REGULATION (EEC) No 3230/75 OF THE COUNCIL

of 9 December 1975

on the opening, allocation and administration of a Community tariff quota for products falling within subheading 22.09 C I of the Common Customs Tariff, originating in the ACP States

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 under Article 2 (1) of the Convention signed between the ACP States and the European Economic Community on 28 February 1975, and under Protocol 7 annexed thereto, until the entry into force of a common organization of the market in spirits, products falling within tariff subheading 22.09 C. I (rum, arrack, tafia), originating in the ACP States, shall be imported into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States ; whereas the Community shall fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the last three years for which statistics are available, increased by an annual growth rate of 40 % on the market of the United Kingdom and 13 % on the other markets of the Community, these growth rates being based on foreseeable internal demand in each Member State ; whereas the exchange of letters at Lomé on 28 February 1975 relating to the advance implementation of certain provisions of the said Convention provides in particular that the European Economic Community shall apply the said Protocol 7 autonomously as from 1 July 1975 ;

Having regard to the levels reached by imports of the products concerned into the Community and the Member States during the last three years for which statistical information is available ;

Whereas Council Regulation (EEC) No 1600/75 [1] of 24 June 1975 on the opening, allocation and administration of a Community tariff quota for products falling within subheading 22.09 C I of the Common Customs Tariff originating in the ACP States laid down conditions for the advance implementation of the provisions concerned for the period from 1 July to 31 December 1975 ; whereas in the light of experience, identical conditions should be laid down for the implementation of Protocol 7 of the ACP-EEC Convention of Lomé for the 12 month period ending on 30 June 1976 ;

Whereas the volume of the tariff quota should consequently be fixed annually on the basis of the statistical information and estimated consumption used when Regulation (EEC) No 1600/75 was drawn up ; whereas the volume of the tariff quota should accordingly be fixed at 168 000 hectolitres of pure alcohol, the quantities actually imported under Regulation (EEC) No 1600/75 being deducted from this volume ;

Whereas the above principles also apply to the allocation of the tariff quota ;

Whereas it seems likely that arrangements for using the tariff quota based on allocation between the United Kingdom and the other Member States would reconcile the application of the growth rates provided for in Protocol 7 with the uninterrupted application of the duty-free entry arrangements in respect of the said quota to all imports of the products concerned into the Member States until the quota is exhausted ; whereas, in order to reflect as closely as possible the actual trends on the markets in the products concerned, such allocation should be made in accordance with the requirements of the Member States ;

Whereas measures should be laid down to ensure that Protocol 7 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States ;

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 any one of its members,

[1] OJ No L 166, 28. 6. 1975, p. 81.

HAS ADOPTED THIS REGULATION :

Article 1

From 1 July 1975 until 30 June 1976 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff, originating in the ACP States, shall be imported duty free into the Community within the limits of a Community tariff quota of 168 000 hectolitres of pure alcohol.

These products are considered as originating in the ACP States if they fulfil the conditions laid down in Council Regulation (EEC) No 1598/75 [1] of 24 June 1975 on the advance implementation of certain provisions of the ACP-EEC Convention of Lomé relating to trade in goods.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments. The first instalment of 128 000 hectolitres of pure alcohol shall be for United Kingdom consumption. The second instalment of 40 000 hectolitres of pure alcohol shall be allocated amongst the other Member States.

2. The shares of each of the Member States to which the second instalment is allocated pursuant to paragraph 1 shall be valid until the end of the period stipulated in Article 1 and shall consist of the following quantities, indicated in hectolitres, of pure alcohol :

Benelux :	3 500
Denmark :	2 900
Germany :	26 000
France :	6 000
Ireland :	1 000
Italy :	600

Article 3

The quantities actually imported under Regulation (EEC) No 1600/75 when the present Regulation enters into force shall be deducted from the volume of the quota referred to in Article 1 and the instalments and shares specified in Article 2.

Article 4

Member States shall manage the shares allocated to them in accordance with their own arrangements.

Article 5

Member States shall inform the Commission each month of imports actually charged against the tariff quota.

The United Kingdom shall take the steps necessary to ensure that the quantities imported from the ACP States under the conditions laid down in Articles 1 and 2 are restricted to those meeting its domestic consumption requirements.

Article 6

Articles 5, 6, 7 and 8 of Regulation (EEC) No 1598/75 shall apply in respect of the products covered by this Regulation.

Article 7

The Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

Article 8

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, 9 December 1975.

For the Council

The President

M. RUMOR

[1] OJ No L 166, 28. 6. 1975, p. 1.