 and to the extent that the corresponding reserve so permits, draw a third share equal to 7·5 % of its initial share, rounded up to the next whole number, if necessary.

3. If, after any of the second shares has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, on the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the corresponding reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw shares less than those specified therein if there are grounds for believing that those specified may not be fully used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 9

Each of the additional shares drawn pursuant to Article 8 shall be valid until 30 June 1978.

Article 10

Member States shall return to the reserve not later than 1 June 1978 the unused portions of their initial shares which on 15 May 1978 are in excess of 20 % of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be fully used up.

Member States shall notify the Commission, not later than 1 June 1978, of the total quantities of the product in question imported up to and including 15 May 1978 and charged against the tariff quotas and of any portion of their initial shares returned to each of the reserves.

Article 11

The Commission shall keep an account of the amounts of the shares opened by the Member States pursuant to Articles 5 to 8 and, as soon as it has been notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 June 1978, of the state of each of the reserves after amounts have been returned thereto pursuant to Article 10.

It shall ensure that the drawing which exhausts any of the reserves does not exceed the balance available and, to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 12

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 8 are opened in such a way that imports may be charged without a break in continuity against their aggregate shares of the tariff quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. The extent to which a Member State has used up its share shall be determined on the basis of the imports entered at customs for home use.

Article 13

At the Commission's request, Member States shall inform it of imports actually charged against their shares.

Article 14

Member States and the Commission shall cooperate closely to ensure that Articles 2 to 13 are complied with.

Article 15

The Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation annexed to the Agreement between the European Economic Community and Cyprus shall be applicable.

Article 16

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 April 1978 and until the entry into force of a Supplementary Protocol on agricultural products between the European Economic Community and the Republic of Cyprus or until 30 June 1978, whichever shall be the earlier.

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

Done at Luxembourg, 17 April 1978.

For the Council

The President

K. HEINESEN