# COUNCIL REGULATION (EEC) No 1693/77

## of 25 July 1977

## extending the term of validity of the arrangements applicable to trade with Malta beyond the date of expiry of the first stage of the Association Agreement

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas the provisions governing the first stage of the Agreement establishing an association between the European Economic Community and Malta (2), including the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta (3), which were extended by the Agreement of 26 February 1976 (4), expire on 30 June 1977;

Whereas an Additional Protocol to the Association Agreement has been negotiated;

Whereas, pending the entry into force of that Protocol, the arrangements which the Community applies to trade with Malta under the association with that country should be extended, in the light of the outcome of the negotiation of the aforesaid Protocol, so as to avoid the sudden disruption of certain traditional trade patterns,

HAS ADOPTED THIS REGULATION:

*Article 1*

The trade arrangements provided for in the Agreement establishing an association between the European Economic Community and Malta, including the Protocol laying down certain provisions to that Agreement, except for Articles 4, 9 (1) and 11 of the said Protocol and in Decision No 1/76 of the EEC-Malta Association Council of 29 June 1976 derogating from the concept of 'originating products' for reception apparatus falling within heading No 85.15 of the Brussels tariff nomenclature (5), shall remain applicable in the Community beyond 30 June 1977.

*Article 2*

For the products covered by Article 59 (1) (b) of the Act of Accession (6), Article 4 of the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta shall remain applicable until 31 December 1977.

*Article 3*

1. Until the date of entry into force of the Additional Protocol or until 31 December 1977, whichever is the sooner, the Common Customs Tariff duties in respect of the products originating in Malta indicated below shall be totally suspended within the limits of a global Community tariff quota of 375 tonnes:

| CCT heading No | Description of goods |
|---|---|
| 16.02 | Other prepared or preserved meat or meat offal:<br>B. Other:<br>III. Other:<br>b) Other:<br>1. Containing bovine meat or offal:<br>bb) Other |

2. By way of derogation from the special provisions contained in Annex II to the 'origin' Protocol for heading No 16.02, which provides that the non-originating products of Chapter 2 may not be used, tinned stewed steak manufactured in Malta shall be regarded as a product originating in Malta, where this condition is not observed, provided that the other conditions applicable to this heading are observed.

The following entry must be made in Section 7 of movement certificates EUR.1, issued in respect of originating products pursuant to the derogation referred to in this paragraph:

'Derogation stewed steak.'

(1) Opinion delivered on 8 July 1977 (not yet published in the Official Journal).
(2) OJ No L 61, 14. 3. 1971, p. 2.
(3) OJ No L 111, 28. 4. 1976, p. 3.
(4) OJ No L 81, 27. 3. 1976, p. 2.
(5) OJ No L 185, 9. 7. 1976, p. 5.
(6) OJ No L 73, 27. 3. 1972, p. 14.

*Article 4*

1. A first instalment of 350 tonnes of the Community tariff quota referred to in Article 3 shall be allocated among the Member States ; the respective shares which, subject to Article 7, shall be valid until the end of the period specified in Article 3 (1) shall be as follows :

| | *tonnes* |
|---|---|
| Benelux | 2 |
| Denmark | 2 |
| France | 2 |
| Germany | 2 |
| Ireland | 2 |
| Italy | 2 |
| United Kingdom | 338 |

2. The second instalment of 25 tonnes shall be held as the Community reserve.

*Article 5*

1. If 90 % or more of a Member State's initial share as specified in Article 4 (1), or of that share minus the portion returned to the reserve where Article 7 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share equal to 7·5 % of its initial share, rounded up where necessary to the next unit.

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

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares smaller than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

*Article 6*

Supplementary shares drawn pursuant to Article 5 shall be valid until the end of the period specified in Article 3 (1).

*Article 7*

The Member States shall return to the reserve, not later than 1 November 1977, the unused portion of their initial share which, on 15 October 1977, is in excess of 20 % of the initial amount. They may return a larger quantity if there are reasons to believe that this quantity may not be used.

Member States shall, not later than 1 November 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 October 1977 and charged against the Community tariff quota and any quantities of the initial shares returned to the reserve.

*Article 8*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 4 and 5 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 November 1977, of the amount still in reserve after amounts have been returned thereto pursuant to Article 7.

It shall ensure that the drawing which uses up the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

*Article 9*

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 5 are opened in such a way that imports may be charged without interrruption against their accumulated shares in the Community tariff 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 extent to which a Member State has used up its share shall be determined on the basis of the imports from Malta entered for home use.

*Article 10*

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

*Article 11*

The Member States and the Commission shall cooperate closely in order to ensure that Articles 3 to 10 are observed.

*Article 12*

1. The following products originating in Malta shall be exempted from the fixed component of the tax imposed on these products on importation into the Community :

| CCT heading No | Description |
|---|---|
| 18.06 | Chocolate and other food preparations containing cocoa |

2. By way of derogation from the special provisions contained in Annex II to the 'origin' Protocol for heading No 18.06, which provides that non-originating products of Chapter 17 may not represent more than 30 % of the value of the finished products, chocolates manufactured in Malta shall be regarded as products originating in Malta, where this condition is not observed, provided that the other conditions applicable to this heading are observed.

The following entry must be made in Section 7 of movement certificates EUR.1, issued in respect of originating products pursuant to the derogation referred to in this paragraph :

'Derogation chocolates.'

*Article 13*

1. By way of derogation from the special provisions contained in Annex II to the 'origin' Protocol for heading No 85.15, which provides that at least 50 % in value of the materials and parts used must be originating products, intermediate-frequency transformers manufactured in Malta shall be regarded as products originating in Malta, where this condition is not observed, provided that the other conditions applicable to this heading are observed.

The following entry must be made in Section 7 of movement certificates EUR.1, issued in respect of originating products pursuant to the derogation referred to in this paragraph :

'Derogation IFT.'

2. By way of derogation from the special provisions contained in Annex II to the 'origin' Protocol for heading No 92.11, which provides that non-originating transistors may not represent more than 3 % of the value of the finished product, tape recorders manufactured in Malta shall be regarded as products originating in Malta if the value of the non-originating transistor does not exceed 5 % of the value of the finished product, provided that the other conditions applicable to this heading are observed.

The following entry must be made in Section 7 of movement certificates EUR.1, issued in respect of originating products pursuant to the derogation referred to in this paragraph :

'Derogation tape recorders.'

*Article 14*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

It shall apply from 1 July 1977.

The provisions of this Regulation shall remain applicable until the entry into force of the Additional Protocol or until 31 December 1977, whichever is the sooner.

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

Done at Brussels, 25 July 1977.

*For the Council*

*The President*

H. SIMONET