REGULATION (EEC) No 3155/75 OF THE COUNCIL

of 24 November 1975

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, refined in Spain (1976)

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 3 of Annex I for the opening by the Community of an annual total Community tariff quota of 1 200 000 metric tons of certain petroleum products, falling within Chapter 27 of the Common Customs Tariff, refined in Spain; whereas, pursuant to Article 2 of the said Annex, the quota duty is equal to 40% of the Common Customs Tariff duties effectively applied in this year in respect of the product concerned;

Whereas the Community tariff quota in question should be opened for the year 1976; whereas, however, because of the possibility of implementing after preferential arrangements as a result of a new Agreement between the European Economic Community and Spain, it is necessary to limit the quota period to the date the new Agreement enters into force;

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 possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement 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 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 Spain of the products concerned:

	1972	1973	1974
Germany	34·60	49·0	56·0
Benelux	9·10	15·3	27·2
France	8·40	11·2	11·1
Italy	47·90	24·5	5·7

Whereas, in view of these factors, of the foreseeable development 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:

Germany	39
Benelux	17
France	11
Italy	33

Whereas to take account of future import trends in the various Member States of the product under consideration, the total quota volume should be divided into two instalments, the first being shared between Germany and the Benelux 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 instalment of the Community quota might be fixed at 80% 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 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 any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1976 until the date of entry into force of a new Agreement between the European Economic Community and Spain, but not later than 31 December 1976, and subject to the measures which might be taken pursuant to Article 3 (2) and (4) of Annex I to the Agreement between the Community and Spain, the Common Customs Tariff duties in respect of the products refined in Spain and listed below shall be suspended partially at the levels indicated for each of them, within the limits of a global Community tariff quota of 1 200 000 metric tons:

CCT heading No	Description	Rate of duty (%)
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	2·4
	B. Medium oils:	
	III. For other purposes	2·4
	C. Heavy oils:	
	I. Gas oil:	
	c) For other purposes	1·4
	II. Fuel oil:	
	c) For other purposes	1·4
	III. Lubricating oils; other oils:	
	c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	1·6
	d) For other purposes	2·4

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

CCT heading No	Description	Rate of duty (%)
27.11	Petroleum gases and other gaseous hydrocarbons:	
	B. Other:	
	I. Commercial propane and commercial butane:	
	c) For other purposes	0·6
27.12	Petroleum jelly:	
	A. Crude:	
	III. For other purposes	0·8
	B. Other	2·8
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	0·8
	II. Other	2·4
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals:	
	C. Other:	
	II. Other	0·8

Article 2

1. A first instalment, amounting to 1 000 000 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until the end of the period stipulated in Article 1, shall consist of the following amounts:

Germany	390 000 metric tons,
Benelux	170 000 metric tons,
France	110 000 metric tons,
Italy	330 000 metric tons.

2. The second instalment of 200 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of one 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, by notifying the Commission, draw a third share equal to 7·5% of its initial share, rounded up to the next unit where necessary, to the extent permitted by the amount of the reserve.

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, 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, a Member State 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 the end of the period stipulated in Article 1.

Article 5

The Member States shall return to the reserve, not later than 1 October 1976, the unused portion of their initial share which, on 15 September 1976, is in excess of 20% of their initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1976, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1976, 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 last 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.

Article 8

On receipt of a request from the Commission, Member States shall inform it 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 1976.

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

Done at Brussels, 24 November 1975.

For the Council

The President

B. VISENTINI