COUNCIL REGULATION (EEC) No 3031/76

of 9 December 1976

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 (1977)

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 1977;

Whereas it is in particular necessary to ensure for 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 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:

	1973	1974	1975
Germany	49·0	56·0	66·1
Benelux	15·3	27·2	27·6
France	11·2	11·1	1·1
Italy	24·5	5·7	5·2

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	46
Benelux	32
France	11
Italy	11

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 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 instalment of the Community quota might be fixed at about 77% 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 until 31 December 1977, and subject to the measures which might be taken pursuant to Article 3 (2) and (4) of Annex I to the Agreement between the European Economic 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
27.11	Petroleum gases and other gaseous hydrocarbons:	
	B. Other:	
	1. Commercial propane and commercial butane:	
	c) For other purposes	0·6

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

CCT heading No	Description	Rate of duty (%)
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 925 000 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 31 December 1977, shall consist of the following amounts:

Germany	425 000 metric tons,
Benelux	300 000 metric tons,
France	100 000 metric tons,
Italy	100 000 metric tons.

2. The second instalment of 275 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State 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.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn up by a Member State has been used, that Member State shall proceed, in accordance with the conditions laid down in paragraph 1, 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 reserve is sufficient.

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

This process shall be applied until the reserve is exhausted.

4. Notwithstanding 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 they 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the 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 1977, notify to the Commission of the total imports of the said goods effected up to and including 15 September 1977, 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 5 October 1977, 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.

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 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS