REGULATION (EEC) No 3052/74 OF THE COUNCIL

of 2 December 1974

opening, allocating and providing for the administration of Community tariff quotas for certain products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Brussels Nomenclature which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas, in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 of cif imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount) plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount); whereas such additional amount is variable and is calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceilings;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the associated countries following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris on 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above and whereas these preferences should continue to be applied throughout 1975; whereas having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic amount should normally refer to 1971, while the additional amount should refer to 1972; whereas, however, taking into account the interests of the associated countries, for plywood, blockboard, laminboard, battenboard and similar laminated products falling within tariff heading No 44.15, the quota amount should be limited to 105 000 m³;

Whereas, in accordance with Protocol 23 to the Act of Accession [1], the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is expedient, therefore, in respect of the products referred to in Annexes A and B which originate in the countries and territories listed in

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

Annex C, that the Community should open for 1975, duty-free Community tariff quotas within the limits of the amounts, in units of account, shown against each of these products;

Whereas charges against each of these tariff quotas must, in respect of the products originating in any of the abovementioned countries or territories, come within a specified percentage of the amount of the quota; whereas the benefit of such tariff quotas should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 [1] of 27 June 1968 on the common definition of the concept of the origin of goods;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quotas and the uninterrupted application of the rate laid down for those quotas to all imports of the products concerned into all Member States until those quotas are used up; whereas, having regard to the principles set out above, the Community nature of the quotas can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quotas may relate only to products which have been entered for home use and which are accompanied by a certificate of origin;

Whereas the application of the generally accepted principles in respect of the allocation of the Community tariff quotas which have been opened hitherto entails under these circumstances, and in view of the variety of the products concerned and the fact that the benefiting countries and territories are specified, calculations which are all the more problematic in that the statistical data required sometimes prove to be incomplete or not sufficiently accurate or representative; whereas the time required for these calculations cannot be reconciled with the continuity necessary for the application of the tariff preferences concerned; whereas, under these conditions, it would be advisable still at this stage to adopt a fixed scale for allocating the Community tariff quotas concerned among the Member States; whereas, using as a basis general economic criteria relating to external trade, the gross national product and population, the percentages for the initial shares of the Member States in the quota amounts are as follows for the quota year under consideration:

Germany	27·5%
Benelux	10·5%
France	19·0%
Italy	15·0%
Denmark	5·0%
Ireland	1·0%
United Kingdom	22·0%

Whereas, however, taking into account the more precise information already available concerning trade in plywood, blockboard, laminboard, battenboard and similar laminated products falling within heading No 44.15 of the Common Customs Tariff, these percentages should be replaced by: 9·52%, 5·52%, 1·90%, 2·10%, 8·57%, 2·86% and 69·53% respectively;

Whereas in connection with the Member States' participation in the Community tariff quota for the abovementioned products falling within heading No 44.15 it should be borne in mind that United Kingdom imports in recent years from developing countries, in particular from Malaysia and Singapore, have been increasing substantially; whereas the introduction of customs duties on these imports might alter traditional trade flows to the detriment of the developing countries which hitherto benefited from duty-free entry; whereas this situation is a special reason for raising the share of the said Member State without restricting access thereto of countries covered by the generalized preference scheme;

Whereas, without affecting the Community nature of the tariff quotas for the products listed in Annex A, it appears possible to provide temporarily for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at the present juncture it appears feasible that such allocation could be made according to the percentages set out above;

Whereas the percentage for the shares of the Member States in the Community tariff quotas referred to above, in view of the duration and amounts thereof, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas; whereas for this same reason it would appear expedient to allow each Member State to choose the system for administering its share;

[1] OJ No L 148, 28. 6. 1968, p. 1.

Whereas, to take account of future import trends for the products listed in Annex B in the various Member States, the quotas should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, moreover, the reserve constituted in the manner described above tends to avoid making the system of utilization of the quota excessively rigid, to the detriment of the developing countries concerned and will contribute to achieving the aim already mentioned of improving the generalized preferences system; whereas, to give importers in each Member State some degree of certainty, the first tranche of the Community quota should be fixed at 80% of its full amount;

Whereas Member States may exhaust their initial shares for the products listed in Annex B at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is 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, however, it seems advisable to permit the Member States to limit the exercise of their total obligation to draw on the reserve amount to a level not exceeding 40% of their initial share; 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 allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1975 the Common Customs Tariff duties and the tariff duties of the new Member States on the products listed in Annexes A and B shall be completely suspended within the framework of Community tariff quotas of amounts which shall be expressed in units of account and which shall be indicated against each product in column 3 of those Annexes.

2. These tariff quotas shall be enjoyed solely by products originating in the countries and territories listed in Annex C. However, those imports which already enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against these tariff quotas. For the purposes of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. The amount to be charged in respect of each country or territory referred to in paragraph 2 against each of the tariff quota amounts mentioned above shall be limited to the maximum amount given in column 4 of Annexes A and B against each category of products.

4. Any amendment to Annex C, in particular by the addition of new countries or territories enjoying tariff preferences, may entail a corresponding adjustment to the amounts of the quotas and to the maximum amounts appearing in columns 3 and 4 of Annexes A and B.

Article 2

1. For the products listed in Annex A the Community tariff quotas referred to in Article 1 shall be allocated in shares which shall be for each Member State the amounts given in column 5 of Annex A against each category of products.

2. The share allocated to the United Kingdom for products falling within heading No 44.15 shall be increased by an amount determined by a footnote to the said Annex. Article 1 (3) shall not apply to such an increase.

Article 3

1. A first tranche of 80% of each of the Community tariff quotas listed in Annex B, expressed in units

of account in column 5 of Annex B shall be allocated among the Member States; the shares which, subject to Article 6, shall be valid from 1 January to 31 December 1975, shall for each Member State be as indicated in column 6 to Annex B against each of the products listed therein.

2. The second tranche of 20% of each of the tariff quotas shall constitute the reserve, specified in each case in column 7 of Annex B.

Article 4

1. If a Member State has used 90% or more of one of its initial shares as fixed in Annex B, or of that share minus any portion returned to the reserve pursuant to Article 6, 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.

2. If a Member State, after exhausting one of its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, by notifying the Commission, draw a third share, to the extent that the reserve so permits, equal 5% of its initial share.

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

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

5. Any Member State may limit the sum total of its additional shares to 40% of its initial share, informing the Commission that it is so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1975.

Article 6

A Member State which on 15 September 1975 has not exhausted one of its initial shares shall not later than 10 October 1975 return to the reserve any unused portion in excess of 20% of the initial amount. It may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 10 October 1975, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1975 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

Article 7

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

It shall, not later than 15 October 1975, inform the Member State of the amount still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount 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.

The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that importations may be charged without interruption against their cumulative shares of the Community quota.

Article 8

1. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said goods who are established in their territory.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods which have been entered for home use, on the basis of the customs value of

the said goods, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1(2).

3. Goods shall qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

Article 9

The Commission shall take all necessary measures to ensure that the maximum amount referred to in Article 1(3) is observed. When the charges, at Community level, of products originating in each of the countries and territories listed in Annex C, against any one of the Community tariff quotas reach the maximum amount laid down in column 4 of Annexes A and B, the Commission shall immediately notify the Member States of the date on which, as a result of this fact, the normal tariff is to be re-introduced in respect of the country or territory in question. This notification shall be published in the *Official Journal of the European Communities*.

Article 10

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

Article 11

Member States and the Commission shall cooperate closely to ensure that the provisions of the above Articles are observed.

Article 12

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, 2 December 1974.

For the Council

The President

J. SAUVAGNARGUES

ANNEX A

List of products referred to in Article 3 subject to zero-duty Community tariff quotas under the generalized tariff preferences granted to developing countries and territories

Order No	CCT heading No	Description	Quota amount in u.a. (a)	Maximum amount per country or territory (4)		Share of quota amounts allocated to Member States in u.a. (a)	
	(1)	(2)	(3)	%	u.a. (a)	(5)	
1	41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No 41.06, 41.07 or 41.08: ex B. Other, but not including leather not further prepared than tanned	15 529 000	30	4 658 700	Germany Benelux France Italy Denmark Ireland United Kingdom	4 270 475 1 630 545 2 950 510 2 320 350 776 450 155 290 3 416 380
2	42.02	Travel goods (for example, trunks, suitcases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, briefcases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: A. Of artificial plastic sheeting	4 561 000	30	1 368 300	Germany Benelux France Italy Denmark Ireland United Kingdom	1 254 275 478 905 866 590 684 150 228 050 45 610 1 003 420
3	42.02	Travel goods (for example, trunks, suitcases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, briefcases, wallets, purses, toilet-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: B. Of other materials	9 847 000	30	2 954 100	Germany Benelux France Italy Denmark Ireland United Kingdom	2 707 925 1 033 935 1 870 930 1 477 050 492 350 98 470 2 166 340

(a) Unless otherwise indicated.

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (a) (3)	Maximum amount per country or territory (4)		Share of quota amounts allocated to Member States in u.a. (a) (5)	
				%	u.a. (a)		
4	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: A. Articles of apparel B. Gloves, including mittens and mitts: II. Special, for sports III. Other C. Other clothing accessories	10 118 500	30	3 035 400	Germany Benelux France Italy Denmark Ireland United Kingdom	2 782 450 1 062 390 1 922 420 1 517 700 505 900 101 180 2 225 960
5	44.15	Plywood, block-board laminboard, batenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	105 000 m³	30	31 500 m³	Germany Benelux France Italy Denmark Ireland United Kingdom(1)	9 995 m³ 5 795 m³ 1 995 m³ 2 205 m³ 9 000 m³ 3 000 m³ 73 010 m³
6	64.01	Footwear with outer soles and uppers of rubber or artificial plastic material	2 307 000	20	461 400	Germany Benelux France Italy Denmark Ireland United Kingdom	634 425 242 235 438 330 346 050 115 350 23 070 507 540
7	(*) 64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material: A. Footwear with uppers of leather	18 854 000	15	2 828 100	Germany Benelux France Italy Denmark Ireland United Kingdom	5 184 850 1 979 670 3 582 260 2 828 100 942 700 188 540 4 147 880
8	64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material: B. Other	10 468 000	15	1 570 200	Germany Benelux France Italy Denmark Ireland United Kingdom	2 878 700 1 099 140 1 988 920 1 570 200 523 400 104 680 2 302 960

(*) Products falling within subheading 64.02 A, originating in the countries and territories listed in Section II of Annex C, are excluded from the benefit of this tariff quota.

(1) Pursuant to Article 2 (2) this share is increased by 105 000 m³.

(a) Unless otherwise indicated.

Order No	CCT heading No (1)	Description (2)	Quota amount in u.a. (a) (3)	Maximum amount per country or territory (4)		Share of quota amounts allocated to Member States in u.a. (a) (5)	
				%	u.a. (a)		
9	85.21	Thermionic, cold cathode and photocathode valves and tubes (including vapour or gas-filled valves and tubes, cathode-ray tubes, television camera tubes and mercury arc rectifying valves and tubes): photocells; mounted piezo-electric crystals; diodes, transistors and similar semi-conductor devices; electronic microcircuits: D. Diodes, transistors and similar semiconductor devices; electronic microcircuits E. Parts	5 823 000	30	1 746 900	Germany Benelux France Italy Denmark Ireland United Kingdom	1 601 325 611 415 1 106 370 873 450 281 150 58 230 1 281 060
10	94.01	Chairs and other seats (other than those falling within heading No 94.02) whether or not convertible into beds, and parts thereof: B. Other	14 984 000	20	4 996 800	Germany Benelux France Italy Denmark Ireland United Kingdom	4 120 600 1 573 320 2 846 960 2 247 600 749 200 149 840 3 296 480
11	94.03	Other furniture and parts thereof	11 053 000	20	2 210 600	Germany Benelux France Italy Denmark Ireland United Kingdom	3 039 575 1 160 565 2 100 070 1 657 950 552 650 110 530 2 431 660

(a) Unless otherwise indicated.

ANNEX B

List of products referred to in Article 3 subject to zero-duty Community tariff quotas under the generalized tariff preferences granted to developing countries and territories

Order No	CCT heading No	Description	Quota amount in u.a.	Maximum amount per country or territory (4)		u.a.	Share of quota amounts allocated to Member States in u.a.		u.a.
	(1)	(3)	(3)	%	u.a.	(5)	(6)		(7)
1	85.03	Primary cells and primary batteries	3 862 000	30	1 158 600	3 089 600	Germany Benelux France Italy Denmark Ireland United Kingdom	849 640 324 410 587 025 463 440 154 480 30 895 679 710	772 400
2	85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus: A. Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and televising transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras: III. Receivers, whether or not combined with a sound recorder or reproducer C. Parts of the goods of subheadings A and B above: III. Other	16 937 000	20	3 387 400	13 549 600	Germany Benelux France Italy Denmark Ireland United Kingdom	3 726 140 1 422 710 2 574 425 2 032 440 677 480 135 495 2 980 910	3 387 400

ANNEX C

List of developing countries and territories enjoying generalized tariff preferences

I

INDEPENDENT COUNTRIES

Afghanistan
Algeria
Argentina
Bahamas
Bahrain
Bangladesh
Barbados
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroon
Central African Republic
Chad
Chile
Colombia
Congo, People's Republic of
Costa Rica
Cuba
Cyprus
Dahomey
Dominican Republic
Ecuador
Egypt, Arab Republic of
El Salvador
Equatorial Guinea
Ethiopia
Fiji
Gabon
Gambia
Ghana
Guatemala
Guinea
Guyana
Haiti
Honduras
India
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kenya
Khmer Republic
Korea (South)
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Mauritania
Mauritius
Mexico
Morocco
Nauru
Nepal
Nicaragua
Niger
Nigeria
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Qatar
Rwanda
Saudi Arabia
Senegal
Sierra Leone
Singapore
Somalia
Sri Lanka
Sudan
Swaziland
Syria
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Uganda
United Arab Emirates:
- Abu Dhabi
- Dubai
- Ras al Khaimah
- Fujairah
- Ajman
- Sharjah
- Ummal Qaiwain

Upper Volta
Uruguay
Venezuela
Vietnam, Republic of
Western Samoa
Yemen, People's Democratic Republic of
Yemen Arab Republic
Yugoslavia
Zaïre
Zambia

II

COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)
Angola (including Cabinda)
Australian Antarctic Territory
Belize
Bermuda
British Antarctic Territory
British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Des Roches)
British Pacific Ocean (1)
Brunei
Cape Verde Islands
Cayman Islands and Dependencies
Christmas Island
Cocos (Keeling) Islands
Comoro Archipelago
Corn Islands and Swan Islands
Falkland Islands and Dependencies
French Polynesia
French Southern and Antarctic Territories
Gibraltar
Heard Island and MacDonald Islands
Hong Kong
Leeward Islands (2)
Macao
Mozambique
Netherlands Antilles
New Caledonia and Dependencies
Norfolk Islands
Pacific Islands administered by the United States of America or under United States trusteeship (3)
Papua-New Guinea
Portuguese Guinea
Portuguese Timor
St Helena (including Ascension, Gough Island, and Tristan da Cunha)
Saint Pierre and Miquelon
Sâo Tomé and Principe
Seychelles (including Amirantes)
Sikkim
Spanish territories in Africa
Surinam
Territories for which New Zealand is responsible (Cook Islands, Niuwe Island, Tokelau Islands and Ross Dependency)
Turks and Caocos Islands
Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)
Wallis and Futuna Islands
Windward Islands (4)

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(1) Gilbert and Fllice Islands, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.
(2) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.
(3) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).
(4) Dominica, Grenada, St Lucia, St Vincent.