REGULATION (EEC) No 3463/73 OF THE COUNCIL

of 17 December 1973

on the opening, allocation and administration of a Community tariff quota for certain eels falling within subheading No ex 03.01 A II of the Common Customs Tariff for 1974

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas eel fishing has been prohibited or has become impossible in certain Community production centres; whereas this has led to a drop in Community production of eels in general and particularly of fresh eels (live or dead), chilled or frozen, falling within subheading No ex 03.01 A II of the Common Customs Tariff, intended for curing or skinning or for use in the industrial manufacture of products falling within heading No 16.04; whereas the processing industries in the Community consequently depend to a large extent on imports for their supplies of eels; whereas for 1974, the application of the autonomous Common Customs Tariff duty should therefore be suspended totally on imports of the relevant products up to an appropriate quantitative limit; whereas, within this limit, the new Member States should apply customs duties as provided in the Act of Accession [1]; whereas, however, the United Kingdom has declared that from 1 January 1974 it will align its duties directly on those of the Common Customs Tariff; whereas, the introduction of a Community measure of this nature is unlikely to harm Community production;

Whereas current demand not met by Community production, which must therefore be met by imports, can be estimated at 6 100 metric tons for 1974; whereas a tariff quota for the relevant types of eel should therefore be opened for 1974 on the conditions set out above;

Whereas it is in particular necessary 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, having regard to these principles, the Community nature of the quota can be respected by allocating the tariff quota among the Member States listed below; whereas statistics available for these products do not give a clear picture of the market situation for them; whereas, therefore, it is not possible to allocate the quota among the Member States on the basis of imports of the relevant products over the last few years; whereas, however, according to the estimates put forward by the Member States, initial shares may be fixed at the following quantities:

Benelux	1 100 metric tons
Denmark	600 metric tons
Germany	3 000 metric tons
France	100 metric tons
Ireland	50 metric tons
Italy	100 metric tons
United Kingdom	150 metric tons

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 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 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 quota share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is

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[1] OJ No L 73, 27. 3. 1972, p. 14.

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 in and represented by the Benelux Economic Union, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period from 1 January 1974 to 31 December 1974, a Community tariff quota of 6 100 metric tons shall be opened for fresh eels (live or dead) chilled or frozen, intended for curing or skinning or for use in the industrial manufacture of products falling within heading No 16.04, under conditions to be determined by the competent authorities falling within subheading No ex 03.01 A II of the Common Customs Tariff.

2. The Common Customs Tariff duties shall be totally suspended on products imported under this tariff quota.

3. Within the limits of this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche, amounting to 5 100 tons, shall be allocated among the Member States; the shares, which, subject to Article 5, shall be valid until 31 December 1974, shall consist of the following amounts:

Benelux	1 100 metric tons
Denmark	600 metric tons
Germany	3 000 metric tons
France	100 metric tons
Ireland	50 metric tons
Italy	100 metric tons
United Kingdom	150 metric tons

2. The second tranche, amounting to 1 000 metric tons, shall make up the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (1), or 90 % of that share less the amount returned into the reserve, where Article 5 has 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 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 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 manner specified in paragraph 2 to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Without prejudice to 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 those shares 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 1974.

Article 5

If, by 15 August 1974, a Member State has not used up its initial share, it shall, not later than 10 September 1974, 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.

Each Member State shall, not later than 10 September 1974, notify the Commission of the total imports of the products concerned effected up to 15 August 1974 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 15 September 1974, 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. The Member States shall take all appropriate measures to ensure that, supplementary shares drawn pursuant to Article 3, are opened in such a way that charges may be made, without interruption, against their cumulative shares of the Community quota.

2. Each Member State shall ensure that importers of the product in question established in its territory have free access to the shares allocated to it.

3. The Member States shall charge imports of the said product against their share as and when the product is 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

Member States shall inform the Commission at regular intervals of imports charged against their shares.

Article 9

The 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 January 1974.

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

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD