REGULATION (EEC) No 1251/73 OF THE COUNCIL

of 14 May 1973

on the opening, allocation and administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in the Republic of 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 the Agreement [1] establishing an Association between the European Economic Community and the Republic of Cyprus, hereinafter called 'the Agreement', and the Protocol [2] laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community, hereinafter called 'the Protocol', provide for the opening of an annual Community tariff quota of 500 metric tons of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus; whereas pursuant to the joint declaration on Article 2 of the Protocol the tariff quota should be allocated among the Member States as follows: 100 tons for the Community as originally constituted and 400 tons for the new Member States; whereas Article 1 of Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 30 % of the Common Customs Tariff duties; whereas, as regards the duties applicable to goods within the limits of the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession [3] should be observed; whereas a Community tariff quota of 500 metric tons should be opened in respect of the abovementioned products; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted on the one hand and for the new Member States on the other hand;

Whereas as regards in particular the Community as originally constituted:

— equal and continuous access to the quota should be ensured for all importers and quota duties should be applied consistently to all imports of the goods in question until the quota is used up;

— in the light of the principles elicited above, the Community nature of the quota may best be preserved by an arrangement allocating it among the Member States; whereas in order to reflect most accurately the actual development of the market in the said goods, such allocation should be proportionate to the requirements of the Member States, calculated both from statistics of each State's imports of the said products originating in the Republic of Cyprus over a representative reference period and from the economic outlook for the quota period concerned;

— however, in view of the fact that during the last three years no such products originating in Cyprus have been imported and no forecast can be made for 1973, an initial share percentage of 25 % allocated to each of the Member States concerned would ensure a fair distribution among them;

— in order to take into account trends in imports of the said goods in the Member States concerned, the quota amount should be divided into two parts, the first part being allocated among those Member States and the second forming a reserve intended to cover the later requirements of the Member States which have used up their initial share of the quota; in order to ensure a certain degree of security to importers in each Member State, the first part of the quota should be fixed, in this case, at approximately 75 %;

— the initial share of the quota of the Member States concerned may be used up at different rates; whereas, in order to take this into account and to avoid any break in continuity, a Member State which has almost used up its initial share of the quota should draw an additional share from the reserve; whereas this must be done by each

(1) See p. 2 of this Official Journal.
(2) See p. 88 of this Official Journal.
(3) OJ No L 73, 27. 3. 1972, p. 14.

Member State as each of its additional shares of the quota is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be valid 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;

— if, at a specified date in the quota period, a considerable quantity of the initial quota share is left over in a Member State, that Member State must transfer a significant proportion of it back into the reserve to prevent part of the quota allocated to the Community as originally constituted from remaining unused in one Member State when it could be used in others;

— since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and jointly represented by the Benelux Economic Union, any measure concerning the administration of shares granted to that Economic Union may be carried out by any one of its members;

Whereas, as regards in particular the new Member States:

— pursuant to the Protocol a gross amount of 400 metric tons is allocated to the new Member States; whereas the same general criteria for allocation as those used for the Member States of the Community as originally constituted should be applied; whereas, however, the United Kingdom has been the sole importer of such goods from Cyprus to the tune of 78 700 u.a. in 1970 and 211 700 u.a. in 1971; whereas in view of these factors and the need to ensure a fair allocation among those Member States of the 400 metric tons in question, the percentage shares of that quantity can be established as follows:

  — Denmark: 15

  — Ireland: 15

  — United Kingdom: 70;

— the quota duties are to be calculated by the new Member States in accordance with Articles 3, 4, 5, 6 and 7 of the Protocol;

— equal and continuous access to the quota should be ensured for all importers and quota duties should be applied consistently to all imports of the said goods until the quota is used up.

HAS ADOPTED THIS REGULATION:

Article 1

A Community tariff quota of 500 metric tons is opened within the Community for the period 1 June to 31 December 1973 in respect of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus. This quota shall be allocated and administered in accordance with the provisions set out below.

Provisions applicable to the Community as originally constituted

Article 2

The Common Customs Tariff duty is partially suspended at the rate of 5·1 % in respect of 100 metric tons of the quota referred to in Article 1.

Article 3

1. A first part amounting to 72 metric tons of the amount specified in Article 2 is allocated among the Member States; the shares which, subject to Article 6, are valid until 31 December 1973 are as follows:

Benelux	18 metric tons
Germany	18 metric tons
France	18 metric tons
Italy	18 metric tons.

2. The second part, amounting to 28 metric tons, constitutes the reserve.

Article 4

1. If 90 % or more of the initial share of a Member State laid down in Article 3 (1), or 90 % of that share less the amount returned into the reserve where the provisions of Article 6 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 reserve is sufficient.

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 without delay, by notifying the Commission, 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 reserve is sufficient.

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, pursuant to the provisions of paragraph 2, to draw a fourth share equal to the third. This process shall be applied until the reserve is exhausted.

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

Article 5

The additional shares drawn pursuant to Article 4 shall be valid until 31 December 1973.

Article 6

If, by 15 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 10 October 1973, notify the Commission of the total imports of the said goods effected up to and including 15 September 1973 and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 7

The Commission shall keep an account of the quota-shares opened by the Member States in accordance with Articles 3 and 4 and shall inform each state of the extent to which the reserve has been used up as soon as it receives the notifications.

The Commission shall, not later than 15 October 1973, notify the Member States of the amount still in reserve after the return of shares pursuant to Article 6.

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 last drawing.

Article 8

The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for changes to be made without interruption against their accumulated shares of the Community quota.

Article 9

1. The Member States guarantee to importers of the said goods established in their territory free access to the share allocated to them.

2. The Member States shall charge imports of the said goods against their share accordingly as the goods are presented for customs clearance under cover of declarations that they have been made available for consumption.

3. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 2.

Article 10

Member States shall inform the Commission at regular intervals of imports of the said products originating in the Republic of Cyprus actually charged against their quota-shares.

Article 11

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Provisions applicable to the new Member States

Article 12

The new Member States shall apply duties applicable to goods within the limits of the quota which conform with the relevant provisions of the Agreement of the Protocol and of the Act of Accession.

Article 13

A total amount of 400 metric tons of the quota referred to in Article 1 is allocated among the new Member States as follows:

Denmark	60 metric tons
Ireland	60 metric tons
United Kingdom	280 metric tons.

Article 14

Articles 9, 10 and 11 shall apply to the new Member States.

Article 15

This Regulation shall enter into force on the third 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 Brussels, 14 May 1973.

For the Council

The President

R. VAN ELSLANDE