

Official Journal

of the European Communities

ISSN 0378-6978

L 55

Volume 23

28 February 1980

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 434/80 of 18 February 1980 concerning the application of Decision No 1/80 of the ACP—EEC Council of Ministers on transitional measures to be applied from 1 March 1980 1
- Annex:
Decision No 1/80 of the ACP—EEC Council of Ministers of 18 January 1980 on transitional measures to be applied from 1 March 1980 2
- ★ Council Regulation (EEC) No 435/80 of 18 February 1980 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories 4
- ★ Council Regulation (EEC) No 436/80 of 18 February 1980 opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States (March/April 1980) 19
- ★ Council Regulation (EEC) No 437/80 of 18 February 1980 establishing ceilings and Community surveillance for imports of carrots and onions, falling within subheading ex 07.01 of the Common Customs Tariff and originating in the ACP States (1980) 21
- ★ Council Regulation (EEC) No 438/80 of 18 February 1980 opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States (March/June 1980) 24
- ★ Council Regulation (EEC) No 439/80 of 18 February 1980 opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (March/June 1980) 26

Contents (continued)

II *Acts whose publication is not obligatory*

Council

80/251/EEC:

- ★ **Council Decision of 18 February 1980 amending Decision 76/198/EEC on import arrangements for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community 28**

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 434/80**of 18 February 1980****concerning the application of Decision No 1/80 of the ACP—EEC Council of Ministers on transitional measures to be applied from 1 March 1980**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the ACP—EEC Convention of Lomé, signed on 28 February 1975, expires on 1 March 1980;

Whereas the second ACP—EEC Convention, signed at Lomé on 31 October 1979, cannot enter into force on the same date;

Whereas the Committee of Ambassadors established by the 1975 ACP—EEC Convention of Lomé has adopted, under the powers delegated to it by Decision No 10/79 of the ACP—EEC Council of Ministers and by virtue of

the third paragraph of Article 91 of that Convention, the transitional measures to be applied from 1 March 1980 until the entry into force of the second ACP—EEC Convention;

Whereas the measures needed to implement that Decision should be taken,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/80 of the ACP—EEC Council of Ministers annexed to this Regulation shall apply in the Community with effect from 1 March 1980 and shall expire not later than 31 December 1980.

Article 2

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ Opinion given on 15 February 1980 (not yet published in the Official Journal).

ANNEX

DECISION No 1/80 OF THE ACP—EEC COUNCIL OF MINISTERS

of 18 January 1980

on transitional measures to be applied from 1 March 1980

THE ACP—EEC COMMITTEE OF AMBASSADORS,

Having regard to the ACP—EEC Convention of Lomé signed on 28 February 1975, and in particular the third paragraph of Article 91 thereof,

Having regard to the Agreement on products within the province of the European Coal and Steel Community signed at Lomé on 28 February 1975,

Having regard to Decision No 10/79 of the ACP—EEC Council of Ministers of 31 October 1979 delegating powers to the ACP—EEC Committee of Ambassadors in connection with the adoption of transitional measures on the expiry of the Convention of Lomé.

Whereas appropriate transitional measures, to apply from 1 March 1980, should be adopted to maintain in force the relevant provisions of the ACP—EEC Convention of Lomé of 1975,

HAS DECIDED AS FOLLOWS:

Article 1

The following provisions and the acts adopted pursuant thereto shall remain applicable after 1 March 1980 until the entry into force of new provisions relating to the same areas, or until 31 December 1980, whichever is the earlier:

1. As regards the ACP—EEC Convention of Lomé signed on 28 February 1975:

- (a) the provisions on trade cooperation in Title I and Protocol 1;
- (b) subject to Article 4 (2) of this Decision, the provisions on the export earnings stabilization system in Chapter 1 of Title II;
- (c) the provisions on industrial cooperation in Title III;

(d) the provisions on establishment, services, payments and capital movements in Title V;

(e) the provisions on institutions in Title VI and Protocol 4;

(f) the general and final provisions in Articles 84, 85, 88, 89, 90, 91 (third paragraph), 92, 93 and 94 and Protocol 5.

2. The Agreement on products within the province of the European Coal and Steel Community, signed at Lomé on 28 February 1975.

Article 2

For the purposes of applying transitional measures, the ACP—EEC Committee of Ambassadors may, where necessary, exercise the powers conferred on the ACP—EEC Council of Ministers by the ACP—EEC Convention of Lomé of 1975.

Article 3

The Committee on Industrial Cooperation is hereby authorized to exercise the powers necessary to ensure the continued operation of the Centre for Industrial Development until the entry into force of the new ACP—EEC Convention.

Article 4

The export earnings stabilization system and financial and technical cooperation under the ACP—EEC Convention of Lomé of 1975 shall continue to be implemented under the same conditions as those laid down in that Convention.

Article 18 (5) of the said Convention shall continue to apply, pending a final decision by the ACP—EEC Council of Ministers.

Article 5

Done at Brussels, 18 January 1980.

The ACP States, the Member States of the Community and the Community shall, each to the extent concerned, take the measures necessary to implement this Decision.

*Article 6**For the ACP—EEC Committee of Ambassadors**The Chairman*

This Decision shall enter into force on 1 March 1980.

E. PLAJA

COUNCIL REGULATION (EEC) No 435/80

of 18 February 1980

on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 152/78⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas the second ACP—EEC Convention of Lomé, hereinafter referred to as 'the Convention', between the African, Caribbean and Pacific States, hereinafter referred to as 'the ACP States', and the European Economic Community was signed on 31 October 1979;

Whereas Article 2 (2) (a) of the Convention lays down that products originating in the ACP States:

- listed in Annex II to the Treaty when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at

the time of import do not provide, apart from customs duties, for the application of any other measure relating to their import,

- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that applied to third countries benefiting from the most-favoured-nation clause for the same products;

Whereas it is laid down in Article 2 (2) (c) of the Convention that the arrangements referred to under paragraph (2) (a) shall enter into force at the same time as the Convention and shall remain applicable for its duration;

Whereas the Community has agreed to start applying autonomously the arrangements set out in Article 2 (2) (a) of the Convention, on trade in agricultural products and foodstuffs, as of 1 March 1980, that is to say before the Convention enters into force;

Whereas:

- Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽⁴⁾, as last amended by Regulation (EEC) No 2916/79⁽⁵⁾,
- Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products⁽⁶⁾, as last amended by Regulation (EEC) No 2903/78⁽⁷⁾,
- Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽⁸⁾, as last amended by Regulation (EEC) No 590/79⁽⁹⁾,
- Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁰⁾, as last amended by Regulation (EEC) No 1547/79⁽¹¹⁾,

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1978, p. 1.

⁽³⁾ Opinion delivered on 15 February 1980 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁵⁾ OJ No L 329, 24. 12. 1979, p. 15.

⁽⁶⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽⁷⁾ OJ No L 347, 12. 12. 1978, p. 1.

⁽⁸⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁹⁾ OJ No L 78, 30. 3. 1979, p. 1.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽¹¹⁾ OJ No L 188, 26. 7. 1979, p. 1.

- Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 113/80 ⁽²⁾,
- Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 1301/79 ⁽⁴⁾,
- Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables ⁽⁵⁾, as last amended by Regulation (EEC) No 2999/79 ⁽⁶⁾,
- Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽⁷⁾, as last amended by Regulation (EEC) No 1303/79 ⁽⁸⁾,
- Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽⁹⁾, as last amended by Regulation (EEC) No 1579/79 ⁽¹⁰⁾,
- Regulation (EEC) No 1059/69,
- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the markets in flax and hemp ⁽¹¹⁾, as last amended by Regulation (EEC) No 814/76 ⁽¹²⁾,
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹³⁾, as last amended by Regulation (EEC) No 235/79 ⁽¹⁴⁾,
- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽¹⁵⁾, as last amended by Regulation (EEC) No 1225/79 ⁽¹⁶⁾,

- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seed ⁽¹⁷⁾, as last amended by Regulation (EEC) No 2878/79 ⁽¹⁸⁾,
- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty ⁽¹⁹⁾, as last amended by Regulation (EEC) No 114/80 ⁽²⁰⁾, and
- Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽²¹⁾, as last amended by Regulation (EEC) No 114/80,

establish trade arrangements with third countries;

Whereas, for the purposes of this Regulation, the concept of import duties shall be that set out in Article 1 (2) (a) of Regulation (EEC) No 1430/79 ⁽²²⁾;

Whereas, on the one hand, these trade arrangements provide only for the application of customs duties on the import of a number of products; whereas, on the other hand, these arrangements involve the application of customs duties and import levies on beef and veal and on products processed from fruit and vegetables, the charging of levies in respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the processing of agricultural products, the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 2 (2) (a) of the Convention may be fulfilled by granting total or partial exemption from import duties for the products in question where they originate in the ACP States;

Whereas it should be specified that the advantages resulting from Article 2 (2) (a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of originating products and methods of administrative cooperation, annexed to the ACP—EEC Convention of Lome, signed on 28 February 1975 ⁽²³⁾, hereinafter referred to as 'the 1975 Convention', application of which was extended by Regulation (EEC) No 434/80 ⁽²⁴⁾;

Whereas, upon entry into force of the Convention, Protocol 1 annexed thereto, will become applicable in respect of the rules of origin;

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 16, 22. 1. 1980, p. 1.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 162, 30. 6. 1979, p. 26.

⁽⁵⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽⁶⁾ OJ No L 341, 31. 12. 1979, p. 1.

⁽⁷⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁸⁾ OJ No L 162, 30. 6. 1979, p. 28.

⁽⁹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽¹⁰⁾ OJ No L 189, 27. 7. 1979, p. 1.

⁽¹¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽¹²⁾ OJ No L 94, 9. 4. 1976, p. 4.

⁽¹³⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽¹⁴⁾ OJ No L 34, 9. 2. 1979, p. 4.

⁽¹⁵⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽¹⁶⁾ OJ No L 155, 22. 6. 1979, p. 10.

⁽¹⁷⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽¹⁸⁾ OJ No L 325, 21. 12. 1979, p. 1.

⁽¹⁹⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽²⁰⁾ OJ No L 16, 22. 1. 1980, p. 3.

⁽²¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²²⁾ OJ No L 175, 12. 7. 1979, p. 1.

⁽²³⁾ OJ No L 25, 31. 1. 1976, p. 1.

⁽²⁴⁾ See page 1 of this Official Journal.

Whereas, furthermore, these advantages should be combined with certain conditions and limited to certain annual and multiannual quantities on a case-by-case basis;

Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the importation of certain products originating in the ACP States into these French overseas departments to cover local consumption requirements, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 2 (2) of the Convention, particularly in the light of the said departments' economic development requirements;

Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy are applicable; whereas pursuant to the transitional application of certain provisions of the 1975 Convention the provisions of Article 10 thereof apply and will be replaced by those of Article 12 (1) of the Convention when it enters into force; whereas these provisions are complementary to and are implemented in accordance with Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP—EEC Convention of Lomé ⁽¹⁾ and the Regulation which will replace it upon entry into force of the Convention;

Whereas the association of the Community with the overseas countries and territories, hereinafter referred to as 'the countries and territories', is governed by Decision 76/568/EEC ⁽²⁾, the period of validity of which was extended by Decision 80/162/EEC ⁽³⁾, in respect of the import arrangements for agricultural products and certain goods resulting from the processing of agricultural products and in respect of the rules of origin, and whose safeguard clauses apply as complementary measures; whereas upon the entry into force of a new Decision the provisions which it sets out will be applicable,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to products originating in the ACP States listed in Annex I or in the countries and territories listed in Annex II.

⁽¹⁾ OJ No L 18, 27. 1. 1976, p. 1.

⁽²⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽³⁾ OJ No L 35, 12. 2. 1980, p. 26.

2. The rules of origin applicable to such of these products as are imported from the ACP States or the countries and territories shall be respectively those set out in Protocol 1 annexed to the 1975 Convention and those in Annex II to Decision 76/568/EEC. These provisions shall cease with effect from the entry into force of the similar rules contained in the Convention and in the Decision to be taken on the association of the countries and territories.

3. If there is a change in the status of the countries and territories listed in Annex II, the list of States, countries and territories referred to in Annexes I and II shall be adapted by the Council, acting by a qualified majority on a proposal from the Commission.

TITLE I

Beef and veal

Article 2

The products of the beef and veal sector referred to in Article 1 of Regulation (EEC) No 805/68 shall be imported free of customs duties.

Article 3

Where, in the course of a year, imports into the Community of products falling within subheadings 02.01 A II and 16.02 B III b) 1 aa) of the Common Customs Tariff originating in an ACP State or country or territory, exceed a quantity equivalent to imports into the Community during the year, between 1969 and 1974, in which Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 23.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in question.

Article 4

1. Within the limits of the quantities referred to in Article 5, import duties, other than customs duties, applied to products originating in the ACP States referred to in Article 1 (a) of Regulation (EEC)

No 805/68 shall be reduced by an amount to be fixed quarterly by the Commission and corresponding to 90 % of the average import duties applicable during a reference period.

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 5

1. The reduction in import duties provided for in Article 4 shall be subject to a maximum, expressed in terms of boned or boneless meat, of 30 000 tonnes per calendar year, allocated as follows:

Botswana	18 916 tonnes,
Kenya	142 tonnes,
Madagascar	7 579 tonnes,
Swaziland	3 363 tonnes.

Depending on the dates of entry into force and expiry of this Regulation, the quantities shown above, expressed by calendar year, shall be calculated *pro rata temporis*.

2. However, if the ACP States referred to in paragraph 1 should so request during a given year, the total quantity may be broken down differently among those States for that or the following year, in accordance with the procedure laid down in Article 23.

TITLE II

Fishery products

Article 6

The fishery products referred to in Article 1 of Regulation (EEC) No 100/76 shall be imported free of customs duties.

TITLE III

Oils and fats

Article 7

The oil and fat products referred to in Article 1 (2) (a) and (b) of Regulation No 136/66/EEC shall be imported free of customs duties.

TITLE IV

Cereals

Article 8

1. The levy applicable to imports of maize falling within subheading 10.05 B of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 1.81 ECU per tonne.

2. The levy applicable to imports of millet falling within subheading 10.07 B of the Common Customs Tariff and of grain sorghum falling within subheading 10.07 C of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 50 %.

TITLE V

Rice

Article 9

The levy applicable to imports of rice falling within subheading 10.06 B of the Common Customs Tariff shall be equal, per 100 kilograms of product, to the levy applicable to imports of rice from third countries, reduced as follows:

- (a) in the case of paddy rice falling within subheading 10.06 B I a) of the Common Customs Tariff:
 - by 50 %, and
 - by 0.36 ECU;
- (b) in the case of husked rice falling with subheading 10.06 B I b) of the Common Customs Tariff:
 - by 50 %, and
 - by 0.36 ECU;
- (c) in the case of semi-milled rice falling within subheading 10.06 B II a) of the Common Customs Tariff:
 - by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76 converted by reference to the conversion rate between milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation,
 - by 50 % of the levy thus reduced, and
 - by 0.54 ECU;

(d) in the case of wholly milled rice falling within subheading 10.06 B II b) of the Common Customs Tariff:

- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76,
- by 50 % of the levy thus reduced, and
- by 0.54 ECU;

(e) in the case of broken rice falling within subheading 10.06 B III of the Common Customs Tariff:

- by 50 %, and
- by 0.30 ECU.

Article 10

1. Article 9 shall apply only if the cif export price of a given quantity, increased by the levy applicable to imports of rice originating in the ACP States or in the countries and territories is, at the time of exportation, for that quantity, equal to or more than;

- in the case of husked rice, milled rice and broken rice, the threshold price less, respectively, 0.36, 0.54 and 0.30 ECU,
- in the case of paddy rice, the threshold price of husked rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the husked state to the paddy state, less 0.36 ECU,
- in the case of semi-milled rice, the threshold price of milled rice adjusted by reference to the conversion rate, processing costs and the value of the by-products to be taken for conversion from the round grain milled state to the round grain semi-milled state less 0.54 ECU.

2. In order to permit the necessary checks, the documents accompanying the products must show the cif price at which the product is sold and the date of export, together with all details regarding quality enabling the product to be defined. These documents must be stamped by the competent authorities of the exporting ACP States, countries or territories.

Article 11

1. Article 13 (2) of Regulation (EEC) No 1418/76 shall not apply to the levies to be charged on imports of rice originating in the ACP States or in the countries and territories.

2. As regards such imports, however, the levy applicable, on the day of export shall be applied, if the applicant so requests when applying for the licence referred to in Article 10 (1) of Regulation (EEC) No 1418/76, to an import to be effected during the period of validity of the licence.

Article 12

Where, in the course of a year, imports into the Community of rice originating in an ACP State or in a country or territory exceed a quantity equivalent to the average quantity of annual imports into the Community of the origin in question over the last three years for which statistics are available, plus 5 %, the provisions of Article 9 shall be totally or partially suspended in respect of products of the origin in question in accordance with the procedure laid down in Article 23.

In such a case, the Commission shall report to the Council, which, acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

TITLE VI

Products processed from cereals and rice

Article 13

1. The levy applicable to imports of the products listed in Annex A to Regulation (EEC) No 2727/75 and of the products listed in Article 1 (1) (c) of Regulation (EEC) No 1418/76 shall be equal to the levy applicable to imports of those products from third countries reduced by the fixed component specified for each of the products in question.

2. The variable component of the levy shall be reduced:

- by 0.181 ECU per 100 kilograms for products falling within subheading 07.06 A of the Common Customs Tariff, excluding arrowroot,
- 0.363 ECU per 100 kilograms for products falling within subheading 11.04 C of the Common Customs Tariff, excluding flour and meal of arrowroot,
- by 50 % for products falling within subheading 11.08 A V of the Common Customs Tariff, excluding arrowroot starch.

3. The variable component of the levy shall not be charged in respect of imports of:

— arrowroot falling within subheading 07.06 A of the Common Customs Tariff,

— flour and meal of arrowroot falling within subheading 11.04 C of the Common Customs Tariff,

— arrowroot starch falling within subheading 11.08 A V of the Common Customs Tariff.

TITLE VII

Fruit and vegetables

Article 14

1. The products listed below shall be imported free of customs duties:

CCT heading No	Description
07.01	Vegetables, fresh or chilled: F. Leguminous vegetables, shelled or unshelled G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex IV. Other: — Radishes (<i>Raphanus sativus</i>), known as 'Mooli' S. Sweet peppers T. Other
08.02	Citrus fruit, fresh or dried: D. Grapefruit E. Other
08.08	Berries, fresh: E. Papaws F. Other: ex II. Passion fruit
08.09	Other fruit, fresh

2. Subject to the special provisions laid down in paragraph 3, customs duties shall be reduced as follows for the products listed below:

CCT heading No	Description	Rate of reduction
07.01	Vegetables, fresh or chilled: G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. Carrots and turnips: — Carrots, from 1 January to 31 March	40 %

CCT heading No	Description	Rate of reduction
07.01 (cont.)	ex H. Onions, shallots and garlic: — Onions, from 15 February to 15 May	60 %
	ex K. Asparagus: — From 15 August to 31 January	40 %
	M. Tomatoes: ex I. From 1 November to 14 May (from 15 November to 30 April (within the annual limit of a Community tariff quota of 2 000 tonnes))	60 % *
	Q. Mushrooms and truffles: IV. Other	40 %
08.02	Citrus fruit, fresh or dried:	
	A. Oranges	80 %
	B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	80 %

3. Imports of carrots falling within subheading ex 07.01 G II of the Common Customs Tariff and of onions falling within subheading ex 07.01 H of the Common Customs Tariff at the reduced rates of customs duty shown in paragraph 2 shall be subject to annual ceilings of 500 tonnes for each of these products, above which the customs duties actually applied in respect of third countries shall be restored.

TITLE VIII

Products processed from fruit and vegetables

Article 15

- The products listed in Article 1 of Regulation (EEC) No 516/77 shall be imported free of customs duties.
- Levies shall not be charged on imports of the products listed below:

CCT heading No	Description
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: 1. Containing added spirit: b) Pineapples, in immediate packings of a net capacity: 1. Of more than 1 kg: aa) With a sugar content exceeding 17 % by weight 2. Of 1 kg or less: aa) With a sugar content exceeding 19 % by weight c) Other fruits: 1. With a sugar content exceeding 9 % by weight:

CCT heading No	Description
20.06 (cont.)	ex aa) Of an actual alcoholic strength by mass not exceeding 11.85 % mass: — Grapefruit segments — Passion fruit — Guavas ex bb) Other: — Grapefruit segments — Passion fruit — Guavas f) Mixtures of fruit: 1. With a sugar content exceeding 9 % by weight: ex aa) Of an actual alcoholic strength by mass not exceeding 11.85 % mass: — Mixtures of pineapples, papaws and passion fruit ex bb) Other: — Mixtures of pineapples, papaws and passion fruit II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: 2. Grapefruit segments 5. Pineapples: aa) With a sugar content exceeding 17 % by weight: - ex 8. Other fruits: — Passion fruit — Guavas 9. Mixtures of fruit: ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits: — Mixtures of pineapples, papaws and passion fruit ex bb) Other: — Mixtures of pineapples, papaws and passion fruit b) Containing added sugar, in immediate packings of a net capacity not exceeding 1 kg: 2. Grapefruit segments 5. Pineapples: aa) With a sugar content exceeding 19 % by weight - ex 8. Other fruits: — Passion fruit — Guavas 9. Mixtures of fruit: ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits: — Mixtures of pineapples, papaws and passion fruit ex bb) Other: — Mixtures of pineapples, papaws and passion fruit

CCT heading No	Description
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: b) Of a value of 30 EUA or less per 100 kg net weight: ex 1. With an added sugar content exceeding 30 % by weight: — Pineapple — Passion fruit — Guavas — Mixtures of pineapples, papaws and passion fruit B. Of a specific gravity of 1.33 or less at 15 °C: II. Other: b) Of a value of 30 EUA or less per 100 kg net weight: 5. Pineapple juice: aa) With an added sugar content exceeding 30 % by weight 7. Other fruit and vegetable juices : ex aa) With an added sugar content exceeding 30 % by weight: — Passion fruit — Guavas 8. Mixtures: bb) Other: ex 11. With an added sugar content exceeding 30 % by weight: — Pineapple, papaws and passion fruit juice

TITLE IX

Wine

Article 16

The products listed below shall be imported free of customs duties:

CCT heading No	Description
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: I. Grape juice (including grape must): ex a) Of a value exceeding 22 EUA per 100 kg net weight: — With an added sugar content exceeding 30 % by weight b) Of a value not exceeding 22 EUA per 100 kg net weight: 1. With an added sugar content exceeding 30 % by weight

CCT heading No	Description
20.07 (cont'd)	B. Of a specific gravity of 1.33 or less at 15 °C: I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice: a) Of a value exceeding 18 EUA per 100 kg net weight: 1. Grape juice (including grape must): aa) Concentrated: 11. With an added sugar content exceeding 30 % by weight bb) Other: 11. With an added sugar content exceeding 30 % by weight b) Of a value of 18 EUA or less per 100 kg net weight: 1. Grape juice (including grape must): aa) Concentrated: 11. With an added sugar content exceeding 30 % by weight bb) Other: 11. With an added sugar content exceeding 30 % by weight

TITLE X

Raw tobacco

Article 17

The tobacco products listed in Article 1 of Regulation (EEC) No 727/70 shall be imported free of customs duties.

Article 18

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within heading No 24.01 of the Common Customs Tariff originating in the ACP States or in the countries and territories, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Community may, without prejudice to Article 26, take measures to counteract any deflection of trade.

TITLE XI

Goods to which Regulation (EEC) No 1059/69 applies

Article 19

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 1059/69 applies.

2. The variable component shall not be charged on imports of the goods listed below:

CCT heading No	Description
17.04	Sugar confectionery, not containing cocoa: C. White chocolate
18.06	Chocolate and other food preparations containing cocoa: C. Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.02	Malt extract; preparations of flour, meal, starch of malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa: B. Other: II. Other: a) Containing no milk fats or containing less than 1.5 % by weight of such fats: 4. Containing 45 % or more but less than 65 % by weight of starch
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit; communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products : D. Other, containing by weight of starch: ex II. 50 % or more, excluding ships' biscuits
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion: B. Other: IV. Containing 50 % or more but less than 65 % by weight of starch: a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): ex 1. Containing no milk fats or containing less than 1.5 % by weight of such fats: — Biscuits V. Containing 65 % or more by weight of starch: ex a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): — Biscuits ex b) Other: — Biscuits

TITLE XII

Other markets subject to common organization

Article 20

The products covered by Regulations (EEC) No 1308/70, (EEC) No 1696/71, (EEC) No 234/68, (EEC) No 2358/71, (EEC) No 827/68 and (EEC) No 1117/78, shall be imported free of customs duties.

TITLE XIII

Provisions relating to the French overseas departments

Article 21

1. Subject to the provisions of paragraphs 2 and 3, the levies shall not be applied to direct imports into the French overseas departments of the products listed below originating in the ACP States or in the countries and territories:

CCT heading No	Description
01.02	Live animals of the bovine species: A. Domestic species: II. Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: II. Of bovine animals:
10.05 B	Maize
10.06 B	Rice

2. If imports into the French overseas departments of maize originating in the ACP States or in the countries and territories have exceeded 25 000 tonnes in a year, and if such imports are causing or are likely to cause serious disturbances on those markets, the Commission shall, at the request of a Member State or on its own initiative, take the necessary measures.

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council shall meet forthwith. It may, acting by a qualified majority, amend or annul the measure in question.

3. This Article shall apply to products released for home use in the French overseas departments. Such products may not be re-exported. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 23.

— the variable components of levies, where the levies contain such components,

— in other cases, the levies,

applicable to imports from third countries into the Community as at present constituted.

However, during the period of application of accession compensatory amounts in trade between the Community as at present constituted and new Member States, measures to prevent deflections of trade shall be taken in accordance with the procedure laid down in Article 23, if this proves necessary.

Article 23

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles of the other Regulations on the common organization of agricultural markets.

2. In the case of beef and veal, these detailed rules shall relate in particular to:

TITLE XIV

General and final provisions

Article 22

The reductions provided for by this Regulation shall be calculated by reference to:

- (a) the basis for calculation and the reference period to be taken into consideration for fixing the amount by which the import duties are to be reduced;
- (b) the arrangements for fixing the corresponding amount to be collected by the exporting country;
- (c) the issue of import licences;
- (d) the forms of proof acceptable and checking procedures.

Article 24

On the basis of the economic development requirements of the French overseas departments, the Council, acting by a qualified majority on a proposal from the Commission, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

Article 25

This Regulation shall be without prejudice to the operation of Article 72 of the Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties.

Article 26

1. The safeguard clauses provided for in the Regulations on the common organization of the

agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, the provisions of Regulation (EEC) No 157/76 shall apply as complementary measures, as shall the provisions which replace them upon entry into force of the Convention.

3. As regards the countries and territories, the provisions of Article 12 of Decision 76/568/EEC and of Annex III thereto shall apply as complementary measures, as shall the provisions which replace them as from the entry into force of the new Decision on the association of the countries and territories.

Article 27

This Regulation shall enter into force on 1 March 1980. It shall apply until 31 December 1980.

The Council, acting by a qualified majority on a proposal from the Commission, may decide to extend this Regulation beyond that date.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

ANNEX I

List of the ACP States referred to in Article 1

Bahamas	Malawi
Barbados	Mali
Benin	Mauritania
Botswana	Mauritius
Burundi	Niger
Cameroon	Nigeria
Cape Verde	Papua New Guinea
Central African Republic	Rwanda
Chad	Sao Tome and Principe
Comoros	Senegal
Congo	Seychelles
Dominica	Sierra Leone
Ethiopia	Solomon Islands
Equatorial Guinea	Somalia
Fiji	St Lucia
Gabon	St Vincent and the Grenadines ⁽¹⁾
Gambia	Sudan
Ghana	Surinam
Grenada	Swaziland
Guinea	Tanzania
Guinea Bissau	Togo
Guyana	Tonga
Ivory Coast	Trinidad and Tobago
Jamaica	Tuvalu
Jibuti	Uganda
Kenya	Upper Volta
Kiribati	Western Samoa
Lesotho	Zaire
Liberia	Zambia
Madagascar	

⁽¹⁾ St Vincent and the Grenadines is included in Annex I on the assumption that it will have acceded to the 1975 Convention before 1 March 1980.

*ANNEX II***List of the countries and territories referred to in Article 1**

(This list is without prejudice to the status of these countries and territories now or in the future.)

1. Overseas countries of the Kingdom of the Netherlands:
 - the Netherlands Antilles (Aruba, Bonaire, Curaçao, St Martin, Saba, St Eustatius).
 2. Overseas territories of the French Republic:
 - Mayotte,
 - New Caledonia and dependencies,
 - Wallis and Futuna Islands,
 - French Polynesia,
 - French Southern and Antarctic Territories.
 3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:
 - Belize,
 - Brunei,
 - Associated States in the Caribbean (Antigua, St Kitts, Nevis and Anguilla),
 - Cayman Islands
 - Falkland Islands and dependencies,
 - British Virgin Islands,
 - Montserrat,
 - Pitcairn,
 - St Helena and dependencies,
 - British Antarctic Territory,
 - British Indian Ocean Territory.
 4. Anglo-French Condominium of the New Hebrides.
-

COUNCIL REGULATION (EEC) No 436/80

of 18 February 1980

opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States (March/April 1980)

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 Article 14 of Council Regulation (EEC) No 435/80 ⁽¹⁾ provides for the opening by the Community of a Community tariff quota of 2 000 tonnes of fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States; whereas the quota period runs from 15 November to 30 April; whereas the customs duty applicable to the quota is set at 4.4 %, with a minimum charge of 0.8 European units of account per 100 kilograms net weight; whereas this Regulation enters into force from 1 March 1980 only; whereas, therefore, the *pro rata temporis* clause is applicable to the quota of 727 tonnes should, therefore, be opened for the period in question;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States, until the quota has been used up: whereas, however, since the tariff quota involved is of a relatively low volume and the period of application is very short, it seems possible to allocate the whole quota volume to the Community reserve and to provide for the possibility that those Member States in which needs might arise should draw appropriate quantities from the reserve; whereas the shares thus drawn from the reserve must be valid until the end of the quota period; whereas this method of management requires close cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

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, any operation relating to the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 March to 30 April 1980, a Community tariff quota of 727 tonnes shall be opened in the Community for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States.

Within this tariff quota, the Common Customs Tariff duty applicable to the products shall be suspended at 4.4 % with a minimum charge of 0.8 European units of account per 100 kilograms net weight.

2. The volume of the tariff quota referred to in paragraph 1 shall constitute a reserve.

3. If the need should arise for the products in question in a Member State, the latter shall draw an appropriate share from the reserve, providing that the size of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until 30 April 1980.

Article 2

1. The Member States shall take all measures necessary to ensure that shares drawn pursuant to Article 1 are opened in such a way that changes may be made without interruption against their accumulated shares of the Community quota.

⁽¹⁾ See page 4 of this Official Journal.

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

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with 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 the imports charged in accordance with paragraph 3.

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 437/80

of 18 February 1980

establishing ceilings and Community surveillance for imports of carrots and onions, falling within subheading ex 07.01 of the Common Customs Tariff and originating in the ACP States (1980)

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 Article 14 of Regulation (EEC) No 435/80 ⁽¹⁾ stipulates that, for the period 1 January to 31 March 1980, carrots, falling within subheading ex 07.01 G II of the Common Customs Tariff and, for the period 15 February to 15 May 1980 onions, falling within subheading ex 07.01 H of the Common Customs Tariff and originating in the African, Caribbean and Pacific States, are subject on importation into the Community to the reduced rates of duty of 10.2 and 4.8 % respectively; whereas such reduction of duties applies only to imports up to ceilings above which the customs duties actually applicable to third countries are reintroduced; whereas the aforesaid Regulation is to enter into force on 1 March 1980; whereas the *pro rata temporis* clause is, therefore, applicable to the ceilings concerned;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in these countries; whereas imports should, therefore, be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceilings at Community level as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the possible reintroduction of customs tariff duties as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of the products, originating in the African, Caribbean and Pacific States, which are listed in the Annex shall be subject to ceilings and to Community surveillance.

The products referred to in the first subparagraph, their tariff headings, the customs duties applicable, the periods of validity and the levels of the ceilings are set out in the said Annex.

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for free circulation, accompanied by a movement certificate.

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which customs duties are reintroduced.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it, as defined in the preceding subparagraphs.

Member States shall inform the Commission, at the intervals and within the time limits specified in paragraph 4, of imports effected in accordance with the above procedures.

⁽¹⁾ See page 4 of this Official Journal.

3. As soon as a ceiling has been reached, the Commission, shall adopt a Regulation reintroducing, until the end of its period of validity, the customs duties applicable to third countries.

Article 2

The Commission shall take all appropriate measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

4. Member States shall send the Commission statements of the quantities charged for periods of 10 days, to be forwarded within five clear days of the end of each 10-day period.

Article 3

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

ANNEX

Order No	CCT heading No	Description	Customs duty applicable	Level of ceiling (tonnes)
	07.01	Vegetables, fresh or chilled:		
		G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots:		
		ex II. Carrots and turnips:		
ACP 1		— Carrots, from 1 March to 31 March	10.2 %	166
		ex H. Onions, shallots and garlic:		
ACP 2		— Onions, from 1 March to 15 May	4.2 %	416

COUNCIL REGULATION (EEC) No 438/80

of 18 February 1980

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States (March/June 1980)

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 ACP—EEC Convention of Lomé signed on 28 February 1975 expires on 29 February 1980; whereas, pending the entry into force of the second ACP—EEC Convention signed at Lomé on 31 October 1979, it is appropriate to apply the provisions of Protocol 5 to the latter Convention in advance, from 1 March 1980; whereas that Protocol provides that, until the entry into force of a common organization of the market in spirits, products of subheading 22.09 C I originating in the ACP States, shall be imported duty-free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall each year fix the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 18 % on the other markets of the Community, these growth rates being based on foreseeable internal demand in each Member State;

Whereas the levels reached by imports of the products concerned into the Community and the Member States during the last three years for which statistics are available should be taken into consideration;

Whereas the first quota period should end on 30 June 1980 and a *pro rata temporis* reduction of the quota volume to four-twelfths should, therefore, be introduced; whereas the size of the tariff quota for the period 1 March to 30 June 1980 should, therefore, be fixed at 59 433 hectolitres of pure alcohol;

Whereas the above principles also apply to the allocation of the tariff quota;

Whereas it seems likely that arrangements for using the Community tariff quota based on allocation between the United Kingdom and the other Member States would reconcile the application of the growth rates provided for in Protocol 5 with the uninterrupted application of the duty-free entry arrangements in respect of the said quota to all imports of the products concerned into the Member States until the quota is exhausted; whereas, in order to reflect as closely as possible the actual trends on the markets in the products concerned, such allocation should be made in accordance with the requirements of the Member States; whereas the tariff quota should be allocated among the Member States on the basis of the largest quantities imported annually into each Member State during the past three years, taking into account the abovementioned growth rates;

Whereas measures should be laid down to ensure that Protocol 5 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 March until 30 June 1980, rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the ACP States, shall be imported duty-free into the Community within the limits of a Community tariff quota of 59 433 hectolitres of pure alcohol.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments. The first instalment, of 40 856 hectolitres of pure alcohol, shall be for United Kingdom consumption. The second instalment, of 18 577 hectolitres of pure alcohol, shall be allocated among the other Member States.

2. The shares of each of the Member States to which the second instalment is allocated pursuant to paragraph 1 shall consist of the following quantities:

	<i>(in hectolitres of pure alcohol)</i>
Benelux	2 370
Denmark	1 276
Germany	11 647
France	2 211
Ireland	927
Italy	146

Article 3

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the ACP States, entered for free circulation.

Article 4

1. Member States shall inform the Commission each month of imports actually charged against the tariff quota.

2. The United Kingdom shall take the steps necessary to ensure that the quantities imported from the ACP States under the conditions laid down in Articles 1 and 2 are restricted to those meeting its domestic consumption requirements.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

Article 5

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 6

Council Regulation (EEC) No 157/76 of 20 January 1976 on the safeguard measures provided for in the ACP—EEC Convention of Lomé⁽¹⁾ shall apply in respect of the products covered by this Regulation.

Article 7

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 18, 27. 1. 1976, p. 1.

COUNCIL REGULATION (EEC) No 439/80

of 18 February 1980

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (March/June 1980)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 76/198/EEC of 9 February 1976 on import arrangements for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community ⁽¹⁾, as amended by Decision 80/251/EEC ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas Decision 76/198/EEC stipulates that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual size of the quota for the period 1 July to 30 June is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, to which a growth rate of 18 % is to be applied, equal to the amount of imports during the best of the last three years for which statistics are available; whereas this rate may be modified in the light of certain criteria;

Whereas Community statistics for the years 1976 to 1978 show that the highest volume of imports into the Community of the products in question originating in the said countries and territories, namely 70 349 hectolitres of pure alcohol, occurred in 1978; whereas, in the light of consumption and production within the Community and of the development of trade both within the Community and between the Community, the said countries and territories and the ACP States, the rate of growth for the quota period in question may be fixed at 18 %;

Whereas the first quota period should end on 30 June 1980 and a *pro rata temporis* reduction of the quota volume to four-twelfths should, therefore, be

introduced; whereas the tariff quota for the period 1 March to 30 June 1980 should be fixed at 27 670 hectolitres of pure alcohol;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, taking into account actual trends on the markets for the products in question, the needs of the Member States and the economic prospects for the period under consideration, the percentage shares in the quota volume could be as follows:

Benelux	5.25 %
Denmark	0.02 %
Germany	94.55 %
France	0.02 %
Ireland	0.05 %
Italy	0.02 %
United Kingdom	0.09 %

Whereas the development of imports into the Community of these products should be recorded and imports should accordingly be monitored;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March until 30 June 1980, rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 76/198/EEC, shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 27 670 hectolitres of pure alcohol.

⁽¹⁾ OJ No L 37, 12. 2. 1976, p. 24.

⁽²⁾ See page 28 of this Official Journal.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those mentioned in Article 5 of Decision 76/198/EEC.

Article 2

The Community tariff quota referred to in Article 1 shall be allocated amongst the Member States as follows:

	(in hectolitres of pure alcohol)
Benelux	1 453
Denmark	5
Germany	26 162
France	5
Ireland	15
Italy	5
United Kingdom	25

Article 3

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the said countries and territories, entered for free circulation.

Article 4

1. In accordance with Article 6 of Decision 76/198/EEC, the Community shall monitor imports of the products in question originating in the said countries and territories.

2. Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; only products submitted to the customs authorities under cover of a declaration that they are to be made available for free circulation and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

Article 5

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 6

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 February 1980

amending Decision 76/198/EEC on import arrangements for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community

(80/251/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the recommendation from the Commission,

Whereas it is necessary to maintain in force after 1 March 1980 the provisions applicable within the framework of Council Decision 76/198/EEC of 9 February 1976 on import arrangements for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community ⁽¹⁾:

Whereas, however, these provisions should be amended to take account of the amendments, effective from 1 March 1980, to the arrangements for imports into the Community of these same products originating in the ACP States,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 76/198/EEC shall be amended as follows:

1. In Article 1 (1), the words 'and at all events no later than 1 March 1980,' shall be deleted.

2. In Article 3 (2), the growth rate figure '13 %' shall be replaced by '18 %'.

3. Article 8 shall be replaced by the following:

'Article 8

This Decision shall apply until 31 December 1980.'

Article 2

This Decision shall enter into force on 1 March 1980.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 37, 12. 2. 1976, p. 24.

