REGULATION (EEC) No 370/74 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 the Arab Republic of Egypt

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 [1] between the European Economic Community and the Arab Republic of Egypt and the Protocol [2] laying down certain provisions relating to the Agreement between the European Economic Community and the Arab Republic of Egypt consequent on the Accession of new Member States to the European Economic Community, provides for the opening of an annual Community tariff quota of 3 250 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in the Arab Republic of Egypt; whereas the Protocol provides that the tariff quota should be allocated among the Member States as follows: 2 500 metric tons for the Community as originally constituted, 90 metric tons for Denmark, 10 metric tons for Ireland and 650 metric tons for the United Kingdom; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 45 % of the duties of the Common Customs Tariff; whereas as regards the duties applicable to the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession should be complied with; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted, on the one hand, and for the new Member States, on the other;

Whereas as regards the Community as originally constituted:

— equal and uninterrupted access to the quota should be ensured for all importers and quota duties applied continuously to all imports of the said products until the quota has been used up;

— in the light of the above principles, the Community nature of the quota may best be preserved by an arrangement allocating it among these Member States; whereas in order to provide the most accurate reflection of actual market trends for the said products, such allocation should be proportionate to the needs of these Member States, calculated both from the statistics for each Member State's imports from the Arab Republic of Egypt over a representative reference period and from economic prospects for the quota period in question;

— over the past three years for which statistics are available, the following percentages represent the respective imports of the Member States concerned in relation to imports of the said products from the Arab Republic of Egypt into the Community as originally constituted:

	1970	1971	1972
Germany	7·0	3·0	4·3
Benelux	10·7	27·2	29·3
France	5·5	1·2	10·0
Italy	76·8	68·6	56·4

— in view of these facts and of the forecasts made by certain Member States, the initial percentage shares of the quota should be allocated approximately as follows:

Germany	11
Benelux	23
France	11
Italy	55

[1] OJ No L 251, 7. 9. 1973, p. 2.
[2] OJ No L 251, 7. 9. 1973, p. 87.

— in order to take account of import trends for the products in question in the Member States concerned, the quota amount should be divided into two instalments, the first instalment being allocated among the same Member States, the second instalment constituting a reserve intended to cover the later requirements of Member States which have used up their initial quota shares; whereas in order to ensure a certain degree of security to importers in each Member State, the first instalment of the quota should be fixed in this case at approximately 60 %;

— the initial quota shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial quota share, shall draw an additional quota share from the reserve; whereas this shall be done by each Member State whenever one of its additional quota shares has been almost used up, and as many times as the reserve allows; whereas the initial and additional quota shares shall 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;

— if, at a given date in the quota period, a considerable quantity of the initial quota share is left over in one of the Member States concerned, it is essential that that State should return a significant proportion to the reserve to prevent a part of the quota allocated to the Community as originally constituted from remaining unused in one Member State when it could be used in others;

— 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, any measure concerning the administration of the quota shares allocated to that Economic Union may be carried out by one of its members;

Whereas, as regards the new Member States:

— the quota duties shall be calculated by the new Member States in accordance with Articles 3 and 4 of the Protocol;

— equal and uninterrupted access to the quota should be ensured for all importers and quota duties applied continuously to all imports of the products in question until the quota has been used up,

HAS ADOPTED THIS REGULATION:

Article 1

A Community tariff quota of 3 250 metric tons shal be opened until 31 December 1974 for other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in the Arab Republic of Egypt.

This quota shall be allocated and administered in accordance with the provisions set out below.

SECTION I

Provisions applicable to the Community as originally constituted

Article 2

The Common Customs Tariff duties shall be partially suspended at the rate indicated below for 2 500 metric tons of the quota referred to in Article 1:

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	5·8
	II. Other	6·3
	B. Other:	
	I. Of a width of less than 85 cm	6·3
	II. Other	6·7

Article 3

1. A first instalment of 1 550 metric tons of the amount mentioned in Article 2 shall be allocated among the Member States; the shares which, subject to Article 6, shall be valid until 31 December 1974, shall be:

Germany	170 metric tons
Benelux	360 metric tons
France	170 metric tons
Italy	850 metric tons

2. The second instalment, amounting to 950 metric tons, shall make up the reserve.

Article 4

1. If 90% or more of a Member State's initial quota share specified in Article 3 (1), or of that share less the portion returned to the reserve where Article 6 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second quota share, to the extent that the reserve is sufficient, equal to 15% of its initial quota share, rounded up to the next unit where necessary.

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

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

This procedure shall be followed until the reserve has been used up.

4. Notwithstanding paragraphs 1 to 3, a Member State may draw smaller quota shares than those fixed in those paragraphs, if there is reason to believe that those fixed might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 5

Additional quota shares drawn pursuant to Article 4 shall be valid until 31 December 1974.

Article 6

A Member State which on 15 September 1974 has not used up its initial quota share shall return to the reserve not later than 10 October 1974, 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 10 October 1974, notify to the Commission the total quantities of the products in question imported up to and including 15 September 1974 and charged against the Community tariff quota and any quantities returned to the reserve.

Article 7

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

It shall, not later than 15 October 1974, inform the Member States of the amount still in reserve after returns have been made pursuant to Article 6.

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 8

Member States shall take all necessary measures to ensure that additional shares taken up under Article 4 are so drawn as to allow for uninterrupted charges against their accumulated shares of the Community quota.

SECTION II

Provisions applicable to the new Member States

Article 9

Within the tariff quota referred to in Article 1, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 10

750 metric tons of the quota referred to in Article 1 shall be allocated among the new Member States as follows:

Denmark	90 metric tons
Ireland	10 metric tons
United Kingdom	650 metric tons

SECTION III

General provisions

Article 11

1. Member States shall ensure that the quota shares allocated to them are freely accessible to importers of the products in question established in their territory.

2. Member States shall charge imports of the products in question against their quota shares as the products are presented for customs clearance under cover of a declaration that they have been made available for consumption.

3. The extent to which Member States' shares have been used up shall be ascertained from imports charged under the conditions laid down in paragraph 2.

Article 12

Member States shall regularly inform the Commission of imports of the said products originating in the Arab Republic of Egypt actually charged against their quota shares.

Article 13

Member States and the Commission shall collaborate closely in order to ensure that the provisions of this Regulation are observed.

Article 14

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