REGULATION (EEC) No 2916/74 OF THE COUNCIL

of 18 November 1974

opening, allocating and providing for the 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 Israel

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 State of Israel, signed at Luxembourg on 29 June 1970, provides in Article 2 (1), together with Article 3 of Annex I, for the opening by the Community for the period from 1 January 1975 to 30 September 1975 of a Community tariff quota of 225 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in Israel; whereas, pursuant to Article 1 of the said Annex, the quota duty is equal to 50% of the Common Customs Tariff duty in respect of the product concerned; whereas, therefore, a Community tariff quota of 225 metric tons at duty rates of 6·5%, 7%, 7% and 7·5% for products falling within subheadings 55.09 A I, A II, B I and B II respectively should be opened;

Whereas the Community tariff quota in question should be opened for the year 1975; and whereas, however, because of the possibility of implementing other preferential arrangements as a result of a new agreement between the European Economic Community and the State of Israel, it is necessary to limit the quota period to the date the new Agreement enters into force.

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the product in question, the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from Israel during a representative reference period and the economic outlook for the tariff period in question;

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 Israel of the products concerned:

	1971	1972	1973
Germany	89·9	94·5	89·8
Benelux	—	0·5	0·1
France	2·5	2·5	4·6
Italy	7·6	2·5	5·5

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quotas may be fixed approximately at the following percentages:

Germany	88·9
Benelux	1·3
France	4·5
Italy	5·3

Whereas, to take account of future import trends in the various Member States for the products concerned, each quota volume should be divided into two tranches, the first being allocated amongst the Member States and the second held as a reserve to cover at a later date the requirements of Member States which have used up their initial share; whereas, to give importers some certainty, the first tranche of each Community tariff quota could be fixed at about 75% of the quota volumes;

Whereas the initial shares may be used up more or less quickly; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share must draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas each initial and supplementary share must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quotas have been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from 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 jointly represented by the Benelux Economic Union, any measure concerning 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

From 1 January 1975 until the date of entry into force of a new Agreement between the European Economic Community and the State of Israel but not later than 30 September 1975, the Common Customs Tariff duties in respect of the products originating in Israel set out in the table below shall be partially suspended at the rates indicated for each of them, within the limits of an overall Community tariff quota of 225 metric tons:

CCT heading No	Description	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	6·5
	II. Other	7·0
	B. Other:	
	I. Of a width of less than 85 cm	7·0
	II. Other	7·5

Article 2

1. A first tranche of 169 metric tons of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until the end of the period stipulated in Article 1 shall be as follows:

Germany	150 metric tons
Benelux	2 metric tons
France	8 metric tons
Italy	9 metric tons

2. A second tranche of 56 metric tons shall constitute a reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share, equal to 7·5% of its initial share, rounded up where necessary to the next unit.

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

This process shall continue to apply until the reserve is used up.

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

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until the end of the period stipulated in Article 1.

Article 5

A Member State which on 15 July 1975 has not used up its initial share shall return to the reserve not later than 1 August 1975 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 1 August 1975, notify the Commission of the total quantities of the said goods imported up to and including 15 July 1975 and charged against the Community tariff quota and any quantities of the initial share 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 5 August 1975, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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 7

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

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

3. Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use.

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

Article 8

Member States shall inform the Commission at regular intervals of imports actually 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 1975.

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

Done at Brussels, 18 November 1974.

For the Council

The President

Ch. BONNET