REGULATION (EEC) No 2778/73 OF THE COUNCIL

of 11 October 1973

on the opening, allocation and administration of a Community tariff quota for other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff originating in the Arab Republic of Egypt

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 between the European Economic Community and the Arab Republic of Egypt (1), hereinafter called 'the Agreement', and the Protocol laying down certain provisions concerning the Agreement between the European Economic Community and the Arab Republic of Egypt in consequence of the Accession of new Member States to the European Economic Community (2), hereinafter called 'the Protocol', provides for the opening of an annual Community tariff quota of 3 250 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff originating in the Arab Republic of Egypt ; whereas, if the date of entry into force of the Agreement should not fall at the beginning of the calendar year, the quota should be opened *pro rata temporis ;* whereas under the Protocol the tariff quota should be allocated among the Member States as follows : 2 500 metric tons for the Member States of the Community as originally constituted, 90 metric tons for Denmark, 10 metric tons for Ireland and 650 metric tons for the United Kingdom ; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 55 % of the duties of the Common Customs Tariff ; whereas as regards the duties to be applied to 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 542 metric tons should therefore be opened for those 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 ;

Whereas as regards in particular the Member States of 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 products in question until the quota is used up ;

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

— during the past three years for which statistics are available, the following percentages represent the respective imports of the Member States concerned in relation to imports of the products in question from the Arab Republic of Egypt into the Community as originally constituted :

	1969	1970	1971
Germany	5·16	6·95	3·0
Benelux	37·33	10·71	27·19
France	6·70	5·56	1·17
Italy	50·81	76·78	68·64

— in view of those facts and of the forecasts made by certain Member States, the initial percentage shares of that quota should be allocated approximately as follows :

Germany	15
Benelux	22
France	15
Italy	48

— in order to take account of import trends for the products in question in the Member States

(1) OJ No L 251, 7. 9. 1973, p. 2.
(2) OJ No L 251, 7. 9. 1973, p. 87.
(3) OJ No L 73, 27. 3. 1972, p. 14.

concerned, the quota amount should be divided into two tranches, the first tranche being allocated among the same Member States, the second tranche constituting a reserve intended to cover the later requirements of those Member States which have used up their initial quota shares ; whereas in order to ensure a certain degree of security to importers in each of those Member States, the first tranche of the quota should be fixed in this case at approximately 65 % ;

— the initial quota shares may be used up at different rates ; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial quota share must draw an additional quota share from the reserve ; whereas this must be done by each Member State as each one of its additional quota shares is almost used up, and 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 form of administration requires close collaboration between the Member States concerned and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof ;

— if, at a given date in the quota period, a considerable quantity of the initial quota share is left over in a Member State, it is essential that that State should return a significant proportion to the reserve to prevent a part of the quota allocated to the Member States of the Community as originally constituted from remaining unused in one Member State while it could be used in others ;

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

Whereas, as regards in particular the new Member States :

— the quota duties are to be calculated by the new Member States in accordance with Articles 3 and 4 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 products until the quota is used up,

HAS ADOPTED THIS REGULATION :

Article 1

A Community tariff quota of 542 metric tons is opened for the period from 1 November to 31 December 1973 in respect of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff originating in the Arab Republic of Egypt.

This quota shall be allocated and administered in accordance with the provisions set out below.

Provisions applicable to the Member States of the Community as originally constituted

Article 2

The Common Customs Tariff duties are partially suspended at the rates indicated below in respect of 417 metric tons of the quota referred to in Article 1 :

CCT heading No	Description of goods	Rate of duty %
55.09	Other woven fabrics of cotton	
	A. Containing 85 % or more by weight of cotton :	
	I. Of a width of less than 85 cm	7·1
	II. Other	7·7
	B. Other :	
	I. Of a width of less than 85 cm	7·7
	II. Other	8·2

Article 3

1. A first tranche of 272 metric tons of the amount mentioned in Article 2 is allocated among those Member States ; the shares which, subject to Article 6, are valid until 31 December 1973 are as follows :

Germany	42 metric tons
Benelux	60 metric tons
France	42 metric tons
Italy	128 metric tons

2. The second tranche, amounting to 145 metric tons, constitutes the reserve.

Article 4

1. If 90 % or more of a Member State's initial quota share as specified in Article 3 (1), or of that share minus the portion returned to the reserve where Article 6 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second quota share, to the extent that the reserve is sufficient, equal to 15 % of its initial quota share, rounded up where necessary to the next unit.

2. If, after its initial quota share has been used up, 90 % or more of the second quota share drawn by a Member State has been used up, that Member State shall without delay, by notifying the Commission, draw a third quota share, to the extent that the reserve is sufficient, equal to 7·5 % of its initial quota share, rounded up where necessary to the next unit.

3. If, after its second quota share has been used up, 90 % or more of the third quota share drawn by a Member State has also been used up, that Member State shall, in accordance with paragraph 2, draw a fourth quota share equal to the third.

This process is continued until the reserve is used up.

4. Notwithstanding paragraphs 1 to 3, a Member State may draw quota shares lower than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 5

Additional quota shares drawn pursuant to Article 4 are valid until 31 December 1973.

Article 6

A Member State which on 1 December 1973 has not used up its initial quota share shall return to the reserve not later than 10 December 1973 the unused portion exceeding 20 % of the initial amount. It may return a greater portion if there are grounds for believing that it may not be used up.

Member States shall, not later than 10 December 1973, notify to the Commission the total quantities of the products in question imported up to and including 1 December 1973 and charged against the Community tariff quota and any quantities returned to the reserve.

Article 7

The Commission shall keep an account of the quota shares opened by the Member States pursuant to Articles 3 and 4 and shall, as soon as information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 December 1973, inform the Member States of the amount still in reserve after returns have been made pursuant to Article 6.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 8

Member States shall take all necessary measures to ensure that the additional shares taken up under Article 4 are so drawn as to allow for uninterrupted charges against their accumulated shares of the Community quota.

Provisions applicable to the new Member States

Article 9

A quantity of 125 metric tons of the quota referred to in Article 1 is allocated among the new Member States as follows :

Denmark	15 metric tons
Ireland	2 metric tons
United Kingdom	108 metric tons.

Article 10

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

Provisions applicable to all Member States

Article 11

1. Member States shall ensure that the quota shares allocated to them are freely accessible to importers of the products in question established in their territory.

2. Member States shall charge imports of the products in question against their quota shares as the products are presented for customs clearance under declarations of entry for consumption.

3. The extent to which the Member States shares have been used up shall be ascertained from the imports charged under paragraph 2.

Article 12

Member States shall regularly inform the Commission of imports of the said products originating in the Arab Republic of Egypt actually charged against their quota shares.

Article 13

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

Article 14

This Regulation shall enter into force on 1 November 1973.

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

Done at Brussels, 11 October 1973.

For the Council

The President

I. NØRGAARD