COUNCIL REGULATION (EEC) No 2825/77

of 28 November 1977

opening, allocating and providing for the administration of a Community tariff quota for certain prepared or preserved bovine meat falling within heading No ex 16.02 of the Common Customs Tariff, originating in Malta (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 Article 7 of the Additional Protocol to the Agreement between the European Economic Community and Malta (2) lays down that the Community is to open a Community tariff quota of 650 tonnes free of customs duties for certain prepared and preserved bovine meat known as stewed steak falling within subheading ex 16.02 B III b) 1 bb) of the Common Customs Tariff; whereas the tariff preference in question is to apply from the date of entry into force of that Protocol until 30 June 1978; whereas Article 10 of the Protocol also provides for a derogation from the rules of origin laid down in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta (3); whereas by Regulation (EEC) No 1693/77 (4) the Community has already opened a tariff quota of 375 tonnes for the period up to 31 December 1977; whereas consequently a Community tariff quota of 275 tonnes should be opened for the first six months of 1978;

Whereas it is in particular necessary to ensure equal and uninterrupted access to the abovementioned quota for all Community importers 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 might be respected by means of a system of use of the Community tariff quota based on allocation among the Member States; whereas to represent as closely as possible the actual state of the market in the products in question, allocation should be proportionate to the requirements of the Member States as calculated from both statistics on imports from Malta during a representative reference period and the economic outlook for the tariff period in question;

Whereas the Community statistics available provide no information on the situation of the products in question on Member States' markets; whereas however it may be taken that those products are marketed almost exclusively in one Member State; whereas consequently, to ensure a fair allocation of the quota volume among the Member States, each Member State should take a significant part of the quota volume, making due allowance for the situation referred to above;

Whereas, to take account of the development of imports into the various Member States of the products concerned, the quota volume should be divided into two instalments, the first being shared among the Member States and the second held as a reserve to cover the subsequent requirements of those Member States which have used up their initial share; whereas to give each Member State's importers some degree of certainty, the first instalment of the Community quota might be fixed at approximately 90 % of the quota volume;

Whereas the initial shares of Member States may be used up at varying speeds; whereas accordingly to avoid any discontinuity any Member State which has almost used up its initial share must take an additional share from the reserve; whereas this must be done by each Member State as each one of its additional shares is almost used up and as many times as the reserve allows; whereas the initial and additional shares must apply until the end of the quota

(1) Opinion delivered on 18 November 1977 (not yet published in the Official Journal).
(2) OJ No L 304, 29. 11. 1977, p. 2.
(3) OJ No L 111, 28. 4. 1976, p. 3.
(4) OJ No L 188, 28. 7. 1977, p. 12.

period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be able to monitor the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if at a given date in the quota period a considerable quantity of the initial share is left over in a Member State it is essential that the Member State concerned should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while 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 any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 30 June 1978 the Common Customs Tariff duty on the products indicated below, originating in Malta, shall be totally suspended in respect of a Community tariff quota of 275 tonnes:

CCT heading No	Description
16.02	Other prepared or preserved meat or meat offal: B. Other: III. Other: b) Other: 1. Containing bovine meat or offal: bb) Other

2. Notwithstanding the special provisions contained in Annex II to the Protocol on origin for heading No 16.02, which provides that 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 that 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'.

Article 2

1. A first instalment of 250 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares which subject to Article 5 shall be valid until 30 June 1978 shall be as follows:

Benelux	2 tonnes,
Denmark	2 tonnes,
Germany	2 tonnes,
France	2 tonnes,
Ireland	2 tonnes,
Italy	2 tonnes,
United Kingdom	238 tonnes.

2. The second instalment of 25 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 (1), or of that share less the amount returned to the reserve if Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, take a second share equal to 15 % of its initial share rounded up to the next unit, in so far as the reserve permits.

2. If after its initial share has been exhausted 90 % or more of the second share taken by a Member State has been used, that Member State shall in accordance with the conditions laid down in paragraph 1 take 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 taken by a Member

State has been used, that Member State shall, in the same way, take a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may take 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

Additional shares taken pursuant to Article 3 shall apply until 30 June 1978.

Article 5

The Member States shall return to the reserve not later than 1 May 1978 the unused portion of their initial shares which on 15 April 1978 is in excess of 20 % of the initial amount. They may return a greater amount if there are grounds for believing that amount may not be used up.

The Member States shall notify the Commission not later than 1 May 1978 of the total imports of the products in question effected up to 15 April 1978 inclusive and charged against the Community quota and of any portion of their initial shares which they are returning to the reserve.

Article 6

The Commission shall keep account of the quota 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 notify Member States not later than 5 May 1978 of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any share taken 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 takes the last share.

Article 7

1. The Member States shall take all appropriate measures to ensure that when additional shares are taken out pursuant to Article 3 it is possible for quantities to be charged, without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the products in question 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 originating in Malta entered with customs authorities for home use.

Article 8

At the request of 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