COUNCIL REGULATION (EEC) No 4233/88

of 19 December 1988

opening, allocating and providing for the administration of Community tariff quotas for 'Sljivovica' plum spirit and tobacco of the 'Prilep' type originating in Yugoslavia (1989)

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 Articles 21 and 23 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia (1) supplemented by the Protocol to that Agreement establishing new trade arrangements (2) provide for the opening of Community tariff quotas for imports into the Community of:

— 5 420 hectolitres of plum spirit marketed under the name of 'Sljivovica' falling within CN code ex 2208 90 33 at a duty of ECU 0,3 per hectolitre per % degree of alcohol plus ECU 3 per hectolitre; and

— 1 500 tonnes of tobacco of the 'Prilep' type falling within CN code ex 2401 10 60 or ex 2401 20 60, as defined in an exchange of letters dated 11 July 1980, at a duty of 7 % *ad valorem* with a minimum amount levied of ECU 13 per 100 kilograms net weight and a maximum of ECU 45 per 100 kilograms net weight,

originating in Yugoslavia;

Whereas the above products must be accompanied by a certificate of authenticity; whereas the tariff quotas in question should therefore be opened for 1989;

Whereas, within the limits of these tariff quotas, customs duties are to be phased out over the same periods and at the same rates as provided for in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas, within the limits of the tariff quotas, the Kingdom of Spain and the Portuguese Republic are to apply customs duties calculated in accordance with Council Regulation (EEC) No 4150/87 of 27 December 1987 laying down arrangements for Spain's and Portugal's trade with Yugoslavia and amending Regulations (EEC) No 449/86 and 2573/87 (3);

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, the administrative and technical conditions required for the Community management of quotas for these products originating in Yugoslavia; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods being imported into a Member State which has used up its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up;

Whereas, under these circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so as to reflect as closely as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Yugoslavia over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas during the last three years for which statistics are available the corresponding imports into each Member State were as follows:

(1) OJ No L 41, 14. 2. 1983, p. 2.
(2) OJ No L 389, 31. 12. 1987, p. 73.
(3) OJ No L 389, 31. 12. 1987, p. 1.

Member State	CN code ex 2208 90 33 'Sljivovica' (in hl)			CN codes ex 2401 10 60 ex 2401 20 60 (in tonnes)		
	1985	1986	1987	1985	1986	1987
Benelux	71	20	38	—	70	299
Denmark	20	9	15	—	—	—
Germany	3 205	758	672	138	269	588
Greece	—	—	—	—	—	—
Spain	—	6	—	—	180	128
France	38	36	25	—	30	123
Ireland	—	—	—	—	—	—
Italy	—	—	—	850	664	600
Portugal	—	—	—	—	—	—
United Kingdom	—	10	—	—	—	1

Whereas during the last three years the products in question were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas in these circumstances initial shares should in the first instance be allocated only to the genuine importing Member States, while the others should be guaranteed access to quotas when they actually import the goods; whereas these allocation arrangements will ensure the uniform collection of the duties applicable;

Whereas to allow for the trend of imports of the products in question in the various Member States the quotas should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be 54% of their volume:

Whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be able to keep acount of quota utilization rates and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kindom 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 shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duties applicable to imports into the Community of the following products originating in Yugoslavia shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Quota volume	Rate of duty
09.1503	ex 2208 90 33	Plum spirit marketed under the name of Sljivovica, in containers holding two litres or less	5 420 hl	ECU 0,3 per hl per % degree of alcohol plus ECU 3 per hl
09.1505	ex 2401 10 60 ex 2401 20 60	Tobacco of the Prilep type	1 500 tonnes	7% *ad valorem*, min. ECU 13/100 kg/net max. ECU 45/100 kg/net

Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 4150/87.

2. Imports of these products must be accompanied by certificates of authenticity issued by the competent Yugoslav authority and conforming with the models annexed to this Regulation.

Article 2

1. The tariff quotas referred to in Article 1 shall be divided into two parts.

2. The first part of each tariff quota, amounting to 2 930 hectolitres and 810 tonnes respectively, shall be allocated among certain Member States as follows:

(a) 'Sljivovica' plum spirit falling within CN code ex 2208 90 33:

	(in hectolitres)
Benelux	79
Denmark	29
Germany	2 761
France	61

(b) Tobacco of the 'Prilep' type falling within CN code ex 2401 10 60 or ex 2401 20 60

	(in tonnes)
Benelux	76
Germany	205
Spain	63
France	32
Italy	434

The above quota shares shall be valid until 31 December 1989.

3. The second part of each quota, amounting to:

— 2 490 hectolitres of 'Sljivovica' plum spirit falling within CN code ex 2208 90 33 and

— 640 tonnes of tobacco of the 'Prilep' type falling within CN code ex 2401 10 60 or ex 2401 20 60 respectively,

shall constitute the corresponding Community reserve.

4. If an importer indicates that he is about to import any of the products in question into a Member State which does not participate in the initial allocation or which has exhausted its initial quota and applies to use the corresponding quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

5. Without prejudice to Article 3, the drawings made pursuant to paragraph 4 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the following provisions:

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 this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the Community reserve, 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 reserve.

If the quantities requested are greater than the available balance of the reserve, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all the quantities which have not been used on that date, within the meaning of Article 5 (3) and (4).

Article 4

The Commission shall keep an account of the shares drawn by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 3.

It shall ensure that the drawing which uses up a reserve does not exceed the balance available and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 5

1. The Member States shall take all measures necessary to ensure that drawings of shares pursuant to Article 2 (4) and Article 3 are carried out in such a way that imports may be

charged without interruption against their accumulated shares in the Community tariff quotas.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the products against their shares as and when they are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

Article 6

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

Article 7

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 8

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	2 No	**ORIGINAL**
	3 Quota year Année contingentaire	4 Country of destination Pays de destination
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	6 Issuing authority Organisme émetteur	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport	7 **CERTIFICATE OF AUTHENTICITY** **CERTIFICAT D'AUTHENTICITÉ** **Plum spirit 'Šljivovica'** **Eau-de-vie de prunes «Šljivovica»** (CN Code ex 2208 90 33) (Code NC ex 2208 90 33)	

9 Marks and numbers — Number and kind of packages Marques et numéros — Nombre et nature des colis	10 % vol of alcohol % vol d'alcool	11 Litres Litres

12 % vol of alcohol and litres (in words)
% vol d'alcool et litres (en lettres)

13 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR

I hereby certify that the plum spirit 'Šljivovica' described in this certificate corresponds with the definition given on the reverse.
Je certifie que l'eau-de-vie de prunes «Šljivovica» décrite dans ce certificat correspond à la définition figurant au verso.

Place
Lieu

Date
Date

(Stamp and signature)
(Cachet et signature)

DEFINITION

Plum spirit with an alcoholic strength of 40 % vol or more, marketed under the name ŠLJIVOVICA, corresponding to the specifications laid down in the Regulation relating to the quality of spirituous beverages, published in the Official Journal of the Socialist Federal Republic of Yugoslavia on 7 October 1971.

DÉFINITION

Eau-de-vie de prunes ayant un titre alcoométrique égal ou supérieur à 40 % vol, commercialisée sous la dénomination ŠLJIVOVICA correspondant à la spécification reprise dans la réglementation relative à la qualité des boissons alcooliques publiée au Journal officiel de la république socialiste fédérative de Yougoslavie le 7 octobre 1971.

1 Exporter (name, full address, country)
Exportateur (nom, adresse complète, pays)

2 No

ORIGINAL

3 Quota year
Année contingentaire

4 Country of destination
Pays de destination

5 Consignee (name, full address, country)
Destinataire (nom, adresse complète, pays)

6 Issuing authority
Organisme émetteur

7

CERTIFICATE OF AUTHENTICITY
CERTIFICAT D'AUTHENTICITÉ

Tobacco — Tabac
'Prilep'

(CN Code ex 2401 10 60 and ex 2401 20 60)
(Code NC ex 2401 10 60 et ex 2401 20 60)

8 Place and date of shipment — Means of transport
Lieu et date d'embarquement — Moyen de transport

9 Marks and numbers — Number and kind of packages
Marques et numéros — Nombre et nature des colis

10 Net weight (kg)
Poids net (kg)

11 Net weight (kg) (in words)
Poids net (kg) (en lettres)

12 CERTIFICATE BY THE ISSUING AUTHORITY — VISA DE L'ORGANISME ÉMETTEUR
I hereby certify that the tobacco described in this certificate is 'Prilep' tobacco within the meaning of the Agreement.
Je certifie que le tabac décrit dans ce certificat est le tabac «Prilep» au sens de l'accord.

Place
Lieu

Date
Date

(Stamp and signature)
(Cachet et signature)