REGULATION (EEC) No 423/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for dried figs falling within subheading ex 08.03 B of the Common Customs Tariff, originating in Spain and imported in immediate packings of a net capacity of 15 kg or less

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;

Whereas the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 9 of Annex I for the opening by the Community of an annual Community tariff quota of 200 tons of dried figs falling within subheading ex 08.03 B of the Common Customs Tariff originating in Spain and imported in immediate packings of a net capacity of 15 kg or less; whereas, pursuant to Article 9 of the said Annex the quota duty is equal to 30 % of the Common Customs Tariff duty in respect of the product concerned; whereas therefore a Community tariff quota of 200 metric tons at a duty rate 3 % for the product concerned should be opened for 1973;

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 rate laid down for that quota to all imports of the product 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 most accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	—	—	—
Benelux	100 (= 1 t)	30	100 (= 5 t)
France	—	70	—
Italy	—	—	—

Whereas, in view of these data and the estimates submitted by certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among all the Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	3
Benelux	30
France	65
Italy	2;

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 instalments, the first instalment 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 instalment of the Community quota should be determined at a level which, under present circumstances, may be 80 % of the quota amount;

Whereas the initial quota 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 intitial quota share 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 quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota 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 one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1973 and until 31 December 1973, the Common Customs Tariff duty in respect of dried figs falling within subheading ex 08.03 B, originating in Spain and imported in immediate packings of a net capacity not exceeding 15 kgs shall be partially suspended at 3 % within the framework of a Community tariff quota of 200 tons.

Article 2

1. A first instalment, amounting to 160 tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid from 1 January until 31 December 1973 shall consist of the following amounts;

Germany	5 metric tons
Benelux	48 metric tons
France	104 metric tons
Italy	3 metric tons

2. The second instalment, amounting to 40 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 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 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, 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 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 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 1973.

Article 5

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 product concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their 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 October 1973, 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, 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. The Member States shall guarantee to importers of the product concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares in so far as the product has been presented for Customs clearance under cover of declarations that it has been made available for consumption.

4. 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 3.

Article 8

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

Article 9

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

Article 10

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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE