

Official Journal

of the European Communities

ISSN 0378-6978

L 172

Volume 21

28 June 1978

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1431/78

of 26 June 1978

on the conclusion of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

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

Whereas the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Supplementary Protocol and the Protocol laying down certain provisions relating to trade in agricultural products to the Agreement establishing an Association

between the European Economic Community and the Republic of Cyprus together with the declaration and the exchange of letters annexed to the Final Act are hereby approved on behalf of the Community.

The texts of the Protocols and of the Final Act are annexed to this Regulation.

Article 2

The President of the Council shall, so far as the Community is concerned, give the notification provided for in Article 12 of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and in Article 4 of the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus ⁽²⁾.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

⁽¹⁾ Opinion delivered on 16 June 1978 (not yet published in the Official Journal).

⁽²⁾ The dates of entry into force of the Protocols will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

SUPPLEMENTARY PROTOCOL

to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS,

of the other part,

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

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

HAVE DECIDED to conclude a Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, signed in Brussels on 19 December 1972, and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Gunnar RIBERHOLDT,

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of Denmark,

Chairman of the Permanent Representatives Committee;

Roland de KERGORLAY,

Assistant-Director-General of the Directorate-General for External Relations of the Commission of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS:

Titos PHANOS,

Ambassador Extraordinary and Plenipotentiary,

Permanent Delegate to the European Economic Community,

Head of the Mission of the Republic of Cyprus;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE 1

Trade measures

Article 1

The provisions of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, signed on 19 December 1972, shall be supplemented by the following provisions.

Article 2

The products listed below originating in Cyprus and imported into the Community shall be admitted at the rates of customs duties applicable under the Common Customs Tariff reduced by the percentage indicated for each of them:

CCT heading No	Description	Rate of reduction (%)
07.01	Vegetables, fresh or chilled:	
	A. Potatoes:	
	II. New potatoes:	
	a) From 1 January to 15 May	40 ⁽¹⁾ ⁽²⁾
	F. Leguminous vegetables, shelled or unshelled:	
	II. Beans (of the species <i>Phaseolus</i>):	
	ex a) From 1 October to 30 June:	
	— From 1 November to 30 April	60
	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
	ex H. Onions, shallots and garlic:	
	— Onions, from 15 February to 15 May	60
	M. Tomatoes:	
	ex I. From 1 November to 14 May:	
	— From 15 November to 15 April	60
	S. Sweet peppers	40
	ex T. Other:	
	— Aubergines, from 1 December to 30 April	60
	— Stick celery, from 1 January to 30 April	50
	— Courgettes, from 1 December to end February	60
08.02	Citrus fruit, fresh or dried:	
	ex A. Oranges:	
	— Fresh	60
	ex B. Mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids:	
	— Fresh	60
	D. Grapefruit	80
08.08	Berries, fresh:	
	A. Strawberries:	
	ex II. From 1 August to 30 April:	
	— From 1 November to 31 March	60

⁽¹⁾ As from the adoption of Community rules on new potatoes, the tariff reduction provided for the products of subheading 07.01 A II a) shall be 50 %.

⁽²⁾ For 1979, the concession is subject to the adoption of Community rules on new potatoes.

CCT heading No	Description	Rate of reduction (%)
ex 08.09	Other fruit, fresh: — Melons (other than watermelons), from 1 November to 31 May — Watermelons, from 1 April to 15 June	50 50
12.03	Seeds, fruit and spores, of a kind used for sowing: E. Other (a)	60
12.08	Chicory roots, fresh or dried, whole or cut, unroasted; locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading: C. Locust bean seeds	100
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: 2. Grapefruit segments ex 8. Other fruits: — Grapefruit b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: 2. Grapefruit segments ex. 8. Other fruits: — Grapefruit c) Not containing added sugar, in immediate packings of a net capacity: 1. Of 4.5 kg or more: ex dd) Other fruits: — Grapefruit 2. Of less than 4.5 kg: ex bb) Other fruits and mixtures of fruit: — Grapefruit	80 80 80 80 80 80
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a specific gravity exceeding 1.33 at 15 °C: III. Other: ex a) Of a value exceeding 30 u.a. per 100 kg net weight: — Orange juice — Grapefruit juice	70 70

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

Article 3

CCT heading No	Description
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: ex 9. Mixtures of fruit: — Fruit salad (a) b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: ex 9. Mixtures of fruit: — Fruit salad (a)

Article 4

The products originating in Cyprus which are listed below shall be admitted into the Community free of customs duties within the limits of an annual Community tariff quota of 500 tonnes:

CCT heading No	Description
08.04	Grapes, fresh or dried: B. Dried: I. In immediate containers of a net capacity of 15 kg or less

Article 5

Customs duties on imports into the Community of the products listed below, originating in Cyprus, shall be reduced by 75 % within the limits of an annual Community tariff quota of 10 000 hl, provided that the import prices of the wines in question plus the custom duties actually levied are not less at any given time than the Community reference prices for such wines:

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

Article 6

1. Customs duties on imports into the Community of the products listed below, originating in Cyprus, shall be reduced by 70 % within the limits of an annual Community tariff quota of 250 000 hl, provided that the import prices of the wines in question plus the customs duties actually levied are not less at any given time than the Community reference price for such wines:

CCT heading No	Description
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex a) Two litres or less: — Liqueur wines of an actual alcoholic strength of 15° ex b) More than two litres: — Liqueur wines of an actual alcoholic strength of 15°

CCT heading No	Description
22.05 (cont'd)	III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding: a) Two litres or less: ex 2. Other: — Liqueur wines b) More than two litres: ex 3. Other: — Liqueur wines IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding: a) Two litres or less: ex 2. Other: — Liqueur wines b) More than two litres: ex 3. Other: — Liqueur wines

2. The inclusion of these wines under the tariff quota referred to in paragraph 1 is subject to their being designated 'liqueur wines' in Form V.I.1 provided for in Regulation (EEC) No 2115/76.

Article 7

If the Protocol does not enter into force at the beginning of the calendar year, the quotas referred to in Articles 4, 5 and 6 shall be opened on a *pro rata* basis.

Article 8

The rates of reduction specified in Articles 2, 3, 5 and 6 shall apply to the customs duties actually applied in respect of third countries.

Article 9

1. In respect of products referred to in this Protocol, the Community reserves the right, in the event of the adoption of Community rules, to amend the system provided for.

2. In adopting such rules or amending this system, the Community shall take the interests of Cyprus into account.

Article 10

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the

harmonious development of trade in agricultural products to which the Agreement does not apply.

2. The Contracting Parties shall apply their rules on veterinary, health and plant health matters in non-discriminatory fashion and shall not introduce any new measures having the effect of unduly obstructing trade.

3. The Contracting Parties shall examine, under the conditions set out in Article 14 of the Association Agreement, any difficulties which might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

TITLE II

General and final provisions

Article 11

This Protocol shall form an integral part of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus.

Article 12

1. This Protocol shall be subject to ratification, acceptance or approval in accordance with the procedures of the Contracting Parties, who shall notify each other of the completion of the procedures necessary to that end.

2. This Protocol shall enter into force on the first day of the month following that in which the notifications referred to in paragraph 1 have been made.

It shall be applicable until the end of the first stage of the Association Agreement.

Article 13

This Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit protocol hebben gesteld.

Udfærdiget i Bruxelles, den ellefte maj nitten hundred og otteoghalvfjerds.

Geschehen zu Brüssel am elften Mai neunzehnhundertachtundsiebzig.

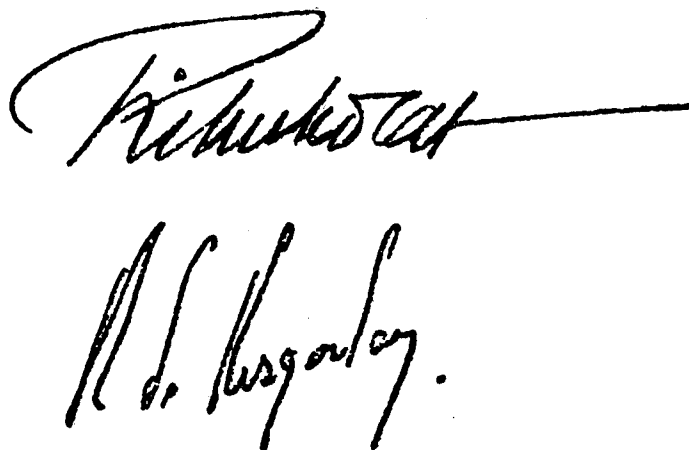
Done at Brussels on the eleventh day of May in the year one thousand nine hundred and seventy-eight.

Fait à Bruxelles, le onze mai mil neuf cent soixante-dix-huit.

Fatto a Bruxelles, addì undici maggio millenovecentosettantotto.

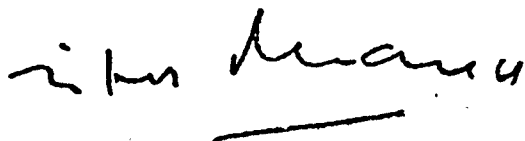
Gedaan te Brussel, elf mei negentienhonderdachtenzeventig.

For Rådet for De europæiske Fællesskaber,
Für den Rat der Europäischen Gemeinschaften,
For the Council of the European Communities,
Pour le Conseil des Communautés européennes,
Per il Consiglio delle Comunità europee,
Voor de Raad van de Europese Gemeenschappen,



P. S. Katsouris

For regeringen for republikken Cypern,
Für die Regierung der Republik Zypern,
For the Government of the Republic of Cyprus,
Pour le gouvernement de la république de Chypre,
Per il governo della Repubblica di Cipro,
Voor de Regering van de Republiek Cyprus,



N. Katsouris

PROTOCOL**laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS,

of the other part,

WHEREAS a Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus has been negotiated in respect of agricultural products in the light of the result of work undertaken with a view to a global approach on the Community's relations with the Mediterranean countries;

WHEREAS exceptional measures are necessary to take account of the special situation of Cyprus;

HAVE DECIDED to conclude for 1978 and 1979 a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Gunnar RIBERHOLDT,

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of Denmark,

Chairman of the Permanent Representatives Committee;

Roland de KERGORLAY,

Assistant-Director-General of the Directorate-General for External Relations of the Commission of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS:

Titos PHANOS,

Ambassador Extraordinary and Plenipotentiary,

Permanent Delegate to the European Economic Community,

Head of the Mission of the Republic of Cyprus;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I**Trade measures***Article 1*

The provisions of Article 2 of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus shall be supplemented by the following provisions.

Article 2

1. The products listed below originating in Cyprus and imported into the Community shall be admitted at the rates of customs duties applicable under the Common Customs Tariff reduced by the percentage indicated for each of them:

CCT heading No	Description	Rate of reduction (%)
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: a) From 1 January to 15 May 1978 b) From 16 May to 30 June 1978 a) From 1 January to 15 May 1979 b) From 16 May to 30 June 1979 G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. Carrots and turnips: — Carrots: — From 1 January to 31 March — From 1 April to 15 May S. Sweet peppers: ex T. Other: — Aubergines, from 1 October to 30 November 1978	 65 ⁽¹⁾ 65 ⁽¹⁾ (a) 60 ⁽¹⁾ 55 ⁽¹⁾ (b) 60 60 (c) 50 (d) 60 (e)
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex a) From 1 November to 14 July: — From 8 June to 14 July 1978 — From 8 June to 14 July 1979 ex b) From 15 July to 31 October: — From 15 July to 10 August 1978 — From 15 July to 31 July 1979	 60 (f) 60 (g) 60 (f) 60 (g)

⁽¹⁾ This concession is subject to the adoption of Community rules on new potatoes.

(a) Within the limits of a Community tariff quota of 75 000 tonnes (1978).

(b) Within the limits of a Community tariff quota of 60 000 tonnes (1979).

(c) Within the limits of a Community tariff quota of 2 500 tonnes (1978) and 2 300 tonnes (1979).

(d) Within the limits of a Community tariff quota of 300 tonnes (1978) and 250 tonnes (1979).

(e) Within the limits of a Community tariff quota of 300 tonnes (1978) and 250 tonnes (1979).

(f) Within the limits of a global Community tariff quota of 7 500 tonnes (1978).

(g) Within the limits of a global Community tariff quota of 7 000 tonnes (1979).

2. Should paragraph 1 not be applied during a full calendar year, or during a full calendar period as referred to therein, the quota concerned shall be opened on a *pro rata* basis.

TITLE II

General and final provisions

Article 3

3. The rates of reduction specified in paragraph 1 shall apply to the customs duties actually applied in respect of third countries.

This Protocol shall form an integral part of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus.

Article 4

1. This Protocol shall be subject to ratification, acceptance or approval, in accordance with the procedures of the Contracting Parties, who shall notify each other of the completion of the procedures necessary to that end.

2. This Protocol shall enter into force on the first day of the month following that in which the notifications referred to in paragraph 1 have been made.

It shall be applicable until 31 December 1979.

Article 5

This Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit protocol hebben gesteld.

Udfærdiget i Bruxelles, den ellefte maj nitten hundrede og otteoghalvfjerds.

Geschehen zu Brüssel am elften Mai neunzehnhundertachtundsiebzig.

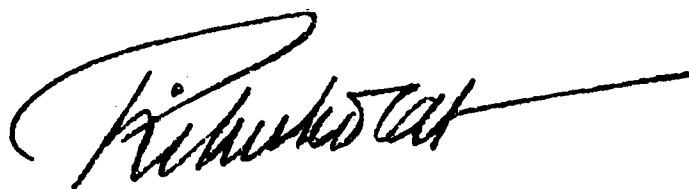
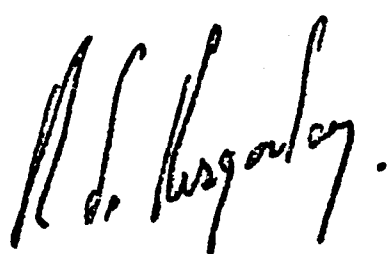
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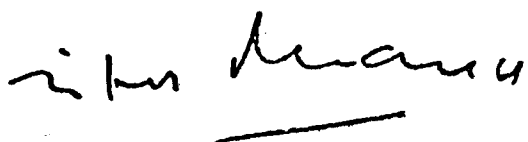
Fatto a Bruxelles, addì undici maggio millenovecentosettantotto.

Gedaan te Brussel, elf mei negetienhonderdachtenzeventig.

For Rådet for De europæiske Fællesskaber,
Für den Rat der Europäischen Gemeinschaften,
For the Council of the European Communities,
Pour le Conseil des Communautés européennes,
Per il Consiglio delle Comunità europee,
Voor de Raad van de Europese Gemeenschappen,

For regeringen for republikken Cypern,
Für die Regierung der Republik Zypern,
For the Government of the Republic of Cyprus,
Pour le gouvernement de la république de Chypre,
Per il governo della Repubblica di Cipro,
Voor de Regering van de Republiek Cyprus,



FINAL ACT

The Plenipotentiaries

of the Council of the European Communities,

and

of the President of the Republic of Cyprus

meeting in Brussels on this eleventh day of May in the year one thousand nine hundred and seventy-eight for the signature

— of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus

— of the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus

I. have, on signing the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus, adopted the Joint Declaration by the Contracting Parties on Article 2 of the Supplementary Protocol and Article 2 of the Protocol laying down certain provisions relating to trade in agricultural products;

II. have, on signing the Supplementary Protocol, taken note of the exchange of letters concerning the import into the Community of preserved fruit salads originating in Cyprus.

Joint declaration by the Contracting Parties on Article 2 of the Supplementary Protocol and Article 2 of the Protocol laying down certain provisions relating to trade in agricultural products

The Contracting Parties agree that, without prejudice to the application of the first subparagraph of Article 22 (2) of Regulation (EEC) No 1035/72, the products listed in Article 2 of the Supplementary Protocol and Article 2 of the Protocol laying down certain provisions relating to trade in agricultural products and included in Annex III to that Regulation shall be admitted into the Community without quantitative restrictions or measures having equivalent effect throughout the period during which duty reductions apply.

Exchange of letters between the European Economic Community and the Republic of Cyprus concerning the import into the Community of preserved fruit salads originating in Cyprus

Sir,

With a view to implementing the 55 % reduction in the Common Customs Tariff provided for in Article 3 of the Supplementary Protocol between the European Economic Community and the Republic of Cyprus and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff, originating in Cyprus, I have the honour to inform you that the Cyprus Government undertakes to take all necessary measures to ensure that the annual quantities supplied to the Community do not exceed 50 tonnes.

Should the date of the entry into force of the concession not coincide with the beginning of the calendar year, the quantities supplied will be calculated on a *pro rata* basis.

To this end, the Cyprus Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the Ministry of Commerce and Industry.

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Ministry of Commerce and Industry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

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

For the Government of Cyprus

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows:

‘With a view to implementing the 55 % reduction in the Common Customs Tariff provided for in Article 3 of the Supplementary Protocol between the European Economic Community and the Republic of Cyprus and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff, originating in Cyprus, I have the honour to inform you that the Cyprus Government undertakes to take all necessary measures to ensure that the annual quantities supplied to the Community do not exceed 50 tonnes.

Should the date of the entry into force of the concession not coincide with the beginning of the calendar year, the quantities supplied will be calculated on a *pro rata* basis.

To this end, the Cyprus Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the Ministry of Commerce and Industry.

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Ministry of Commerce and Industry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and, consequently, to state that the 55 % reduction in the Common Customs Tariff will apply to the annual quantities of preserved fruit salads originating in Cyprus referred to in your letter.

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

*On behalf of the Council
of the European Communities*

COUNCIL REGULATION (EEC) No 1432/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for
sweet peppers falling within subheading 07.01 S of the Common Customs Tariff,
originating in Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 2 of this Protocol provides for the opening of an annual Community tariff quota of 300 tonnes of sweet peppers falling within subheading 07.01 S of the Common Customs Tariff, originating in Cyprus, at a rate of customs duty equal to 50% of the customs duty in the Common Customs Tariff; whereas the *pro rata temporis* clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 150 tonnes for the period 1 July to 31 December 1978;

Whereas it is in particular necessary to ensure for 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of fu-

ture imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these products on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 86% of the quota amount;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July to 31 December 1978, the Common Customs Tariff duty for sweet peppers falling within sub-heading ex 07.01 S of the Common Customs Tariff, originating in Cyprus, shall be partially suspended at 4.5% within the limits of a Community tariff quota of 150 tonnes.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.
2. The first tranche, amounting to 129 tonnes, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Benelux	7 tonnes
Denmark	7 tonnes
Germany	14 tonnes
France	1 tonne
Ireland	7 tonnes
Italy	1 tonne
United Kingdom	92 tonnes

3. The second tranche, amounting to 21 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (2), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.
2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.
3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which on 1 November 1978, is in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made

without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

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 8

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

COUNCIL REGULATION (EEC) No 1433/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes falling within subheading 08.04 B I of the Common Customs Tariff, originating in Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas a Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 4 of this Protocol provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of certain dried grapes falling within subheading 08.04 B I of the Common Customs Tariff, originating in Cyprus; whereas the *pro rata temporis* clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 250 tonnes for the period 1 July to 31 December 1978;

Whereas it is in particular necessary to ensure for 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of future imports can be made; whereas, in these circum-

stances, the quota volumes should be allocated in initial shares, taking into account demand for these products on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 90% of the quota amount;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July to 31 December 1978, the Common Customs Tariff duty for the following products originating in Cyprus shall be totally suspended within the limits of a Community tariff quota of 250 tonnes.

CCT heading No	Description
08.04	Grapes, fresh or dried: B. Dried: I. In immediate containers of a net capacity of 15 kilograms or less

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 225 tonnes, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Benelux	10 tonnes
Denmark	10 tonnes
Germany	20 tonnes
France	10 tonnes
Ireland	10 tonnes
Italy	2 tonnes
United Kingdom	163 tonnes

3. The second tranche of 25 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (2), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share

equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available

and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

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 8

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

COUNCIL REGULATION (EEC) No 1434/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for wines of fresh grapes falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus

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 the proposal from the Commission,

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

Whereas a supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 5 of this Protocol provides for the opening of an annual Community tariff quota of 10 000 hectolitres of certain wines of fresh grapes, in containers holding two litres or less, falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus, at rates of customs duty equal to 25 % of the customs duty in Common Customs Tariff, originating in Cyprus, at rates *temporis* clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 5 000 hectolitres for the period 1 July to 31 December 1978;

Whereas these wines remain subject to the provisions governing the Common organization of the market in wine products, especially as regards observance of the reference price;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries ⁽²⁾, introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted appli-

cation 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for each of the types of wine in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these wines on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 86 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use

(1) Opinion delivered on 16 June 1978 (not yet published in the Official Journal).

(2) OJ No L 256, 2. 10. 1975, p. 2.

until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

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

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg

are united within and jointly represented by the Benelux Economic Union all transactions concerning the administration of 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 July to 31 December 1978, the Common Customs Tariff duties for the following products originating in Cyprus shall be partially suspended at the levels shown below within the limits of a Community tariff quota of 5 000 hectolitres:

CCT heading No	Description	Rate of duty
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: I. Of an actual alcoholic strength not exceeding 13°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex a) Two litres or less: — Wine of fresh grapes other than liqueur wines of an actual alcoholic strength of 15 °	3 u.a./hl 3.5 u.a./hl

2. The inclusion of these wines in this Community tariff quota shall be conditional upon observance of the reference price applying to them.

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

Benelux	140 hl
Denmark	140 hl
Germany	140 hl
France	40 hl
Ireland	300 hl
Italy	40 hl
United Kingdom	3 500 hl

3. The second tranche, amounting to 700 hectolitres, shall constitute the reserve.

Article 3

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 4 300 hectolitres, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which on 1 November 1978 is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2

and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

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

Article 8

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

COUNCIL REGULATION (EEC) No 1435/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for
liqueur wines falling within subheading ex 22.05 C of the Common Customs Tariff,
originating in Cyprus

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 the proposal from the Commission

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

Whereas a Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 6 of this Protocol provides for the opening of an annual Community tariff quota of 250 000 hectolitres of liqueur wines falling within subheading ex 22.05 C of the Common Customs Tariff, originating in Cyprus, at rates of customs duty equal to 30 % of the customs duty in the Common Customs Tariff; whereas the *pro rata temporis* clause is applicable; whereas under these circumstances it is necessary to open a Community tariff quota of 125 000 hectolitres for the period 1 July to 31 December 1978;

Whereas these wines remain subject to the provisions governing the common organization of the market in wine products, especially as regards observance of the reference price; whereas entry under the above Community tariff quota must be conditional on the wines being described as 'liqueur wines' in the V.I. 1 document provided for in Regulation (EEC) No 2115/76 ⁽²⁾;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries ⁽³⁾, introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas these wines are, for the greater part, imported into the Community during the latter months of each year due to particular reasons inherent in their method of production and distribution; whereas, consequently, the quota opened by Regulation (EEC) No 923/78 ⁽⁴⁾ for the period 1 May to 30 June 1978 has not been entirely used up; whereas, by way of exception, it is necessary to provide for the residual amount left over from this period to be taken into consideration to be used during the period of validity of this Regulation;

Whereas it is in particular necessary to ensure for 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these products on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of

⁽¹⁾ Opinion delivered on 16 June 1978 (not yet published in the Official Journal).

⁽²⁾ OJ No L 237, 28. 8. 1976, p. 1.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

⁽⁴⁾ OJ No L 120, 4. 5. 1978, p. 1.

security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 85 % of the quota amount;

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

Whereas, if at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a

part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union all transactions concerning the administration of 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 July to 31 December 1978, the Common Customs Tariff duties in respect of the following products originating in Cyprus shall be partially suspended at the levels shown below within the limits of a Community tariff quota of 125 000 hectolitres:

CCT heading No	Description	Rate of duty
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding: ex a) Two litres or less: — Liqueur wines of an actual alcoholic strength of 15° ex b) More than two litres: — Liqueur wines of an actual alcoholic strength of 15° III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°, in containers holding: a) Two litres or less: ex 2. Other: — Liqueur wines b) More than two litres: ex 3. Other: — Liqueur wines IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°, in containers holding: a) Two litres or less: ex 2. Other: — Liqueur wines b) More than two litres: ex 3. Other: — Liqueur wines	4.2 u.a./hl 3.3 u.a./hl 5.1 u.a./hl 4.2 u.a./hl 5.7 u.a./hl 5.7 u.a./hl

2. The entry of these wines under the tariff quota shall be conditional on their being described in the V.I. 1 document provided for in Regulation (EEC) No 2115/76 as 'liqueur wines'.

3. The inclusion of these wines in this Community tariff quota shall be conditional upon observance of the reference price applying to them.

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

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 106 520 hectolitres, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Benelux	1 500 hl
Denmark	1 500 hl
Germany	1 500 hl
France	10 hl
Ireland	2 000 hl
Italy	10 hl
United Kingdom	100 000 hl

3. The shares determined in paragraph 2 shall be increased by any remainders of the shares allocated under Regulation (EEC) No 923/78 existing on 30 June 1978.

Member States shall notify the Commission not later than 15 July 1978 of any remainders of the shares allocated under the abovementioned Regulation existing on 30 June 1978.

4. The second tranche, amounting to 18 480 hectolitres, shall constitute the reserve to which any remainders of the reserves constituted under Article 2 of Regulations (EEC) No 3016/77, (EEC) No 533/78 and (EEC) No 923/78, existing on 30 June 1978 shall be added, irrespective of the implementation of Article 5.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without

delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall return to the reserve, not later than 15 November 1978, the unused portion of their initial share which, on 1 November 1978, is in excess of 20 % of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 15 November 1978, notify the Commission of the total imports of the products concerned effected up to 1 November 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2

and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 20 November 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

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

Article 8

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978.

For the Council

The President

K. B. ANDERSEN

COUNCIL REGULATION (EEC) No 1436/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for aubergines falling within subheading ex 07. 01. T of the Common Customs Tariff, originating in Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

economic union may be carried out by any one of its members,

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

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Whereas a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 2 of this Protocol provided for the opening of a Community tariff quota of 300 tonnes of aubergines falling within subheading ex 07. 01 T of the Common Customs Tariff, originating in Cyprus, at a rate of customs duty equal to 40 % of the customs duty in the Common Customs Tariff, for the period 1 October to 30 November 1978; whereas it is necessary to open a Community tariff quota of 300 tonnes for the products and the period in question;

1. From 1 October to 30 November 1978, the Common Custom Tariff duty for aubergines falling within subheading ex 07. 01 T of the Common Customs Tariff, originating in Cyprus, shall be partially suspended at 6.4 % within the limits of a Community tariff quota of 300 tonnes.

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 November 1978.

Article 2

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 of those Member States in which needs might arise drawing appropriate quantities from that 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 and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 are opened in such a way that imports may be charged without interruption against their cumulative portions of the Community quota.

2. Member States shall ensure that importers of the said goods established in its territory have free access to the shares allocated to it.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the shares allocated to that

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

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

Article 5

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978

For the Council

The President

K. B. ANDERSEN

COUNCIL REGULATION (EEC) No 1437/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for fresh table grapes falling within subheading ex 08.04 A I of the Common Customs Tariff, originating in Cyprus

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 the proposal from the Commission,

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

Whereas a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and the Republic of Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 2 of this Protocol provides for the opening of a Community tariff quota of 7 500 tonnes of fresh table grapes falling within subheadings ex 08.04 A I a) and b) of the Common Customs Tariff, originating in Cyprus, at rates of customs duty equal to 40 % of the customs duty in the Common Customs Tariff, for the period 8 June to 10 August 1978; whereas the *pro rata temporis* clause is applicable; whereas, however, as part of the tariff measures taken autonomously by the Community and anticipating the provisions of this Protocol, the Community, by Regulation (EEC) No 781/78 ⁽²⁾, has opened a tariff quota of 500 tonnes instead of 2 500 tonnes, that is, a volume which would be the result of application of the *pro rata temporis* clause; whereas, in these circumstances, a Community tariff quota of 7 000 tonnes should be opened for the period 1 July to 10 August 1978;

Whereas these products are, for the greater part, imported into the Community during the beginning of the latter half of the year due to particular reasons inherent in their method of production and distribution; whereas, consequently, the quota opened by Regulation (EEC) No 781/78 for the period 8 to 30 June 1978 has not been entirely used up; whereas it is necessary to provide for the remainder left over from this period to be taken into consideration to be used during the period of validity of this Regulation;

Whereas it is in particular necessary to ensure for 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said products from Cyprus over a representative period and the economic outlook for the quota period concerned;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, taking into account demand for these products on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 93 % of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial shares should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its

⁽¹⁾ Opinion delivered on 16 June 1978 (not yet published in the Official Journal).

⁽²⁾ OJ No L 106, 20. 4. 1978, p. 1.

additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July to 10 August 1978 the Common Customs Tariff duties for the products listed below, originating in Cyprus, shall be partially suspended at the levels shown below, within the limits of a Community tariff quota of 7 000 tonnes:

CCT heading No	Description	Rate of duty
08.04	Grapes, fresh or dried: A. fresh: I. Table grapes: ex a) From 1 November to 14 July: — From 1 July to 14 July ex b) From 15 July to 31 October: — From 15 July to 10 August	7.2 % 8.8 %

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. The first tranche, amounting to 6 504 tonnes, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 10 August 1978, shall be as follows:

Benelux	200 tonnes
Denmark	200 tonnes
Germany	200 tonnes
France	2 tonnes
Ireland	200 tonnes
Italy	2 tonnes
United Kingdom	5 700 tonnes

3. The second tranche, amounting to 496 tonnes, shall constitute the reserve, to which any remainders of the constituted reserve and the shares drawn therefrom by the Member States, pursuant to Regulation (EEC) No 781/78, existing on 30 June 1978, shall be added.

The Member States concerned shall notify the Commission, not later than 15 July 1978, of any remainders

of the shares drawn from the reserve constituted, pursuant to the abovementioned Regulation, existing on 30 June 1978.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 10 August 1978.

Article 5

Member States shall return to the reserve, not later than 1 August 1978, the unused portion of their initial share which, on 25 July 1978, is in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Each Member State shall, not later than 1 August 1978, notify the Commission of the total imports of the products concerned effected up to 25 July 1978 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 August 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

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

Done at Luxembourg, 26 June 1978.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

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 8

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

Article 9

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 July 1978.

For the Council

The President

K. B. ANDERSEN