II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 February 1976

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

(76/198/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

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

Whereas the Council has autonomously implemented Article 2 (1) and Protocol No 7 on rum of the ACP-EEC Convention of Lomé ; whereas by Regulation (EEC) No 1600/75 (2) the Council opened a tariff quota free of customs duties for products falling within subheading 22.09 C I of the Common Customs Tariff originating in the ACP States ; whereas by Regulation (EEC) No 1957/75 (3) the Council laid down interim arrangements for trade with the overseas countries and territories associated with the European Economic Community, hereinafter called 'countries and territories' ; whereas that Regulation provides for the adoption of special rules for the abovementioned products originating in these countries and territories ;

Whereas under Regulation (EEC) No 1958/75 (4) the Council agreed to adopt the measures laying down these import arrangements ; whereas it has since approved the principles which should govern these arrangements ; whereas the import arrangements for the abovementioned products originating in the countries and territories should accordingly be adopted for the period from 1 March 1976 to 1 March 1980, without awaiting the entry into force of the Decision on the association of the countries and territories,

HAS DECIDED AS FOLLOWS :

Article 1

1. Pending entry into force of a common organization of the markets in spirits, and at all events no later than 1 March 1980, rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories listed in the Annex to this Decision and, as from the entry into force of the Council Decision on the association of the overseas countries and territories, originating in the countries and territories mentioned in the corresponding Annex of that Decision, shall be imported into the Community free of customs duties within the limits of a Community tariff quota fixed in accordance with the following provisions.

2. The grant of exemption from customs duties in the new Member States shall not, however, affect the application of Article 38 of the Act of Accession.

Article 2

1. The tariff quota provided for in Article 1 shall be fixed each year for a period running from 1 July to 30 June.

(1) OJ No C 257, 10. 11. 1975, p. 27.
(2) OJ No L 166, 28. 6. 1975, p. 81.
(3) OJ No L 201, 31. 7. 1975, p. 5.
(4) OJ No L 201, 31. 7. 1975, p. 73.

2. However, a quota shall be fixed for March, April, May and June of 1976 which shall be equal to one-third of the annual quota.

Article 3

1. The annual tariff quota shall be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the last three years for which statistics are available. For the purposes of calculating the quota for 1 March to 30 June 1976 the volume of imports in 1975 shall be taken as an agreed figure as being 80 000 hectolitres of pure alcohol.

2. The annual tariff quota shall be equal to the basic annual quantity determined pursuant to paragraph 1 plus a growth rate of 13 %. The quota shall be fixed on that basis.

3. However, the Council, acting unanimously on a proposal from the Commission, may each year increase or reduce the rate laid down in paragraph 2 in the light of Community consumption and production and developments of the trade flow within the Community and between the Community, the countries and territories and the ACP States.

Article 4

When laying down the annual import quota, the Council, acting by a qualified majority on a proposal from the Commission, shall determine the allocation of the quota amongst the Member States, taking into account actual trends on the markets in question, the needs of the Member States and economic prospects for the period under consideration.

Article 5

For the purposes of implementing this Decision the concept of 'originating products' and the methods of administrative cooperation relating thereto shall be those defined in Annex II to Regulation (EEC) No 1957/75 and, as from the entry into force of the Council Decision on the association of the countries and territories, those defined in the corresponding Annex to the said Decision.

Article 6

The products referred to in Article 1 shall be placed under Community surveillance according to detailed arrangements to be laid down by the Council when it adopts the measures provided for in Article 3.

Article 7

Article 7 and Annex III of Regulation (EEC) No 1957/75 and, as from the entry into force of the Council Decision on the association of the countries and territories, the corresponding provisions of the said Decision, shall be applicable to the products referred to in Article 1.

Article 8

This Decision shall enter into force on 1 March 1976.

It shall apply until 29 February 1980.

Article 9

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

Done at Brussels, 9 February 1976.

For the Council

The President

G. THORN

ANNEX

List of the countries and territories referred to in Article 1

(This list does not prejudice the status of these countries and territories now or in the future)

1. Overseas countries of the Kingdom of the Netherlands :
   — the Netherlands Antilles (Aruba, Bonaire, Curaçao ; St Martin, Saba, St Eustatius).
2. Overseas territories of the French Republic :
   — Saint Pierre and Miquelon,
   — Mayotte,
   — Territory of the Afars and Issas,
   — New Caledonia and Dependencies,
   — Wallis and Futuna Islands,
   — French Polynesia,
   — French Southern and Antarctic Territories.
3. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland :
   — Belize,
   — Brunei,
   — Associated States in the Caribbean (Antigua, Dominica, St Lucia, St Vincent, St Kitts, Nevis and Anguilla),
   — Cayman Islands,
   — Falkland Islands and Dependencies,
   — Gilbert Islands,
   — Solomon Islands,
   — Turks and Caicos Islands,
   — British Virgin Islands,
   — Montserrat,
   — Pitcairn,
   — St Helena and Dependencies,
   — Seychelles,
   — British Antarctic Territory,
   — British Indian Ocean Territory,
   — Tuvalu.
4. Anglo-French Condominium of the New Hebrides.
5. Countries provisionally covered by this Decision :
   — The Comores,
   — Surinam.