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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 417/73 OF THE COUNCIL

of 22 January 1973

establishing Community supervision of imports of certain products originating in Austria

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 an Agreement⁽¹⁾ between the European Economic Community and the Republic of Austria was signed on 22 July 1972;

Whereas Articles 2 and 3 of that Agreement 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, Articles 1, 2 and 3 of Protocol No 1 annexed to the Agreement lay down that, for imports of certain products listed in Annex C to that Protocol, the reduction of duties shall be limited in 1973 to indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas application of this last provision requires that the Community be regularly informed of the trend of imports of the products in question originating in Austria; 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 setting off imports of the products in question against the indicative 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 consumption; whereas this administrative procedure must make provision for the

reintroduction of customs tariff duties 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 and whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas, for the products which, in accordance with Articles 2 and 3 of the Agreement, are subject to the normal timetable for the abolition of customs duties it is necessary to follow the trend of imports; whereas to this end the Community should be empowered to take, where appropriate, measures to avoid any prejudice to industry in the Community and whereas it is, therefore, desirable that imports of these products also be subjected to a system of supervision;

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products originating in Austria to which annual indicative ceilings are applied in accordance with Articles 1, 2 and 3 and Annex C to Protocol No 1 to the Agreement between the European Economic Community and the Republic of Austria shall be subjected to Community supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 1.

statistic numbers, the levels of the indicative ceilings and the dates on which Community supervision shall begin are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a regulation reimposing the customs duties applicable to third countries for the whole Community until the end of the calendar year.

The new Member States shall simultaneously reimpose the duties provided for in Article 3 (f) of

Protocol No 1 to the Agreement referred to in paragraph 1.

Article 2

During the period from 1 January 1973 until 31 December 1973, imports of the products referred to in Annex II which originate in Austria shall be subjected to Community supervision.

The Member States shall periodically inform the Commission of imports of these products, to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

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

This Regulation shall apply from 1 January 1973.

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

Done at Brussels, 22 January 1973.

For the Council

The President

L. TINDEMANS

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION
IN 1973

Date on which supervision commences: 1 January 1973

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: ex II. Other: — Excluding kraft liner (a) and kraft paper for large bags (a)	48.01-08, 09, 11, 12, 13, 17, 19, 25, 26, 27, 28, 29, 33	14 000
IA 1				
		ex E. Other: — Bible paper (India paper), copying tissue; other printing paper and other writing paper, not containing mechanical wood pulp or in which mechanical wood pulp does not represent more than 5 % (a)	48.01-58, 61, 62, 63	55 000
IA 2				
		— Printing paper and writing paper, containing mechanical wood pulp (a), excluding copying tissue	48.01-64, 68	49 000
IA 3				
		— Other, excluding cellulose wadding, tissues, fluting paper for corrugated paperboard (a) and sulphite paper for wrapping purposes (a)	48.01-41, 43, 45, 52, 53, 54, 55, 56, 77, 82, 84, 86, 88, 91, 93, 95, 97	22 000
IA 4				
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets: B. Other: — Coated printing or writing paper	48.07-57, 58, 59	30 000
IA 5				
		— Other	48.07-55, 56, 64, 65, 66, 68, 70, 81, 85, 91, 97, 99	11 000
IA 6				
	48.15	Other paper and paperboard, cut to size or shape: B. Other	48.15-10, 21, 29, 30, 40, 50, 61, 65, 95, 99	15 400
IA 7				
	73.02	Ferro-alloys: ex G. Other: — Ferro-molybdenum	73.02-81	242
IA 8				
		— Ferro-vanadium	73.02-83	500
IA 9				

(a) Subject to compliance with the definitions in fine.

Order No	CCT heading No	Description	Nimex Code	Level of ceiling — metric tons —
1	2	3	4	5
I A 10	73.15	Alloy steel and high-carbon steel in the forms mentioned in: headings Nos 73.06 to 73.14 A. High carbon steel	73.61-10, 20, 50, 90 73.62-10, 30 73.63-10, 21, 29, 50, 72, 74, 79 73.64-20, 50, 72, 75, 79, 90 73.65-21, 23, 25, 53, 55, 70, 81, 83 73.66-40, 81, 86, 89	6 700 ⁽¹⁾
I A 11		B. Alloy steel: — Stainless or refractory (a)	73.71-13, 23, 53, 93 73.72-13, 33 73.73-13, 23, 33, 43, 53, 83 73.74-23, 53, 83 73.75-23, 33, 43, 53, 63, 73, 83, 93 73.76-13	15 500 ⁽¹⁾
I A 12		— High-speed (a)	73.71-14, 24, 54, 94 73.73-14, 24, 34, 54 73.74-54 73.75-24, 34, 44, 54, 64, 84 73.76-14	3 200 ⁽¹⁾
I A 13		— Other	73.71-19, 21, 29, 55, 56, 59, 99 73.72-11, 19, 39 73.73-19, 25, 26, 29, 35, 36, 39, 49, 55, 59, 72, 74, 89 73.74-21, 29, 51, 52, 59, 72, 74, 89, 90 73.75-11, 19, 29, 39, 49, 59, 69, 79, 89, 99 73.76-15, 16, 19	49 000 ⁽¹⁾
I A 14	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought	76.01-11, 15	29 000

(a) Subject to compliance with the definitions in fine.

⁽¹⁾ Including products covered by the ECSC Treaty.

DEFINITIONS

ex 48.01 C II

Kraft liner

'Kraft liner' is to be taken to apply to machine-finished or machine-glazed paper or paperboard, in rolls of a width of not less than 110 cm, containing not less than 90 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.

ex 48.01 C II

Kraft paper for large bags

'Kraft paper for large bags' is to be taken to apply to machine-finished paper, in rolls of a width exceeding 70 cm, containing not less than 90 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 5 % in the cross direction and of more than 3 % in the machine direction.

ex 48.01 E

Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp

'Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp' is to be taken to apply to paper, other than machine-glazed, used for printing or writing, which contains not more than 5 % of chemical wood pulp calculated on total fibre content.

ex 48.01 E

Printing paper and writing paper, containing mechanical wood pulp

'Printing paper and writing paper containing mechanical wood pulp' is to be taken to apply to paper, other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.

ex 48.01 E

Fluting paper for corrugated paperboard

'Fluting paper for corrugated paperboard' is to be taken to apply to paper in rolls of a width of not less than 110 cm, containing not less than 70 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content, and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.

ex 48.01 E

Sulphite paper for wrapping purposes

'Sulphite paper for wrapping purposes' is to be taken to apply to machine-glazed paper not coloured in the mass containing more than 40 % of chemical bisulphite wood pulp, bleached or unbleached, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 25.

ex 73.15 B

Stainless steel (including heat-resisting steel)

'Stainless steel (including heat-resisting steel)' is to be taken to apply to alloy steel containing, by weight, 12 % or more of chromium, with or without other alloy elements, and less than 1 % of carbon.

ex 73.15 B

High-speed steel

'High-speed steel' is to be taken to apply to alloy steel containing, with or without other alloy elements, not less than two of the three elements tungsten, molybdenum and vanadium, representing a total content, by weight, of 7 % or more, and containing more than 0.6 %, by weight, of carbon.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Date on which supervision commences: 1 January 1973

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II A 1	28.04	Hydrogen, rare gases and other non-metals: C. Other non-metals ex V. Silicon	28.04-93, 95
II A 2	44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	44.15 - all Nos
II A 3	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II A 4	48.09	Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders	48.09 - all Nos
II A 5	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning: B. Regenerated textile fibres	56.01-21, 23, 25, 29
II A 6	56.02	Continuous filament tow for the manufacture of man-made fibres: B. Of regenerated textile fibres	56.02-21, 23, 25, 29
II A 7	68.04	Millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery	68.04 - all Nos
II A 8	68.06	Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, of paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up	68.06 - all Nos
II A 9	68.08	Articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch)	68.08 - all Nos
II A 10	68.16	Articles of stone or of other mineral substances (including articles of peat), not elsewhere specified or included	68.16 - all Nos
II A 11	69.02	Refractory bricks; blocks, tiles and similar refractory constructional goods, other than goods falling within heading No 69.01	69.02 - all Nos
II A 12	74.03	Wrought bars, rods, angles, shapes and sections of copper; copper wire	74.03 - all Nos

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II A 13	74.04	Wrought plates, sheets and strips, of copper, of a thickness (excluding any backing) exceeding 0.15 mm	74.04 - all Nos
II A 14	74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm	74.05 - all Nos
II A 15	74.06	Copper powder and flakes	74.06 - all Nos
II A 16	74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper	74.07 - all Nos
	78.01	Unwrought lead (including argentiferous lead); lead waste and scrap: A. Unwrought: II. Other	78.01-12, 13, 15, 19
II A 17	79.01	Unwrought zinc; zinc waste and scrap: A. Unwrought	79.01-11, 15
II A 18	81.01	Tungsten (wolfram), unwrought or wrought and articles thereof	81.01 - all Nos
II A 20	81.02	Molybdenum, unwrought or wrought and articles thereof	81.02 - all Nos
II A 21	81.03	Tantalum, unwrought or wrought and articles thereof	81.03 - all Nos
	81.04	Other base metals, unwrought or wrought, and articles thereof; unwrought or wrought, and articles thereof: B. Cadmium C. Cobalt: II. Other D. Chromium E. Germanium F. Hafnium (celtium) G. Manganese H. Niobium (columbium) I. Antimony J. Titanium K. Vanadium L. Vanadium M. Uranium depleted in U 235 O. Zirconium P. Rhenium Q. Gallium; indium; thallium R. Cermets	81.04-16, 18
II A 22			
II A 23			
II A 24			
II A 25			
II A 26			
II A 27			
II A 28			
II A 29			
II A 30			
II A 31			
II A 32			
II A 33			
II A 34			
II A 35			
II A 36			
	85.24	Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes: A. Electrodes for electrolysis installations	85.24-10
II A 37			

REGULATION (EEC) No 418/73 OF THE COUNCIL

of 22 January 1973

establishing Community supervision of imports of certain products originating in Portugal

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 an Agreement⁽¹⁾ between the European Economic Community and the Portuguese Republic was signed on 22 July 1972;

Whereas Articles 2 and 3 of that Agreement 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, Articles 1 and 2 of Protocol No 1 annexed to the Agreement lay down that, for imports of certain products listed in Annex B to that Protocol, the reduction of duties shall be limited in 1973 to indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas application of this last provision requires that the Community be regularly informed of the trend of imports of the products in question originating in Portugal, 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 setting off imports of the products in question against the indicative 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 consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties 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 and whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed;

whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the indicative ceilings for the products listed in Annex B to the above Protocol have been calculated for 1973 by reference to the situation of the customs duties to be applied by the Community as originally constituted on the one hand, and by the new Member States on the other; whereas, consequently, supervision of imports of certain products must begin on 1 January 1973 in certain Member States and on 1 April 1973 in others;

Whereas, for the products which, in accordance with Articles 2 and 3 of the Agreement, are subject to the normal timetable for the abolition of customs duties it is necessary to follow the trend of imports; whereas to this end the Community should be empowered to take, where appropriate, measures to avoid any prejudice to industry in the Community and whereas it is, therefore, desirable that imports of these products also be subjected to a system of supervision;

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products originating in Portugal to which annual indicative ceilings are applied in accordance with Articles 1 and 2 and Annex B to Protocol No 1 to the Agreement between the European Economic Community and the Portuguese Republic shall be subjected to Community supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which Community supervision shall begin are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 10.

they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a regulation reimposing the customs duties applicable to third countries for the whole Community until the end of the calendar year.

The new Member States shall simultaneously reimpose the duties provided for in Article 2 (7) of Protocol No 1 to the Agreement referred to in paragraph 1.

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

Done at Brussels, 22 January 1973.

Article 2

During the period from 1 January 1973 until 31 December 1973, imports of the products referred to in Annex II which originate in Portugal shall be subjected to Community supervision.

The Member States shall periodically inform the Commission of imports of these products; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

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

This Regulation shall apply from 1 January 1973.

For the Council

The President

L. TINDEMANS

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION
IN 1973

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
I P 1	45.02	Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)	45.02 - all Nos	1 100
I P 2	45.03	Articles of natural cork	45.03 - all Nos	8 200
I P 3	45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	45.04 - all Nos	10 000
I P 4	55.05	Cotton yarn, not put up for retail sale	55.05 - all Nos	8 000
I P 5	56.07	Woven fabrics of man-made fibres (discontinuous or waste)	56.07 - all Nos	2 400
I P 6	57.10	Woven fabrics of jute or of other textile bast fibres of heading No 57.03	57.10 - all Nos	4 100
I P 7	59.04	Twine, cordage, ropes and cables, plaited or not	59.04 - all Nos	7 700
I P 8	60.04	Under garments, knitted or crocheted, not elastic nor rubberized	60.04 - all Nos	3 000
I P 9	60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized	60.05 - all Nos	720
I P 10	61.01	Men's and boys' outer garments	61.01 - all Nos	980
I P 11	61.02	Women's, girls' and infants' outer garments	61.02 - all Nos	290
I P 12	61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs	61.03 - all Nos	970
I P 13	61.04	Women's, girls' and infants' under garments	61.04 - all Nos	110

Dates on which supervision commences:

- in the Community as originally constituted: 1 April 1973,
- in the United Kingdom and Denmark: 1 January 1973,
- in Ireland: 1 April 1973.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Date on which supervision commences: 1 January 1973

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II P 1	44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	44.15 - all Nos
II P 2	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II P 3	48.09	Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders	48.09 - all Nos
II P 4	55.08	Terry towelling and similar terry fabrics, of cotton	55.08 - all Nos
II P 5	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale	56.05 - all Nos
II P 6	57.06	Yarn of jute or of other textile bast fibres of heading No 57.03	57.06 - all Nos
II P 7	62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles	62.02 - all Nos
II P 8	62.03	Sacks and bags, of a kind used for the packing of goods:	62.03-11, 13, 15, 17
		A. Of jute or of other textile bast fibres of heading No 57.03	
		B. Of other textile materials:	
II P 9		II. Other	62.03-95, 96, 97, 98
II P 10	68.01	Road and paving setts, curbs and flagstones, of natural stone (except slate)	68.01 - all Nos
II P 11	68.03	Worked slate and articles of slate, including articles of agglomerated slate	68.03 - all Nos

REGULATION (EEC) No 419/73 OF THE COUNCIL

of 22 January 1973

establishing Community supervision of imports of certain products originating in Sweden

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 an Agreement⁽¹⁾ between the European Economic Community and the Kingdom of Sweden was signed on 22 July 1972;

Whereas Articles 2 and 3 of that Agreement 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, Articles 1, 2 and 3 of Protocol No 1 annexed to the Agreement lay down that, for imports of certain products listed in Annex C to that Protocol, the reduction of duties shall be limited in 1973 to indicative ceilings about which the customs duties applicable to third countries may be reintroduced; whereas application of this last provision requires that the Community be regularly informed of the trend of imports of the products in question originating in Sweden; 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 setting off imports of the products in question against the indicative 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 consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties 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 and whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed;

whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the indicative ceilings for the products listed in Annex C to Protocol No 1 have been calculated for 1973 by reference to the situation of the customs duties to be applied by the Community as originally constituted on the one hand, and by the new Member States on the other; whereas, consequently, supervision of imports of certain products must begin on 1 January 1973 in certain Member States and on 1 April 1973 in others;

Whereas, for the products which, in accordance with Articles 2 and 3 of the Agreement, are subject to the normal timetable for the abolition of customs duties it is necessary to follow the trend of imports; whereas to this end the Community should be empowered to take, where appropriate, measures to avoid any prejudice to industry in the Community and whereas it is, therefore, desirable that imports of these products also be subjected to a system of supervision;

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products originating in Sweden to which annual indicative ceilings are applied in accordance with Articles 1, 2 and 3 and Annex C to Protocol No 1 to the Agreement between the European Economic Community and the Kingdom of Sweden shall be subjected to Community supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which Community supervision shall begin are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 96.

accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a regulation reimposing the customs duties applicable to third countries for the whole Community until the end of the calendar year.

The new Member States shall simultaneously reimpose the duties provided for in Article 3 (f) of Protocol No 1 to the Agreement referred to in paragraph 1.

Article 2

During the period from 1 January 1973 until 31 December 1973 imports of the products referred to in Annex II which originate in Sweden shall be subjected to Community supervision.

The Member States shall periodically inform the Commission of imports of these products; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

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

This Regulation shall apply from 1 January 1973.

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

Done at Brussels, 22 January 1973.

For the Council

The President

L. TINDEMANS

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION
IN 1973

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets: C. Kraft paper and kraft board: II. Other:		
I S 1		— Kraft liner (a)	48.01-15, 21, 31	309 061
I S 2		— Kraft paper for large bags (a)	48.01-16, 23	353 706
I S 3		— Other	48.01-08, 09, 11, 12, 13, 17, 19, 25, 26, 27, 28, 29, 33	166 172
		ex E. Other:		
I S 4		— Bible paper (India paper), copying tissue; other printing paper and other writing paper, not containing mechanical wood pulp or in which mechanical wood pulp does not represent more than 5 % (a)	48.01-58, 61, 62, 63	29 397
I S 5		— Printing paper and writing paper, containing mechanical wood pulp (a), excluding copying tissue	48.01-64, 68	99 460
I S 6		— Fluting paper for corrugated paperboard (a)	48.01-75	132 272
I S 7		— Sulphite paper for wrapping purposes	48.01-71, 73	35 865
I S 8		— Other, excluding cellulose wadding and tissues	48.01-41, 43, 45, 52, 53, 54, 55, 56, 77, 82, 84, 86, 88, 91, 93, 95, 97	133 620
I S 9	48.03	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets	48.03 - all Nos	15 081
I S 10	48.04	Composite paper or paperboard (made by sticking flat layers together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets	48.04 - all Nos	19 099
	48.05	Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets:		
I S 11		B. Other	48.05-21, 29, 30, 50, 80	39 800

(a) Subject to compliance with the definitions in fine.

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets:		
I S 12		B. Other:		
		— Coated printing or writing paper	48.07-57, 58, 59	35 863
I S 13		— Other	48.07-55, 56, 64, 65, 66, 68, 70, 81, 85, 91, 97, 99	92 147
	48.15	Other paper and paperboard, cut to size or shape:		
I S 14		B. Other	48.15-10, 21, 29, 30, 40, 50, 61, 65, 95, 99	10 612
I S 15	48.16	Boxes, bags and other packing containers, of paper or paperboard	48.16 - all Nos	22 379
	48.21	Other articles of paper pulp, paper, paperboard or cellulose wadding:		
I S 16		B. Other	48.21-21, 23, 25, 31, 33, 37, 40, 50, 60, 70, 80, 91	14 037
	73.02	Ferro-alloys:		
I S 17		A. Ferro-manganese:		
		II. Other	73.02-19, 40	6 587
		D. Ferro-silico-manganese		
I S 18		C. Ferro-silicon	73.02-30	12 427
I S 19		E. Ferro-chromium and ferro-silico-chromium	73.02-51, 55	19 628
		G. Other:		
I S 20		— Ferro-molybdenum	73.02-81	487
I S 21		— Ferro-vanadium	73.02-83	180
I S 22		— Other	73.02-60, 70, 98	199
	73.15	Alloy steel and high carbon steel in the forms mentioned in headings Nos 73.06 to 73.14:		
I S 23		A. High carbon steel	73.61-10, 20, 50, 90 73.62-10, 30 73.63-10, 21, 29, 50, 72, 74, 79 73.64-20, 50, 72, 75, 79, 90 73.65-21, 23, 25, 53, 55, 70, 81, 83 73.66-40, 81, 86, 89	70 057 ⁽¹⁾

⁽¹⁾ Including products covered by the ECSC Treaty.

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
I S 24	73.15 (cont'd)	B. Alloy steel: — Stainless or refractory (a)	73.71-13, 23, 53, 93 73.72-13, 33 73.73-13, 23, 33, 43, 53, 83 73.74-23, 53, 83 73.75-23, 33, 43, 53, 63, 73, 83, 93 73.76-13	65 910 ⁽¹⁾
I S 25		— High speed (a)	73.71-14, 24, 54, 94 73.73-14, 24, 34, 54 73.74-54 73.75-24, 34, 44, 54, 64, 84 73.76-14	2 908 ⁽¹⁾
I S 26		— other	73.71-19, 21, 29, 55, 56, 59, 99 73.72-11, 19, 39 73.73-19, 25, 26, 29, 35, 36, 39, 49, 55, 59, 72, 74, 89 73.74-21, 29, 51, 52, 59, 72, 74, 89, 90 73.75-11, 19, 29, 39, 49, 59, 69, 79, 89, 99 73.76-15, 16, 19	59 418 ⁽¹⁾
I S 27	73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits: B. Straight and of uniform wall-thickness, other than those falling in A above, of a maximum length of 4.50 m, of alloy steel containing by weight not less than 0.90 % but not more than 1.15 % of carbon, not less than 0.50 % but not more than 2 % of chromium and not more than 0.50 % of molybdenum	73.18-15	30 075
I S 28		ex C. Other: — Tubes and pipes, straight, and of uniform wall-thickness, other than those falling in A above, of a length of more than 4.50 m, of alloy steel containing by weight not less than 0.90 % but not more than 1.15 % of carbon, not less than 0.50 % but not more than 2 % of chromium and not more than 0.50 % of molybdenum — Tubes and pipes, of stainless or refractory steel (a)	73.18-21 73.18-61, 71, 81, 91	

(a) Subject to compliance with the definitions in fine.

⁽¹⁾ Including products covered by the ECSC Treaty.

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
I S 29	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought	76.01-11, 15	14 343
I S 30	81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof: K. Titanium: I. Unwrought, waste and scrap	81.04-56	31
I S 31		II. Other	81.04-58	30

Dates on which supervision commences:

- in the Community as originally constituted: 1 April 1973,
- in the United Kingdom and Denmark: 1 January 1973,
- In Ireland:
 - for products falling within numbers I S 1 to I S 8 and I S 10 to I S 13: 1 January 1973,
 - for all other products: 1 April 1973.

DEFINITIONS

ex 48.01 C II Kraft liner

'Kraft liner' is to be taken to apply to machine-finished or machine-glazed paper or paperboard, in rolls of a width of not less than 110 cm, containing not less than 90 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.

ex 48.01 C II Kraft paper for large bags

'Kraft paper for large bags' is to be taken to apply to machine-finished paper, in rolls of a width exceeding 70 cm, containing not less than 90 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 5 % in the cross direction and of more than 3 % in the machine direction.

-
- ex 48.01 E **Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp**
- ‘Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp’ is to be taken to apply to paper, other than machine-glazed, used for printing or writing, which contains not more than 5 % of chemical wood pulp calculated on total fibre content.
- ex 48.01 E **Printing paper and writing paper, containing mechanical wood pulp**
- ‘Printing paper and writing paper containing mechanical wood pulp’ is to be taken to apply to paper, other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 E **Fluting paper for corrugated paperboard**
- ‘Fluting paper for corrugated paperboard’ is to be taken to apply to paper, in rolls of a width of not less than 110 cm, containing not less than 70 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content, and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.
- ex 48.01 E **Sulphite paper for wrapping purposes**
- ‘Sulphite paper for wrapping purposes’ is to be taken to apply to machine-glazed paper not coloured in the mass containing more than 40 % of chemical bisulphite wood pulp, bleached or unbleached, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 25.
- ex 73.15 B **Stainless steel (including heat-resisting steel)**
ex 73.18 C
- ‘Stainless steel (including heat-resisting steel)’ is to be taken to apply to alloy steel containing, by weight, 12 % or more of chromium, with or without other alloy elements, and less than 1 % of carbon.
- ex 73.15 B **High-speed steel**
- ‘High-speed steel’ is to be taken to apply to alloy steel containing, with or without other alloy elements, not less than two of the three elements tungsten, molybdenum and vanadium, representing a total content, by weight, of 7 % or more, and containing more than 0.6 %, by weight, of carbon.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Date on which supervision commences: 1 January 1973

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II S 1	28.04	Hydrogen, rare gases and other non-metals C. Other non-metals: ex V. Silicon	28.04-93, 95
II S 2	44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	44.15 - all Nos
II S 3	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II S 4	48.09	Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders	48.09 - all Nos
II S 5	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning: B. Regenerated textile fibres	56.01-21, 23, 25, 29
II S 6	56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous): B. Of regenerated textile fibres	56.02-21, 23, 25, 29
II S 7	68.04	Millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery	68.04 - all Nos
II S 8	68.06	Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, of paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up	68.06 - all Nos
II S 9	68.08	Articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch)	68.08 - all Nos
II S 10	68.16	Articles of stone or of other mineral substances (including articles of peat), not elsewhere specified or included	68.16 - all Nos

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II S 11	69.02	Refractory bricks, blocks, tiles and similar refractory constructional goods, other than goods falling within heading No 69.01	69.02 - all Nos
II S 12	74.03	Wrought bars, rods, angles, shapes and sections, of copper; copper wire	74.03 - all Nos
II S 13	74.04	Wrought plates, sheets and strip, of copper	74.04 - all Nos
II S 14	74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm	74.05 - all Nos
II S 15	74.06	Copper powder and flakes	74.06 - all Nos
II S 16	74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper	74.07 - all Nos
II S 17	78.01	Unwrought lead (including argentiferous lead); lead waste and scrap: A. Unwrought:	78.01-12, 13, 15, 19
		II. Other	
II S 18	79.01	Unwrought zinc; zinc waste and scrap: A. Unwrought	79.01-11, 15
II S 19	81.01	Tungsten (wolfram), unwrought or wrought, and articles thereof	81.01 - all Nos
II S 20	81.02	Molybdenum, unwrought or wrought, and articles thereof	81.02 - all Nos
II S 21	81.03	Tantalum, unwrought or wrought, and articles thereof	81.03 - all Nos
II S 22	81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:	81.04-16, 18
		B. Cadmium	
		C. Cobalt:	
II S 23		II. Other	81.04-23
II S 24		D. Chromium	81.04-26, 28
II S 25		E. Germanium	81.04-31, 33
II S 26		F. Hafnium (celtium)	81.04-36, 38
II S 27		G. Manganese	81.04-41, 43
II S 28		H. Niobium (columbium)	81.04-46, 48
II S 29		IJ. Antimony	81.04-51, 53
II S 30		L. Vanadium	81.04-61, 63
II S 31		M. Uranium depleted in U 235	81.04-69
II S 32		O. Zirconium	81.04-81, 83

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II S 33	81.04 (<i>cont'd</i>)	P. Rhenium	81.04-91, 93
II S 34		Q. Gallium; indium; thallium	81.04-94, 95
II S 35		R. Cermets	81.04-97, 98
II S 36	84.62	Ball, roller or needle roller bearings	84.62 - all Nos
	85.24	Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes:	
II S 37		A. Electrodes for electrolysis installations	85.24-10
	87.01	Tractors (other than those falling within heading No 87.07), whether or not fitted with power take-offs, winches or pulleys:	
II S 38		ex C. Road tractors	87.01-96, 97

REGULATION (EEC) No 420/73 OF THE COUNCIL
of 22 January 1973
establishing Community supervision of imports of certain products originating
in Switzerland

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 an Agreement⁽¹⁾ between the European Economic Community and the Swiss Confederation was signed on 22 July 1972;

Whereas Articles 2 and 3 of that Agreement 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, Articles 1, 2 and 3 of Protocol No 1 annexed to the Agreement lay down that, for imports of certain products listed in Annex B to that Protocol, the reduction of duties shall be limited in 1973 to indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas application of this last provision requires that the Community be regularly informed of the trend of imports of the products in question originating in Switzerland; 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 setting off imports of the products in question against the indicative 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 consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties 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 and whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed;

whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the indicative ceilings for the products listed in Annex B to Protocol No 1 have been calculated for 1973 by reference to the situation of the customs duties to be applied by the Community as originally constituted on the one hand, and by the new Member States on the other; whereas, consequently, supervision of imports of certain products must begin on 1 January 1973 in certain Member States and on 1 April 1973 in others;

Whereas, for the products which, in accordance with Articles 2 and 3 of the Agreement, are subject to the normal timetable for the abolition of customs duties it is necessary to follow the trend of imports; whereas to this end the Community should be empowered to take, where appropriate, measures to avoid any prejudice to industry in the Community and whereas it is, therefore, desirable that imports of these products also be subjected to a system of supervision;

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products originating in Switzerland to which annual indicative ceilings are applied in accordance with Articles 1, 2 and 3 and Annex B to Protocol No 1 to the Agreement between the European Economic Community and the Swiss Confederation shall be subjected to Community supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which Community supervision shall begin are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 188.

they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a regulation reimposing the customs duties applicable to third countries for the whole Community until the end of the calendar year.

The new Member States shall simultaneously reimpose the duties provided for in Article 3 (f) of Protocol No 1 to the Agreement referred to in paragraph 1.

Article 2

During the period from 1 January 1973 until 31 December 1973, imports of the products referred to in Annex II which originate in Switzerland shall be subjected to Community supervision.

The Member States shall periodically inform the Commission of imports of these products; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

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

This Regulation shall apply from 1 January 1973.

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

Done at Brussels, 22 January 1973.

For the Council

The President

L. TINDEMANS

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION
IN 1973

Order No	CCT heading No	Description	Nimex Code	Level of ceiling — metric tons —
1	2	3	4	5
I CH 1	73.02	Ferro-alloys: C. Ferro-silicon	73.02-30	6 617
I CH 2	76.01	Unwrought aluminium, aluminium waste and scrap: A. Unwrought	76.01-11, 15	9 824

Dates on which supervision commences:

- in the Community as originally constituted: 1 April 1973,
- in the United Kingdom and Denmark: 1 January 1973,
- in Ireland: 1 April 1973.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Date on which supervision commences: 1 January 1973

Order No	CCT heading No	Description	Nimex Code
1	2	3	4
	28.04	Hydrogen, rare gases and other non metals:	
II CH 1		C. Other non-metals ex V. Silicon	28.04-93, 95
II CH 2	44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	44.15 - all Nos
II CH 3	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II CH 4	48.09	Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders	48.09 - all Nos
II CH 5	74.03	Wrought bars, rods, angles, shapes and sections of copper; copper wire	74.03 - all Nos
II CH 6	74.04	Wrought plates, sheets and strips, of copper	74.04 - all Nos
II CH 7	74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15 mm	74.05 - all Nos
II CH 8	74.06	Copper powders and flakes	74.06 - all Nos
II CH 9	74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper	74.07 - all Nos
II CH 10	78.01	Unwrought lead (including argentiferous lead); lead waste and scrap: A. Unwrought: II. Other	78.01-12, 13, 15, 19
II CH 11	79.01	Unwrought zinc; zinc waste and scrap: A. Unwrought	79.01-11, 15
II CH 12	81.01	Tungsten (wolfram), unwrought or wrought, and articles thereof	81.01 - all Nos

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II CH 13	81.02	Molybdenum, unwrought or wrought, and articles thereof	81.02 - all Nos
II CH 14	81.03	Tantalum, unwrought or wrought, and articles thereof	81.03 - all Nos
	81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:	
II CH 15		B. Cadmium	81.04-16, 18
II CH 16		C. Cobalt:	
		II. wrought	81.04-23
II CH 17		D. Chromium	81.04-26, 28
II CH 18		E. Germanium	81.04-31, 33
II CH 19		F. Hafnium (celtium)	81.04-36, 38
II CH 20		G. Manganese	81.04-41, 43
II CH 21		H. Niobium (columbium)	81.04-46, 48
II CH 22		IJ. Antimony	81.04-51, 53
II CH 23		K. Titanium	81.04-56, 58
II CH 24		L. Vanadium	81.04-61, 63
II CH 25		M. Uranium depleted in U 235	81.04-69
II CH 26		O. Zirconium	81.04-81, 83
II CH 27		P. Rhenium	81.04-91, 93
II CH 28		Q. Gallium; indium; thallium	81.04-94, 95
II CH 29		R. Cermets	81.04-97, 98

REGULATION (EEC) No 421/73 OF THE COUNCIL

of 22 January 1973

on the implementation of Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Interim Agreement between the European Economic Community and the Republic of Austria

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 an Interim Agreement ⁽¹⁾ between the European Economic Community and the Republic of Austria was signed on 22 July 1972 and entered into force on 1 October 1972;

Whereas the provisions relating to such goods as may result in the issue of an A.OS.1 movement certificate for those goods or in the preparation of an A.OS.2 form, which must appear in the A.OS.1 movement certificate and in the A.OS.2 form annexed to Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Interim Agreement; whereas these provisions are to be drawn up by each of the Contracting Parties in accordance with the rules specified in the Protocol aforesaid;

Whereas those provisions are intended to draw the attention of users to the provisions of the Protocol concerning such goods as may result in the issue of a movement certificate or in the preparation of a form as referred to above,

HAS ADOPTED THIS REGULATION:

Article 1

The text of the provisions relating to such goods as may result in the issue of an A.OS.1 movement certificate or in the preparation of an A.OS.2 form, which must appear on that certificate and in that form is given in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 22 January 1973.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 223, 29. 9. 1972, p. 1.

ANNEX

1. The goods must be:

- either wholly produced in the exporting country, ie correspond to the definition of goods considered as being 'wholly produced' which appears in Protocol No 3 annexed to the Interim Agreement concluded between the Community and Austria,
- or they must be wholly manufactured from goods wholly produced in the exporting country and from goods originating from the other Contracting Party to the Agreement.

2. If the goods are manufactured wholly or partly from materials or parts imported into the exporting country and not originating from the other contracting party, or from parts of indeterminate origin, these materials or parts must have there undergone such substantial processing as to make a different product of them. In general, the effect of such processing must be such as causes the exported goods to be classified under a heading in the Brussels Customs Nomenclature different from that under which these materials or parts would be classified. Furthermore, special rules and subsidiary provisions are prescribed for various categories of goods specified in lists A and B which appear in Protocol No 3 annexed to the Interim Agreement concluded between the Community and Austria. Those rules and provisions must be carefully studied before preparing [an application for an A.OS.1 certificate] [an A.OS.2 form] ⁽¹⁾.

⁽¹⁾ According to whether an A.OS.1 movement certificate or the A.OS.2 form is involved.

REGULATION (EEC) No 422/73 OF THE COUNCIL

of 22 January 1973

on the application of the Decision of the Joint Committee No 2/72 establishing methods of administrative cooperation in the customs sector for the implementation of the Interim Agreement between the European Economic Community and the Republic of Austria

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 an Interim Agreement⁽¹⁾ between the European Economic Community and the Republic of Austria was signed on 22 July 1972 and entered into force on 1 October 1972;

Whereas in virtue of Article 17 (2) of Protocol No 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which constitutes an integral part of that Agreement, the Joint Committee adopted on 6 October 1972, the Decision No 2/72 establishing methods of administrative cooperation in the customs sector for the implementation of the Interim Agreement;

Whereas the application within the Community of the provisions contained in this decision is opportune;

HAS ADOPTED THIS REGULATION:

Article 1

The provisions prescribed by the Decision of the Joint Committee No 2/72 of 6 October 1972, annexed to this Regulation shall be applicable as regards the methods of administrative cooperation in the customs sector for the implementation of the Interim Agreement between the European Economic Community and the Republic of Austria.

Article 2

This Regulation shall enter into force on the third 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, 22 January 1973.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 223, 29. 9. 1972, p. 1.

ANNEX

DECISION OF THE JOINT COMMITTEE No 2/72

laying down the methods of administrative customs cooperation for the implementation of the Interim Agreement between the European Economic Community and the Republic of Austria

THE JOINT COMMITTEE,

Having regard to the Interim Agreement between the European Economic Community and the Republic of Austria, signed at Brussels on 22 July 1972;

Having regard to Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation, and in particular Article 17 thereof;

Whereas it is necessary, for the smooth operation of the Agreement, to organize close administrative cooperation between the Contracting Parties to the Agreement in order to ensure that the customs provisions included therein are correctly and uniformly applied, in particular those of Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation;

HAS DECIDED:

Article 1

1. It shall be the responsibility of the exporter or of his representative authorized to sign the export declaration to request that an A.OS.1 movement certificate be issued.

This request shall be made out on an A.OS.1 form which must be completed in accordance with the provisions of Title II of Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter called Protocol No 3, and the rules set out on the back of the first page of this form.

2. The exporter or his representative shall submit with the request any documentary evidence justifying the issue of an A.OS.1 certificate for the goods to be exported.

Article 2

1. The customs authorities of the exporting country shall ensure that the A.OS.1 is correctly completed. They shall verify in particular whether the space reserved for the description of the goods has

been completed in such a way as to make any fraudulent addition impossible. To this end, the description of the goods shall be entered leaving no space between the lines. Where the space is not completely filled a horizontal line must be drawn below the last line, and the unused space struck through.

2. As the A.OS.1 movement certificate constitutes the documentary evidence justifying the application of the preferential tariff and quota treatment laid down in the Agreement, the customs bureau of the exporting country must carefully verify the origin of the goods and check the other declarations on the certificate.

Article 3

1. The A.OS.1 movement certificate shall be issued by the customs authorities of a Member State of the European Economic Community if the goods to be exported may be considered as products originating in the Community within the meaning of Protocol No 3.

2. In order to verify whether the conditions referred to in paragraph 1 are fulfilled the customs authorities may require the submission of any supporting documents or carry out any inspection which they consider necessary.

3. The customs authorities of the Member State shall refuse to issue an A.OS.1 movement certificate where the export documents submitted reveal that the goods to which the certificate refers are not destined for Austria.

Article 4

1. The A.OS.1 movement certificate shall be issued by the customs authorities of Austria if the goods to be exported may be considered as products originating in Austria within the meaning of Protocol No 3.

2. In order to verify whether the condition referred to in paragraph 1 is fulfilled the customs authorities may require the submission of any supporting documents or carry out any inspection which they consider necessary.

3. The customs authorities of Austria shall refuse to issue an A.OS.1 movement certificate where the export documents submitted reveal that the goods to which the certificate refers are not destined for the Community.

Article 5

In the part of A.OS.1 movement certificates reserved for the customs authorities reference must be made to the date and type or to the serial number of the export document on the strength of which the declaration by the exporter was certified as accurate.

Article 6

The official step of the customs bureau shall be applied by means of a seal, preferably made of steel. The Member States and Austria shall submit to each other, through the Commission of the European Communities, specimens of the types of stamp used in their bureaux.

Article 7

1. One or more A.OS.1 movement certificates may be replaced by one or more A.OS.1 movement certificates, provided that this is done by the customs bureau where the goods are held.

2. Where the new A.OS.1 movement certificate concerns products which were originally imported from a Member State or from Austria and are re-exported in the same state, it must indicate the country in which the original certificate was issued.

Article 8

1. Where, as a result of errors, involuntary omissions or special circumstances, no request for an A.OS.1 movement certificate was submitted when the goods were exported, such a certificate may be issued after the goods to which it refers have actually been exported. In this event, the exporter must:

- submit a request in writing, supplying details concerning the nature, quantity and type of packaging of the goods, any marks which appear thereon and the place and date of consignment;

- certify that no movement certificate was issued when the goods in question were exported and specify the reasons therefor;

- enclose an A.OS.1 form duly completed and signed.

2. Customs authorities may only issue an A.OS.1 movement certificate *a posteriori* if they have previously verified whether the information contained in the request by the exporter conforms with that in the corresponding dossier.

Certificates issued *a posteriori* must bear one of the following phrases in red ink: 'NACHTRÄGLICH AUSGESTELLT', 'DELIVRE A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI'.

3. Customs authorities may not issue an A.OS.1 movement certificate *a posteriori* unless the goods were originally consigned to the territory of one of the Contracting Parties.

Article 9

In case of theft, loss or destruction of an A.OS.1 movement certificate the exporter may request from the customs authorities which issued it a duplicate drawn up on the basis of the export documents in their possession. The duplicate so issued must bear one of the following words in red ink: 'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT'.

The duplicate, on which the date of the original A.OS.1 movement certificate must appear, shall take effect as from that date.

Article 10

A.OS.1 movement certificates which are submitted to the customs authorities of the importing countries after the final date for presentation specified in Article 9 of Protocol No 3 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

In other cases of belated presentation, the customs authorities of the importing country may accept the certificates where the goods have been submitted to them before the said final date.

Article 11

Where slight discrepancies are noted between the entries on the A.OS.1 movement certificate and those on the documents submitted to the customs bureau for the completion of the import formalities for the goods, this shall not *ipso facto* invalidate the certificate if it is duly established that it corresponds to the goods presented.

Article 12

The Member States and Austria shall take all necessary measures to ensure that no substitution or handling, other than the usual handling designed to ensure that they are preserved in good condition, takes place in respect of goods which are traded under cover of an A.OS.1 movement certificate and which during transportation are held in a free zone situated on their territory.

Article 13

1. The A.OS.2 form shall be used for postal consignments (including parcels) up to a value of 1 000 units of account per consignment.

2. It shall be the responsibility of the exporter or his representative to complete and sign both parts of the A.OS.2 form.

If the goods contained in the consignment have already been inspected in the exporting country with regard to the definition of the concept of originating products, the exporter may refer to such inspection in the 'remarks' column, of the A.OS.2 form.

3. The exporter shall enter the reference A.OS.2 followed by the serial number of the A.OS.2 form used either on the green label of type C 1, or on the customs declaration C 2/CP 3 or C 2 M/CP 3 M. He shall also enter this reference and number on the invoice relating to the goods contained in the consignment.

Article 14

Goods sent as small packages to private persons or forming part of travellers personal luggage shall be

exempt from the obligation to submit an A.OS.1 movement certificate, provided that they are imported under the conditions laid down in Article 15 of Protocol No 3.

Article 15

1. A *posteriori* inspection of A.OS.1 movement certificates or A.OS.2 forms shall be carried out for information purposes or whenever the customs authorities of the importing country have reason to doubt the authenticity of a document or the accuracy of information concerning the origin of the goods in question or certain of their constituent parts.

2. For the purposes of applying paragraph 1 the customs authorities of the importing country shall send the A.OS.1 movement certificate or part 1 of the A.OS.2 form to the customs authorities of the exporting country indicating the reasons of substance or form which justify an enquiry. They shall enclose with part 1 of the A.OS.2 form, the invoice or a copy thereof, whichever has been submitted, and shall supply all information which has been obtained and which suggests that the entries on the said certificate of the said form are inaccurate.

Should the customs authorities of the importing country decide to suspend application of the provisions of the agreement pending the results of the inspection, they shall offer to return the goods to the importer, subject to such undertakings as they consider necessary.

3. The results of the *a posteriori* inspection shall be made known to the customs authorities of the importing country within a period of three months at the latest. They must enable a decision to be taken as to whether the disputed A.OS.1 movement certificate or A.OS.2 form is applicable to the goods actually exported and whether the latter are in fact eligible for the preferential treatment.

Where such disputes cannot be settled between the customs authorities of the importing country and those of the exporting country, or where they raise a problem of interpretation of Protocol No 3, they shall be submitted to the Customs Cooperation Committee.

For the purposes of *a posteriori* inspection of the certificates, the export documents or copies of the certificates which take their place must be preserved for at least two years by the customs authorities of the exporting countries.

Done at Vienna, 6 October 1972.

For the Joint Committee

The President

F. H. LEITNER

REGULATION (EEC) No 423/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for dried figs falling within subheading ex 08.03 B of the Common Customs Tariff, originating in Spain and imported in immediate packings of a net capacity of 15 kg or less

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;

Whereas the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 9 of Annex I for the opening by the Community of an annual Community tariff quota of 200 tons of dried figs falling within subheading ex 08.03 B of the Common Customs Tariff originating in Spain and imported in immediate packings of a net capacity of 15 kg or less; whereas, pursuant to Article 9 of the said Annex the quota duty is equal to 30 % of the Common Customs Tariff duty in respect of the product concerned; whereas therefore a Community tariff quota of 200 metric tons at a duty rate 3 % for the product concerned should be opened for 1973;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product 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 can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect most accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	—	—	—
Benelux	100 (= 1 t)	30	100 (= 5 t)
France	—	70	—
Italy	—	—	—

Whereas, in view of these data and the estimates submitted by certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among all the Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	3
Benelux	30
France	65
Italy	2;

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 80 % of the quota amount;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in

order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas, this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1973 and until 31 December 1973, the Common Customs Tariff duty in respect of dried figs falling within subheading ex 08.03 B, originating in Spain and imported in immediate packings of a net capacity not exceeding 15 kgs shall be partially suspended at 3 % within the framework of a Community tariff quota of 200 tons.

Article 2

1. A first instalment, amounting to 160 tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid from 1 January until 31 December 1973 shall consist of the following amounts;

Germany	5 metric tons
Benelux	48 metric tons
France	104 metric tons
Italy	3 metric tons

2. The second instalment, amounting to 40 tons, shall make up 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 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share 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 proceed without delay, by notifying the Commission, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, pursuant to the provisions of paragraph 2, to 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, the Member States may proceed to draw shares smaller 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 the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 10 October 1973, notify the Commission of the total imports of the product concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned 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 15 October 1973, notify Member States of the amount in 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 appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall guarantee to importers of the product concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares in so far as the product has been presented for Customs clearance under cover of declarations that it has been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports from Spain actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

REGULATION (EEC) No 424/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for dried grapes falling within subheading ex 08.04 B I of the Common Customs Tariff, originating in Spain, imported in immediate packings of a net capacity of 15 kg or less

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;

Whereas the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 9 of Annex I for the opening by the Community of an annual duty-free Community tariff quota of 1 700 metric tons of dried grapes falling within subheading ex 08.04 B I of the Common Customs Tariff originating in Spain and imported in immediate packings of a net capacity of 15 kg or less; whereas therefore a duty-free Community tariff quota of 1 700 metric tons should be opened for the product concerned for 1973;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product 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 can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect most accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics of each States' imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	6.3	2.6	2.1
Benelux	17.0	17.8	18.6
France	76.7	60.8	66.5
Italy	—	18.8	12.8

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	6.0
Benelux	17.0
France	64.3
Italy	12.7;

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

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas, this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available

for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1973 and until 31 December 1973, the Common Customs Tariff duty in respect of dried grapes falling within subheading ex 08.04 B I, originating in Spain and imported in immediate packing of a net capacity not exceeding 15 kg shall be entirely suspended within the framework of a Community tariff quota of 1 700 metric tons.

Article 2

1. A first instalment, amounting to 1 360 metric tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid from 1 January until 31 December 1973, shall consist of the following amounts:

Germany	80 metric tons
Benelux	230 metric tons
France	880 metric tons
Italy	170 metric tons.

2. The second instalment, amounting to 340 metric tons, shall make up 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 90 %

of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share 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 proceed without delay, by notifying the Commission, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, pursuant to the provisions of paragraph 2, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraph 1, 2 and 3, the Member States may proceed to draw shares smaller 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 the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 10 October 1973, notify the Commission of the total imports of the product concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the share 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 15 October 1973, notify Member States of the amount in 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 appropriate to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall guarantee to importers of the product concerned established in their territory free access to the share allocated to them.

3. The Member States shall charge imports of the product concerned against their shares according as the product has been presented for Customs clearance under cover of declarations that it has been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports from Spain actually charged against their quota shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

REGULATION (EEC) No 425/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for Jerez wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain

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;

Whereas on signature of the Agreement ⁽¹⁾ between the European Economic Community and Spain, at Luxembourg on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, in particular Jerez wines; whereas:

- a 60 % reduction in the Common Customs Tariff duties applicable to Jerez wines originating in Spain and imported in containers holding two litres or less should be granted for 1973 up to a Community tariff quota of 40 000 hectolitres; and
- a 50 % reduction in the Common Customs Tariff duties applicable to Jerez wines, originating in Spain, and imported in containers holding more than two litres should be granted for 1973 up to a Community tariff quota of 210 000 hectolitres;

Whereas the Community tariff quota concerned should be opened;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and a certificate, issued by the recognized Spanish authorities and endorsed by the Spanish customs, stating the recognized designation of origin of these wines, within the framework of the methods of administrative

cooperation existing between the Community and Spain;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the principles mentioned above, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, in order 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 of each State's imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of Jerez wines on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the last few years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Jerez wines:			
— in receptacles containing two litres or less:			
Germany	29.4	21.5	18.5
Benelux	41.3	58.8	67.9
France	3.0	2.0	1.6
Italy	26.3	17.7	12.0
— in receptacles containing more than two litres:			
Germany	9.8	7.7	7.0
Benelux	89.3	91.9	92.7
France	0.7	0.3	0.2
Italy	0.2	0.1	0.1

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

	Jerez wines in receptacles containing:	
	two litres or less	more than two litres
Germany	27.5	9.0
Benelux	55.0	90.3
France	2.0	0.6
Italy	15.5	0.1

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of the quota amounts should be divided into two instalments, the first instalment being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 80 % of each of the quota amounts;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas this must be done by each Member State as and when each of its additional

quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial, and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of one or other of the Community quotas remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the above-mentioned Economic Union may be carried out by any of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January 1973 to 31 December 1973, the Common Customs Tariff duties in respect of the following Jerez wines originating in Spain shall be partially suspended at the levels or within the limits of the Community tariff quotas indicated for each of them:

CCT heading No	Description	Rate (in u.a./hl)	Quota Volume (in hl)
ex 22.05 C III a) 1	Wines from Jerez	5.4	} 40 000
ex 22.05 C IV a) 1	Wines from Jerez	5.8	
ex 22.05 C III a) 2 aa)	Wines from Jerez	5.5	} 210 000
ex 22.05 C IV a) 2 aa)	Wines from Jerez	6.0	

2. The Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Spain, shall be applicable.

3. The inclusion of these wines in the Community tariff quota referred to in paragraph 1 shall be conditional upon the observance of the reference price applying to them and to production of a certificate corresponding to one of the specimens annexed hereto, issued by the recognized Spanish authorities, stating the recognized designation of these wines; this certificate shall be endorsed by the Spanish customs authorities under the same conditions as movement certificate A.E.1.

Article 2

1. The quotas laid down in Article 1 shall be divided into two instalments.

2. The first instalment shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1973 shall consist of the following amounts:

<i>(in hectolitres)</i>		
	Jerez wines under subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III a) 2 aa) and ex 22.05 C IV a) 2 aa)
Germany	8 800	15 100
Benelux	17 600	151 700
France	600	1 000
Italy	5 000	200
Total	32 000	168 000

3. The second instalment of each quota, 8 000 hectolitres or 42 000 hectolitres respectively, constitutes the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), of 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed

without delay, by notifying the Commission, to draw a second share 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 one or other of its initial shares have been exhausted, 90 % or more of the second share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after one or other of its second shares have been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed in the manner specified in paragraph 1, to 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, the Member States may proceed to draw shares smaller 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 the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 September 1973, a Member State has not used up its initial shares, it shall, not later than 10 October 1973, return to the reserve the unused portion of these shares in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 10 October 1973 notify the Commission of the total imports of the products concerned effected up to 15 September 1973 inclusive, and charged against the Community quotas and, where appropriate, the proportion of their initial shares that is being returned to each 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 reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 15 October 1973, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any 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 appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made, without interruption, against their accumulated shares of the Community quotas.

2. The Member States shall guarantee to importers of the products concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the products concerned against their shares according as the products have been presented for Customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged under the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

ANNEX

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

No

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATE OF DESIGNATION OF ORIGIN

I, the undersigned,
of the Consejo Regulador of the designation of origin
certify:

1. that

declares on his own responsibility that he is exporting the following wines:

Packages		Description of goods	Litres	Weight	
Marks and numbers	Number			gross	net

Place of departure shipped by
to at

2. that according to the documents produced and those in the possession of this council, the abovementioned wines were produced in the region of '.....' and are entitled to use the registered designation of origin '.....'.

Endorsement of the Customs
office of export:

....., 19.....

(Place)

(Date)

For the Consejo Regulador

(Seal)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N°

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAT DE L'APPELLATION D'ORIGINE

Le soussigné,

du Consejo Regulador de l'appellation d'origine

certifie :

1. que

déclare sous sa responsabilité qu'il exporte les vins ci-après :

Marques et numéros	Colis		Désignation des marchandises	Litres	Poids	
	Nombre				brut	net

Lieu de départ expédié par

à la destination de à

2. qu'au vu des documents présentés et de ceux en possession de ce conseil, les vins susmentionnés ont été produits dans la région de « » et ont le droit d'utiliser l'appellation contrôlée d'origine « ».

Visa du bureau de douane
d'exportation :

....., le 19.....
(Lieu) (Date)

Pour le Consejo Regulador

(Sceau)

ANHANG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG

Der Unterzeichnete

vom Consejo Regulador für Ursprungsbezeichnung

bestätigt:

1. daß

in eigener Verantwortung erklärt, daß er die nachstehenden Weine ausführt:

Packstücke		Warenbezeichnung	Liter	Gewicht	
Zeichen und Nummern	Anzahl			brutto	netto

Verladeort Verladen auf

bestimmt für in

2. daß gemäß den vorgelegten und den dem Rat schon vorliegenden Dokumenten die vorstehend aufgeführten Weine im Gebiet „.....“ erzeugt wurden und Anspruch auf die Ursprungsbezeichnung „.....“ haben.

Sichtvermerk des Ausfuhrzollamtes:

....., den 19.....
(Ort) (Datum)

Für den Consejo Regulador

(Siegel)

ALLEGATO

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATO DI DENOMINAZIONE DI ORIGINE

Il sottoscritto,

del Consejo Regulador della denominazione di origine

attesta:

1. che

dichiara sotto la sua responsabilità che esporta i vini qui appresso indicati:

Marche e numeri	Collo		Designazione delle merci	Litri	Peso	
	Numero				lordo	netto

Luogo di partenza spedito da

a destinazione di a

2. che, secondo i documenti presentati e quelli in possesso di questo consiglio, i vini di cui sopra sono stati prodotti nella regione di «.....» e hanno il diritto di utilizzare la denominazione controllata di origine «.....».

Visto dell'ufficio di dogana di
esportazione:

....., addì 19.....
(Luogo) (Data)

Per il Consejo Regulador

(Timbro)

BIJLAGE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAAT VAN BENAMING VAN OORSPRONG

Ondergetekende,

van de Consejo Regulador voor de benaming van oorsprong

bevestigt:

1. dat

onder eigen verantwoordelijkheid verklaart dat hij de hierna volgende wijnen uitvoert:

Merken en nummers	Collis		Omschrijving	Liter	Gewicht	
	Aantal				bruto	netto

Plaats van inlading verzonden door

bestemd voor in

2. dat volgens de ingediende en bij deze raad voorgelegde documenten de voornoemde wijnen geproduceerd zijn in de streek „.....” en gerechtigd zijn de benaming van oorsprong „.....” te voeren.

Visum van het douanekantoor
van uitvoer:

.....
(plaats).....
(datum)

Voor de Consejo Regulador

.....
(zegel)

BILAG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFIKAT FOR OPRINDELSBETEGNELSE

Undertegnede

af Consejo Regulador for oprindelsesbetegnelse

bekræfter:

1. at

erklærer under ansvar at han eksporterer følgende vine:

Antal pakker		Varebetegnelse	Liter	Vægt	
Mærker og numre	Antal			brutto	netto

Afskibningssted afskibet af

bestemmelsessted i

2. at i følge de foreviste og de allerede i rådets besiddelse værende dokumenter er de ovenfor nævnte vine fremstillet i distriktet ».....« og har tilladelse til at bruge oprindelsesnavnet ».....«.

Eksporttoldkontorets stempel:

....., den 19.....

(Sted)

(Dato)

For Consejo Regulador

(Segl)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nº

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICADO DE LA DENOMINACIÓN DE ORIGEN

El que suscribe,
del Consejo Regulador de la Denominación de Origen
certifica:

1. Que
declaran ante él y bajo su responsabilidad que expiden la siguiente partida de vinos:

Bultos		Denominación	Litros	Pesos	
Marcas y numeros	Numeros			bruto	neto

Lugar de salida enviado por
con destino a de

2. Que de acuerdo con los documentos que me exhiben y antecedentes que obran en poder de este consejo,
los vinos cuya relación antecede fueron producidos en la Zona «.....»
y pueden en derecho utilizar esta denominación de origen «.....».

Visado de la Aduana de salida :

.....,
(Lugar)..... 19.....
(Fecha)

Por el Consejo Regulador

.....
(Selos)

REGULATION (EEC) No 426/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for Malaga wines falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain

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;

Whereas on signature of the Agreement ⁽¹⁾ between the European Economic Community and Spain at Luxembourg on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, in particular Malaga wines; whereas a 50 % reduction in the Common Customs Tariff duties applicable to Malaga wines originating in Spain and imported in containers holding two litres or less should be granted for 1973 up to a Community tariff quota of 15 000 hectolitres;

Whereas the Community tariff quota concerned should be opened;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products, especially as regards observance of the reference price; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and of a certificate, issued by the recognized Spanish authorities and endorsed by the Spanish customs, stating the recognized designation of origin of these wines, within the framework of the methods of administrative cooperation existing between the Community and Spain;

Whereas it is in particular necessary 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order 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 of each State's imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of Malaga wines on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the last few years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States during the last three years represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	2.8	2	16.7
Benelux	13.9	17.2	25.9
France	5.5	2	21.3
Italy	77.8	78.8	36.1

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	49
Benelux	23
France	6
Italy	22;

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 80 % of the quota amount;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of the initial share remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January 1973 to 31 December 1973, the Common Customs Tariff duties in respect of Malaga wines originating in Spain shall be partially suspended at the levels shown below within the framework of a Community tariff quota of 15 000 hectolitres:

CCT heading No	Description of goods	Rates (in u.a./hl)
ex 22.05 C III b) 1	Wine from Malaga	8.50
ex 22.05 C IV b)	Wine from Malaga, imported in containers holding two litres or less	9.50

2. The Protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Spain, shall be applicable.

3. The inclusion of Malaga wines in the Community tariff quota referred to in paragraph 1 shall be conditional upon observance of the reference price applying to them and to production of a certificate corresponding to one of the specimens annexed hereto, issued by the recognized Spanish authorities, stating the recognized designation of origin of these wines; this certificate shall be endorsed by the Spanish customs authorities under the same conditions as movement certificate A.E.1.

Article 2

1. The Community Tariff quota referred to in Article 1 is divided into two instalments.

2. A first instalment, amounting to 12 000 hectolitres of this quota shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1973 shall consist of the following amounts:

Germany	5 880 hl
Benelux	2 760 hl
France	720 hl
Italy	2 640 hl.

3. The second instalment of the quota to 3 000 hectolitres, shall make up the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share 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 % of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1 to 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, the Member States may proceed to draw shares smaller 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 the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 10 October 1973, notify the Commission of the total imports of the products concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the share 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 15 October 1973, notify Member States of the amount in 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, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall guarantee to importers of the products concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the products concerned against their shares in so far as the products have been presented for Customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports from Malta actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

ANNEX

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

No

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATE OF DESIGNATION OF ORIGIN

I, the undersigned,
of the Consejo Regulador of the designation of origin
certify:

1. that

declares on his own responsibility that he is exporting the following wines:

Marks and numbers	Packages		Description of goods	Litres	Weight	
	Number				gross	net

Place of departure shipped by

to at

2. that according to the documents produced and those in the possession of this council, the abovementioned wines were produced in the region of '.....' and are entitled to use the registered designation of origin '.....'.

Endorsement of the Customs
office of export:

(Place)

(Date)

19.....

For the Consejo Regulador

(Seal)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N°

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAT DE L'APPELLATION D'ORIGINE

Le soussigné,

du Consejo Regulador de l'appellation d'origine

certifie :

1. que

déclare sous sa responsabilité qu'il exporte les vins ci-après :

Colis		Désignation des marchandises	Litres	Poids	
Marques et numéros	Nombre			brut	net

Lieu de départ expédié par

à la destination de à

2. qu'au vu des documents présentés et de ceux en possession de ce conseil, les vins susmentionnés ont été produits dans la région de « » et ont le droit d'utiliser l'appellation contrôlée d'origine « ».

Visa du bureau de douane
d'exportation :

....., le 19.....
(Lieu) (Date)

Pour le Consejo Regulador

(Sceau)

ANHANG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG

Der Unterzeichnete

vom Consejo Regulador für Ursprungsbezeichnung

bestätigt:

1. daß

in eigener Verantwortung erklärt, daß er die nachstehenden Weine ausführt:

Packstücke		Warenbezeichnung	Liter	Gewicht	
Zeichen und Nummern	Anzahl			brutto	netto

Verladeort Verladen auf

bestimmt für in

2. daß gemäß den vorgelegten und den dem Rat schon vorliegenden Dokumenten die vorstehend aufgeführten Weine im Gebiet „.....“ erzeugt wurden und Anspruch auf die Ursprungsbezeichnung „.....“ haben.

Sichtvermerk des Ausfuhrzollamtes:

....., den 19.....

(Ort)

(Datum)

Für den Consejo Regulador

(Siegel)

ALLEGATO

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATO DI DENOMINAZIONE DI ORIGINE

Il sottoscritto,

del Consejo Regulador della denominazione di origine

attesta:

1. che

dichiara sotto la sua responsabilità che esporta i vini qui appresso indicati:

Marche e numeri	Collo	Designazione delle merci	Litri	Peso	
	Numero			lordo	netto

Luogo di partenza spedito da

a destinazione di a

2. che, secondo i documenti presentati e quelli in possesso di questo consiglio, i vini di cui sopra sono stati prodotti nella regione di «.....» e hanno il diritto di utilizzare la denominazione controllata di origine «.....».

Visto dell'ufficio di dogana di
esportazione:

....., addì 19.....
(Luogo) (Data)

Per il Consejo Regulador

.....
(Timbro)

BIJLAGE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAAT VAN BENAMING VAN OORSPRONG

Ondergetekende,

van de Consejo Regulador voor de benaming van oorsprong

bevestigt:

1. dat

onder eigen verantwoordelijkheid verklaart dat hij de hierna volgende wijnen uitvoert:

Collis		Omschrijving	Liter	Gewicht	
Merken en nummers	Aantal			bruto	netto

Plaats van inlading verzonden door

bestemd voor in

2. dat volgens de ingediende en bij deze raad voorgelegde documenten de voornoemde wijnen geproduceerd zijn in de streek „.....” en gerechtigd zijn de benaming van oorsprong „.....” te voeren.

Visum van het douanekantoor
van uitvoer:

....., 19.....
(plaats) (datum)

Voor de Consejo Regulador

(zegel)

BILAG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFIKAT FOR OPRINDELSBETEGNELSE

Undertegnede

af Consejo Regulador for oprindelsesbetegnelse

bekræfter:

1. at

erklærer under ansvar at han eksporterer følgende vine:

Antal pakker		Varebetegnelse	Liter	Vægt	
Mærker og numre	Antal			brutto	netto

Afskibningssted afskibet af

bestemmelsessted i

2. at i følge de foreviste og de allerede i rådets besiddelse værende dokumenter er de ovenfor nævnte vine fremstillet i distriktet ».....« og har tilladelse til at bruge oprindelsesnavnet ».....«.

Eksporttoldkontorets stempel:

....., den 19.....
(Sted) (Dato)

For Consejo Regulador

(Segl)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nº

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICADO DE LA DENOMINACIÓN DE ORIGEN

El que suscribe,
del Consejo Regulador de la Denominación de Origen
certifica:

1. Que

declaran ante él y bajo su responsabilidad que expiden la siguiente partida de vinos:

Bultos		Denominación	Litros	Pesos	
Marcas y numeros	Numeros			bruto	neto

Lugar de salida enviado por

con destino a de

2. Que de acuerdo con los documentos que me exhiben y antecedentes que obran en poder de este consejo, los vinos cuya relación antecede fueron producidos en la Zona «.....» y pueden en derecho utilizar esta denominación de origen «.....».

Visado de la Aduana de salida :

....., 19.....
(Lugar) (Fecha)

Por el Consejo Regulador

(Selos)

REGULATION (EEC) No 427/73 OF THE COUNCIL

of 5 February 1973

opening, allocating and providing for the administration of a Community tariff quota for wines from Jumilla, Priorato, Rioja and Valdepeñas falling within subheading ex 22.05 of the Common Customs Tariff, originating in Spain

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;

Whereas on signature of the Agreement ⁽¹⁾ between the European Economic Community and Spain at Luxembourg on 29 June 1970, the Community undertook to grant preferential tariff arrangements for imports into the Community of certain wines originating in Spain, in particular wines from Jumilla, Priorato, Rioja and Valdepeñas; whereas a 30 % reduction in the Common Customs Tariff duties applicable to wines from Jumilla, Priorato, Rioja and Valdepeñas, originating in Spain and imported in containers holding two litres or less, should be granted for 1973 up to a Community tariff quota of 15 000 hectolitres;

Whereas the Community tariff quota concerned should be opened;

Whereas these wines remain subject to the provisions governing the common organization of the market in vine products, especially as regards observance of the reference price; whereas inclusion in the Community tariff quota should be subject to production of movement certificate A.E.1 and a certificate, issued by the recognized Spanish authorities and endorsed by the Spanish customs, stating the recognized designation of origin of these wines, within the framework of the methods of administrative cooperation existing between the Community and Spain;

Whereas it is in particular necessary 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, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order 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 of each State's imports from Spain over a representative period and to the economic outlook for the quota period concerned;

Whereas available Community statistics give no information on the situation of wines from Jumilla, Priorato, Rioja and Valdepeñas wines on the markets; whereas, however, Spanish statistics for exports of these products to the Community during the last few years can be considered to reflect approximately the situation of Community imports; whereas on this basis the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

	1969	1970	1971
Germany	2.6	5.0	8.4
Benelux	5.8	7.9	24.0
France	6.1	3.3	3.0
Italy	85.5	83.8	64.6

Whereas, in view of these data and the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

Germany	28
Benelux	21
France	6
Italy	45;

Whereas in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, the first instalment being allocated among the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a level which, under present circumstances, may be 80 % of the quota amount;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota shares should draw an additional quota share from the reserve; whereas this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the

Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when 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, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January 1973 to 31 December 1973, the Common Customs Tariff duties in respect of the following products originating in Spain shall be partially suspended at the levels shown below within the framework of a Community tariff quota of 15 000 hectolitres:

CCT heading No	Description	Rate (in u.a./hl)
ex 22.05 C I a)	Wines from Jumilla, Priorato, Rioja and Valdepeñas	8.4
ex 22.05 C II a)	Wines from Jumilla, Priorato, Rioja and Valdepeñas	9.8
ex 22.05 C III b) 1	Wines from Jumilla, Priorato, Rioja and Valdepeñas	11.9

2. The protocol on the definition of the concept of 'originating products' and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Spain, shall be applicable.

3. The inclusion of these wines in this Community tariff quota shall be conditional upon observance of

the reference price applying to them and production of a certificate corresponding to one of the specimens annexed hereto, issued by the recognized Spanish authorities and stating the recognized designation of origin of these wines; this certificate shall be endorsed by the Spanish customs authorities under the same conditions as movement certificate A.E.1.

Article 2

1. The Community tariff quota referred to in Article 1 is divided into two instalments.

2. The first instalment, amounting to 12 000 hectolitres, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 december 1973 shall consist of the following amounts:

Germany	3 360 hl
Benelux	2 520 hl
France	720 hl
Italy	5 400 hl.

3. The second instalment, amounting to 3 000 hectolitres, shall make up the reserve.

Article 3

1. If 90 % or more of the initial share of a Member State, as laid down in Article 2 (2), or 90 % of that share less the amount returned into the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share 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 proceed in the manner specified in paragraph 1 to draw a third share equal to 7.5 % of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member States has been used, that Member State shall proceed, in the manner specified in paragraph 1 to 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, the Member States may proceed to draw shares smaller 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 the reasons which led them to apply this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 September 1973, a Member State has not used up its initial share, it shall, not later than 10 October 1973, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

Each Member State shall, not later than 10 October 1973, notify the Commission of the total imports of the products concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of its initial share that is being returned 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 15 October 1973, notify Member States of the amount in 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 appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall guarantee to importers of the products concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the products concerned against their shares according as the products have been presented for Customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which the Member States' shares have been used up shall be recorded on the basis of the imports charged in the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports from Malta actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the provisions of this Regulation are observed.

Article 10

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

ANNEX

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

No

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATE OF DESIGNATION OF ORIGIN

I, the undersigned,
of the Consejo Regulador of the designation of origin
certify:

1. that

declares on his own responsibility that he is exporting the following wines:

Packages		Description of goods	Litres	Weight	
Marks and numbers	Number			gross	net

Place of departure shipped by
to at

2. that according to the documents produced and those in the possession of this council, the abovementioned wines were produced in the region of '.....' and are entitled to use the registered designation of origin '.....'.

Endorsement of the Customs
office of export:

....., 19.....
(Place) (Date)

For the Consejo Regulador

(Seal)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N°

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAT DE L'APPELLATION D'ORIGINE

Le soussigné,

du Consejo Regulador de l'appellation d'origine

certifie :

1. que

déclare sous sa responsabilité qu'il exporte les vins ci-après :

Colis		Désignation des marchandises	Litres	Poids	
Marques et numéros	Nombre			brut	net

Lieu de départ expédié par

à la destination de à

2. qu'au vu des documents présentés et de ceux en possession de ce conseil, les vins susmentionnés ont été produits dans la région de « » et ont le droit d'utiliser l'appellation contrôlée d'origine « ».

Visa du bureau de douane
d'exportation :

....., le 19.....

(Lieu)

(Date)

Pour le Consejo Regulador

(Sceau)

ANHANG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG

Der Unterzeichnete

vom Consejo Regulador für Ursprungsbezeichnung

bestätigt:

1. daß

in eigener Verantwortung erklärt, daß er die nachstehenden Weine ausführt:

Packstücke		Warenbezeichnung	Liter	Gewicht	
Zeichen und Nummern	Anzahl			brutto	netto

Verladeort Verladen auf

bestimmt für in

2. daß gemäß den vorgelegten und den dem Rat schon vorliegenden Dokumenten die vorstehend aufgeführten Weine im Gebiet „.....“ erzeugt wurden und Anspruch auf die Ursprungsbezeichnung „.....“ haben.

Sichtvermerk des Ausfuhrzollamtes:

....., den 19.....
(Ort) (Datum)

Für den Consejo Regulador

(Siegel)

ALLEGATO

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

N.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICATO DI DENOMINAZIONE DI ORIGINE

Il sottoscritto,

del Consejo Regulador della denominazione di origine

attesta:

1. che

dichiara sotto la sua responsabilità che esporta i vini qui appresso indicati:

Marche e numeri	Collo	Designazione delle merci	Litri	Peso	
	Numero			lordo	netto

Luogo di partenza spedito da

a destinazione di a

2. che, secondo i documenti presentati e quelli in possesso di questo consiglio, i vini di cui sopra sono stati prodotti nella regione di «.....» e hanno il diritto di utilizzare la denominazione controllata di origine «.....».

Visto dell'ufficio di dogana di
esportazione:

....., addì 19.....
(Luogo) (Data)

Per il Consejo Regulador

(Timbro)

BIJLAGE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICAAT VAN BENAMING VAN OORSPRONG

Ondergetekende,

van de Consejo Regulador voor de benaming van oorsprong

bevestigt:

1. dat

onder eigen verantwoordelijkheid verklaart dat hij de hierna volgende wijnen uitvoert:

Collis		Omschrijving	Liter	Gewicht	
Merken en nummers	Aantal			bruto	netto

Plaats van inlading verzonden door

bestemd voor in

2. dat volgens de ingediende en bij deze raad voorgelegde documenten de voornoemde wijnen geproduceerd zijn in de streek „.....” en gerechtigd zijn de benaming van oorsprong „.....” te voeren.

Visum van het douanekantoor
van uitvoer:

.....,
(plaats) (datum)

Voor de Consejo Regulador

.....
(zegel)

BILAG

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nr.

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFIKAT FOR OPRINDELSESBETEGNELSE

Undertegnede

af Consejo Regulador for oprindelsesbetegnelse

bekræfter:

1. at

erklærer under ansvar at han eksporterer følgende vine:

Antal pakker		Varebetegnelse	Liter	Vægt	
Mærker og numre	Antal			brutto	netto

Afskibningssted afskibet af

bestemmelsessted i

2. at i følge de foreviste og de allerede i rådets besiddelse værende dokumenter er de ovenfor nævnte vine fremstillet i distriktet ».....« og har tilladelse til at bruge oprindelsesnavnet ».....«.

Eksporttoldkontorets stempel:

....., den 19.....
(Sted) (Dato)

For Consejo Regulador

(Segl)

ANNEXE

CONSEJO REGULADOR
DE LA
DENOMINACIÓN DE ORIGEN

Nº

(Málaga/Jerez/Valdepeñas/
Priorata/Rioja/Jumilla)

CERTIFICADO DE LA DENOMINACIÓN DE ORIGEN

El que suscribe,
del Consejo Regulador de la Denominación de Origen
certifica:

1. Que

declaran ante él y bajo su responsabilidad que expiden la siguiente partida de vinos:

Bultos		Denominación	Litros	Pesos	
Marcas y numeros	Numeros			bruto	neto

Lugars de salida enviado por

con destino a de

2. Que de acuerdo con los documentos que me exhiben y antecedentes que obran en poder de este consejo, los vinos cuya relación antecede fueron producidos en la Zona «.....» y pueden en derecho utilizar esta denominación de origen «.....».

Visado de la Aduana de salida :

.....
(Lugar)

.....
(Fecha)

19.....

Por el Consejo Regulador

.....
(Selos)

REGULATION (EEC) No 428/73 OF THE COUNCIL

of 5 February 1973

on the application of Decisions Nos 5/72 and 4/72 of the Association Council provided for by the Agreement establishing the Association between the European Economic Community and Turkey

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 an Agreement ⁽¹⁾ establishing an Association between the European Economic Community and Turkey, signed on 12 September 1963, has been in force since 1 December 1964;

Whereas in accordance with the Provisional Protocol annexed to that Agreement, an Additional Protocol was signed on 23 November 1970; whereas that Protocol entered into force on 1 January 1973;

Whereas pursuant to Article 4 of the Additional Protocol, on 29 December 1972 the Association Council adopted Decision No 5/72 on the methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol; whereas pursuant to Article 16 of Annex No 6 of that Protocol the Association Council adopted on 29 December 1972 Decision No 4/72 on the definition of the concept of 'originating products' from Turkey for application of the provisions of Chapter I of Annex I of that Protocol;

Whereas it is necessary to take the requisite measures for implementation of these Decisions;

HAS ADOPTED THIS REGULATION:

Article 1

As regards the methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey and the definition of the concept of 'originating products' from Turkey for implementation of the provisions of Chapter I of Annex No 6 of that Protocol, Decisions Nos 5/72 and 4/72 of the Association Council of 29 December 1972 (which are annexed to this Regulation) shall apply from the date of entry into force of the Additional Protocol.

The first subparagraph shall apply within the Community as originally constituted.

Article 2

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

⁽¹⁾ OJ No 217, 29. 12. 1964, p. 3687/64.

DECISION No 5/72 OF THE ASSOCIATION COUNCIL

on methods of administrative cooperation for implementation of Articles 2 and 3 of the
Additional Protocol to the Ankara Agreement

THE ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Economic Community and Turkey;

Having regard to the Additional Protocol referred to in Article 1 (1) of the Provisional Protocol annexed to that Agreement and in particular Article 4 thereof;

Whereas in accordance with Article 1, the method of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol should be determined with regard being had to the methods adopted for trade between the Member States;

Whereas in view of experience gained in the Community of methods of administrative cooperation, methods should be laid down which are similar to those applied by the Community up to the end of the transitional period referred to in Article 8 of the Treaty establishing the European Economic Community;

HAS DECIDED AS FOLLOWS:

TITLE I

General

Article 1

Goods satisfying the necessary conditions for implementation of the provisions of the Additional Protocol on the gradual abolition, between the Community and Turkey, of customs duties, quantitative restrictions and all measures having equivalent effect shall benefit from these provisions in the Member States or in Turkey, upon submission of documentary evidence issued at the exporter's request by the customs authorities of Turkey or of a Member State.

Article 2

1. When the goods are transported direct from a Member State to Turkey or from Turkey to a

Member State, the documentary evidence referred to in Article 1 shall be movement certificate A. TR. 1.

In other cases, the documentary evidence shall be movement certificate A. TR. 3.

2. For the application of paragraph 1, the following shall be considered as transported direct from the Member State to Turkey or from Turkey to a Member State:

- (a) goods that are transported without passing through territory other than that of the Community or of Turkey;
- (b) goods transported through territory other than that of the Community or of Turkey or transhipped in such territory provided that they cross such territory or are transhipped under cover of a single transport document made out in the Community or in Turkey.

Article 3

When movement certificate A. TR. 1 or A. TR. 3 relates to goods obtained in the Community under the conditions set out in Article 3 of the Additional Protocol, it shall bear a statement to that effect.

TITLE II

Special provisions on movement certificate A. TR. 1

Article 4

1. Movement certificate A. TR. 1 shall be endorsed by the customs authorities of the exporting State when goods to which it relates are exported. It shall be made available to the exporter as soon as actual exportation has been effected or ensured.

In exceptional circumstances movement certificate A. TR. 1 may also be endorsed after exportation of the goods to which it relates, if it was not produced at the time of exportation because of errors or involuntary omission. In this case, the certificate shall bear a special reference to the conditions in which it was endorsed.

2. Movement certificate A. TR. 1 may be endorsed only where it can serve as the documentary evidence required for the purpose of implementing the preferential treatment provided for in the Agreement.

Article 5

Movement certificate A. TR. 1 must be submitted, within three months of the date of endorsement by the customs authorities of the exporting State, to the customs authorities of the importing State where the goods are entered.

TITLE III

Special provisions on movement certificate A. TR. 3

Article 6

Movement certificate A. TR. 3 shall be issued by the customs authorities of the exporting State when the goods to which it relates are exported. It shall be made available to the exporter as soon as actual exportation has been effected or assured.

Under no circumstances may movement certificate A. TR. 3 be issued after the goods have been exported.

Movement certificate A. TR. 3 shall be made out so as to allow identification of the goods to which it relates when they are imported. The customs authorities of the exporting State shall also take any measures they consider necessary to facilitate such identification and shall refer to these on the certificate itself.

Article 7

Movement certificate A. TR. 3 shall be submitted, within six months of the date of issue, to the customs authorities of the importing State. It shall only be valid for the quantities of goods entering the importing State during that period.

TITLE IV

Provisions common to movement certificate A. TR. 1 and A. TR. 3

Article 8

Movement certificates A. TR. 1 and A. TR. 3 shall be made out on the appropriate form, specimens of which are annexed to this Decision, in one of the languages in which the Agreement of Association is drawn up and in accordance with the provisions of the domestic law of the exporting State. When certificates are made out in Turkish, they shall also be made out in one of the official languages of the Community. They shall be typed or handwritten in block letters in ink.

Each certificate shall measure 210 × 297 mm. The paper used must be white sized writing paper not containing mechanical pulp and weighing not less than 64 grammes per square metre. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

The front of each certificate shall have three diagonal stripes, each 3 mm wide, running from the bottom left to the top right corners. The diagonal stripes on movement certificate A. TR. 1 shall be blue and those on movement certificate A. TR. 3 red.

The Member States and Turkey may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case, each certificate shall include a reference to such approval. Each certificate shall bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number by which it can be identified.

Article 9

Movement certificates shall be submitted to customs authorities in the importing State in accordance with the procedures laid down by that State. These authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the implementation of the Additional Protocol.

TITLE V

Miscellaneous provisions

Article 10

The following shall benefit from the provisions of the Additional Protocol on the gradual abolition, between the Community and Turkey, of customs duties, quantitative restrictions and all measures having equivalent effect, without requiring the production of a movement certificate A. TR. 1 or A. TR. 3:

- (a) once they have been declared as meeting the conditions required for the application of these provisions and where there is no doubt as to the accuracy of such declaration, dutiable objects accompanying travellers or forming part of their luggage, provided they are not objects intended for commercial purposes and their total value does not exceed 200 units of account;
- (b) postal consignments (including postal packages) transported direct from the exporting State to the importing State provided there is no indication on the packing or on the accompanying documents that the goods contained therein do not comply with the conditions set out in Articles 2 or 3 of the Additional Protocol. This indication consists of a yellow label, as laid down in the Community transit system, affixed in all cases of this kind by the competent authorities of the exporting State.

Article 11

In order to ensure the proper application of the provisions of this Decision, the Member States and Turkey shall assist each other, through their respective customs administrations, in checking the authenticity and accuracy of the certificates.

Article 12

Turkey, the Member States and the Community shall each take the steps necessary to implement this Decision.

Article 13

The specimens of movement certificates A. TR. 1 and A. TR. 3 shall form an integral part of this Decision.

Done at Brussels, 29 December 1972.

For the Association Council

The President

E. M. J. A. SASSEN

A

MALLARIN TEDAVÜL BELGESİ

Je soussigné

(nom et prénom ou raison sociale et adresse complète de l'exportateur)

exportateur des marchandises décrites ci-après :

Nombre total de colis (col. 3) : } (en toutes
et quantités totales (col. 5) : } lettres)

Observations (2) :

déclare que ces marchandises se trouvent en

dans les conditions requises pour l'obtention du présent
certificat ⁽³⁾

Pays de destination (4)

Fait à , le

(Signature de l'exportateur)

(Mention facultative)

Envoi du n°

VISA DE LA DOUANE

Déclaration certifiée conforme.

Document d'exportation :

Modèle n°

du

Bureau de douane de

Le

Cachet
du
bureau

(Signature du fonctionnaire)

(1) Pour les marchandises en vrac, mentionner, selon le cas, le nom du bateau, le numéro du wagon ou du camion.

(2) Au nombre des observations à inscrire dans ce cadre, apposer, le cas échéant, la mention « Prélèvement-Turquie » prévue à la note 1, paragraphe 1, sous c) et d) figurant au verso.

(2) Voir les notes figurant au verso.

(*) Indiquer l'Etat membre ou « Turquie ».

DEMANDE DE CONTROLE

Le fonctionnaire des douanes soussigné sollicite le contrôle de l'authenticité et de la régularité du présent certificat.

A le

Cachet
du
bureau

.....
(Signature du fonctionnaire)

RESULTAT DU CONTROLE

Le contrôle effectué par le fonctionnaire des douanes soussigné a permis de constater que le présent certificat :

1. a bien été visé par le bureau de douane indiqué et que les mentions qu'il contient sont exactes ⁽¹⁾ ;
2. ne répond pas aux conditions d'authenticité et de régularité requises (voir les remarques ci-annexées) ⁽¹⁾.

A le

Cachet
du
bureau

.....
(Signature du fonctionnaire)

(1) Rayer la mention inutile.

I. MARCHANDISES POUVANT DONNER LIEU AU VISA D'UN CERTIFICAT DE CIRCULATION A. TR. 1

1. Peuvent seules donner lieu au visa d'un certificat de circulation A. TR. 1, les marchandises qui, dans l'Etat d'exportation, entrent dans l'une des catégories suivantes :

- a) Marchandises produites dans l'Etat d'exportation, y compris celles obtenues totalement ou partiellement à partir de produits qui ont été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables et qui n'ont pas bénéficié d'une ristourne totale ou partielle de ces droits ou taxes ;
- b) Marchandises en libre pratique dans l'Etat d'exportation (marchandises en provenance de pays tiers, pour lesquelles les formalités d'importation ont été accomplies et les droits de douane et taxes d'effet équivalent ont été perçus et qui n'ont pas bénéficié d'une ristourne totale ou partielle de ces droits ou taxes) ;
- c) Marchandises obtenues dans l'Etat d'exportation et dans la fabrication desquelles sont entrés des produits qui n'ont pas été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables ou qui ont bénéficié d'une ristourne totale ou partielle de ces droits ou taxes, sous réserve que soit perçu, s'il y a lieu, le prélèvement prévu à leur égard ;

Note : Tout certificat de circulation A. TR. 1 relatif à des marchandises obtenues dans la Communauté au moyen de produits en provenance de pays tiers qui, ni dans la Communauté, ni en Turquie n'ont été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables, doit être revêtu de la mention « Prélèvement-Turquie ».

d) Marchandises primitivement importées d'un Etat partie à l'Accord à l'exportation duquel elles ressortissaient à l'une des catégories a), b) ou c) ci-dessus.

Note : Lorsqu'il s'agit de marchandises primitivement importées dans l'Etat d'exportation sous le couvert d'un certificat de circulation revêtu de la mention « Prélèvement-Turquie », le ou les certificats de circulation A. TR. 1 émis en remplacement de ce dernier doivent être revêtus de la même mention.

2. Les produits agricoles doivent en outre répondre aux conditions complémentaires prévues à leur égard.
3. Ne peuvent donner lieu au visa d'un certificat de circulation A. TR. 1 les marchandises importées primitivement de pays tiers au bénéfice d'un régime douanier particulier en raison de leur origine ou de leur provenance.

II. CHAMP D'APPLICATION DU CERTIFICAT DE CIRCULATION A. TR. 1

Il ne peut être fait usage du certificat de circulation A. TR. 1 que pour autant que les marchandises auxquelles il se rapporte soient transportées directement de l'Etat d'exportation dans l'Etat d'importation.

Sont considérées comme transportées directement de l'Etat d'exportation dans l'Etat d'importation :

- a) les marchandises dont le transport s'effectue sans emprunt de territoires autres que ceux de la Communauté ou de la Turquie ;
- b) les marchandises dont le transport s'effectue avec emprunt de territoires autres que ceux de la Communauté ou de la Turquie,

ou avec transbordement dans de tels territoires, pour autant que la traversée de ces territoires ou le transbordement s'accomplisse sous le couvert d'un titre de transport unique établi dans la Communauté ou en Turquie.

N.B.-Avant de réclamer des autorités douanières de l'Etat d'exportation le visa d'un certificat de circulation A. TR. 1, il appartient à l'exportateur de s'assurer que les marchandises seront bien « transportées directement » dans l'Etat d'importation. Au cas où le transport ne serait pas effectué dans ces conditions, les marchandises ne seraient admises au bénéfice du régime préférentiel dans ce dernier Etat que sur présentation d'un certificat de circulation A. TR. 3.

III. REGLES A OBSERVER POUR L'ETABLISSEMENT DU CERTIFICAT DE CIRCULATION A. TR. 1

1. Le certificat de circulation A. TR. 1 est établi dans une des langues dans lesquelles est rédigé l'Accord et en conformité avec les dispositions de droit interne de l'Etat d'exportation. Lorsque le certificat est établi en turc, il est également établi dans une des langues officielles de la Communauté.

2. Le certificat de circulation A. TR. 1 est établi à la machine à écrire ou à la main ; dans ce dernier cas, il doit être rempli à l'encre, en majuscules d'imprimerie. Il ne doit comporter ni gratages, ni surcharges. Les modifications qui y sont apportées doivent être effectuées en biffant les indications erronées et en ajoutant, le cas échéant, les indications voulues. Toute modification ainsi opérée doit être approuvée par celui qui a établi le certificat et visée par les autorités douanières.

3. Chaque article repris sur le certificat de circulation A. TR. 1 doit être précédé d'un numéro d'ordre. Immédiatement au-dessous de la dernière inscription doit être tracée une ligne horizontale. Les espaces non utilisés doivent être bâtonnés de façon à rendre impossible toute adjonction ultérieure.

4. Les marchandises sont désignées selon les usages commerciaux avec les précisions suffisantes pour en permettre l'identification.

5. L'exportateur ou le transporteur peut compléter la partie du certificat réservée à la « déclaration de l'exportateur » par une référence au document de transport. Il est également recommandé à l'exportateur ou au transporteur de reporter sur le document de transport couvrant l'expédition des marchandises le numéro de série du certificat A. TR. 1.

IV. PORTEE DU CERTIFICAT DE CIRCULATION A. TR. 1

Lorsqu'il a été utilisé régulièrement, le certificat de circulation A. TR. 1 permet d'obtenir, dans l'Etat d'importation, l'admission des marchandises qui y sont décrites au bénéfice de l'élimination progressive des droits de douane et des restrictions quantitatives ainsi que de toutes mesures d'effet équivalent. Toutefois, lorsque le certificat de circulation est revêtu de la mention « Prélèvement-Turquie », les

marchandises qui y sont décrites ne peuvent être admises au bénéfice du régime préférentiel dans les Etats membres de la CEE.

Le service des douanes de l'Etat d'importation peut, s'il l'estime nécessaire, se faire présenter tous autres documents justificatifs, notamment les documents de transport sous le couvert desquels s'est effectuée l'expédition des marchandises.

V. DELAI DE PRESENTATION DU CERTIFICAT DE CIRCULATION A. TR. 1

Le certificat de circulation A. TR. 1 doit être produit dans le délai de trois mois, à compter de la date de son visa, au bureau de douane

de l'Etat d'importation où les marchandises sont présentées.

A. TR. 3

ASSOCIATION C.E.E.-TURQUIE

CERTIFICAT DE CIRCULATION DES MARCHANDISES

WARENVERKEHRSBESCHEINIGUNG

CERTIFICATO PER LA CIRCOLAZIONE DELLE MERCI

CERTIFICAAT INZAKE GOEDERENVERKEER

MALLARIN TEDAVÜL BELGESİ

(nom et prénom ou raison sociale et adresse complète de l'exportateur)

exportateur des marchandises décrites ci-après:

Nombre total de colis (col. 3): } (en toutes
et quantités totales (col. 6): } lettres)

déclare que ces marchandises se trouvent en
dans les conditions requises pour l'obtention du présent certificat (2)

Pays de destination des marchandises au moment de l'exportation:

(Signature de l'exportateur)

(1) Pour les marchandises en vrac, mentionner, selon le cas, le nom du bateau, le numéro du wagon ou du camion.

(*) Au nombre des observations à inscrire dans ce cadre, apposer, le cas échéant, la mention „Prélèvement-Turquie” prévue à Note I, paragraphe 1, sous c) et d) figurant à la dernière page du présent certificat.

(3) Voir les notes figurant à la dernière page du présent certificat.

CONSTATATIONS DE LA DOUANE ET INDICATION DES MOYENS D'IDENTIFICATION ⁽¹⁾

Déclaration certifiée conforme.

Document d'exportation: modèle n° du

Bureau de douane de

Le

Cachet
du
bureau.....
(Signature du fonctionnaire)

⁽¹⁾ Le service des douanes du bureau d'exportation porte dans ce cadre toutes les constatations matérielles qu'il a faites et qui sont de nature à faciliter la reconnaissance de l'identité des marchandises. Il fait mention, le cas échéant, des mesures spéciales d'identification, telles que plombage, estampillage, etc., qu'il aurait pu être amené à prendre. Lorsqu'il est amené à coller certaines pièces justificatives du genre de celles prévues à la note III, paragraphe 5, deuxième alinéa, figurant au verso (photographies, plans, échantillons de tissu, etc.), le service des douanes doit y apposer le cachet du bureau de telle manière que son empreinte déborde sur le document A. TR. 3 lui-même.

Les espaces non utilisés de ce cadre doivent être bâtonnés de manière à rendre impossible toute adjonction ultérieure.

DEMANDE DE CONTROLE

Le fonctionnaire des douanes soussigné sollicite le contrôle de l'authenticité et de la régularité du présent certificat.

A le

Cachet
du
bureau

.....
(Signature du fonctionnaire)

RESULTAT DU CONTROLE

Le contrôle effectué par le fonctionnaire des douanes soussigné a permis de constater que le présent certificat :

1. a bien été délivré par le bureau de douane indiqué et que les mentions qu'il contient sont exactes ⁽¹⁾ ;
2. ne répond pas aux conditions d'authenticité et de régularité requises (voir les remarques ci-annexées) ⁽¹⁾.

A le

Cachet
du
bureau

.....
(Signature du fonctionnaire)

⁽¹⁾ Rayer la mention inutile.

I. MARCHANDISES POUVANT DONNER LIEU A LA DELIVRANCE D'UN CERTIFICAT DE CIRCULATION A. TR. 3

1. Peuvent seules donner lieu à la délivrance d'un certificat de circulation A. TR. 3, les marchandises qui, dans l'Etat d'exportation, entrent dans l'une des catégories suivantes :

- a) Marchandises produites dans l'Etat d'exportation, y compris celles obtenues totalement ou partiellement à partir de produits qui ont été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables et qui n'ont pas bénéficié d'une ristourne totale ou partielle de ces droits ou taxes ;
- b) Marchandises en libre pratique dans l'Etat d'exportation (marchandises en provenance de pays tiers, pour lesquelles les formalités d'importation ont été accomplies et les droits de douane et taxes d'effet équivalent ont été perçus et qui n'ont pas bénéficié d'une ristourne totale ou partielle de ces droits ou taxes) ;
- c) Marchandises obtenues dans l'Etat d'exportation et dans la fabrication desquelles sont entrés des produits qui n'ont pas été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables ou qui ont bénéficié d'une ristourne totale ou partielle de ces droits ou taxes, sous réserve que soit perçu, s'il y a lieu, le prélèvement prévu à leur égard ;

Note : Tout certificat de circulation A. TR. 3 relatif à des marchandises obtenues dans la Communauté au moyen de produits

en provenance de pays tiers qui, ni dans la Communauté, ni en Turquie n'ont été soumis aux droits de douane et taxes d'effet équivalent qui leur étaient applicables, doit être revêtu de la mention « Prélèvement-Turquie ».

d) Marchandises primitivement importées d'un Etat partie à l'Accord à l'exportation duquel elles ressortissaient à l'une des catégories a), b) ou c) ci-dessus.

Note : Lorsqu'il s'agit de marchandises primitivement importées dans l'Etat d'exportation sous le couvert d'un certificat de circulation revêtu de la mention « Prélèvement-Turquie », le ou les certificats de circulation A. TR. 3 émis en remplacement de ce dernier doivent être revêtus de la même mention.

2. Les produits agricoles doivent en outre répondre aux conditions complémentaires prévues à leur égard.

3. Ne peuvent donner lieu à la délivrance d'un certificat de circulation A. TR. 3 les marchandises :

- a) qui en vertu des dispositions prévues à leur égard doivent être transportées directement de l'Etat d'exportation dans l'Etat d'importation ;
- b) qui ont été primitivement importées de pays tiers au bénéfice d'un régime douanier particulier en raison de leur origine ou de leur provenance.

II. CHAMP D'APPLICATION DU CERTIFICAT DE CIRCULATION A. TR. 3

Il peut être fait usage du certificat de circulation A. TR. 3 dans tous les cas où un certificat de circulation A. TR. 1 ne peut être utilisé du fait que les marchandises ne sont pas transportées directement de l'Etat d'exportation dans l'Etat d'importation.

Sont considérées comme transportées directement de l'Etat d'exportation dans l'Etat d'importation :

- a) les marchandises dont le transport s'effectue sans emprunt de territoires autres que ceux de la Communauté ou de la Turquie ;
- b) les marchandises dont le transport s'effectue avec emprunt de

territoires autres que ceux de la Communauté ou de la Turquie, ou avec transbordement dans de tels territoires, pour autant que la traversée de ces territoires ou le transbordement s'accomplisse sous le couvert d'un titre de transport unique établi dans la Communauté ou en Turquie.

Peuvent notamment faire l'objet d'un certificat de circulation A. TR. 3, les marchandises exportées d'un Etat partie à l'Accord dans un pays tiers à l'Association d'où elles sont susceptibles d'être ultérieurement réexportées dans un Etat partie à l'Accord.

III. REGLES A OBSERVER POUR L'ETABLISSEMENT DU CERTIFICAT DE CIRCULATION A. TR. 3

1. Le certificat de circulation A. TR. 3 est établi dans une des langues dans lesquelles est rédigé l'Accord et en conformité avec les dispositions de droit interne de l'Etat d'exportation. Lorsque le certificat est établi en turc, il est également établi dans une des langues officielles de la Communauté.

2. Le certificat de circulation A. TR. 3 est établi à la machine à écrire ou à la main ; dans ce dernier cas, il doit être rempli à l'encre, en majuscules d'imprimerie. Il ne doit comporter ni grattages, ni surcharges. Les modifications qui y sont apportées doivent être effectuées en bifant les indications erronées et en ajoutant, le cas échéant, les indications voulues. Toute modification ainsi opérée doit être approuvée par celui qui a établi le certificat et visée par les autorités douanières.

3. La partie du certificat de circulation A. TR. 3 figurant à la seconde page de ce document et intitulée « déclaration de l'exportateur » doit être intégralement remplie. En particulier le lieu de chargement, la date de l'envoi et le pays de destination des

marchandises au moment de l'exportation doivent être obligatoirement mentionnés.

4. Chaque article repris sur le certificat de circulation A. TR. 3 doit être précédé d'un numéro d'ordre. Immédiatement au-dessous de la dernière inscription doit être tracée une ligne horizontale. Les espaces non utilisés doivent être bâtonnés de façon à rendre impossible toute adjonction ultérieure.

5. Les marchandises doivent être désignées selon les usages commerciaux et décrites d'une manière détaillée de façon à en permettre une identification aisée. Cette description est complétée par l'indication du numéro du tarif douanier afférent à chacune des marchandises. L'exportateur doit joindre au certificat de circulation A. TR. 3 tous documents, tels que plans, dessins, photographies, prospectus commerciaux etc., susceptibles de faciliter l'identification des marchandises. S'il l'estime nécessaire, le service des douanes du bureau d'exportation annexe ces documents au certificat de circulation A. TR. 3.

IV. PORTEE DU CERTIFICAT DE CIRCULATION A. TR. 3

Le certificat de circulation A. TR. 3 permet d'obtenir, dans l'Etat d'importation, l'admission des marchandises qui y sont décrites au bénéfice de l'élimination progressive des droits de douane et des restrictions quantitatives ainsi que de toutes mesures d'effet équivalent, dans la mesure où aucun doute n'existe quant à l'identité des marchandises effectivement importées avec celles décrites sur ledit certificat de circulation A. TR. 3. Toutefois, lorsque le certificat de circulation A. TR. 3 est revêtu de la mention « Prélèvement-Turquie », les marchandises qui y sont décrites ne peuvent être

admis au bénéfice de ce régime préférentiel dans les Etats-membres de la CEE. Les autorités douanières de l'Etat d'importation peuvent demander la présentation de toutes justifications supplémentaires si elles estiment que l'identité des marchandises n'est pas suffisamment établie, et refuser le bénéfice de l'élimination progressive des droits de douane et des restrictions quantitatives ainsi que de toutes mesures d'effet équivalent si des justifications reconnues valables ne peuvent leur être produites.

V. DELAI DE PRESENTATION DU CERTIFICAT DE CIRCULATION A. TR. 3

Le certificat de circulation A. TR. 3 doit être produit aux autorités douanières de l'Etat d'importation dans le délai de six mois à compter

du jour de sa délivrance. Il n'est valable que pour les quantités de marchandises présentées dans ledit Etat durant ce même délai.

DECISION No 4/72 OF THE ASSOCIATION COUNCIL

on the definition of the concept of 'originating products' from Turkey for implementation of Chapter I of Annex No 6 of the Additional Protocol to the Ankara Agreement

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Agreement establishing an Association between the European Economic Community and Turkey;

Having regard to the Additional Protocol referred to in Article 1 (1) of the Provisional Protocol annexed to that Agreement, and in particular Article 16 of Annex 6;

Whereas in view of the provisions of Articles 31, 32 and 35 of the Additional Protocol, agricultural products and products subject to special rules on importation into the Community as a result of the implementation of the common agricultural policy can only benefit from the preferential treatment laid down in Annex No 6 if they satisfy the conditions set out in Articles 2 and 3 of that Protocol;

Whereas, with the exception of a few products that have to be wholly obtained in Turkey, the products referred to in the preceding recital may benefit from the preferential treatment only if they also originate in Turkey;

Whereas in order to promote the marketing of Turkish agricultural products, products obtained by working or processing imported agricultural products should be excluded from the concept of products originating in Turkey; whereas, on the other hand, to avoid hampering the processing industries it should be laid down that the accessory use of other imported products in the working or processing of native products, does not prevent the goods obtained from being considered as originating;

For the purposes of implementing Chapter I of Annex No 6 of the Additional Protocol, the following shall be considered as 'originating products' from Turkey:

- (a) vegetable products harvested in Turkey,
- (b) live animals born and raised in Turkey,
- (c) products from live animals raised in Turkey,
- (d) products obtained by hunting or fishing conducted in Turkey,
- (e) marine products taken from the sea by Turkish vessels,
- (f) goods obtained in Turkey by working or processing the products specified in subparagraphs (a) to (e), even if other products were incorporated on an accessory basis in their manufacture, whatever the origin of these products.

Article 2

The explanatory notes form an integral part of this Decision.

Done at Brussels, 29 December 1972.

For the Association Council

The President

E. M. J. A. SASSEN

EXPLANATORY NOTES**Note 1**

The term 'in Turkey' shall also cover territorial waters and vessels operating on the high seas, including factory ships, on which the fish caught is worked or processed, provided that they satisfy all the conditions set out in Explanatory Note 4.

Note 2

In order to determine whether goods originate in Turkey, it shall not be necessary to establish whether the power and fuel, plant and equipment and machines and tools used to obtain such goods originate in third countries or not.

Note 3

In determining the origin of agricultural products, account shall not be taken of any packaging.

Note 4

The term 'Turkish vessels' shall apply only to vessels:

- which are registered or recorded in Turkey;
- which sail under the Turkish flag;
- which are at least 50 % owned by nationals of Turkey or by a company with its head office in Turkey, of which the manager or managers, chairman of the board of directors or of the supervisory board and the majority of the members of such boards are nationals of Turkey and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to Turkey, or to public bodies or nationals of Turkey;
- of which the captain and officers are all nationals of Turkey;
- of which at least 75 % of the crew are nationals of Turkey.

Note 5

Products in a quantity not exceeding 10 % of that of the products referred to in subparagraphs (a) to (e) of Article 1 of the Decision shall be considered as being incorporated on an accessory basis in their manufacture.

REGULATION (EEC) No 429/73 OF THE COUNCIL

of 5 February 1973

making special provisions for imports into the Community of certain goods coming under Regulation (EEC) No 1059/69 and originating in Turkey

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 Council Regulation (EEC) No 1059/69 ⁽¹⁾ of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Regulation (EEC) No 2551/70 ⁽²⁾, and in particular Article 12 thereof;

Having regard to the proposal from the Commission;

Whereas, in accordance with Article 14 of Annex No 6 to the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey, signed on 23 November 1970, the Community should take all the necessary measures to ensure that, without prejudice to the levying of a variable component determined in accordance with Article 5 of Regulation (EEC) No 1059/69, the fixed component to be levied on imports into the Community of the goods listed in the abovementioned Article 14, originating in Turkey, is progressively reduced at the rate laid down in Article 9 of the abovementioned Annex No 6;

Whereas the second sentence of Article 17 (2) of Regulation (EEC) No 1059/69 lays down that the application of the arrangements laid down in that Regulation to caseins falling within subheading No 35.01 C of the Common Customs Tariff is to be

postponed until the Council has determined the necessary provisions for such application; whereas Article 14 of the Additional Protocol cannot therefore be applied at present with regard to the goods in question;

HAS ADOPTED THIS REGULATION:

Article 1

On imports into the Community as originally constituted, of the goods listed in the Annex to this Regulation, which originate in Turkey:

- (a) the fixed component to be levied is that shown for the goods in question, account being taken of the date of importation, in columns 3, 4 or 5 of the abovementioned Annex;
- (b) the variable component to be levied is that determined in accordance with Article 5 of Regulation (EEC) No 1059/69.

Article 2

The arrangements laid down in this Regulation shall apply from the date of entry into force of the Additional Protocol.

Article 3

This Regulation shall enter into force on the third 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, 5 February 1973.

For the Council

The President

R. VAN ELSLANDE

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 275, 19. 12. 1970, p. 2.

ANNEX

CCT heading No	Description	Rate of fixed components following application of the provisions of the Additional Protocol relating to:		
		1st reduction	2nd reduction	3rd reduction
1	2	3	4	5
ex 17.04	Sugar confectionery, not containing cocoa:	%	%	%
	B. Chewing gum	2.0	0.8	0
	C. White chocolate	3.2	1.3	0
	D. Other	3.2	1.3	0
19.01	Malt extract	2.0	0.8	0
19.02	Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa	2.7	1.1	0
19.05	Prepared by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products)	2.0	0.8	0
19.06	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1.7	0.7	0
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fat, cheese or fruit:			
	A. Crispbread	2.2	0.9	0
	B. Matzos	1.5	0.6	0
	C. Gluten bread for diabetics	3.5	1.4	0
	D. Other	3.5	1.4	0
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion	3.2	1.3	0
21.01	Roasted chicory and other roasted coffee substitutes; extracts, essences and concentrates thereof:			
	A. Roasted coffee and other roasted coffee substitutes			
	II. Other	2.0	0.8	0
	B. Extracts, essences and concentrates of the products described under subheading A:			
	II. Other	3.5	1.4	0
21.06	Natural yeasts (active or inactive); prepared baking powders:			
	A. Active natural yeasts:			
	II. Bakers' yeast	3.7	1.5	0

CCT heading No	Description	Rate of fixed components following application of the provisions of the Additional Protocol relating to:		
		1st reduction	2nd reduction	3rd reduction
1	2	3	4	5
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: C. Polyhydric alcohols II. Mannitol III. Sorbitol: a) in aqueous solution: 1. Containing 2 % or less by weight of mannitol, calculated on the sorbitol content 2. Other b) Other: 1. Containing 2 % or less by weight of mannitol, calculated on the sorbitol content 2. Other	% 3 3 2·2 3 2·2	% 1·2 1·2 0·9 1·2 0·9	% 0 0 0 0 0
35.05	Dextrins and dextrin glues; soluble or roasted starches; starch glues A. Dextrins; soluble or roasted starches B. Glues made from dextrin or from starch	 3·5 3·2	 1·4 1·3	 0 0
38.12	Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries: A. Prepared glazings and prepared dressings: I. With a basis of amylaceous substances	 3·2	 1·3	 0

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION

of 22 January 1973

of the Representatives of the Governments of the Member States of the European Coal and Steel Community, meeting in the Council, establishing supervision of imports of certain products originating in Austria

(73/12/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING IN THE COUNCIL,

in agreement with the Commission,

HAVE DECIDED:

Article 1

1. Imports of products originating in Austria to which annual indicative ceilings are applied in accordance with Articles 1 and 2 of Protocol No 1 to the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Republic of Austria, of the other part, shall be subjected to supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which supervision shall begin are given in Annex I to Council Regulation (EEC) No 417/73 of 22 January 1973 establishing Community

supervision of imports of certain products originating in Austria ⁽¹⁾.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of an indicative ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Member States may, at the request of one of them or of the Commission, reimpose, each in respect of

⁽¹⁾ See p. 1 of this Official Journal.

its own territory, the customs duties applicable to third countries adjusted, where appropriate, by the percentages laid down in Article 2 (e) of Protocol No 1 to the Agreement referred to in paragraph 1.

Article 2

For the implementation of this Decision the Member States shall take all necessary measures in close co-operation with the Commission.

Article 3

The Member States shall take all measures required to implement this Decision.

Done at Brussels, 22 January 1973.

The President

L. TINDEMANS

DECISION

of 22 January 1973

of the Representatives of the Governments of the Member States of the European Coal and Steel Community, meeting in the Council, establishing supervision of imports of certain products originating in Sweden

(73/13/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING IN THE COUNCIL,

in agreement with the Commission,

HAVE DECIDED:

Article 1

1. Imports of products originating in Sweden to which annual indicative ceilings are applied in accordance with Articles 1 and 2 of the Protocol to the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Kingdom of Sweden, of the other part, shall be subjected to supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which supervision shall begin are given in Annex 1 to Council Regulation (EEC) No 419/73 of 22 January 1973 establishing Community supervision of imports of certain products originating in Sweden ⁽¹⁾.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of an indicative ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Member States may, at the request of one of them or of the Commission, reimpose, each in respect of its own territory, the customs duties applicable to third countries, adjusted, where appropriate, by the percentages laid down in Article 2 (e) of the Protocol to the Agreement referred to in paragraph 1.

Article 2

For the implementation of this Decision the Member States shall take all necessary measures in close cooperation with the Commission.

Article 3

The Member States shall take all measures required to implement this Decision.

Done at Brussels, 22 January 1973.

The President

L. TINDEMANS

⁽¹⁾ See p. 12 of this Official Journal.