COUNCIL REGULATION (EEC) No 3020/76

of 13 December 1976

opening and providing for the administration of preferential Community tariff ceilings for certain products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products covered by Chapters 25 to 99 of the Common Customs Tariff which originate in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should normally be calculated on the basis of the total value for 1968 cif imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community (basic amount), plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount); whereas such additional amount is variable and is calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceiling;

Whereas the offer made by the Community includes a clause stating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the ACP States following the implementation of the generalized preference scheme;

Whereas, moreover, the conference of the Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States progressively to adopt an overall policy of development cooperation on a world-wide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above; whereas these preferences should continue to be applied throughout 1977; whereas, having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic amount should normally refer to 1974, as should generally the additional amount; whereas however, the application of this method of calculation should remain compatible with the progressive nature of the preference scheme in such a way as to provide a period of adaptation for the industrial sectors affected in the Community; whereas for this purpose it would appear adequate to limit for each product

[1] OJ No C 259, 4. 11. 1976, p. 27.

the considerable improvement resulting from the said method to a level which does not exceed 150% of each of the preferential amounts open in 1976;

Whereas in practice the latest complete statistics available are those relating to the year 1974; whereas however since that year the statistics in question and particularly those relating to the value of the Community's external trade have been expressed in a statistical unit (EUR) which is no longer defined in the same way as the unit of account (u.a.) prescribed for the Common Customs Tariff; whereas therefore it is necessary to define a conversion rate between these two units: whereas in 1974 one EUR unit was equivalent in practice to one European unit of account and the practice has been to ascribe to the latter the same value as for the unit of account (u.a.); whereas it seems appropriate therefore in these circumstances, and for the particular ends of the calculations required under this Regulation, to consider the statistics expressed in EUR in this Regulation as if expressed in the units of account of the Common Customs Tariff; whereas the unit of account should remain the only unit to be used within the preference system, along with its conversion rates into national currencies based on gold parities;

Whereas, in accordance with Protocol 23 to the Act of Accession [1], the generalized tariff preference scheme became fully applicable in the new Member States on 1 January 1974;

Whereas it is expedient, therefore, in respect of the products referred to in Annex A which originate in the countries and territories listed in Annex B, that the Community should allow, for each category of these products and throughout 1977, duty-free imports within the limits of the Community ceilings calculated in the manner set out above; whereas the benefit of such tariff exemption should be reserved for products originating in the countries and territories under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods [2]; whereas charges against each of these ceilings must, as a general rule, come within a maximum Community amount of 50% in respect of the products originating in any of the abovementioned countries; whereas, however, in order to ensure that all the countries and territories in question are able to benefit from this preferential system, the Community maximum amount should, for certain products, be reduced to 20, 30 or 40%;

Whereas preferential Community tariff quotas were previously granted for all the products listed in Annex A; whereas experience in recent years has shown that this improvement in the Community preferences scheme can only be achieved if an effort is made to ensure a more balanced distribution of the advantages granted to all the beneficiary countries and territories; whereas for this reason and in order to afford each of them equal opportunity to benefit from the preferential ceilings, it seems adequate to limit to 15% the maximum amount for each of the beneficiary countries and territories which have either reached the maximum amount for a given product during two consecutive years since 1972 or which, according to the most up-to-date statistics available, supply the Community with at least 40% of its imports of the product in question from the beneficiary countries and territories as a whole; whereas, however, in order to avoid damaging the intererests of the less favoured of these beneficiary countries and territories the 15% limit will not be applied in the case of those which have a very low *per capita* national product, or which for a given product have charged against the preferences an amount representing at least 10% of their deliveries to the Community of industrial manufactured products eligible for the Community preferences scheme; whereas, in addition, in order to ensure that the new maximum amounts are not less than those fixed hitherto, the abovementioned maximum amount of 15% shall in general only apply or shall only become applicable where, in absolute value, it is higher than the level since the 1974 preferences;

Whereas, furthermore, for some of the products affected by the fixing of the maximum amount at 15%, this improvement is conditional upon the introduction of measures calculated to encourage the principal suppliers benefiting from the system to ensure a balanced distribution of their deliveries throughout the Community instead of concentrating them in specific areas, or even in one single area of the Community; whereas to this end general provision should be made for the levying of the normal customs duties to be re-introduced in a Member State when preferential imports originating in a single beneficiary country or territory reach 50% of the maximum amount envisaged above; whereas this measure does not interfere with the immediate re-introduction of the levying of the normal customs duties at Community level when preferential imports reach the Community maximum amounts; whereas, as regards the Community ceilings, there is nothing to prevent provisions being made only for the possibility of the Community's re-introducing the levying of the normal customs

[1] OJ No L 73, 27. 3. 1972, p. 14.
[2] OJ No L 148, 28. 6. 1968, p. 1.

duties when the said ceilings are reached at Community level;

Whereas, under these circumstances, these objectives may be reached by applying a method of administration based on the charging, at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned as and when these products are entered for home use and are accompanied by a certificate of origin; whereas this method of administration must make provision for the re-introduction of the levying of customs duties as soon as the said ceilings or maximum amounts are reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe every 10 days the extent to which charges are made against the ceilings and maximum amounts and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to re-introduce the levying of customs duties either generally or individually when any of the ceilings or maximum amounts are reached;

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 allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977, the Common Customs Tariff duties and, until 30 June 1977, the customs duties of the new Member States on the products listed in Annex A shall be totally suspended, subject to the provisions of Articles 2 and 4 (2) of this Regulation.

2. This suspension shall be enjoyed solely by products originating in the countries and territories listed in Annex B. However, imports already enjoying exemption from customs duties under other preferential tariff arrangements granted by the Community shall not be charged against the ceilings specified in paragraph 3. For the purposes of the application of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. Subject to the provisions of Articles 2 and 4 (2), and with the exception of certain products the value of the ceilings for which is given in Annex A, this suspension shall be granted, in respect of each category of products, within a Community ceiling which shall be expressed in units of account and which shall be equal to the amount obtained by adding together the values of cif imports in 1974 of the products concerned to the Community from the countries and territories enjoying these arrangements, excluding those already enjoying various preferential tariff arrangements granted by the Community, and 5% of the value of cif imports in 1974 from other countries and from countries and territories already enjoying such arrangements. However the ceiling resulting from the sum of this addition may in no case exceed 172·5% of that resulting from the substitution of the year 1971 for the year 1974 in the first term of the addition and of the year 1972 for the year 1974 in the second term of the addition:

For the particular purpose of the abovementioned calculations, the statistics referring to the year 1974, expressed in EUR, are to be considered as being expressed in units of account of the Common Customs Tariff.

4. Subject to the provisions of Articles 2 and 4 (2), within each ceiling thus calculated, charges of products originating in any one of the countries or territories listed in Annex B should not exceed a Community maximum amount expressed as a percentage or in units of account against each of the products in column 3 of Annex A.

5. However, in the case of the products originating in the beneficiary countries or territories indicated by an asterisk in column 3 of Annex A, the amount charged against the preferences in a single Member State shall be limited to 50% of the maximum laid down in paragraph 4. The normal customs duties shall again be levied as soon as this level is reached, unless the Member State concerned previously notifies the Commission that it does not intend to avail itself of this limitation for all or some of the products concerned. The Commission shall inform the Member States of this fact without delay.

6. Any amendment to Annex B, in particular by the addition of new countries enjoying tariff preferences, may entail a corresponding adjustment to the Community ceilings and the maximum amounts referred to in paragraphs 3 and 4.

Article 2

1. As soon as the ceilings fixed or calculated in accordance with the provisions of Article 1 (3), which are laid down for Community imports of products originating in all of the countries referred to in Article 1 (2), are reached at Community level, the levying of customs duties on imports of the products in question from all the countries and territories concerned may at any time be re-introduced until the end of the period referred to in the first subparagraph of Article 1 (1).

2. As soon as the maximum amounts determined in accordance with Article 1 (4) for imports into the Community of products originating in each of the countries or territories referred to in Article 1 (2) are reached at Community level for one of these countries or territories, the Commission shall without delay inform the Member States of the date on which the normal tariff must be restored in respect of the countries or territories concerned. This information shall be published in the *Official Journal of the European Communities*.

However, when the amounts of products originating in one or other of the countries or territories indicated by two asterisks in column 3 of Annex A charged against the preferences reach the Community maximum amount in one Member State, that Member State shall without delay re-introduce the levying of the normal customs duty. It shall notify the Commission, which shall inform the other Member States of this fact, at the same time fixing the earliest date on which the levying of the normal tariff must be re-introduced in these States also. This information shall be published in the *Official Journal of the European Communities*.

3. Without prejudice to the foregoing provisions, where the levying of the normal customs duty is re-introduced under the conditions described in Article 1 (5) the Member State concerned shall immediately notify the Commission, which shall without delay inform the other Member States.

Article 3

1. Imports of the products in question shall be charged against the Community ceilings and maximum amounts as and when the products are entered for home use, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against a ceiling or maximum amount only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is re-introduced.

3. The extent to which the ceilings and maximum amounts have been actually used up shall be determined at Community level and in the Member States on the basis of the imports charged in accordance with paragraphs 1 and 2.

Article 4

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied.

2. The Commission shall issue Regulations to re-introduce the levying of the normal customs duties within the context of the ceilings established in respect of all the countries and territories referred to in Article 1 (2).

Article 5

Member States shall when requested inform the Commission of imports of the products in question charged against the Community ceilings and maximum amounts laid down in Article 1 (3) and (4).

Until the levying of the normal customs duties is re-introduced the information shall cover, in particular, and automatically, the returns relating to the amounts charged against the preferences during the previous 10 days, which must be forwarded within five full days of the end of each 10-day period.

Article 6

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 13 December 1976.

For the Council

The President

M. van der STOEL

ANNEX A

List of products originating in developing countries and territories, enjoying generalized tariff preferences, in respect of which duties under the Common Customs Tariff are totally suspended within the limit of Community ceilings and maximum amounts per beneficiary country or territory (a)

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
1	28.27	Lead oxides; red lead and orange lead	20 % of a ceiling of 6 474 000 u.a., reduced to 15 %, or 971 100 u.a. for Mexico (*) (**)
2	28.56	Carbides (for example, silicon carbide, boron carbide, metal carbides): C. Of calcium	50 % of a ceiling of 773 000 u.a., reduced to 195 000 u.a. for Yugoslavia (*) (**)
3	31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg: A. Other fertilizers: I. Containing the three fertilizing substances: nitrogen, phosphorus and potassium II. Containing the two fertilizing substances: nitrogen and phosphorus III. Containing the two fertilizing substances: nitrogen and potassium: b) Other IV. Other B. Goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg	50 % of a ceiling of 3 724 000 u.a., reduced to 15 %, or 558 600 u.a. for Yugoslavia (*) (**)
4	39.03	Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticized or not (for example, collodions, celluloid); vulcanized fibre: B. Other: I. Regenerated cellulose	50 %, reduced to 418000 u.a. for Yugoslavia (*) (**)

(a) Manufactured and semi-finished industrial products qualifying under the ordinary arrangements for exemption or total temporary suspension of the Common Customs Tariff duty are only token entries as regards the Member States of the Community as originally constituted, whereas the exemption or suspension is directly and fully applicable by the new Member States under the present arrangements until 30 June 1977. As from 1 July 1977, the said products also are only token entries as regards the new Member States.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
5	39.03	Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticized or not (for example, collodions, celluloid); vulcanized fibre: B. Other: II. Cellulose nitrates	50 % of a ceiling of 577 000 u.a., reduced to 92 000 u.a. for Yugoslavia (*) (**)
6	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: II. Other	50 % of a ceiling of 31 258 000 u.a., reduced to 15 %, or 4 688 700 u.a. for Yugoslavia (*) (**)
7	67.04 (a)	Wigs, false beards, eyebrows and eye lashes, switches and the like, of human or animal hair or of textiles; other articles of human hair (including hair nets)	30 % of a ceiling of 35 346 000 u.a., reduced to 6 147 000 u.a. for South Korea (*) (**)
8	69.02 (a)	Refractory bricks, blocks, tiles and similar refractory constructional goods, other than goods falling within heading No 69.01	50 % of a ceiling of 9 736 000 u.a., reduced to 1 693 000 u.a. for Yugoslavia (**)
9	70.05	Unworked drawn or blown glass (including flashed glass), in rectangles	50 % of a ceiling of 2 366 000 u.a., reduced to 411 000 u.a. for Yugoslavia (*) (**)
10	70.13	Glassware (other than articles falling within heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or for similar uses	30 %, reduced to 15 %, or 814 950 u.a. for Yugoslavia (**)
11	71.16	Imitation jewellery	50 %, reduced to 2 154 000 u.a., for Hong Kong (*) (**)
12	73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits	50 % of a ceiling of 13 039 000 u.a., reduced to 2 289 000 u.a. for Yugoslavia (*) (**)
13	74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire	50 % of a ceiling of 6 294 000 u.a., reduced to 1 095 000 u.a. for Yugoslavia (**)
14	79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes: A. Plates, sheets, strip and foil	50 %, reduced to 743 000 u.a., for Yugoslavia (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
15	84.41 (a)	Sewing machines; furniture specially designed for sewing machines; sewing machine needles: A. Sewing machines; furniture specially designed for sewing machines: III. Parts, including furniture specially designed for sewing machines	50 %, reduced to 243 000 u.a. for Yugoslavia (**)
16	85.01	Electrical goods of the following descriptions: generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors: A. Generators, motors (whether or not equipped with speed reducing, changing or step-up gear) and rotary converters: II. Other	40 % of a ceiling of 17 166 000 u.a., reduced to 15 %, or 2 574 900 u.a. for Yugoslavia (*) (**)
17	85.10	Portable electric battery and magneto lamps, other than lamps falling within heading No 85.09: B. Other	50 % of a ceiling of 4 409 000 u.a., reduced to 944 000 u.a. for Hong Kong (*) (**)
18	85.23	Insulated (including enamelled or anodized) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors	20 % of a ceiling of 11 118 000 u.a., reduced to 15 %, or 1 667 700 u.a. for Yugoslavia (*) (**)
19	87.14	Other vehicles (including trailers), not mechanically propelled, and parts thereof: B. Trailers and semi-trailers: II. Other	50 %, reduced to 15 %, or 2 068 050 u.a., for Yugoslavia (*) (**)
20	90.05 (a)	Refracting telescopes (monocular and binocular), prismatic or not	30 %, reduced to 15 %, or 687 600 u.a. for South Korea (**) and Hong Kong (**)
21	92.11 (a)	Gramophones, dictating machines and other sound recorders and reproducers, including record players and tape decks, with or without sound heads; television image and sound recorders and reproducers, magnetic: A. Sound recorders and reproducers	20 % of a ceiling of 19 911 000 u.a., reduced to 15 %, or 2 986 650 u.a. for Hong Kong (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

Order No	CCT heading No (1)	Description (2)	Level of the maximum amounts (3)
22	97.02 (a)	Dolls	20% of a ceiling of 18 616 000 u.a., reduced to 15%, or 2 792 400 u.a. for Hong Kong (*) (**)
23	97.03	Other toys; working models of a kind used for recreational purposes	20% of a ceiling of 54 762 000 u.a., reduced to 15%, or 8 214 300 u.a. for Hong Kong (*) (**)
24	97.05 (b)	Carnival articles; entertainment articles (for example, conjuring tricks and novelty jokes); Christmas tree decorations and similar articles for Christmas festivities (for example, artificial Christmas trees, Christmas stockings, imitation Yule-logs, Nativity scenes and figures therefor)	20%, reduced to 15%, or 1 065 000 u.a., for Hong Kong (**)
25	98.12	Vacuum flasks and other vacuum vessels, complete with cases; parts thereof, other than glass inners	50%, reduced to 199 000 u.a. for Hong Kong (**)

(a) Products originating in Romania and which fall within this tariff heading are also eligible for Community preferential tariff arrangements.

(b) Products originating in Romania and which fall within this tariff heading (excluding Christmas tree decorations and similar articles for Christmas festivities (for example, artificial Christmas trees, Christmas stockings, imitation Yule-logs, Nativity scenes and figures therefor), of glass) are also eligible for Community preferential tariff arrangements.

ANNEX B

List of developing countries and territories enjoying generalized tariff preferences

I. INDEPENDENT COUNTRIES

Afghanistan
Algeria
Angola
Argentina
Bahamas
Bahrain
Bangladesh
Barbados
India
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroon
Cape Verde Islands
Central African Republic
Chad
Chile
Colombia
Comoros
Congo, People's Republic of
Costa Rica
Cuba
Cyprus
Dominican Republic
Ecuador
Egypt, Arab Republic of
El Salvador
Equatorial Guinea
Ethiopia
Fiji
Gabon
Gambia
Ghana
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Honduras
India
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kenya
Khmer Republic
Korea (South)
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Mauritania
Mauritius
Mexico
Morocco
Mozambique
Nauru
Nepal
Nicaragua
Niger
Nigeria
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Qatar
Rwanda
Sao Tome and Principe
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Singapore
Somalia
Sri Lanka
Sudan
Surinam
Swaziland
Syria
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Uganda
United Arab Emirates:
- Abu Dhabi
- Dubai
- Ras al Khaimah
- Fujairah
- Ajman
- Sharjah
- Ummal Qaiwain

Upper Volta
Uruguay
Venezuela
Vietnam
Western Samoa
Yemen, People's Democratic Republic of
Yemen Arab Republic
Yugoslavia
Zaire
Zambia

II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)
Australian Antarctic Territory
Belize
Bermuda
British Antarctic Territory
British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Desroches)
British Pacific Ocean (1)
Brunei
Cayman Islands and Dependencies
Christmas Island
Cocos (Keeling) Islands
Corn Islands and Swan Islands
Falkland Islands and Dependencies
French Polynesia
French Southern and Antarctic Territories
Gibraltar
Heard Island and McDonald Islands
Hong Kong
Leeward Islands (2)
Macao
Mayotte
Netherlands Antilles
New Caledonia and Dependencies
Norfolk Island
Pacific Islands administered by the United States of America or under United States trusteeship (3)
Portuguese Timor
St Helena (including Ascension, Gough Island, and Tristan da Cunha)
Spanish territories in Africa
Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)
Turks and Caicos Islands
Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)
Wallis and Futuna Islands
Windward Islands (4)

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

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(1) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.
(2) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.
(3) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).
(4) Dominica, St Lucia, St Vincent.