COUNCIL REGULATION (EEC) No 2820/77

of 28 November 1977

opening, allocating and providing, for the administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus (1978)

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 establishing an association between the European Economic Community and the Republic of Cyprus [1] and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community [2] provide for the opening of an annual duty-free Community tariff quota of 500 tonnes of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus; whereas those arrangements are maintained by the Additional Protocol to the Association Agreement signed on 15 September 1977; whereas pending the entry into force of that Protocol, in order to avoid any discontinuity, the tariff quota in question should be opened for 1978;

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 rates laid down for that quota to all imports of the products 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, in order to reflect as accurately as possible the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Cyprus over a representative reference period and the economic outlook for the quota period concerned;

Whereas, however, during the past three years only one Member State has imported, and in an insignificant quantity, the said goods; whereas no forecast can be made for 1978; whereas, to ensure fair distribution of the quota amount between the Member States, each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	7 %
Denmark	13 %
Germany	15 %
France	11 %
Ireland	2 %
Italy	9 %
United Kingdom	43 %;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States and the second instalment forming a reserve intended to cover the subsequent requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 46 % of the quota amount;

Whereas the initial 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 its initial share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls

[1] OJ No L 133, 21. 5. 1973, p. 1.
[2] OJ No L 133, 21. 5. 1973, p. 88.

for close cooperation 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;

Whereas 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 return a large amount of it to the reserve, in order to prevent a part of the tariff quota from remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the abovementioned economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1978 the Common Customs Tariff duty in respect of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 500 tonnes.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment, amounting to 230 tonnes, shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1978, shall be as follows:

Benelux	15 tonnes,
Denmark	30 tonnes,
Germany	35 tonnes
France	25 tonnes,
Ireland	5 tonnes,
Italy	20 tonnes,
United Kingdom	100 tonnes.

3. The second instalment of 270 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State as laid down in Article 2 (2), 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 inital share, rounded up to the next unit where appropriate, to the extent that the reserve is sufficient.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn 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.

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, a Member State 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 1978.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, the unused portions of their initial shares which, on 15 September 1978, 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 1978, notify the Commission of the total imports of the said goods effected up to and including 15 September 1978 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 an account of the shares opened by the Member States in accordance with Articles 2 and 3 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 1978, notify the 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 last 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 changes to be made without interruption against their accumulated share 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 with customs authorities for home use.

4. The extent to which a Member State used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

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 1978.

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

Done at Brussels, 28 November 1977.

For the Council

The President

L. OUTERS