COUNCIL REGULATION (EEC) No 2934/79

of 20 December 1979

opening, allocating and providing for the administration of a Community tariff quota for newsprint, falling within subheading 48.01 A of the Common Customs Tariff and extending this quota to include certain other types of paper

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas in Regulations (EEC) No 2691/78 [1] and (EEC) No 2766/79 [2] the Council opened and allocated among the Member States, for newsprint falling within subheading 48.01 A of the Common Customs Tariff, a Community tariff quota with zero duty, the volume of which was fixed at a level of 2 700 000 tonnes ;

Whereas on the basis of the most recent data on this product for 1979, it may be estimated that the additional imports from non-member countries required by the Community could reach 40 000 tonnes ; whereas, therefore, for the remainder of 1979 and for the product in question a new Community tariff quota, with zero duty, of a volume of 40 000 tonnes should be opened in order to take account of immediate and established needs ;

Whereas provision should be made for extending the tariff quota in question to include certain types of paper fulfilling all the conditions set out in the Additional Note to Chapter 48 except those relating to watermarks ;

Whereas it is necessary in particular to guarantee 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 in and represented by the Benelux Economic Union, any operation relating to 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. Until 31 December 1979, a Community tariff quota of 40 000 tonnes shall be opened in respect of newsprint falling within subheading 48.01 A of the Common Customs Tariff [3].

2. Member States may charge against this tariff quota the other types of paper complying with the definition of newsprint contained in the Additional Note to Chapter 48, except as regards the criteria governing watermarks.

3. Imports of newsprint shall not be charged against this tariff quota if they are already free of customs duties under other preferential tariff treatment. Furthermore, imports of any other paper referred to in paragraph 2 enjoying duty-free exemption under the said tariff quota shall not be charged against the indicative ceilings fixed under certain free trade agreements.

4. The Common Customs Tariff duty shall be totally suspended within the limits of the above quota.

Article 2

1. The volume of the tariff quota referred to in Article 1 (1) shall constitute a reserve.

2. 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.

3. The shares drawn pursuant to paragraph 2 shall be valid until 31 December 1979.

(1) OJ No L 324, 18. 11. 1978, p. 4.
(2) OJ No L 315, 11. 12. 1979, p. 3.

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

Article 3

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 2 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

2. Member States shall take all measures necessary to ensure that the types of paper referred to in Article 1 (2) included in this tariff quota are in fact intended for the printing of newspapers, weekly papers or other periodicals of heading No 49.02, published at least 10 times per year.

3. Member States shall guarantee that importers of the products in question established in their territory have free access to the shares allocated to them.

4. The extent to which a Member State has used up its shares shall be determined on the basis of imports of the products in question entered with the customs authorities for free circulation.

Article 4

On receipt of a request from the Commission the Member States shall inform it of the importations actually charged against their shares.

Article 5

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 20 December 1979.

For the Council

The President

J. TUNNEY