REGULATION (EEC) No 355/74 OF THE COUNCIL

of 4 February 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 Spain

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 Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 4 of Annex I, for the opening by the Community of an annual Community tariff quota of 1 800 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff originating in Spain; whereas, pursuant to Article 2 of the said Annex the quota duty is equal to 40 % of the Common Customs Tariff duty in respect of the product concerned; whereas the Community tariff quota contains quota duties of 5·2 %, 5·6 %, 5·6 % and 6 % for the products falling within subheading Nos 55.09 A I, A II, B I and B II;

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 to represent as closely as possible the actual development of the market in the products in question the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

Whereas, during the past 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:

	1970	1971	1972
Benelux	1·4	2·2	2·8
France	75·4	75·7	78·0
Germany	4·0	5·2	6·4
Italy	19·2	16·9	12·8

Whereas, in view of these factors, of the foreseeable development during 1974 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	2·2
France	75·6
Germany	5·9
Italy	16·3

Whereas to take account of future trends of imports of the product under consideration, the total quota volume should be divided into two tranches, the first being shared among the Member States and the second held as a reserve to cover at a later date the requirements of those Member States having used up their initial share; whereas to give Member State importers some certainty, the first of the Community quota might be fixed at 75% of the quota volume;

Whereas the initial shares of Member States 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 the initial and supplementary shares 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 quota volume has 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 while 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 one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 1974, the Common Customs Tariff duties in respect of the products originating in Spain and listed below shall be partially suspended at the levels indicated for each of them within the limits of a global Community tariff quota of 1 800 mertic 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	5·2
	II. Other	5·6
	B. Other:	
	I. Of a width of less than 85 cm	5·6
	II. Other	6

Article 2

1. A first tranche amounting to 1 350 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the share which, subject to Article 5, shall be valid until 31 December 1974 shall be as follows:

Benelux	30 metric tons
France	1 020 metric tons
Germany	80 metric tons
Italy	220 metric tons

2. The second tranche, of 450 metric tons, constitutes a 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 up, that Member State shall in accordance with the same conditions, 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

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1974.

Article 5

If, by 15 September 1974, a Member State has not used up its initial share, it shall, not later than 10 October 1974, 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 for considering 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 15 September 1974 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 1974, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when the 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 the imports charged in accordance with paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports of the said product 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

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