COUNCIL REGULATION (EEC) No 1436/78

of 26 June 1978

opening, allocating and providing for the administration of a Community tariff quota for aubergines falling within subheading ex 07. 01. T of the Common Customs Tariff, originating in Cyprus

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 a Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus was signed on 11 May 1978; whereas this Protocol is to enter into force on 1 July 1978; whereas Article 2 of this Protocol provided for the opening of a Community tariff quota of 300 tonnes of aubergines falling within subheading ex 07. 01 T of the Common Customs Tariff, originating in Cyprus, at a rate of customs duty equal to 40 % of the customs duty in the Common Customs Tariff, for the period 1 October to 30 November 1978; whereas it is necessary to open a Community tariff quota of 300 tonnes for the products and the period in question;

Whereas it is necessary in particular to ensure to 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, however, since the tariff quota involved is of a relatively low volume and the period of application is very short, it seems possible to allocate the whole quota volume to the Community reserve and to provide for the possibility of those Member States in which needs might arise drawing appropriate quantities from that reserve; whereas the shares thus drawn from the reserve must be valid until the end of the quota period; whereas this method of management requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the 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 October to 30 November 1978, the Common Custom Tariff duty for aubergines falling within subheading ex 07. 01 T of the Common Customs Tariff, originating in Cyprus, shall be partially suspended at 6·4 % within the limits of a Community tariff quota of 300 tonnes.

2. The volume of the tariff quota referred to in paragraph 1 shall constitute a reserve.

3. If the need should arise for the products in question in a Member State, the latter shall draw an appropriate share from the reserve, providing that the size of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until 30 November 1978.

Article 2

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 are opened in such a way that imports may be charged without interruption against their cumulative portions of the Community quota.

2. Member States shall ensure that importers of the said goods established in its territory have free access to the shares allocated to it.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered 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 3

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

Article 4

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is observed.

Article 5

This Regulation shall enter into force on 1 July 1978.

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

Done at Luxembourg, 26 June 1978

For the Council

The President

K. B. ANDERSEN