

COUNCIL REGULATION (EEC) No 2709/77

of 28 November 1977

opening preferential tariffs for developing countries for raw or unmanufactured tobaccos falling within subheading 24.01 A ex II of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas in the Joint Declaration of Intent on the development of trade relations with Sri Lanka, India, Malaysia, Pakistan and Singapore ⁽³⁾, the Community declared its readiness to seek solutions to the problems which may arise in the field of trade for the countries referred to as well as for developing countries situated in the same geographical region;

Whereas, particularly for Indonesia, raw or unmanufactured tobaccos, other than Virginia type, falling within subheading 24.01 A ex II, represent an important export product; whereas the generalized preferences scheme may constitute a solution for problems arising in this connection; whereas these types of tobaccos should therefore be included in the generalized preferences scheme;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on certain processed agricultural products of Chapters 1 to 24 of the Common Customs Tariff which originate in developing countries; whereas the preferential treatment proposed in that offer consists, in respect of certain goods which are subject to the trade arrangements laid down in Regulation (EEC) No 1059/69, of a reduction in the fixed component of the charge applicable to such goods by virtue of that Regulation, and, in respect of products which are subject to the single customs duty, of a reduction in such duty; whereas preferential imports of the products concerned could be effected without quantitative restrictions;

whereas, it appears appropriate however, in view of the sensitiveness of the tobacco sector generally and of the need to safeguard the interests of the associated countries and of the ACP States in this field, to lay down for these raw or unmanufactured tobaccos special conditions consisting in a reduction of the customs duty applicable to these products within the limits of a Community tariff ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied as from the second half of 1971; whereas, however, for certain types of tobacco the said system of tariff preferences has been made applicable from 1974; whereas it is appropriate to extend this system also for tobaccos falling within subheading 24.01 A ex II;

Whereas it is expedient, therefore, that the Community should open for 1978 for the said raw or unmanufactured tobaccos, other than Virginia type, originating in the countries and territories listed in the Annex, a Community ceiling of 2 500 tonnes, at a customs duty rate of 7% with a minimum charge of 33 units of account and a maximum charge of 45 units of account per 100 kilograms net weight;

⁽¹⁾ OJ No C 266, 7. 11. 1977, p. 16.

⁽²⁾ Opinion delivered on 26/27 October 1977 (not yet published in the Official Journal).

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 195.

Whereas, in accordance with Protocol 23 to the Act of Accession ⁽¹⁾, the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is essential to reserve the benefit of this tariff suspension for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽²⁾; whereas the charging of imports against a ceiling must be carried out as and when the tobaccos concerned are presented for customs clearance under cover of declarations that they are intended for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the re-introduction of customs duties as soon as the ceiling is reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which charges are made against the ceiling and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to re-introduce customs duties either generally or individually, when the ceiling is reached;

Whereas measures should be provided for which will enable any serious disruption in any sector of the economic activity of the Community to be avoided; whereas to this end, the Commission should be empowered to re-introduce partially or wholly the levying of customs duties in order that such disruption may be avoided,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1978, the duties under the Common Customs Tariff relating to raw or unmanufactured tobacco, other than Virginia type, falling within subheading 24.01 A ex II shall be suspended at 7% within a minimum charge of 33 units of account per 100 kilograms net weight and a maximum charge of 45 units of account per 100 kilograms net weight.

2. This tariff suspension shall apply solely to products originating in the countries and territories listed in the Annex. However, those imports which enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against the ceiling referred to in paragraph 3. For the purposes of the application of this Regulation the concept of 'originating products' shall be deter-

mined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. Subject to Articles 2 and 4 this suspension shall be granted for the tobaccos in question up to a Community ceiling of 2 500 tonnes.

Article 2

As soon as the ceiling calculated in accordance with the provisions of Article 1 (3), which is laid down for Community imports of products originating in all of the countries and territories referred to in Article 1 (2), is reached at Community level, the levying of customs duties on imports of the tobaccos from all the countries and territories concerned may at any time be re-introduced until the end of the period referred to in Article 1 (1).

Article 3

1. Imports of the products in question shall be charged against the Community ceiling as and when the tobaccos in question are entered for home use, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against the ceiling only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is re-introduced.

3. The extent to which the ceiling has been used up shall be determined at Community level on the basis of the imports charged in accordance with paragraphs 1 and 2.

Article 4

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied.

2. The Commission shall issue a Regulation to re-introduce the levying of customs duties in respect of all the countries and territories referred to in Article 1 (2) in accordance with Article 2.

Article 5

Member States shall inform the Commission periodically of imports of the products in question charged against the Community ceiling laid down in Article 1

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 1.

(3). This information shall show both the value, expressed in units of account, and the quantities expressed in tonnes.

Article 6

When products benefiting from the treatment provided for in Article 1 are imported into the Community at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the levying of customs duties may be reintroduced in whole or in part on the products in question in respect of the countries or territories which are the cause of the disadvantage. Such measures may also be taken in the case of actual or potential serious disadvantage in a single region of the Community.

Article 7

1. The Commission may decide, by means of a Regulation, to re-introduce the levying of customs duties for a specified period, in order to ensure that Article 6 is applied.

2. In the event of such action being requested by a Member State, the Commission shall decide within a period of not more than 10 working days after the request has been received and shall inform the Member States of this decision.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, by acting on a qualified majority, amend or rescind the measure in question.

Article 8

Articles 6 and 7 shall not prejudice the application of the protective clauses drawn up in connection with the common agricultural policy pursuant to Article 43 of the Treaty nor those drawn up in connection with the common commercial policy pursuant to Article 113 of the Treaty.

Article 9

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS

ANNEX

List of developing countries and territories enjoying generalized tariff preferences ⁽¹⁾

I. INDEPENDENT COUNTRIES

660 Afghanistan	260 Guinea	801 Papua New Guinea
208 Algeria	257 Guinea Bissau	520 Paraguay
330 Angola	488 Guyana	504 Peru
528 Argentina	452 Haiti	708 Philippines
453 Bahamas	424 Honduras	644 Qatar
640 Bahrain	664 India	066 Romania
666 Bangladesh	700 Indonesia	324 Rwanda
469 Barbados	616 Iran	819 Samoa
284 Benin	612 Iraq	311 Sao Tome and Principe
675 Bhutan	272 Ivory Coast	632 Saudi Arabia
516 Bolivia	464 Jamaica	248 Senegal
391 Botswana	628 Jordan	355 Seychelles and Dependencies
508 Brazil	696 Kampuchea, Democratic	264 Sierra Leone
676 Burma	346 Kenya	706 Singapore
328 Burundi	728 Korea, Republic of	342 Somalia
302 Cameroon	636 Kuwait	669 Sri Lanka
247 Cape Verde Islands	684 Laos	224 Sudan
306 Central African Empire	604 Lebanon	492 Surinam
244 Chad	395 Lesotho	393 Swaziland
512 Chile	268 Liberia	608 Syria
480 Colombia	216 Libya	352 Tanzania
375 Comoros	370 Madagascar	680 Thailand
318 Congo, People's Republic of	386 Malawi	280 Togo
436 Costa Rica	701 Malaysia	817 Tonga
448 Cuba	667 Maldive Islands	472 Trinidad and Tobago
600 Cyprus	232 Mali	212 Tunisia
338 Djibouti	228 Mauritania	350 Uganda
456 Dominican Republic	373 Mauritius	647 United Arab Emirates
500 Ecuador	412 Mexico	236 Upper Volta
220 Egypt	204 Morocco	524 Uruguay
428 El Salvador	366 Mozambique	484 Venezuela
310 Equatorial Guinea	803 Nauru	690 Vietnam
334 Ethiopia	672 Nepal	652 Yemen
815 Fiji	432 Nicaragua	656 Yemen, Democratic
314 Gabon	240 Niger	048 Yugoslavia
252 Gambia	288 Nigeria	322 Zaire
276 Ghana	649 Oman	378 Zambia
473 Grenada	662 Pakistan	
416 Guatemala	440 Panama	

⁽¹⁾ The code number preceding the name of each beneficiary country or territory is that given in 'Geonomenclature 1977', published by the Statistical Office of the European Communities.

II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

- 890 Australian Antarctic Territory
- 421 Belize
- 413 Bermuda
- 890 British Antarctic Territory
- 357 British Indian Ocean Territory
- 812 British Pacific Ocean
- 703 Brunei
- 202 Canary Islands
- 463 Cayman Islands and Dependencies
- 205 Ceuta and Melilla
- 802 Christmas Island, Cocos (Keeling) Islands, Heard Island and McDonald Islands, Norfolk Island
- 529 Falkland Islands and Dependencies
- 822 French Polynesia
- 890 French Southern and Antarctic Territories
- 044 Gibraltar
- 740 Hong Kong
- 743 Macao
- 377 Mayotte
- 476 Netherlands Antilles
- 809 New Caledonia and Dependencies
- 808 Pacific Islands administered by the United States of America or under United States trusteeship ⁽¹⁾
- 329 St Helena and Dependencies
- 814 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands)
- 454 Turks and Caicos Islands
- 457 Virgin Islands of the United States
- 811 Wallis and Futuna Islands
- 471 West Indies

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

⁽¹⁾ The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).