COUNCIL REGULATION (EEC) No 2865/78

of 23 November 1978

establishing ceilings and Community supervision of imports of certain products originating in Israel (1979)

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 Article 2 of the Agreement [1] between the European Economic Community and the State of Israel, signed on 11 May 1975, and Articles 1 and 2 of Protocol 1 annexed thereto, make provision for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas, by way of derogation from these Articles, Article 5 of that Protocol provides that, for imports of products listed in that Article, the reduction of duties shall be limited to ceilings above which the customs duties applicable to third countries may be reintroduced; whereas the ceilings to be applied in 1979 should therefore be determined; whereas the application of ceilings requires that the Community be regularly informed of the trend of imports of the products in question originating in Israel; whereas it is, therefore, desirable that imports of these products be subjected to a system of supervision;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level, as and when these products are submitted to the customs authorities under cover of declarations that they have been made available for home use; whereas this administrative procedure must make provision for the possibility of customs duties being reintroduced as soon as the ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached;

Whereas the trend of imports of certain products not subject to ceilings should also be followed; whereas it is therefore desirable that imports of such products should also be subjected to a system of supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1979, imports of products originating in Israel listed in Annex I shall be subject to annual ceilings and Community supervision.

The description of the products referred to in the first paragraph, their tariff headings and statistical numbers and the levels of the ceilings are given in Annex I.

2. Quantities shall be charged against the ceilings as and when products are entered with the customs authorities under cover of a declaration that they have been made available for home use and accompanied by a movement certificate in accordance with the rules contained in Protocol 3 to the Agreement between the Community and Israel. However, in the case of products falling within Chapter 27, the certificate of origin may replace the movement certificate.

Goods may be charged against the ceiling only if the movement certificate or, in the case of goods falling within Chapter 27, the certificate of origin is submitted before the date on which customs duties are reimposed.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

The Member States shall inform the Commission at the intervals and within the time limits specified in paragraph 4 of any imports effected in accordance with the above procedures.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the customs duties specified in Articles 2 and 5 (6) of Protocol 1 to the Agreement until the end of the calendar year.

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[1] OJ No L 136, 28. 5. 1975, p. 3.

4. Member States shall forward to the Commission not later than the 15th day of each month statements of the quantities charged during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

From 1 January until 31 December 1979, imports of the products referred to in Annex II which originate in Israel shall be subjected to Community supervision.

Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; only products submitted to the customs authorities under cover of a declaration that they are to be made available for home use and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration for this purpose.

Article 3

The Commission shall take all appropriate measures in close cooperation with the Member States for the purposes of applying this Regulation.

Article 4

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

ANNEX I

List of products subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I IL 1	27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:		Ceiling delayed
		A. Light oils:		
		III. For other purposes	27.10-15, 17, 21, 25, 29	
		B. Medium oils:		
		III. For other purposes	27.10-34, 38, 39	
		C. Heavy oils:		
		I. Gas oil:		
		c) For other purposes	27.10-59	
		II. Fuel oil:		
		c) For other purposes	27.10-69	
		III. Lubricating oils; other oils:		
		c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	27.10-75	
		d) For other purposes	27.10-79	
	27.11	Petroleum gases and other gaseous hydrocarbons:		
		A. Propane of a purity not less than 99 % :		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
		I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
	27.12	Petroleum jelly:		
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	
	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		
		B. Other:		
		I. Crude:		
		c) For other pruposes	27.13-89	
		II. Other	27.13-90	

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I IL 1 *(cont'd)*	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous materials: C. Other: II. Other	27.14-99	
I IL 2	29.02	Halogenated derivatives of hydrocarbons: A. Halogenated derivatives of acyclic hydrocarbons: III. Bromides	29.02-40	2 188
I IL 3	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: B. Gloves, including mittens and mitts	42.03-21, 25, 27, 28	Ceiling delayed
I IL 4	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos	1 094
I IL 5	55.09	Other woven fabrics of cotton	55.09-all Nos	486
I IL 6	60.03	Stockings, under stockings, socks, ankle socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized	60.03-all Nos	Ceiling delayed
I IL 7	60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized	60.05-all Nos	547

ANNEX II

List of products referred to in Article 2

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II IL 1	28.01	Halogens (fluorine, chlorine, bromine and iodine):	
		C. Bromine	28.01-50
II IL 2	28.10	Phosphorus pentoxide and phosphoric acids (meta, orhto- and pyro-)	28.10-00
II IL 3 A	28.30	Chlorides, oxychlorides and hydroxychlorides; bromides and oxybromides; iodides and oxyiodides:	
		C. Other:	
		— Bromides and oxybromides	28.30-93, 95
II IL 3 B	28.31	Hypochlorites; commercial calcium hypochlorite; chlorites; hypobromites:	
		C. Other:	
		— Hypobromites	28.31-99
II IL 3 C	28.32	Chlorates and perchlorates; bromates and perbromates; iodates and periodates:	
		C. Other:	
		— Bromates and perbromates	28.32-90
II IL 4	28.40	Phosphites, hypophosphites and phosphates:	
		B. Phosphates (including polyphosphates):	
		II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II IL 5	29.16	Carboxylic acids with alcohol, phenol, aldehyde or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives:	
		A. Carboxylic acids with alcohol function:	
		IV. Citric acid and its salts and esters	29.16-21, 23, 29
II IL 6	31.03	Mineral or chemical fertilizers, phosphatic:	
		A. Mentioned in Note 2 (A) to Chapter 31:	
		I. Superphosphates	31.03-15
II IL 7	39.02	Polymerization and copolymerization products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone-indene resins):	
		C. Other:	
		VII. Polyvinyl chloride:	
II IL 7 A		a) In one of the forms mentioned in Note 3 (a) and (b) to this Chapter	39.02-41, 43
II IL 7 B		b) In other forms	39.02-45, 46, 47, 51, 52, 53, 54, 57, 59, 61, 66

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II IL 8	42.02	Travel goods (for example, trunks, suitcases, hat boxes, travelling bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric:	
		ex B. Of other materials:	
		— Of leather	42.02-ex 21, ex 31, ex 41, ex 51, ex 81
II IL 9	42.03	Articles of apparel and clothing accessories, of leather or of composition leather:	
		A. Articles of apparel	42.03-10
		C. Other clothing accessories	42.03-51, 59
II IL 10	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02	51.04-all Nos
II IL 11	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale	56.05-all Nos
II IL 12	56.07	Woven fabrics of man-made fibres (discontinuous or waste)	56.07-all Nos
II IL 13	70.05	Unworked drawn or blown glass (including flashed glass), in rectangles	70.05-all Nos
II IL 14	76.03	Wrought plates, sheets and strip, of aluminium	76.03-all Nos