COUNCIL REGULATION (EEC) No 2824/77

of 28 November 1977

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey (1978)

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 under Article 5 (1) of Council Regulation (EEC) No 1180/77 of 17 May 1977 on the importation into the Community of certain agricultural products originating in Turkey [2], fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey, are admitted on importation into the Community at a duty of 2·5 %, within the limit of a Community tariff quota of 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1978;

Whereas it is in particular necessary to ensure to all importers of the Member States equal and uninterrupted access to the said quota and uninterrupted application of the rate 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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to reflect most accurately 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 both to the statistics relating to imports from Turkey over a representative period, and to the economic outlook for the quota period concerned;

Whereas, on the basis of the statistics at present available, imports into the Member States in 1974, 1975 and 1976 of the product concerned originating in Turkey have developed as follows and represent the following percentages of total imports into the Community:

Member States	1974		1975		1976	
	tonnes	%	tonnes	%	tonnes	%
Germany	34 515	64·29	35 154	65·47	43 936	64·15
Benelux	4 500	8·38	5 284	9·84	5 662	8·27
France	5 680	10·58	6 084	11·33	9 543	13·93
Italy	2 473	4·61	1 653·5	3·08	2 065	3·02
Denmark	875	1·63	899	1·67	1 161	1·70
Ireland	619	1·15	30	0·06	140	0·20
United Kingdom	5 026	9·36	4 590	8·55	5 978	8·73
	53 688		53 694·5		68 485	

[1] OJ No C 241, 10. 10. 1977, p. 46.
[2] OJ No L 142, 9. 6. 1977, p. 10.

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1978 and, in particular, the forecasts made by some Member States, the initial shares may be fixed approximately at the following percentages:

Germany	65·93 %
Benelux	10·14 %
France	8·20 %
Italy	0·25 %
Denmark	2·67 %
Ireland	1·66 %
United Kingdom	11·15 %;

Whereas in order to take into account the import trends for the product concerned in the Member States, the quota volume should be divided into two instalments, the first instalment being allocated to the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States, should their initial share be used up; whereas, in order to ensure a certain degree of security to importers, the first instalment of the Community quota should be determined at a relatively high level, which under present circumstances could be approximately 80 % of the quota volume;

Whereas the initial shares may be used up sooner or later; whereas, in order to take this fact into account and to avoid any break in continuity, it is important that any Member State which has used up almost all its initial share should draw an additional share from the reserve; whereas this must be done as and when each of its additional shares in the quota is almost entirely used up, and repeated as often 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 for close cooperation between the Member States and the Commission, which must in particular be able to observe the extent to which the quota volume is used up and inform the Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in any Member State, it is essential that the Member State should return a certain proportion thereof to the reserve, in order to avoid part of the Community quota remaining unused in one Member State when it could be used in others; whereas, taking into account the seasonal nature of imports, it seems appropriate to fix the transfer limit of 40 % of the initial share;

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 the shares granted to the abovementioned economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1978 a Community tariff quota of 25 000 tonnes shall be opened in the Community for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey.

2. Within this tariff quota the Common Customs Tariff duty is suspended at 2·5 %.

3. This tariff quota shall be allocated and administered in accordance with the following provisions.

Article 2

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

2. The first instalment, amounting to 20 000 tonnes, shall be shared amongst the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1978, shall be as follows:

Germany	13 186 tonnes,
Benelux	2 028 tonnes,
France	1 640 tonnes,
Italy	50 tonnes,
Denmark	534 tonnes,
Ireland	332 tonnes,
United Kingdom	2 230 tonnes.

3. The second instalment, amounting to 5 000 tonnes, shall constitute the reserve.

Article 3

1. If 90 % or more of any Member State's initial share, as laid down in Article 2 (2) — or 90 % of that share less the amount returned into the reserve,

where Article 5 has been applied — has been exhausted, 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 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, in the manner provided for in paragraph 1, draw a third share equal to 7·5 % of its initial share.

3. If after its second share has been exhausted 90 % or more of the third share drawn by that Member State has been used, it shall, in the manner provided for in paragraph 1, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of 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 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall return to the reserve, not later than 1 October 1978, the unused portion of their initial shares which, on 15 September 1978, is in excess of 40 % 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 products concerned effected under the Community quota up to 15 September 1978 inclusive and, where appropriate, the proportion of their initial shares that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3, and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978 notify the Member States of the state of 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 final drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that changes may be made without interruption against their accumulative shares of the Community quota.

2. The Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them or drawn from the reserve.

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 has 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 of the products in question actually charged against its shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure the correct application of this Regulation.

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