COUNCIL REGULATION (EEC) No 91/76

of 20 January 1976

establishing indicative ceilings and Community supervision for imports of certain products originating in Portugal (1976)

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 an Agreement between the European Economic Community and the Portuguese Republic [1] was signed on 22 July 1972;

Whereas Articles 1 and 2 of Protocol 1 annexed to this Agreement make provision for a specific timetable for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas under Article 2 of that Protocol the imports of these products are limited to annual indicative ceilings above which the customs duties applicable to third countries may be re-introduced; whereas, however, under Article 2 (2) the Community has to suspend the application of certain ceilings; whereas, therefore, the ceilings to be applied in 1976 must be established; whereas in this situation it is also necessary that the Commission be regularly informed of the trend of the imports of the products in question and, in consequence, it is necessary to subject these imports to supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the indicative ceilings at Community level, as and when these products are submitted to the customs authorities under cover of declarations that they have been made available for consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties as soon as the ceilings have been reached at Community level;

Wheres this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to re-introduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for certain products for which, under Article 2 of Protocol 1, the Community has suspended the application of ceilings and for products which are not subject to the ceiling system; whereas it is therefore desirable that imports of such proudcts should be subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1976, imports of products originating in Portugal and indicated in Annex I to this Regulation shall be subject to indicative ceilings and to Community supervision.

The description of the products referred to in the preceding subparagraphs, their tariff headings and statistic numbers and the levels of the indicative ceilings are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted

[1] OJ No L 301, 31. 12. 1972, p. 10.

before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the customs duties provided for in Article 2 (7) of Protocol 1 to the Agreement until the end of the calendar year.

4. Member States shall forward to the Commission not later than the 15th day of each month statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

From 1 January until 31 December 1976, imports of the products referred to in Annex II which originate in Austria shall be subject to Community supervision.

Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

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, 20 January 1976.

For the Council

The President

G. THORN

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN 1976

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I P 1	45.02	Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)	45.02-all Nos	1 395
I P 2	45.03	Articles of natural cork	45.03-all Nos	11 473
I P 3	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos	9 327
I P 4	56.07	Woven fabrics of man-made fibres (discontinuous or waste)	56.07-all Nos	2 641
I P 5	59.04	Twine, cordage, ropes and cables, plaited or not	59.04-all Nos	9 338
I P 6	60.04	Under garments, knitted or crocheted, not elastic or rubberized	60.04-all Nos	3 335
I P 7	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	60.05-all Nos	804
I P 8	61.01	Men's and boys' outer garments	61.01-all Nos	1 009
I P 9	61.02	Women's, girls' and infants' outer garments	61.02-all Nos	309
I P 10	61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	61.03-all Nos	1 169
I P 11	61.04	Women's, girls' and infants' under garments	61.04-all Nos	99

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	Nimexe code
1	2	3	4
II P 1	45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	45.04-all Nos
II P 2	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale	56.05-all Nos
II P 3	57.10	Woven fabrics of jute or of other textiles bast fibres of heading No 57.03	57.10-all Nos
II P 4	62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles	62.02-all Nos