COUNCIL REGULATION (EEC) No 3039/76

of 9 December 1976

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 (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 the Arab Republic of Egypt [1] and the Protocol 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 [2], provide 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 Kindom; 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 the Community tariff quota in question should be opened for the year 1977, and whereas, however, because of the possibility of implementing other preferential arrangements as a result of a new Agreement between the European Economic Community and Egypt, it is necessary to confine the period of validity of this tariff quota to such period as is not covered by the new Agreement;

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 last 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:

	1973	1974	1975
Germany	10·4	5·7	3·0
Benelux	31·9	35·0	18·6
France	1·1	13·8	57·2
Italy	56·6	45·5	21·2

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

— in view of these factors, of the forseeable development during 1977 of the market for the products in question und in particular of the estimates submitted by certain Member States initial quota shares may be fixed approximately as follows:

Germany	16·6
Benelux	24·3
France	14·6
Italy	44·5,

— 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 and the second 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 50%,

— 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 any 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 shall be opened from 1 January 1977 until the entry into force of a new Agreement, or until 31 December 1976 at the latest, for other woven products 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 abrfics 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, amounting to 1 235 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 the date defined in Article 1, shall be:

Germany	205 metric tons,
Benelux	300 metric tons,
France	180 metric tons,
Italy	550 metric tons,

2. The second instalment of 1 265 metric tons shall constitute the reserve.

Article 4

1. If 90% or more of the initial share of a Member State laid down in Article 3 (1), or 90% of that share less the amount returned into the reserve where the provisions of Article 6 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 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until the date defined in Article 1.

Article 6

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 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 7

The Commission shall keep account of the shares opened by Member States in accordance with Articles

3 and 4 and shall inform each State of the extent to which the reserve has been used up as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amount in reserve after the return of shares pursuant to Article 6.

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 8

The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for charges to be made without interruption 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 a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 2.

Article 12

On receipt of a request from the Commission, Member States shall inform it of imports of the said products originating in the Arab Republic of Egypt actually charged against their quota shares.

Article 13

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 14

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