COUNCIL REGULATION (EEC) No 3054/76

of 9 December 1976

opening, allocating, and providing for the administration of Community tariff quotas for certain textile products falling within heading Nos 55.05 and 55.09 and subheading ex 58.01 A of the Common Customs Tariff, coming from Turkey (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, pending the entry into force of the Supplementary Protocol signed in Ankara on 30 June 1973 containing the adjustments to be made to the Agreement establishing an Association between the European Economic Community and Turkey and to the Additional Protocol (1) consequent on the accession of new Member States, the Community has undertaken, in an Interim Agreement (2) which runs only for the period prior to the entry into force of this Supplementary Protocol which is applicable until 31 December 1974 but which has been extended for 1977 in accordance with the terms laid down in Article 13 thereof, to implement certain provisions of the Supplementary Protocol relating to trade in goods; whereas, under Article 6 of this Interim Agreement amending Article 1 of Annex 2 to the Additional Protocol, the Community must reduce by 75% the customs duties on imports from Turkey of certain textile products falling within heading Nos 55.05 and 55.09 of the Common Customs Tariff, within the limit of annual Community tariff quotas of 390 metric tons for cotton yarn and 1 390 metric tons for woven fabrics of cotton; whereas the abovementioned Article 6 allocates these Community tariff quotas as follows:

— for cotton yarn:

300 metric tons to the Community as originally constituted,

40 metric tons to Denmark, 10 metric tons to Ireland and 40 metric tons to the United Kingdom,

— for woven fabrics of cotton:

1 000 metric tons to the Community as originally constituted,

20 metric tons to Denmark, 10 metric tons to Ireland and 360 metric tons to the United Kingdom;

Whereas, moreover, it appears desirable to provide for a provisional adjustment of the tariff advantages for these goods:

— for the Community as originally constituted by a total suspension of the customs duties of the Common Customs Tariff, and an increase in the volumes of the quotas allocated to these Member States,

— for the new Member States, by a total suspension of the duties applicable within the limits of the quotas fixed above, increased in the same proportions;

Whereas the volumes of the quotas to be opened for 1977 are therefore 1 026 metric tons for cotton yarn and 2 415 metric tons for other woven fabrics of cotton;

Whereas pursuant to Article 1 of Annex 2 to the Additional Protocol together with Article 2 of the Interim Agreement, for the duration of 1977 in particular, the Community must partially reduce the duties applicable in respect of third countries to carpets, carpeting and rugs, knotted (made up or not) of wool or of fine animal hair (excluding handmade carpets, carpeting and rugs) imported from Turkey; whereas it also appears advisable to improve this tariff advantage provisionally by means of a total suspension of the duties applicable to the products in question within a Community tariff quota fixed at a provisional level of 185 metric tons for 1977 and allocated in accordance with the same percentages as those adopted for 1976;

Whereas, in order to comply with the special provisions of the Interim Agreement, different systems should be provided for the Member States of the Community as originally constituted and for the new Member States;

(1) OJ No L 293, 29. 12. 1972, p. 4.
(2) OJ No L 277, 3. 10. 1973, p. 2.

Whereas, as regards the Community as originally constituted:

— it is necessary to guarantee to all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rate laid down for those quotas to all imports of the product concerned into all Member States until the quota has been used up,

— in the light of the principles mentioned above, the Community nature of the quotas can best be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the product concerned, such allocation shall be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Turkey over a representative period and to the economic outlook for the quota period concerned; whereas, in spite of the limited need for imports from Turkey of the products concerned, as shown by the statistics for the majority of the Member States the Community character of the tariff quotas concerned should be safeguarded by making provisions to cover needs which might arise in these Member States;

— imports into the various Member States from Turkey were as follows during the last three years for which complete statistics are available:

	1973		1974		1975	
	metric tons	%	metric tons	%	metric tons	%
Cotton yarn						
Germany	10 734	42·56	6 333	29·01	14 196	51·63
Benelux	6 795	26·95	7 000	32·07	4 255	15·48
France	162	0·64	1 806	8·27	1 044	3·80
Italy	7 527	29·85	6 690	30·65	7 998·6	29·09
Other woven fabrics of cotton:						
Germany	877	30·62	456	24·52	151	10·50
Benelux	953	33·27	1 000	53·76	948	65·91
France	412	14·39	194	10·43	95	6·61
Italy	622	21·72	210	11·29	244·2	16·98

— in view of these figures and foreseeable market trends for the products concerned during 1977, the initial shares may be fixed approximately at the following percentages:

	cotton yarn	*other woven fabrics of cotton*
Germany	44·7	23·1
Benelux	20·0	30·8
France	5·3	34·6
Italy	30·0	11·5

— in order to take into account the uncertainty of the import trends for the products concerned in the Member States, the quota volumes should be divided into two instalments, the first instalment being allocated to the Member States and the second held as a reserve intended ultimately to cover the requirements of those Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security to importers, the first instalment should be determined at a relatively high level, which, under present circumstances, may be about 73% of each quota volume,

— the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of one of its initial quota shares should draw an additional quota share from the corresponding reserve; whereas, this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as each of the reserves allows; whereas each of the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close co-operation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof,

— if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a percentage of it back into the corresponding reserve, in order to prevent a part of one or other of the Community quotas 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 in particular:

— the quota volumes to be allocated to those new Member States under Article 6 of the Interim Agreement as well as the duties to be applied in those Member States for the purposes of these quotas determined in accordance with Article 2 of the said Agreement, must be adjusted as set out above,

— equal and uninterrupted access to the quotas should be ensured to all importers and the duties should be applied without interruption to all imports of the products concerned until the quotas have been used up,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, Community tariff quotas shall be opened for the following products coming from Turkey as shown below:

CCT heading No	Description	Quota (metric tons)
55.05	Cotton yarn, not put up for retail sale	1 026
55.09	Other woven fabrics of cotton	2 415
58.01	Carpets, carpeting and rugs (made up or not):	
	ex A. Of wool or of fine animal hair excluding handmade carpets, carpeting and rugs	185

2. The quotas shall be allocated and administered in accordance with the following provisions.

SECTION I

Provisions relating to the Community as originally constituted

Article 2

Within the quota referred to in Article 1, the Common Customs Tariff duties shall be totally suspended within the limit of 870 metric tons for cotton yarn not put up for retail sale, 1 737 metric tons for other woven fabrics of cotton, and 128 metric tons for carpets made of wool or fine animal hair.

Article 3

1. The quotas referred to in Article 2 shall be divided into two instalments.

2. The first instalment of each of these quotas shall be shared among the Member States; the shares, which subject to Article 6 shall be valid until 31 December 1977, shall be as follows:

(in metric ton(s

	CCT heading No		
	55.05	55.09	ex 58.01 A
Germany	284	293	36
Benelux	128	391	14
France	34	439	26
Italy	190	146	18
	636	1 269	94

The second instalment of each quota, amounting to 234, 468 and 34 metric tons respectively, shall constitute the corresponding reserve.

Article 4

1. If 90% or more of one of any Member State's initial shares, as laid down in Article 3 (2) or 90% of that share less the amount returned into the corresponding reserve, where Article 6 has been applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share in the quota equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after one or other of its initial shares has been used up, 90% or more of the second share drawn by one of the Member States has been used up, that Member State shall, in the manner provided for in paragraph 1, draw a third share equal to 7·5% of its initial share.

3. If, after one or other of its second shares has been used up, 90% or more of the third share drawn by a Member State has been used up, the latter shall, in the same manner, draw a fourth share equal to the third.

This procedure shall be followed until the reserve has been exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares 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 their reasons for applying this paragraph.

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until 31 December 1977.

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.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected under the Community quotas up to and including 15 September 1977 and, where appropriate, the proportion of each of their initial shares that they are returning to each of the reserves.

Article 7

The Commission shall keep account of the shares opened by Member States in accordance with Article 3 and 4 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

It shall, not later than 5 October 1977, notify the Member States of the state of each of the reserves after the return of shares pursuant to Article 6.

It shall ensure that any drawing which uses up a 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 8

Member States shall take all measures necessary to ensure that, when additional shares are drawn pursuant to Article 4, it is possible for imports to be counted without interruption against their accumulated shares of the Community tariff quotas.

SECTION II

Provisions applicable to the new Member States

Article 9

1. Within the tariff quotas referred to in Article 1, the following shares shall be allocated to the new Member States:

(in metric tons)

	CCT heading No		
	55.05	55.09	ex 58.01 A
Denmark	69	35	14
Ireland	18	18	2
United Kingdom	69	625	41
	156	678	57

2. Within the limits of these quotas, the new Member States shall apply zero duties for the textile products concerned.

SECTION III

General provisions

Article 10

1. Member States shall take all measures necessary to ensure for importers of the products concerned established in their territory free access to the shares allocated to them.

2. Member States shall count imports of the products concerned against their shares as and when such products are presented for customs clearance under cover of a declaration that they have been made available for consumption.

3. The extent to which the Member States' shares have been used up shall be established on the basis of imports counted in accordance with paragraph 2.

Article 11

On receipt of a request from the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 12

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

Article 13

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