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(Acts whose publication is obligatory)

REGULATION (EEC) No 353/74 OF THE COUNCIL

of 4 February 1974

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products falling within Chapter 27 of the Common Customs Tariff (1974), refined in Turkey

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, pending the entry into force of the Supplementary Protocol signed in Ankara on 30 June 1973 containing the adjustments to be made to the Agreement establishing an Association between the European Economic Community and Turkey and to the Additional Protocol [1] consequent on the Accession of new Member States, the Community has undertaken, in an Interim Agreement [2] which runs only for the period prior to the entry into force of this Supplementary Protocol but which, in any case, may not extend beyond 31 December 1974, to implement certain provisions of the Supplementary Protocol relating to trade in goods; whereas, under Article 6 of the Interim Agreement amending the first paragraph of the Sole Article of Annex 1 to the Additional Protocol, the Community must, as from 1 January 1974, totally suspend the customs duties applicable to certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in Turkey, within the limit of an annual Community tariff quota of 340 000 metric tons; whereas, pursuant to Article 2 of the abovementioned Interim Agreement, the new Member States must apply zero duties to the products concerned;

Whereas equal and direct access to the said quota by all importers and the uninterrupted application of the rate laid down for the said quotas to all imports of the products in question into all Member States should be guaranteed until the quotas are exhausted; whereas utilization of this quota, based on allocation between Member States, would appear to safeguard the Community character of the said quota as regards the principles described above; whereas in order to ensure that such allocation takes as much account as possible of the actual development of the market of the products concerned, the allocation of shares should be in direct proportion to the needs of Member States, calculated, on the one hand, on the basis of statistics relating to imports from Turkey during a given representative period and, on the other, on the basis of the economic prospects for the quota period considered;

Whereas, during the past three years for which complete statistics are available, imports of these products from Turkey into the various Member States were as follows:

(metric tons)

	1970	1971	1972
Germany	0	42 304	300 000
Benelux	0	0	96 222
France	0	0	0
Italy	15 750	0	110 162
Denmark	19 780·4	0	0
Ireland	0	0	0
United Kingdom	35 350	0	38 200

[1] OJ No L 293, 29. 12. 1972, p. 4.
[2] OJ No L 277, 3. 10. 1973, p. 2.

whereas this information indicates that imports of these products are very irregular and that the calculation of the percentages which they represent in relation to the total imports into the Community of the same products from Turkey would not therefore be significant; whereas the calculation of the imports from Member States in question for the quota period considered proves difficult as a result of the irregularity noted in imports during the foregoing years; whereas the foreseeable import figures put forward by the Member States for the quota period concerned leads to the quota considered being allocated according to the percentages indicated hereafter:

Germany	42·1
Benelux	16·5
France	8·3
Italy	12·4
Denmark	4·2
Ireland	4·2
United Kingdom	12·3

Whereas to take into account the uncertainty in the development of imports of the said products into Member States, the quota volume should be divided into two portions, the first portion being allocated between the Member States, and the second portion forming a reserve intended to meet subsequently the needs of the Member States which have exhausted their original share of the quota; whereas in order to ensure some security to importers in each Member State, the first portion of the Community quota should be fixed at a relatively high level which, under the circumstances, might amount to approximately 85% of the quota volume;

Whereas the initial quota shares of those 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 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 initital and additional quota shares must be available for use until the end of the quota period, whereas such 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 amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial shares remains in one or other Member State, it is essential that that Member State pay a certain percentage 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 it does not seem possible for the moment, taking into account the differences still existing in the national provisions governing the market of the products in question, to lay down a single method of administration;

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

1. Subject to any measures taken under paragraphs 2 and 4 of the single article of Annex 1 to the Additional Protocol between the European Economic Community and Turkey, a Community tariff quota of 340 000 metric tons shall be opened until 31 December 1974 for the following petroleum products, refined in Turkey and falling within Chapter 27 of the Common Customs Tariff:

CCT heading No	Description
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: A. Light oils: III. For other purposes B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oil: c) For other purposes II. Fuel oil: c) For other purposes

CCT heading No	Description
27.10 *(cont'd)*	III. Lubricating oils; other oils c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 (a) d) For other purposes
27.11	Petroleum gases and other gaseous hydrocarbons: B. Other: I. Commercial propane and commercial butane: c) For other purposes
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

2. Within the Community tariff quota, Common Customs Tariff duties shall be totally suspended.

Within the limits of the quota, the new Member States shall also exempt the petroleum products concerned from duty.

Article 2

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

2. The first instalment, amounting to 290 000 metric tons, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1974, shall consist of the following amounts:

Germany	122 000 metric tons
Benelux	48 000 metric tons
France	24 000 metric tons
Italy	36 000 metric tons
Denmark	12 000 metric tons
Ireland	12 000 metric tons
United Kingdom	36 000 metric tons

3. The second instalment, amounting to 50 000 metric tons, shall make up the reserve.

Article 3

1. If 90% or more of one of the initial shares of a Member State, as laid down in Article 2 (2), 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 concerned shall proceed without delay, by notifying the Commission to draw a second share equal to 20% of its initial share, where appropriate rounded up to the next figure, 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 States has been used, that Member State shall proceed under the conditions laid down in paragraph 1 to draw a third share equal to 10% of its initial share, where appropriate rounded up to the next figure.

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, under the same conditions, to draw a fourth share equal to the third.

This procedure shall be followed until the reserve has been exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, 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

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1974.

Article 5

If, on 15 September 1974, a Member State has not used up its initial quota share, it shall, not later than 10 October 1974, return to the reserve the unused portion of its 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 1974, notify the Commission of the total imports of the products concerned effected up to and including 15 September 1974, and charged against the Community quota and, where appropriate, the proportion of their original quota share that is being returned to the reserve.

Article 6

The Commission shall keep account of the initial share opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 15 October 1974, notify Member States of the state of the reserve after the return of quota 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 measures necessary to ensure that when additional quotas are drawn pursuant to Article 3, it is possible for charges to be made without interruption against the accumulated shares of the Community tariff quota.

2. The Member States shall take all measures necessary to guarantee free access to the quotas allocated to them by all importers established on their territory.

3. The extent to which the quota shares of the Member States have been used up shall be established on the basis of imports of the products concerned submitted to the customs authorities under cover of a declaration that they have been made available for consumption.

Article 8

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

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is respected.

Article 10

The tariff quota laid down in this Regulation shall be opened for 1974.

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, 4 February 1974.

For the Council

The President

W. SCHEEL