REGULATION (EEC) No 2661/74 OF THE COUNCIL

of 15 October 1974

opening, allocating and providing for the administration of a Community tariff quota for certain plywoods of coniferous species, falling within heading No ex 44.15 of the Common Customs Tariff (1975)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof;

Having regard to the proposal from the Commission;

Whereas, under Protocol No 11 to the Act of Accession (1), the Community is required to open each year nil duty Community tariff quotas for certain plywoods of coniferous species falling within heading No ex 44.15 of the Common Customs Tariff, the volume thereof to be decided annually when it is established that all possibilities of supply on the internal market of the Community have been exhausted during the period for which the quotas are open; whereas, having regard to the aforesaid possibilities of supply and on the basis of forecasts of requirements made by the Member States, the tariff quota to be opened for 1975 may be fixed at 652 000 m³; whereas the opening of the aforementioned tariff quota also covers the commitment contracted by the Community within the GATT to grant in respect of these products an annual duty-free tariff quota of 400 000 m³; whereas the requirements mentioned above do not include imports to which other preferential tariff treatment may apply, in particular under free trade agreements; whereas in view of the relatively small quantities produced in the Community, it is not necessary to apportion this amount between the categories of plywood specified in the abovementioned Protocol No 11;

Whereas, to take more precise account of import trends for the products concerned, the quota should be divided into two tranches, the first being allocated among all the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level, or about 98 % of its full amount; whereas, on the basis of Member States' estimates of their needs, the initial shares may be fixed as follows:

	in cubic metres
Benelux	75 000
Denmark	85 000
Germany	110 000
France	25 000
Ireland	25 000
Italy	22 000
United Kingdom	300 000;

Whereas Member States may exhaust their initial shares at different rates; whereas to provide for this eventuality and to avoid disruption of supplies any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused it is essential, to prevent a part of the quota from remaining unused in one Member State while it could be used in others, that such State should return a significant proportion thereof to the reserve;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any transaction in respect of the administration of the shares allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January to 31 December 1975 a Community tariff quota of 652 000 m³ shall be opened for the following products falling within heading No ex 44.15 of the Common Customs Tariff:

(1) OJ No L 73, 27. 3. 1972, p. 170.

(a) plywood of coniferous species, without the addition of other substances, of a thickness greater than 9 mm, the faces of which are not further prepared than the peeling process;

(b) plywood of coniferous species, without the addition of other substances, sanded, and of a thickness greater than 18·5 mm.

2. Imports of the products in question may not be charged against this tariff quota if they are already free of customs duties under preferential treatment applied by certain Member States, in particular under free trade agreements.

3. New Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession to imports within the limits of the above quota.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two tranches.

2. A first tranche of 642 000 m³ shall be allocated among the Member States. Member States' shares, which subject to Article 5 shall be valid until 31 December 1975, shall be as follows:

	in cubic metres
Benelux	75 000
Denmark	85 000
Germany	110 000
France	25 000
Ireland	25 000
Italy	22 000
United Kingdom	300 000.

3. The second tranche, of 10 000 m³, shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as fixed in Article 2 (2), or of that minus the portion returned to the reserve where Article 5 has been applied, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used up, That Member State shall, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share.

3. If after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this provision.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1975.

Article 5

A Member State which on 15 September 1975 has not used up its initial share shall return to the reserve not later than 10 October 1975 any unused portion in excess of 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 October 1975, notify the Commission of the total quantities of the products in question imported up to and including 15 September 1975 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 15 October 1975, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that when a quantity exhausting the reserve is drawn, the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the products in question against their shares as and when

the products are entered with the customs authorities for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of imports charged against that share in accordance with paragraph 3.

Article 8

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

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1975.

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

Done at Luxembourg, 15 October 1974.

For the Council

The President

B. DESTREMAU