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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3030/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in Spain (1977)

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 the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1) together with Article 4 of Annex I for the opening by the Community of an annual Community tariff quota of 1 800 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in Spain; whereas, pursuant to Article 2 of the said Annex, the quota duty is equal to 40% of the Common Customs Tariff duty in respect of the product concerned; whereas the Community tariff quota contains quota duties of 5.2, 5.6, 5.6 and 6% for the products falling within subheadings 55.09 A I, A II, B I and B II; whereas the Community tariff quota in question should be opened for the year 1977;

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 to represent as closely as possible the actual trend of

the market in the products in question, the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

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:

	1973	1974	1975
Germany	2.4	4.2	7.0
Benelux	9.8	21.8	13.3
France	47.1	67.2	74.2
Italy	40.7	6.8	5.5

Whereas, in view of these factors, of the foreseeable development of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	6
Benelux	6
France	68
Italy	20

Whereas, to take account of future import trends in the various Member States of the product under consideration, the total quota volume should be divided into two instalments, the first being shared among the Member States and the second held as a reserve to cover at a later date the requirements of those Member States having used up their initial share; whereas to give Member State importers some certainty, the first of the Community quota might be fixed at 75% of the quota volume;

Whereas the initial shares of Member States may be used up more or less quickly; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share, must draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, the Common Customs Tariff duties in respect of the products originating in Spain and listed below shall be partially suspended at the levels indicated for each of them within the limits of a global Community tariff quota of 1 800 metric tons:

CCT heading No	Description	Rate of duty (%)
55.09	Other woven fabrics of cotton:	
	A. Containing 85 % or more by weight of cotton:	
	I. Of a width of less than 85 cm	5.2
	II. Other	5.6
	B. Other:	
	I. Of a width of less than 85 cm	5.6
	II. Other	6

Article 2

1. A first instalment, amounting to 1 350 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	80 metric tons,
Benelux	80 metric tons,
France	920 metric tons,
Italy	270 metric tons.

2. The second instalment of 450 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State 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.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn up by a Member State has been used, that Member State shall proceed, in accordance with the conditions laid down 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 reserve is sufficient.

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 same way to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify to the Commission of the total imports of the said goods effected up to and including 15 September 1977, 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 5 October 1977, 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 last 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3031/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in Spain (1977)

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 the Agreement between the European Economic Community and Spain, signed at Luxembourg on 29 June 1970, provides in Article 2 (1), together with Article 3 of Annex I, for the opening by the Community of an annual total Community tariff quota of 1 200 000 metric tons of certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in Spain; whereas, pursuant to Article 2 of the said Annex, the quota duty is equal to 40% of the Common Customs Tariff duties effectively applied in this year in respect of the product concerned; whereas the Community tariff quota in question should be opened for the year 1977;

Whereas it is in particular necessary to ensure for 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, to represent as closely as possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

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:

	1973	1974	1975
Germany	49.0	56.0	66.1
Benelux	15.3	27.2	27.6
France	11.2	11.1	1.1
Italy	24.5	5.7	5.2

Whereas, in view of these factors, of the foreseeable development of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	46
Benelux	32
France	11
Italy	11

Whereas, to take account of future import trends in the various Member States of the product under consideration, the total quota volume should be divided into two instalments, the first being shared among the Member States and the second held as a reserve to cover at a later date the requirements of those Member States, having used up their initial share; whereas to give Member State importers some certainty, the first instalment of the Community quota might be fixed at about 77% of the quota volume;

Whereas the initial shares of Member States may be used up more or less quickly; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share, must draw

a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of

Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, and subject to the measures which might be taken pursuant to Article 3 (2) and (4) of Annex I to the Agreement between the European Economic Community and Spain, the Common Customs Tariff duties in respect of the products refined in Spain and listed below shall be suspended partially at the levels indicated for each of them, within the limits of a global Community tariff quota of 1 200 000 metric tons:

CCT heading No	Description	Rate of duty (%)
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:	
	A. Light oils:	
	III. For other purposes	2.4
	B. Medium oils:	
	III. For other purposes	2.4
	C. Heavy oils:	
	I. Gas oil:	
	c) For other purposes	1.4
	II. Fuel oil:	
	c) For other purposes	1.4
	III. Lubricating oils; other oils:	
	c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	1.6
	d) For other purposes	2.4
27.11	Petroleum gases and other gaseous hydrocarbons:	
	B. Other:	
	1. Commercial propane and commercial butane:	
	c) For other purposes	0.6

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

CCT heading No	Description	Rate of duty (%)
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	0.8 2.8
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	0.8 2.4
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	0.8

Article 2

1. A first instalment, amounting to 925 000 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall consist of the following amounts:

Germany	425 000 metric tons,
Benelux	300 000 metric tons,
France	100 000 metric tons,
Italy	100 000 metric tons.

2. The second instalment of 275 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State 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.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn up by a Member State has been used, that Member State shall proceed, in accordance with the conditions laid down 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 reserve is sufficient.

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 same way to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify to the Commission of the total imports of the said goods effected up to and including 15 September 1977, 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 5 October 1977, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.
3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council
The President
P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3032/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for Jerez wines falling within heading No ex 22.05 of the Common Customs Tariff, originating in Spain (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ 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 1977 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 1977 up to a Community tariff quota of 210 000 hectolitres;

Whereas the Community tariff quotas in question should be opened for the year 1977;

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 of designation of origin as provided for in Regulation (EEC) No 1120/75 ⁽³⁾, endorsed by the Spanish customs authorities;

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 to both the statistics of each State's imports of the said products from Spain over a representative period and 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:

⁽¹⁾ OJ No C 272, 17. 11. 1976, p. 7.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 111, 30. 4. 1975, p. 19.

	1973	1974	1975
Jerez wines:			
— in containers holding two litres or less:			
— Germany	14.6	19.3	19.0
— Benelux	77.3	72.3	78.3
— France	0.9	0.6	0.5
— Italy	7.2	7.8	2.2
— in containers holding more than two litres:			
— Germany	9.2	8.7	6.8
— Benelux	90.6	91.1	93.0
— France	0.1	0.2	0.1
— Italy	0.1	0.0	0.1

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

	Jerez wines in containers holding:	
	two litres or less	more than two litres
Germany	17.2	7.8
Benelux	75.6	92.0
France	0.9	0.1
Italy	6.3	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 co-operation 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 given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, 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 b) 1	Wines from Jerez	5.5	} 210 000
ex 22.05 C IV b) 1	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 production of a movement certificate A.E.1 and a certificate of designation of origin as provided for in Regulation (EEC) No 1120/75, endorsed by the Spanish authorities.

Article 2

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

2. A first instalment shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows;

	(in hectolitres)	
	Jerez wines under subheadings:	
	ex 22.05 C III a) 1 and ex 22.05 C IV a) 1	ex 22.05 C III b) 1 and ex 22.05 C IV b) 1
Germany	5 500	13 100
Benelux	24 200	154 560
France	300	170
Italy	2 000	170
Total	32 000	168 000

3. The second instalment of each quota, that is 8 000 and 42 000 hectolitres respectively, shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (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 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, in accordance with the same conditions, 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1977, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1977, 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

draw 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

The Member States and the Commission shall co-operate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3033/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for Malaga wines falling within heading No ex 22.05 of the Common Customs Tariff, originating in Spain (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ 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 1977 up to a Community tariff quota of 15 000 hectolitres; whereas the Community tariff quota in question should be opened for the year 1977;

Whereas the 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 of designation of origin;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries ⁽³⁾, introduced

the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

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 more 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 to both the statistics of each States's imports of the said products from Spain over a representative period and 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 past three years represent the following percentages of the imports into the Community from Spain of the products concerned:

	1973	1974	1975
Germany	64.4	42.0	71.6
Benelux	21.6	35.1	22.4
France	4.0	1.2	3.0
Italy	10.0	21.7	3.0

⁽¹⁾ OJ No C 272, 17. 11. 1976, p. 7.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

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

Germany	53.3
Benelux	29.2
France	3.3
Italy	14.2

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 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 given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, the Common Customs Tariff duties in respect of Malaga wines originating in Spain shall be partially suspended at the levels shown below within the limits of a total Community tariff quota of 15 000 hectolitres:

CCT heading No	Description of goods	Rate (in u.a./hl)
ex 22.05 C III a) 2	Wine from Malaga	8.50
ex 22.05 C IV a) 2	Wine from Malaga	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 of designation of origin corresponding to the specimen annexed hereto, endorsed by the Spanish customs authorities. This certificate must be in accordance with Article 2 (2) to (4) of Regulation (EEC) No 1120/75.

4. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

Article 2

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

2. A first instalment, amounting to 12 000 hectolitres, shall be allocated among the Member

States; the respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	6 400 hl,
Benelux	3 500 hl,
France	400 hl,
Italy	1 700 hl.

3. The second instalment of 3 000 hectolitres shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (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 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, in accordance with the same conditions, 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1977, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1977, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

cooperate closely in order to ensure that this Regulation is observed.

*Article 10**Article 9*

The Member States and the Commission shall

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

BILAG - ANHANG - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

1. Exportador — Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:	2. Número — Nummer — Nummer — Number — Numéro — Numero — Nummer	00000	
	3. Consejo Regulador de la Denominación de origen MÁLAGA		
4. Destinatario — Modtager — Empfänger — Consignee — Destinataire — Destinatario — Geadresseerde:	5. CERTIFICADO DE DENOMINACIÓN DE ORIGEN CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG		
	6. Medio de transporte — Transportmiddel — Beförderungsmittel — Means of transport — Moyen de transport — Mezzo di trasporto — Vervoermiddel:		
8. Lugar de descarga — Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:	7. VINO DI MÁLAGA VIN FRA MALAGA MALAGA-WEIN WINE FROM MALAGA VIN DE MALAGA VINO DI MÁLAGA MALAGAWIJN		
	9. Marcas y números, número y naturaleza de los bultos Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli		
		10. Peso bruto Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. Litros Liter Liter Litres Litres Litri Liter
12. Litros (en letra) — Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):			
13. Visado del organismo emisor — Påtegning fra udstedende organ — Bescheinigung der erteilenden Stelle — Certificate of the issuing authority — Visa de l'organisme émetteur — Visto dell'organismo emittente — Visum van de instantie van afgifte:			
14. Visado de la aduana — Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane		Certifico que el vino cuya descripción antecede es un producto genuino de la zona de Málaga y con derecho a la denominación de origen „MALAGA” (vease traducción del nº 15 — oversættelse se nr. 15 — Übersetzung siehe Nr. 15 — see the translation under No 15 — Voir traduction au nº 15 — Vedi traduzione al n. 15 — Zie voor vertaling nr. 15)	

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i Malagaområdet og ifølge spansk lovgivning er berettiget til oprindelsesbetegnelsen: »MALAGA«.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk Malaga gewonnen wurde und ihm nach spanischem Gesetz die Ursprungsbezeichnung „MALAGA“ zuerkannt wird.

We hereby certify that the wine described in this certificate is wine produced within the wine district of Malaga and is considered by Spanish legislation as entitled to the designation of origin 'MALAGA'.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de Malaga et est reconnu, suivant la loi espagnole, comme ayant droit à la dénomination d'origine «MALAGA».

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di Málaga ed è riconosciuto, secondo la legge spagnola, come avente diritto alla denominazione di origine «MÁLAGA».

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van Malaga en dat volgens de Spaanse wetgeving de benaming van oorsprong „MALAGA“ erkend wordt.

16. (¹)

(¹) Espacio reservado para otras indicaciones del país exportador.

(¹) Rubrik forbeholdt eksportlandets andre angivelser.

(¹) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.

(¹) Space reserved for additional details given in the exporting country.

(¹) Case réservée pour d'autres indications du pays exportateur.

(¹) Spazio riservato per altre indicazioni del paese esportatore.

(¹) Ruimte bestemd voor andere gegevens van het land van uitvoer.

COUNCIL REGULATION (EEC) No 3034/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for wines from Jumilla, Priorato, Rioja and Valdepeñas falling within heading No ex 22.05 of the Common Customs Tariff, originating in Spain (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas on the signing of the Agreement between the European Economic Community and Spain ⁽²⁾ 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 1977 up to a Community tariff quota of 15 000 hectolitres; whereas the Community tariff quota in question should be opened for the year 1977;

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 of designation of origin;

Whereas Council Regulation (EEC) No 2506/75 of 29 September 1975 laying down special rules for the

importation of products in the wine-growing sector originating in certain third countries ⁽³⁾, introduced the idea of a free-at-frontier reference price, being the reference price less customs duties actually levied;

Whereas it is in particular necessary to ensure for 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 more 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 to both the statistics of each State's imports of the said products from Spain over a representative period and 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 past 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:

⁽¹⁾ OJ No C 272, 17. 11. 1976.

⁽²⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽³⁾ OJ No L 256, 2. 10. 1975, p. 2.

	1973	1974	1975
Germany	21.0	16.4	55.7
Benelux	33.9	31.3	28.4
France	10.4	7.4	11.1
Italy	34.7	44.9	4.8

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

Germany	18.3
Benelux	32.0
France	3.7
Italy	46.0

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 given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1977 until 31 December 1977, 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 limits 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 a) 2	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 of designation of origin corresponding to one of the specimens annexed

hereto, endorsed by the Spanish customs authorities. This certificate must be in accordance with Article 2 (2) to (4) of Regulation (EEC) No 1120/75.

4. The wines in question shall benefit from these tariff quotas on condition that the prices on import into the Community are not at any time less than the free-at-frontier reference prices referred to in Regulation (EEC) No 2506/75 and subsequent texts which apply to such prices.

Article 2

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

2. A first instalment, amounting to 12 000 hectolitres, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	2 190 hl,
Benelux	3 840 hl,
France	450 hl,
Italy	5 520 hl.

3. The second instalment amounting to 3 000 hectolitres shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (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 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, in accordance with the same conditions, 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1977, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1977, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

BILAG – ANHANG – ANNEX – ANNEXE – ALLEGATO – BIJLAGE

1. Exportador — Eksportør — Ausführer — Exporter — Exportateur — Esportatore — Exporteur:	2. Número — Nummer — Nummer — Number — Numéro — Numero — Nummer		00000
4. Destinatario — Modtager — Empfänger — Consignee — Destinataire — Destinatario — Geadresseerde:	3. Consejo Regulador de la Denominación de origen JUMILLA/PRIORATO/RIOJA/VALDEPEÑAS		
6. Medio de transporte — Transportmiddel — Beförderungsmittel — Means of transport — Moyen de transport — Mezzo di trasporto — Vervoermiddel:	5. CERTIFICADO DE DENOMINACIÓN DE ORIGEN CERTIFIKAT FOR OPRINDELSESBETEGNELSE BESCHEINIGUNG DER URSPRUNGSBEZEICHNUNG CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE CERTIFICATO DI DENOMINAZIONE DI ORIGINE CERTIFICAAT VAN BENAMING VAN OORSPRONG		
8. Lugar de descarga — Losningssted — Entladungsort — Place of unloading — Lieu de déchargement — Luogo di sbarco — Plaats van lossing:	7. VINO DI JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS VIN FRA JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS JUMILLA-, PRIORATO-, RIOJA-, VALDEPEÑAS-WEIN WINE FROM JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS VIN DE JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS VINO DI JUMILLA / PRIORATO / RIOJA / VALDEPEÑAS JUMILLA-, PRIORATO-, RIOJA- EN VALDEPEÑASWIJN		
9. Marcas y números, número y naturaleza de los bultos Mærker og numre, kollienes antal og art Zeichen und Nummern, Anzahl und Art der Packstücke Marks and numbers, number and kind of packages Marques et numéros, nombre et nature des colis Marca e numero, quantità e natura dei colli Merken en nummers, aantal en soort der colli	10. Peso bruto Bruttovægt Rohgewicht Gross weight Poids brut Peso lordo Brutogewicht	11. Litros Liter Liter Litres Litres Litri Liter	
Empty space for additional information			
12. Litros (en letra) — Liter (i bogstaver) — Liter (in Buchstaben) — Litres (in words) — Litres (en lettres) — Litri (in lettere) — Liter (voluit):			
13. Visado del organismo emisor — Påtegning fra udstedende organ — Bescheinigung der erteilenden Stelle — Certificate of the issuing authority — Visa de l'organisme émetteur — Visto dell'organismo emittente — Visum van de instantie van afgifte:			
14. Visado de la aduana — Toldstedets attest — Sichtvermerk der Zollstelle — Customs stamp — Visa de la douane — Visto della dogana — Visum van de douane	Certifico que el vino cuya descripción antecede es un producto genuino de la zona de „JUMILLA/PRIORATO/RIOJA/VALDEPEÑAS” y con derecho a la denominación de origen „.” (vease traducción del nº 15 — oversættelse se nr. 15 — Übersetzung siehe Nr. 15 — see the translation under No 15 — Voir traduction au nº 15 — Vedi traduzione al n. 15 — Zie voor vertaling nr. 15)		

15. Det bekræftes, at vinen, der er nævnt i dette certifikat, er fremstillet i ».....«området og ifølge spansk lovgivning er berettiget til oprindelsesbetegnelsen: ».....«.

Wir bestätigen, daß der in dieser Bescheinigung bezeichnete Wein im Bezirk „.....“ gewonnen wurde und ihm nach spanischem Gesetz die Ursprungsbezeichnung „.....“ zuerkannt wird.

We hereby certify that the wine described in this certificate is wine produced within the wine district of '.....' and is considered by Spanish legislation as entitled to the designation of origin '.....'.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de «.....» et est reconnu, suivant la loi espagnole, comme ayant droit à la dénomination d'origine «.....».

Si certifica che il vino descritto nel presente certificato è un vino prodotto nella zona di «.....» ed è riconosciuto, secondo la legge spagnola, come avente diritto alla denominazione di origine «.....».

Wij verklaren dat de in dit certificaat omschreven wijn is vervaardigd in het wijndistrict van „.....“ en dat volgens de Spaanse wetgeving de benaming van oorsprong „.....“ erkend wordt.

16. (1)

(1) Espacio reservado para otras indicaciones del país exportador.

(1) Rubrik forbeholdt eksportlandets andre angivelser.

(1) Diese Nummer ist weiteren Angaben des Ausfuhrlandes vorbehalten.

(1) Space reserved for additional details given in the exporting country.

(1) Case réservée pour d'autres indications du pays exportateur.

(1) Spazio riservato per altre indicazioni del paese esportatore.

(1) Ruimte bestemd voor andere gegevens van het land van uitvoer.

COUNCIL REGULATION (EEC) No 3035/76

of 9 December 1976

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 (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas 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 metric 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 kilogrammes 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 the Community tariff quota in question should be opened for the year 1977;

Whereas it is in particular necessary to ensure for 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, to represent as closely as possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from

both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

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:

	1973	1974	1975
Germany	—	—	82.4 (= 60 *)
Benelux	—	—	1.4
France	—	100 (= 1 *)	16.2
Italy	—	—	—

* metric tons.

Whereas, in view of these factors and of 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 the Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	25
Benelux	25
France	25
Italy	25

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 shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

quota should be determined at a level which, under present circumstances, may be 80% of the quota amount;

Whereas, the initial 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 share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional 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 given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, the Common Customs Tariff duties 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 kilogrammes shall be partially suspended at 3% within the limits of a Community tariff quota of 200 metric tons.

Article 2

1. A first instalment, amounting to 160 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the

respective shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	40 metric tons,
Benelux	40 metric tons,
France	40 metric tons,
Italy	40 metric tons.

2. The second instalment of 40 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 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, in accordance with the conditions laid down 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, in accordance with the same conditions, 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1977, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1977, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3036/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for dried grapes falling within subheading 08.04 B I of the Common Customs Tariff, originating in Spain (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas 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 08.04 B I of the Common Customs Tariff, originating in Spain and imported in immediate containers of a net capacity of 15 kilogrammes or less; whereas the Community tariff quota in question should be opened for the year 1977;

Whereas it is in particular necessary to ensure, for 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, to represent as closely as possible the actual development of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

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:

	1973	1974	1975
Germany	2.3	4.6	3.9
Benelux	11.1	13.7	13.9
France	70.2	66.3	73.4
Italy	16.4	15.4	8.8

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

Germany	4
Benelux	13
France	64
Italy	19

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

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

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 given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that each State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, the Common Customs Tariff duties in respect of dried grapes falling within subheading 08.04 B I, originating in Spain and imported in immediate containers of a net capacity not exceeding 15 kilogrammes shall be entirely suspended within the limits 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 respective shares, which subject to Article 5 shall be valid 31 December 1977, shall be as follows:

Germany	55 metric tons,
Benelux	177 metric tons,
France	870 metric tons,
Italy	258 metric tons.

2. The second instalment of 340 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 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, in accordance with the conditions laid down 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, in accordance with the same conditions, 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 they 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1977, and charged against the appropriate Community tariff quota and any quantities of the initial share 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 5 October 1977, 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 ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product concerned against their shares as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3037/76

of 9 December 1976

establishing ceilings and Community supervision of imports of certain products originating in Israel (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of the Agreement between the European Economic Community and the State of Israel ⁽¹⁾, signed on 11 May 1975, and Articles 1 and 2 of Protocol 1 annexed thereto, make provision for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas by way of derogation from these Articles, Article 5 of that Protocol provides that for imports of products listed in that Article the reduction of duties shall be limited to ceilings, above which the customs duties applicable to third countries may be reintroduced; whereas the ceilings to be applied in 1977 should therefore be determined; whereas the application of ceilings requires that the Community be regularly informed of the trend of imports of the products in question originating in Israel; whereas it is, therefore, desirable that imports of these products be subjected to a system of supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the ceilings at Community level, as and when these products are submitted to the customs authorities under cover of declarations that they have been made available for home use; whereas this administrative procedure must make provision for the 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; whereas the latter must, in particular, be able to follow the

progress of amounts set off against the ceilings and keep the Member States informed; whereas this cooperation 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 trend of imports of certain products not subject to ceilings should also be followed; whereas it is therefore desirable that imports of such products should also be subjected to a system of supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, imports of products originating in Israel listed in Annex I shall be subject to annual ceilings and Community supervision.

The description of the products referred to in the first paragraph, their tariff headings and statistic numbers and the levels of the ceilings are given in Annex 1.

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

Goods shall be set off against the ceiling only if the movement certificate or, in the case of goods falling within Chapter 27, the certificate of origin has been submitted before the date on which customs duties are reimposed.

⁽¹⁾ OJ No L 136, 28. 5. 1975, p. 3.

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 inform the Commission at the intervals and within the time limits specified in paragraph 4 of any 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 specified in Articles 2 and 5 (6) of Protocol 1 to the Agreement until the end of the calendar year.

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

Article 2

From 1 January until 31 December 1977, imports of the products referred to in Annex II which originate in Israel shall be subjected to Community supervision.

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

Article 3

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

Article 4

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

ANNEX I

List of products subject to import ceilings in 1977

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I IL 1	27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:		661 500
		A. Light oils:		
		III. For other purposes	27.10-15, 17, 21, 25, 29	
		B. Medium oils:		
		III. For other purposes	27.10-34, 38, 39	
		C. Heavy oils:		
		I. Gas oil:		
		c) For other purposes	27.10-59	
		II. Fuel oil:		
		c) For other purposes	27.10-69	
		III. Lubricating oils; other oils:		
		c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	27.10-75	
		d) For other purposes	27.10-79	
I IL 1	27.11	Petroleum gases and other gaseous hydrocarbons:		661 500
		A. Propane of a purity not less than 99 %:		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
		I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
I IL 1	27.12	Petroleum jelly:		661 500
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	
I IL 1	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		661 500
		B. Other:		
		I. Crude:		
		c) For other purposes	27.13-89	
		II. Other	27.13-90	

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

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I IL 1 (cont'd)	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	27.14-99	
I IL 2	29.02	Halogenated derivatives of hydrocarbons: A. Halogenated derivatives of acrylic hydrocarbons: III. Bromides and polybromides	29.02-40	1 985
I IL 3	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: B. Gloves, including mittens and mitts	42.03-21, 25, 27, 28	3-3
I IL 4	55.05	Cotton yarn, not up for retail sale	55.05 all Nos	992
I IL 5	55.09	Other woven fabrics of cotton	55.09 all Nos	441
I IL 6	60.03	Stockings, under stockings, socks, ankle-socks, sock-ettes and the like, knitted or crocheted, not elastic or rubberized	60.03 all Nos	110
I IL 7	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	60.05 all Nos	496

ANNEX II

List of products referred to in Article 2

Order No	CCT heading No	Description	Nimexe code
1	2	3	4
II IL 1	28.01	Halogens (fluorine, chlorine, bromine and iodine): C. Bromine	28.01-50
II IL 2	28.10	Phosphorus pentoxide and phosphoric acids (meta-, ortho- and pyro-)	28.10-00
II IL 3	28.33	Bromides, oxybromides, bromates and perbromates, and hypobromites	28.33-10, 90
II IL 4	28.40	Phosphites, hydrophosphites and phosphates: B. Phosphates (including polyphosphates): II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II IL 5	29.16	Carboxylic acids with alcohol, phenol, aldehyde or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives: A. Carboxylic acids with alcohol function: IV. Citric acid and its salts and esters	29.16-21, 23, 29
II IL 6	31.03	Mineral or chemical fertilizers, phosphatic: A. Mentioned in Note 2 (A) to Chapter 31: I. Superphosphates	31.03-15
II IL 7	39.02	Polymerization and copolymerization products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone-indene (resins): C. Other: VII. Polyvinyl chloride	39.02-41, 43, 45, 46, 47, 51, 52, 53, 54, 57, 59, 61, 66
II IL 8	42.02	Travel goods (for example, trunks, suitcases, hat boxes, travelling bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: ex B. Of other materials: — Of leather	42.02 - ex 21, ex 31, ex 41, ex 51, ex 81

Order No	CCT heading No	Description	Nimexe code
1	2	3	4
II IL 9	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: A. Articles of apparel C. Other clothing accessories	 42.03-10 42.03-51, 59
II IL 10	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02	51.04 all Nos
II IL 11	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale	56.05 all Nos
II IL 12	56.07	Woven fabrics of man-made fibres (discontinuous or waste)	56.07 all Nos
II IL 13	70.05	Unworked drawn or blown glass (including flashed glass), in rectangles	70.05 all Nos
II IL 14	76.03	Wrought plates, sheets and strip, of aluminium	76.03 all Nos

COUNCIL REGULATION (EEC) No 3038/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Agreement between the European Economic Community and the State of Israel ⁽²⁾, signed on 11 May 1975 provides, in Article 10 of Protocol 1 annexed thereto, for the opening by the Community of an annual Community tariff quota of 150 metric tons of apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel; whereas the customs duties applicable to the quota are equal to 70% of the customs duties actually applied to non-member countries; whereas the Community tariff quota in question should therefore be opened for 1977;

Whereas it is in particular necessary to ensure to all importers of the Member States equal and uninterrupted access to the quota and uninterrupted application of the rate laid down for that quota to all imports of the product in question into all Member States until the quota has been used up; whereas having regard to the above principles the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports from Israel over a

representative reference 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 of each Member State represent the following percentages as against the imports into the Community from Israel of the products concerned:

	1973	1974	1975
Benelux	58.6 (= 58 *)	100 (= 25 *)	—
Denmark	—	—	—
Germany	—	—	—
France	—	—	—
Ireland	—	—	—
Italy	—	—	—
United Kingdom	41.4 (= 41 *)	—	—

(*) metric tons.

Whereas these data cannot be considered as representative to serve as a basis for allocation of the quota volume among the Member States; whereas it is difficult to estimate imports by Member States for 1977 because of the absence of any pattern in previous years; whereas to allocate the quota volume on a fair basis, the initial quota shares may be fixed approximately at the following percentages:

Benelux	7.5
Denmark	4.2
Germany	41.6
France	8.3
Ireland	4.2
Italy	4.2
United Kingdom	30.0

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽²⁾ OJ No L 136, 28. 5. 1975, p. 3.

Whereas, to take account of future import trends in the various Member States for the products concerned, the quota volume should be divided into two instalments, the first instalment being allocated among the Member States and the second held as a reserve intended to cover at a later date the requirements of Member States which have used up their initial share; whereas, in order to ensure a certain degree of security to importers of each Member State, the first instalment of the Community tariff quota could be fixed at 80% of the quota volumes;

Whereas the initial shares may be used up sooner or later; whereas, in order to take this fact into account and to avoid any break in continuity, it is important that any Member State which has used up almost all of its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State if each of its supplementary shares is almost used up, and as many times as the reserve allows; whereas each initial and supplementary share must be valid until the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quotas have been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share remains in any Member State, it is essential that that State should return a significant proportion to the reserve in order to avoid 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a Community tariff quota of 150 metric tons shall be opened in the Community for apricot pulp falling

within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel.

2. Within the limits of this tariff quota, the Common Customs Tariff duty applicable to these products shall be suspended at a rate of 11.9%.

3. Within the limits of this tariff quota, the new Member States shall apply duties calculated in accordance with the provisions of the Agreement between the Community and the State of Israel and those of the Act of Accession.

Article 2

1. A first instalment, amounting to 120 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Benelux	9 metric tons,
Denmark	5 metric tons,
Germany	50 metric tons,
France	10 metric tons,
Ireland	5 metric tons,
Italy	5 metric tons,
United Kingdom	36 metric tons.

2. The second instalment of 30 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share as laid down in Article 2 (1), or 90% of that share less the amount returned into the reserve, where Article 5 has been applied, has been exhausted, that Member State shall without delay, by notifying the Commission, draw a second share in the quota 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, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5% of its initial share.

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, in accordance with the same conditions, 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 to 3, Member States may draw smaller shares than those fixed in those paragraphs if there is reason to believe that these shares might not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

The Member States shall, not later than 1 October 1977, return to the reserve the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected under the Community quota up to and including 15 September 1977, and where appropriate, the proportion of their initial shares that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares opened by the 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 5 October 1977, notify the Member States of the state of 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 supplementary shares drawn pursuant to Article 3 are opened in such a way that charges may be made without interruption against their accumulative shares of the Community quota.

2. Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use under cover of a declaration that they have been made available for consumption.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

The Member States and the Commission shall co-operate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3039/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in the Arab Republic of Egypt (1977)

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 the Agreement between the European Economic Community and the Arab Republic of Egypt ⁽¹⁾ and the Protocol laying down certain provisions relating to the Agreement between the European Economic Community and the Arab Republic of Egypt consequent on the accession of new Member States to the European Economic Community ⁽²⁾, provide for the opening of an annual Community tariff quota of 3 250 metric tons of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in the Arab Republic of Egypt; whereas the Protocol provides that the tariff quota should be allocated among the Member States as follows: 2 500 metric tons for the Community as originally constituted, 90 metric tons for Denmark, 10 metric tons for Ireland and 650 metric tons for the United Kingdom; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 45% of the duties of the Common Customs Tariff; whereas as regards the duties applicable to the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession should be complied with; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted, on the one hand, and for the new Member States, on the other;

Whereas the Community tariff quota in question should be opened for the year 1977, and whereas,

however, because of the possibility of implementing other preferential arrangements as a result of a new Agreement between the European Economic Community and Egypt, it is necessary to confine the period of validity of this tariff quota to such period as is not covered by the new Agreement;

Whereas as regards the Community as originally constituted:

- equal and uninterrupted access to the quota should be ensured for all importers and quota duties applied continuously to all imports of the said products until the quota has been used up,
- in the light of the above principles, the Community nature of the quota may best be preserved by an arrangement allocating it among these Member States; whereas in order to provide the most accurate reflection of actual market trends for the said products, such allocation should be proportionate to the needs of these Member States, calculated both from the statistics for each Member State's imports from the Arab Republic of Egypt over a representative reference period and from economic prospects for the quota period in question,
- over the last three years for which statistics are available, the following percentages represent the respective imports of the Member States concerned in relation to imports of the said products from the Arab Republic of Egypt into the Community as originally constituted:

	1973	1974	1975
Germany	10.4	5.7	3.0
Benelux	31.9	35.0	18.6
France	1.1	13.8	57.2
Italy	56.6	45.5	21.2

⁽¹⁾ OJ No L 251, 7. 9. 1973, p. 2.

⁽²⁾ OJ No L 251, 7. 9. 1973, p. 87.

- in view of these factors, of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States initial quota shares may be fixed approximately as follows:

Germany	16.6
Benelux	24.3
France	14.6
Italy	44.5,

- in order to take account of import trends for the products in question in the Member States concerned, the quota amount should be divided into two instalments, the first instalment being allocated among the same Member States and the second constituting a reserve intended to cover the later requirements of 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 quota should be fixed in this case at approximately 50%,

- the initial quota shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial quota share, shall draw an additional quota share from the reserve; whereas this shall be done by each Member State whenever one of its additional quota shares has been almost used up, and as many times as the reserve allows; whereas the initial and additional quota shares shall be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof,

- if, at a given date in the quota period, a considerable quantity of the initial quota share is left over in one of the Member States concerned, it is essential that that State should return a significant proportion to the reserve to prevent a part of the quota allocated to the Community as originally constituted from remaining unused in one Member State when it could be used in others,

- since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members;

Whereas, as regards the new Member States:

- the quota duties shall be calculated by the new Member States in accordance with Articles 3 and 4 of the Protocol,
- equal and uninterrupted access to the quota should be ensured for all importers and quota duties applied continuously to all imports of the products in question until the quota has been used up,

HAS ADOPTED THIS REGULATION:

Article 1

A Community tariff quota of 3 250 metric tons shall be opened from 1 January 1977 until the entry into force of a new Agreement, or until 31 December 1976 at the latest, for other woven products of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in the Arab Republic of Egypt.

This quota shall be allocated and administered in accordance with the provisions set out below.

SECTION I

Provisions applicable to the Community as originally constituted

Article 2

The Common Customs Tariff duties shall be partially suspended at the rate indicated below for 2 500 metric tons of the quota referred to in Article 1:

CCT heading No	Description	Rate of duty (%)
55.09	Other woven abrfics of cotton:	
	A. Containing 85% or more by weight of cotton:	
	I. Of a width of less than 85 cm	5.8
	II. Other	6.3
	B. Other:	
	I. Of a width of less than 85 cm	6.3
	II. Other	6.7

Article 3

1. A first instalment, amounting to 1 235 metric tons of the amount mentioned in Article 2, shall be allocated among the Member States; the shares, which subject to Article 6 shall be valid until the date defined in Article 1, shall be:

Germany	205 metric tons,
Benelux	300 metric tons,
France	180 metric tons,
Italy	550 metric tons,

2. The second instalment of 1 265 metric tons shall constitute the reserve.

Article 4

1. If 90% or more of the initial share of a Member State laid down in Article 3 (1), or 90% of that share less the amount returned into the reserve where the provisions of Article 6 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.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn up by a Member State has been used, that Member State shall proceed, in accordance with the conditions laid down 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 reserve is sufficient.

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 same way to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until the date defined in Article 1.

Article 6

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the said goods effected up to and including 15 September 1977, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 7

The Commission shall keep account of the shares opened by Member States in accordance with Articles

3 and 4 and shall inform each State of the extent to which the reserve has been used up as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amount in reserve after the return of shares pursuant to Article 6.

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 last drawing.

Article 8

The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

SECTION II

Provisions applicable to the new Member States

Article 9

Within the tariff quota referred to in Article 1, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 10

750 metric tons of the quota referred to in Article 1 shall be allocated among the new Member States as follows:

Denmark	90 metric tons,
Ireland	10 metric tons,
United Kingdom	650 metric tons.

SECTION III

General provisions

Article 11

1. Member States shall ensure that the quota shares allocated to them are freely accessible to importers of the products in question established in their territory.

2. Member States shall charge imports of the products in question against their quota shares as the products are presented for customs clearance under cover of a declaration that they have been made available for consumption.

3. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 2.

Article 12

On receipt of a request from the Commission, Member States shall inform it of imports of the said products originating in the Arab Republic of Egypt actually charged against their quota shares.

Article 13

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

Article 14

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3040/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in the Arab Republic of Egypt (1977)

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 the Agreement between the European Economic Community and the Arab Republic of Egypt⁽¹⁾ and the Protocol laying down certain provisions relating to the Agreement between the European Economic Community and the Arab Republic of Egypt consequent on the accession of new Member States to the European Economic Community⁽²⁾, provide for the opening of an annual Community tariff quota of 360 000 metric tons for certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in the Arab Republic of Egypt; whereas the Protocol provides that the tariff quota should be allocated among the Member States as follows: 200 000 metric tons for the Community as originally constituted, 5 000 metric tons for Denmark, 5 000 metric tons for Ireland and 150 000 metric tons for the United Kingdom; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 45% of the duties of the Common Customs Tariff; whereas as regards the duties applicable to the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession should be complied with; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted, on the one hand, and for the new Member States, on the other;

Whereas the Community tariff quotas in question should be opened for the year 1977, and whereas however, because of the possibility of implementing other preferential arrangements as a result of a new Agreement between the European Economic Community and Egypt, it is necessary to confine the period of validity of these tariff quotas to such period as it is not covered by the new Agreement;

Whereas as regards the Community as originally constituted:

- equal and uninterrupted access to the quota should be ensured for all importers and quota duties applied continuously to all imports of the said products until the quota has been used up,
- in the light of the above principles the Community nature of the quota may best be preserved by an arrangement allocating it among the Member States; whereas in order to provide the most accurate reflection of actual market trends for the said products, such allocation should be proportionate to the needs of the Member States, calculated both from the statistics for each Member State's imports from the Arab Republic of Egypt over a representative reference period and from economic prospects for the quota period in question,
- in view of the fact however that over the past three years the said products have been imported into only two Member States and in small quantities, and that no estimates can be made for 1977 and in order to ensure a fair distribution among the Member States concerned, the initial percentage share, having regard to the potential demand for the said products in the various Member States, should be approximately 25% each,

⁽¹⁾ OJ No L 251, 7. 9. 1973, p. 2.

⁽²⁾ OJ No L 251, 7. 9. 1973, p. 87.

- in order to take account of import trends for the products in question in the Member States concerned, the quota amount should be divided into two instalments, the first instalment being allocated among the same Member States and the second constituting a reserve intended to cover the later requirements of 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 quota should be fixed in this case at approximately 70%,
 - the initial quota shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial quota share, must draw an additional quota share from the reserve; whereas this must be done by each Member State as each one of its additional quota shares is almost used up, and as many times as the reserve allows; whereas the initial and additional quota shares shall be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States concerned and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof,
 - if, at a given date in the quota period, a considerable quantity of the initial quota share is left over in one of the Member States concerned, it is essential that that State should return a significant proportion to the reserve, to prevent a part of the quota allocated to the Community as originally constituted from remaining unused in one Member State when it could be used in others,
 - since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members;
- Whereas, as regards the new Member States:
- the quota duties shall be calculated by the new Member States in accordance with Articles 3 and 4 of the Protocol,
 - equal and uninterrupted access to the quota should be ensured for all importers and quota duties should be applied continuously to all imports of the products in question until the quota has been used up,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Subject to any measures which may be taken in application of Article 3 (2) and (4) of Annex I to the Agreement between the European Economic Community and the Arab Republic of Egypt, a Community tariff quota of 360 000 metric tons shall be opened from 1 January until the date of entry into force of a new Agreement between the European Economic Community and Egypt, but not later than 31 December 1977, for the products listed below refined in the Arab Republic of Egypt:

CCT heading No	Description
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations A. Light oils: III. For other purposes B. Medium oils: III. For other purposes

CCT heading No	Description
27.10 (<i>cont'd</i>)	C. Heavy oils: I. Gas oil: c) For other purposes II. Fuel oil: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 (a) d) For other purposes
27.11	Petroleum gases and other gaseous hydrocarbons: B. Other: I. Commercial propane and commercial butane: c) For other purposes
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other

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

The quota shall be allocated and administered in accordance with the following provisions.

SECTION I

Provisions applicable to the Community as originally constituted

Article 2

Common Customs Tariff duties shall be partially suspended at the rates indicated below for 200 000 metric tons of the quota referred to in Article 1:

CCT heading No	Rate of duty (%)
27.10 A III	2.7
27.10 B III	2.7
27.10 C I c)	1.5
27.10 C II c)	1.5
27.10 C III c)	1.8
27.10 C III d)	2.7
27.11 B I c)	0.6
27.12 A III	0.9
27.12 B	3.1
27.13 B I c)	0.9
27.13 B II	2.7
27.14 C II	0.9

Article 3

1. A first instalment, amounting to 140 000 metric tons of the amount mentioned in Article 2, shall be allocated among the Member States; the shares, which subject to Article 6 are valid until the date defined in Article 1, are as follows:

Germany	35 000 metric tons,
Benelux	30 000 metric tons,
France	35 000 metric tons,
Italy	40 000 metric tons.

2. The second instalment of 60 000 metric tons shall constitute the reserve.

Article 4

1. If 90% or more of a Member State's initial quota share specified in Article 3 (1), or of that share less the portion returned to the reserve where Article 6 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second quota share, to the extent that the reserve is sufficient, equal to 15% of its initial quota share, rounded up to the next unit where necessary.

2. If, after its initial quota share has been used up, 90% or more of the second quota share drawn by a Member State has been used up, that Member State shall, in the manner provided for in paragraph 1, draw a third quota share, equal to 7.5% of its initial quota share, rounded up where necessary to the next unit.

3. If, after its second quota share has been used up, 90% or more of the third quota share drawn by a Member State has been used up, that Member State shall, in the same manner, draw a fourth quota share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until the date defined in Article 1.

Article 6

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the said goods effected up to and including 15 September 1977, and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 7

The Commission shall keep account of the shares opened by Member States in accordance with Articles 3 and 4 and shall inform each State of the extent to which the reserve has been used up as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amount in reserve after the return of shares pursuant to Article 6.

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 last drawing.

Article 8

The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for imports to be counted without interruption against their accumulated shares of the Community tariff quotas.

SECTION II

Provisions applicable to the new Member States*Article 9*

Within the tariff quota referred to in Article 1, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 10

Under the quota, 160 000 metric tons shall be allocated among the new Member States as follows:

Denmark	5 000 metric tons,
Ireland	5 000 metric tons,
United Kingdom	150 000 metric tons.

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

Done at Brussels, 9 December 1976.

SECTION III

General provisions*Article 11*

1. Every Member State shall take all measures necessary to ensure that importers of the products in question established in their territory have free access to the shares allocated to it.

2. The extent to which a Member State has used up its shares shall be determined on the basis of the importations of the products in question entered with the customs authorities for home use.

Article 12

On receipt of a request from the Commission, Member States shall notify it of imports of products refined in the Arab Republic of Egypt actually charged against their quota shares.

Article 13

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

Article 14

This Regulation shall enter into force on 1 January 1977.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3041/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for cotton yarn falling within heading No 55.05 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta ⁽¹⁾, signed on 5 December 1970, and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, provide for the opening by the Community of an annual Community tariff quota of 910 metric tons of cotton yarn, not put up for retail sale, falling within heading No 55.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the joint declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 750 metric tons for the Community as originally constituted and 160 metric tons for the new Member States; whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to Annex I to the Agreement, the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I to the said Agreement, the quota duty is equal to 30% of the Common Customs Tariff

duty in respect of the products concerned; whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since 1 January 1974, Malta has been granted treatment no less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore customs duties should be totally suspended and the quota volume increased to 1 079 metric tons for 1977; whereas, however, the Community has already opened a duty-free tariff quota of 1 240 metric tons for the products in question for 1976; whereas therefore the quota volume should be held at this level and the difference between these volumes should be allocated to the two groups of Member States;

Whereas it is in particular necessary to ensure for 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 more 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 to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta, of the products concerned:

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 3.

	1973	1974	1975
Germany	45.5	30.1	13.7
Benelux	34.8	39.7	54.7
France	8.0	23.7	14.0
Italy	11.7	6.5	17.6
Denmark	—	0.3	—
Ireland	1.0	2.7	12.5
United Kingdom	99.0	97.0	87.5

Whereas in view of these factors of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows:

Germany	56.5
Benelux	25.5
France	7.0
Italy	11.0
Denmark	1.0
Ireland	11.0
United Kingdom	88.0

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves 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 for importers in each Member State, the first instalments of the quotas should be determined at a level which, under present circumstances, may be approximately 70% 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 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a tariff quota of 1 240 metric tons shall be opened in the Community for cotton yarn, not put up for retail sale, falling within heading No 55.05 of the Common Customs Tariff, originating in Malta.
2. Within the limits of this tariff quota the Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.
3. An amount of 1 046 metric tons shall be allocated to the Member States of the Community as originally constituted.
4. An amount of 194 metric tons shall be allocated to the new Member States.

Article 2

1. A first instalment, amounting to 730 metric tons of the amount specified in Article 1 (3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Germany	413 metric tons,
Benelux	186 metric tons,
France	51 metric tons,
Italy	80 metric tons.

The second instalment of 316 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 140 metric tons of the amount mentioned in Article 1 (4), shall be allocated among the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	2 metric tons,
Ireland	15 metric tons,
United Kingdom	123 metric tons.

The second instalment of 54 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 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 relevant 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, in accordance with the conditions laid down in paragraph 1, proceed without delay 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 same way, to draw a fourth share equal to the third.

This process shall be applied until the reserves are 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 they 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 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such quantity may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to 15 September 1977 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 reserves have been used as soon as it received the notifications.

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserves 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. 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. Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their share as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3042/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for man-made fibres falling within heading No 56.04 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta ⁽¹⁾, signed on 5 December 1970, and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, provide for the opening by the Community of an annual Community tariff quota of 800 metric tons of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the joint declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 600 metric tons for the Community as originally constituted and 200 metric tons for the new Member States; whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to Annex I to the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I to the said Agreement, the quota duty is equal to 30% of the Common Customs

Tariff duty in respect of the products concerned; whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since 1 January 1974, Malta has been granted treatment no less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 940 metric tons for 1977; whereas, however, the Community has already opened a duty-free tariff quota of 992 metric tons for the products in question for 1976; whereas therefore the quota volume should be held at this level and the difference between these volumes should be allocated to the two groups of Member States;

Whereas it is in particular necessary to ensure for 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 more 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 to both the statistics of each State's imports of the said goods from Malta over a representative reference period and 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 Malta of the products concerned:

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 3.

	1973	1974	1975
Germany	—	—	—
Benelux	—	—	—
France	—	—	—
Italy	—	—	100 (= 1 *)
Denmark	—	100 (= 16 *)	—
Ireland	—	—	—
United Kingdom	—	—	—

(*) metric tons.

Whereas, in connection with the allocation of both the quota volumes referred to above, account must be taken of both these percentages and the estimates from 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; whereas, initial percentage shares in the quota volumes may consequently be fixed approximately as follows:

Germany	13
Benelux	13
France	18
Italy	56
Denmark	16
Ireland	24
United Kingdom	60

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves intended ultimately to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalments of the quotas should be determined at a level which, under present circumstances, may be approximately 60% of the quota amounts;

Whereas the initial 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 share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost

entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a Community tariff quota of 992 metric tons shall be opened in the Community for man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota the Community Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 771 metric tons shall be allocated to the Member State of the Community as originally constituted.

4. An amount of 221 metric tons shall be allocated to the new Member States.

Article 2

1. A first instalment, amounting to 480 metric tons of the amount specified in Article 1 (3), shall be allo-

cated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Benelux	63 metric tons,
Germany	63 metric tons,
France	86 metric tons,
Italy	268 metric tons.

The second instalment of 291 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 133 metric tons of the amount mentioned in Article 1 (4), shall be allocated among the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	21 metric tons,
Ireland	32 metric tons,
United Kingdom	80 metric tons.

The second tranche of 88 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 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 relevant 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, in accordance with the conditions laid down in paragraph 1, proceed 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 same way to draw a fourth share equal to the third.

This process shall be applied until the reserves are 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 they 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 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product in question effected up to and including 15 September 1977 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 reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserves 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. 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. Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

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

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

The Member States and the Commission shall co-operate closely in order to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3043/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for outer garments falling within heading No 60.05 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta ⁽¹⁾, signed on 5 December 1970, and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, provide for the opening by the Community of an annual Community tariff quota of 190 metric tons, of outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the joint declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 100 metric tons for the Community as originally constituted and 90 metric tons for the new Member States; whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to Annex I to the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I to the said Agreement, the quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned; whereas to comply with the special pro-

visions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since 1 January 1974, Malta has been granted treatment no less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 216 metric tons for the year 1977, of which 122 metric tons should be allocated to the Member States of the Community as originally constituted and 94 metric tons to the new Member States;

Whereas it is in particular necessary to ensure for 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 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 more 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 to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta of the products concerned:

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 3.

	1973	1974	1975
Germany	—	4	34.4
Benelux	—	7	4.2
France	94.6	50	54.2
Italy	5.4	39	7.2
Denmark	1.3	3.4	0.6
Ireland	7.8	—	0.6
United Kingdom	90.9	96.6	98.8

Whereas both these percentages and the estimates from 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; whereas, initial percentage shares in the quota volume may consequently be fixed approximately as follows:

Germany	17
Benelux	11
France	55
Italy	17
Denmark	17
Ireland	17
United Kingdom	66

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves 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 instalments of the quotas should be determined at a level which, under present circumstances may be 75% of the quota amounts;

Whereas the initial 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 share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional 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 prevent a part of the Community quota from 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a tariff quota of 216 metric tons shall be opened in the Community for outer garments and other articles, knitted or crocheted, not elastic or rubberized falling within heading No 60.05 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota the Community Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 122 metric tons shall be allocated to the Member States of the Community as originally constituted.

4. An amount of 94 metric tons shall be allocated to the new Member States.

Article 2

1. A first instalment, amounting to 90 metric tons of the amount specified in Article 1 (3), shall be

allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Benelux	10 metric tons,
Germany	15 metric tons,
France	50 metric tons,
Italy	15 metric tons.

The second instalment of 32 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 70 metric tons of the amount specified in Article 1 (4), shall be allocated among the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	12 metric tons,
Ireland	12 metric tons,
United Kingdom	46 metric tons.

The second instalment of 24 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 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 relevant 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, in accordance with the conditions laid down in paragraph 1, proceed 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 same way, to draw a fourth share equal to the third.

This process shall be applied until the reserves are 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 they 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 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, in excess of 20% of the initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to 15 September 1977 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 reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserves after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up one of the reserves 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. 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. Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their share as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3044/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta ⁽¹⁾, signed on 5 December 1970, and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, provide for the opening by the Community of an annual Community tariff quota of 730 metric tons of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the joint declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 300 metric tons for the Community as originally constituted and 430 metric tons for the new Member States; whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to Annex I to the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I to the said Agreement, the quota duty is equal to 30% of the Common Customs Tariff duty in respect of the products concerned; whereas to comply with the special provisions of the said Protocol, separate arrange-

ments should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since 1 January 1974, Malta has been granted treatment no less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 815 metric tons for the year 1977, of which 364 metric tons should be allocated to the Member States of the Community as originally constituted and 451 metric tons to the new Member States;

Whereas it is in particular necessary to ensure for 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 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 may be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more 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 to both the statistics of each State's imports of the said goods from Malta over a representative reference period and 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 Malta of the products concerned:

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 3.

	1973	1974	1975
Germany	31.0	16.2	42.9
Benelux	35.1	45.5	12.1
France	11.9	22.9	38.8
Italy	22.0	15.4	6.2
Denmark	77.4	60.9	45.4
Ireland	0.5	0.7	2.3
United Kingdom	22.1	38.4	52.3

Whereas in view of these factors, of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial percentage shares in the quota volumes may consequently be fixed approximately as follows:

Germany	65
Benelux	18
France	13
Italy	4
Denmark	35
Ireland	1
United Kingdom	64

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves 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 for importers in each Member State, the first instalments of the quotas should be determined at levels which, under present circumstances, may be approximately 67% of the quota amounts;

Whereas the initial 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 share should draw an additional share from the reserve; whereas, this must be done by each Member State as and when each of its additional 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a tariff quota of 815 metric tons shall be opened in the Community for men's and boys' outer garments from Malta falling within heading No 61.01 of the Common Customs Tariff.

2. Within the limits of this tariff quota the Community customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 364 metric tons shall be allocated to the Member States of the Community as originally constituted.

4. An amount of 451 metric tons shall be allocated to the new Member States.

Article 2

1. A first instalment, amounting to 243 metric tons of the amount specified in Article 1 (3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Benelux	44 metric tons,
Germany	158 metric tons,
France	31 metric tons,
Italy	10 metric tons.

The second instalment of 121 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 300 metric tons of the amount mentioned in Article 1 (4), shall be allocated among the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	105 metric tons,
Ireland	3 metric tons,
United Kingdom	192 metric tons.

The second instalment of 151 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 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 relevant 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, in accordance with the conditions laid down in paragraph 1, proceed 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 same way to draw a fourth share equal to the third.

This process shall be applied until the reserves are 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 they 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 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to 15 September 1977 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 reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserves 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. 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. Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the said goods against their share as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3045/76

of 9 December 1976

totally suspending the customs duties on certain industrial products originating in Malta
(1977)

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, by virtue of the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾, the Community applies the Common Customs Tariff duties, reduced by 70%, to products covered by this Agreement; whereas it seems advisable provisionally to increase this tariff advantage by means of the total suspension of the customs duties applicable to such products; whereas, however, this measure cannot affect the products subject to the tariff quotas provided for in the abovementioned Agreement;

Whereas, in order to avoid the danger of disrupting traditional patterns of trade by imports of such products, provision should be made to enable the Commission to reintroduce at any time, by means of a Regulation, the levying of conventional duties in respect of Malta,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, the Common Customs Tariff duties and the customs tariff duties of the new Member States shall be

totally suspended in respect of products falling within Chapters 25 *et seq.* of the Common Customs Tariff covered by the Agreement establishing an association between the European Economic Community and Malta, pursuant to Article 1 of Annex I thereto, with the exception of products falling within heading Nos 55.05, 56.04, 60.05 and 61.01.

Ireland, however, shall be authorized to apply to such products duties equal to those which it applies to Member States other than the United Kingdom.

2. The suspension referred to in paragraph 1 shall apply solely to products originating in Malta. The rules of origin shall be those in force at the time as regards the implementation of the above Agreement.

Article 2

In order to avoid disrupting traditional trade patterns by imports of products benefiting from the duty suspension provided for in Article 1, the Commission may, by means of a Regulation, reintroduce the levying of customs duties at any time up to the end of the calendar year, at the level applicable in pursuance of Article 1 of Annex I to the aforesaid Agreement.

Article 3

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council
The President
P. J. J. MERTENS

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 3.

COUNCIL REGULATION (EEC) No 3046/76

of 9 December 1976

totally or partially suspending Common Customs Tariff duties on certain products falling within Chapters 1 to 24 of the Common Customs Tariff, originating in Malta (1977)

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 Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EEC) No 3058/75 ⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas, under Annex I to the Agreement establishing an association between the European Economic Community and Malta ⁽⁴⁾, the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary provisionally to adjust or to supplement certain of the tariff benefits provided for in the abovementioned Annex; whereas, accordingly, the Community should, in respect of the products originating in Malta listed in Annex A to this Regulation, suspend either the fixed component of the levy applicable to goods coming under Regulation (EEC) No 1059/69 or the customs duty applicable to the other products from 1 January until 31 December 1977 and at the levels indicated for each of them;

Whereas, for certain products of Chapters 1 to 24 of the Common Customs Tariff, this scheme would,

however, involve the application in the new Member States of customs duties higher than — or very close to — those applied by the new Member States to non-member countries in general on the basis of the Act of Accession; whereas, in order to maintain an equivalent preferential margin for these products also, reduced customs duties should be applied to them in accordance with the detailed rules based on the principle of maintaining in the new Member States a preference proportional to that which exists between the duties of the Common Customs Tariff and the duties given in Annex A to this Regulation; whereas, with a view to granting Malta the best possible treatment, in accordance with the objectives of the preference scheme, the duties given in Annex A should also be applied wherever the duties calculated according to the abovementioned detailed rules prove to be higher than them,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, the products originating in Malta listed in Annex A shall be admitted for import into the Community as originally constituted at the customs duties indicated for each of them.

On importation into Denmark, Ireland and the United Kingdom, there shall be applied to the abovementioned products the customs duties determined by multiplying, by a coefficient equal to the margin of preferences existing between the duties given in Annex A and the Common Customs Tariff duties applicable, the duties obtained by reducing the difference between the lowest duty applied on 1 January 1972 to the developing countries, and the Common Customs Tariff by 80% in respect of the products mentioned in Annex B in 1977, and by

⁽¹⁾ OJ No L 141, 12. 6. 1969, p. 1.

⁽²⁾ OJ No L 306, 25. 11. 1975, p. 3.

⁽³⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽⁴⁾ OJ No L 61, 14. 3. 1971, p. 3.

80% in respect of the other products given in Annex A from 1 January to 30 June 1977.

However, from 1 January 1977, the duties given in Annex A shall be applied where the duties resulting from the abovementioned calculation are higher than them.

From 1 July 1977, the duties given in Annex A shall be applied to the products not mentioned in Annex B.

2. For the purposes of the application of this Regulation, the rules of origin shall be those in force at the time as regards the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

When products benefiting from the arrangements provided for in Article 1 are imported in the Community in such quantities or at such prices that Community producers of products similar to or in direct competition with them suffer or are likely to suffer from serious disadvantage, the Common Customs Tariff duties may be reintroduced in whole or in part on the products in question. Such measures may also be taken in the event of actual

or potential serious disadvantage in a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide, by means of a Regulation, to reintroduce the levying of customs duties for a limited period.

2. In the event of such action being requested by a Member State, the Commission shall take a decision within a period of not more than 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer to the Council the measure taken by the Commission, within a period of not more than 10 working days after it has been informed thereof. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

ANNEX A

CCT heading No	Description	Rate of duty
1	2	3
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03, or 01.04 fresh, chilled or frozen: A. Meat: III. Of swine: b) Other	Free
02.04	Other meat and edible meat offals, fresh, chilled or frozen: ex A. Of domestic pigeons ex B. Furred game, frozen C. Other: ex I. Frogs' legs II. Other	7 % Free Free Free
04.06	Natural honey	25 %
05.03	Horsehair and horsehair waste, whether or not put up as a layer or between two layers of other material: B. Other	Free
07.01	Vegetables, fresh or chilled: ex T. Other: — Okra (<i>Hibiscus exculentus</i> L. or <i>Abelmoschus exculentus</i> (L.) Moench)	Free
08.08	Berries, fresh: F. Other	6 %
15.10	Fatty acids, acid oils from refining; fatty alcohols: C. Other fatty acids; acid oils from refining	Free
16.02	Other prepared or preserved meat or meat offal: A. Liver: I. Goose or duck liver	14 %

CCT heading No	Description	Rate of duty
1	2	3
16.02 (cont'd)	B. Other: II. Game or rabbit meat or offal: — Game 9 % — Rabbit 14 % III. Other: b) Other: ex 1. Containing bovine meat or offal: — Prepared or preserved bovine tongue 17 % 2. Other: aa) Ovine meat or offal 18 % bb) Other 16 %	
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: B. Truffles 14 % D. Asparagus 20 % E. Sauerkraut 16 % ex F. Capers 12 %	
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a specific gravity exceeding 1.33 at 15 °C: III. Other: ex a) Of a value exceeding 30 u.a. per 100 kg net weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 % b) Of a value not exceeding 30 u.a. per 100 kg net weight: ex 1. With an added sugar content exceeding 30 % by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 % + (L) ex 2. Other: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 15 %	

CCT heading No	Description	Rate of duty
1	2	3
20.07 (cont'd)	B. Of a specific gravity of 1.33 or less at 15 °C: II. Other: a) Of a value exceeding 30 u.a. per 100 kg net weight: 2. Grapefruit juice 8 % ex 3. Other citrus fruit juices: aa) Containing added sugar 13 % bb) Other 13 % 6. Other fruit and vegetable juices, excluding apricot and peach juices: ex aa) Containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 10 % — Other, excluding apricot and peach juices 17 % ex bb) Other: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons 10 % — Other, excluding apricot and peach juices 18 % 7. Mixtures: ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. Containing added sugar 17 % 22. Other 18 % b) Of a value of 30 u.a. or less per 100 kg net weight: 2. Grapefruit juice: aa) With an added sugar content exceeding 30 % by weight 8 % + (L) bb) Other 8 % 4. Other citrus fruit juices: aa) With an added sugar content exceeding 30 % by weight 14 % (L) bb) With an added sugar content of 30 % or less by weight 14 % cc) Not containing added sugar 15 %	

CCT heading No	Description	Rate of duty
1	2	3
20.07 (cont'd)	7. Other fruit and vegetable juices, excluding apricots and peaches: ex aa) With an added sugar content exceeding 30 % by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex bb) With an added sugar content of 30% or less by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex cc) Not containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices 8. Mixtures: ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. With an added sugar content exceeding 30 % by weight 22. With an added sugar content of 30 % or less by weight 33. Not containing added sugar	10 % + (L) 17 % + (L) 10 % 17 % 10 % 18 % 17 % + (L) 17 % 18 %
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeast: II. Bakers' yeast: a) Dried b) Other	5 % + vc 5 % + vc

CCT heading No	Description	Rate of duty
1	2	3
23.01	Flours and meal, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves: B. Flours and meals of fish, crustaceans or molluscs	Free

Abbreviations:

(L) = levy,
vc = variable component.

ANNEX B

List of the products in respect of which the difference between the lowest duties applied on 1 January 1972 to developing countries by Denmark, Ireland and the United Kingdom and the duties of the Common Customs Tariff must be reduced in accordance with Article 1

CCT heading No	Description
07.01	Vegetables, fresh or chilled: ex T. Other: — Okra (<i>Hibiscus excultus</i> L. or <i>Abelmoschus excultus</i> (L.) Monench)
08.08	Berries, fresh: F. Other
16.02 (a)	Other prepared or preserved meat or meat offal: B. Other: III. Other: b) Other: ex 1. Containing bovine meat or offal: — Prepared or preserved bovine tongue
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: B. Truffles D. Asparagus E. Sauerkraut ex F. Capers
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a specific gravity exceeding 1.33 at 15 °C: III. Other: ex a) Of a value exceeding 30 u.a. per 100 kg net weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons b) Of a value not exceeding 30 u.a. per 100 kg net weight: ex 1. With an added sugar content exceeding 30 % by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons ex 2. Other: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons

(a) From the start of the marketing year for beef and veal this heading will be deleted from this Annex.

CCT heading No	Description
20.07 (cont'd)	B. Of a specific gravity of 1.33 or less at 15 °C: II. Other: a) Of a value exceeding 30 u.a. per 100 kg net weight: 2. Grapefruit juice ex 3. Other citrus fruit juices: aa) Containing added sugar bb) Other 6. Other fruit and vegetable juices, excluding apricot and peach juices: ex aa) Containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex bb) Other: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices 7. Mixtures: ex bb) Other, excluding mixtures containing separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. Containing added sugar 22. Other b) Of a value of 30 u.a. or less per 100 kg net weight: 2. Grapefruit juice: aa) With an added sugar content exceeding 30 % by weight bb) Other 4. Other citrus fruit juices: aa) With an added sugar content exceeding 30 % by weight bb) With an added sugar content of 30 % or less by weight cc) Not containing added sugar ex 7. Other fruit and vegetable juices, excluding apricots and peaches: ex aa) With an added sugar content exceeding 30 % by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices

CCT heading No	Description
20.07 (cont'd)	ex bb) With an added sugar content of 30 % or less by weight: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices ex cc) Not containing added sugar: — Fruit falling within heading Nos 08.01, 08.08 B, E and F and 08.09, excluding pineapples, melons and watermelons — Other, excluding apricot and peach juices 8. Mixtures: ex bb) Other, excluding mixtures containing either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice: 11. With an added sugar content exceeding 30 % by weight 22. With an added sugar content of 30 % or less by weight 33. Not containing added sugar

COUNCIL REGULATION (EEC) No 3047/76

of 9 December 1976

establishing ceilings and Community supervision for imports of certain products
originating in Algeria, Morocco and Tunisia (1977)

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 the Interim Agreements⁽¹⁾ between the European Economic Community of the one part and the People's Democratic Republic of Algeria, the Kingdom of Morocco and the Republic of Tunisia of the other part each stipulate in Article 2 that products originating in these countries shall be imported into the Community free of customs duties; whereas, by way of derogation therefrom, Article 5 of each of these Agreements provides that the reduction of duties shall apply to imports of the products listed therein only up to ceilings above which the customs duties applicable to third countries may be reimposed; whereas the ceilings to be applied in 1977 should therefore be established; whereas, however the Agreements expire on 30 June 1977; whereas the Community intends to maintain its trading relations with these countries; whereas the provisions governing the second half of 1977 should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, ceilings should be established for the whole of 1977;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in these countries; whereas imports should therefore be made subject 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 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 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; whereas the latter must, in particular, be able to follow the progress of amounts set off against the ceilings and keep the Member States informed; whereas this cooperation must be all the closer in that the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, imports of the products originating in Algeria, Morocco and Tunisia which are listed in Annexes I, II and III respectively shall be subject to annual ceilings and Community supervision.

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

2. Amounts shall be set off against the 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 Protocols on rules of origin annexed to the Interim Agreements between the Community of the one part and Algeria, Morocco and Tunisia of the other part. However, in the case

⁽¹⁾ OJ No L 141, 28. 5. 1976.

of products falling within Chapter 27, a certificate of origin may be substituted for the movement certificate.

Goods shall be set off against the ceiling only if the movement certificate or, in the case of goods falling within Chapter 27, the certificate of origin 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 as defined in the preceding subparagraphs.

Member States shall inform the Commission at the intervals and within the time limits specified in paragraph 4 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 until the end of the calendar year.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

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

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I DZ 1 (cont'd)	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	27.13-89 27.13-90	
	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	27.14-99	
	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	50
	45.03	Articles of natural cork	45.03 all Nos	150
I DZ 4	45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	45.04 all Nos	2 000

ANNEX II

List of products originating in Morocco subject to import ceilings in 1977

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I MA 1	27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:		
		A. Light oils:		
		III. For other purposes	27.10-15, 17, 21, 25, 29	
		B. Medium oils:		
		III. For other purposes	27.10-34, 38, 39	
		C. Heavy oils:		
		I. Gas oils:		
		c) For other purposes	27.10-59	
		II. Fuel oils:		
		c) For other purposes	27.10-69	
		III. Lubricating oils; other oils:		
		c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	27.10-75	175 000
		d) For other purposes	27.10-79	
	27.11	Petroleum gases and other gaseous hydrocarbons:		
		A. Propane of a purity not less than 99 %:		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
		I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
	27.12	Petroleum jelly:		
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	

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

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
I MA 1 (cont'd)	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	27.13-89 27.13-90	
	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	27.14-99	
	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	50
	45.03	Articles of natural cork	45.03 all Nos	600
I MA 4	45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	45.04 all Nos	2 000

ANNEX III

List of products originating in Tunisia subject to import ceilings in 1977

Order No	CCT heading No	Description	Nimex code	Level of ceiling (metric tons)
1	2	3	4	5
I TN 1	27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:		
		A. Light oils:		
		III. For other purposes	27.10-15, 17, 21, 25, 29	
		B. Medium oils:		
		III. For other purposes	27.10-34, 38, 39	
		C. Heavy oils:		
		I. Gas oils:		
		c) For other purposes	27.10-59	
		II. Fuel oils:		
		c) For other purposes	27.10-69	
		III. Lubricating oils; other oils:		
		c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	27.10-75	175 000
		d) For other purposes	27.10-79	
	27.11	Petroleum gases and other gaseous hydrocarbons:		
		A. Propane of a purity not less than 99%:		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
		I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
	27.12	Petroleum jelly:		
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	

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

Order No	CCT heading No	Description	Nimex code	Level of ceiling (metric tons)
1	2	3	4	5
I TN 1 (cont'd)	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	27.13-89 27.13-90	
	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	27.14-99	
	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	50
	45.03	Articles of natural cork	45.03 all Nos	50
I TN 4	45.04	Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork	45.04 all Nos	800

COUNCIL REGULATION (EEC) No 3048/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Morocco (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Interim Agreement between the European Economic Community and the Kingdom of Morocco ⁽²⁾, signed on 27 April 1976, provides in Article 15, for the opening by the Community of an annual Community tariff quota of 8 250 metric tons of apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Morocco; whereas the customs duties applicable to the quota are equal to 70% of the customs duties actually applied to non-member countries; whereas the Community tariff quota in question should therefore be opened for 1977; whereas, however, the Agreement expires on 30 June 1977; whereas the Community intends to maintain its trading relations with that country; whereas the provisions governing the second part of 1977 should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977;

Whereas it is, in particular, necessary to ensure equal and uninterrupted access for all importers in the Member States to the quota and uninterrupted application of the rate laid down for that quota to all

imports of the product in question into all Member States until the said quota has been used up; whereas having regard to the above principles the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports of the said product from Morocco over a representative reference 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 of each Member State represent the following percentages of imports into the Community from Morocco of the products concerned:

	1973	1974	1975
Benelux	0.7	0.8	0.6
Denmark	0.6	0.3	—
Germany	46.2	45.5	—
France	50.7	51.3	91.3
Ireland	—	—	—
Italy	—	0.5	2.1
United Kingdom	1.8	1.6	6.0

Whereas, both these percentages and the estimates from certain Member States should be taken into account as well as the need to ensure that, in the circumstances, the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas the approximate percentages of the initial quota shares may therefore be fixed as follows:

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽²⁾ OJ No L 141, 28. 5. 1976, p. 98.

Benelux	3
Denmark	3
Germany	36
France	41
Ireland	2
Italy	5
United Kingdom	10

Whereas, in order to take account of future trends in imports into the various Member States of the product concerned, the quota should be divided into two instalments, the first instalment being allocated among all the Member States and the second forming a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community tariff quota should be set at 66 % of the quota;

Whereas Member States may use up their initial shares at different rates; whereas, to provide for this eventuality and to avoid disruption of supplies, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this should be done by each Member State when each of its additional shares has been almost used up, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, and the Commission must be in a position to keep a record of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve so as to prevent a part of the quota from 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, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a Community tariff quota of 8 250 metric tons shall be opened in the Community for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Morocco.

2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to these products shall be suspended at a rate of 11.9%.

3. Within the limits of this tariff quota the new Member States shall apply duties calculated in accordance with the Interim Agreement between the Community and Morocco and the Act of Accession.

Article 2

1. A first instalment, amounting to 5 440 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Benelux	160 metric tons,
Denmark	160 metric tons,
Germany	1 960 metric tons,
France	2 200 metric tons,
Ireland	120 metric tons,
Italy	280 metric tons,
United Kingdom	560 metric tons.

2. The second instalment of 2 810 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share as fixed in Article 2 (1), or 90% of that share less any portion returned to the reserve, where Article 5 has been applied, has been used up that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next whole number, to the extent that the reserve so permits.

2. If after its initial share has been used up, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in accord-

ance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its initial share.

3. If after its second share has been used up, 90% or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified therein if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portions of their initial shares which, on 15 September 1977, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portions may not be used in full.

Member States shall notify the Commission, not later than 1 October 1977, of the total quantity of the product in question imported up to and including 15 September 1977 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by the Member States pursuant to Articles 2 and 3 and, as soon as it has been notified, shall inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1977, of the state of the reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and to this end shall specify the amount thereof to the Member State making the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.

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

3. Member States shall charge imports of the said products against their shares as and when the product in question is entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3049/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Tunisia (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Interim Agreement between the European Economic Community and the Republic of Tunisia ⁽²⁾, signed on 25 April 1976, provides in Article 14, for the opening by the Community of an annual Community tariff quota of 4 300 metric tons of apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Tunisia; whereas the customs duties applicable to the quota are equal to 70% of the customs duties actually applied to non-member countries; whereas the Community tariff quota in question should therefore be opened for 1977; whereas, however, the Agreement expires on 30 June 1977; whereas the Community intends to maintain its trading relations with that country; whereas the conditions governing the second half of 1977 should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977;

Whereas it is in particular necessary to ensure equal and uninterrupted access for all importers in the Member States to the quota and uninterrupted ap-

plication of the rate laid down for that quota to all imports of the product in question into all Member States until the said quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports of the said product from Tunisia over a representative reference 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 of each Member State represent the following percentages of imports into the Community from Tunisia of the products concerned:

	1973	1974	1975
Benelux	15.8	3.4	3.8
Denmark	—	—	—
Germany	10.2	2.5	—
France	74.0	94.1	95.2
Ireland	—	—	—
Italy	—	—	1.0
United Kingdom	—	—	—

Whereas both these percentages and the estimates from certain Member States should be taken into account as well as the need to ensure that, in the circumstances, the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas the approximate

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽²⁾ OJ No L 141, 28. 5. 1976, p. 195.

percentages of the initial quota shares may therefore be fixed as follows:

Benelux	10
Denmark	5
Germany	10
France	62
Ireland	3
Italy	5
United Kingdom	5

Whereas, in order to take account of future trends in imports into the various Member States of the product concerned, the quota should be divided into two instalments, the first instalment being allocated among all the Member States and the second forming a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers in each Member State, the first instalment of the Community tariff quota should be set at 66% of the quota;

Whereas Member States may use up their initial shares at different rates; whereas, to provide for this eventuality and to avoid disruption of supplies, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this should be done by each Member State when each of its additional shares has been almost used up, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, and the Commission must be in a position to keep a record of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve so as to prevent a part of the quota from 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, any measure concerning the administration of the quota shares allocated to that

economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a Community tariff quota of 4 300 metric tons shall be opened in the Community for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Tunisia.
2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to these products shall be suspended at a rate of 11.9%.
3. Within the limits of this tariff quota the new Member States shall apply duties calculated in accordance with the Interim Agreement between the Community and Tunisia and the Act of Accession.

Article 2

1. A first instalment, amounting to 2 840 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Benelux	280 metric tons,
Denmark	140 metric tons,
Germany	280 metric tons,
France	1 760 metric tons,
Ireland	100 metric tons,
Italy	140 metric tons,
United Kingdom	140 metric tons.

2. The second instalment of 1 460 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share as fixed in Article 2 (1), or 90% of that share less any portion returned to the reserve, where Article 5 has been applied, has been used up that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its

initial share, rounded up where necessary to the next whole number, to the extent that the reserve so permits.

2. If after its initial share has been used up, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5% of its initial share.

3. If after its second share has been used up, 90% or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified therein if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portions of their initial shares which, on 15 September 1977, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portions may not be used in full.

Member States shall notify the Commission, not later than 1 October 1977, of the total quantity of the product in question imported up to and including 15 September 1977, and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2

and 3 and, as soon as it has been notified, shall inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1977, of the state of the reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and to this end shall specify the amount thereof to the Member State making the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.

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

3. Member States shall charge imports of the said products against their shares as and when the product in question is entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3050/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota
for certain textile fibres falling within heading No 56.04 of the Common Customs
Tariff, originating in Cyprus (1977)

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 the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, hereinafter called 'the Agreement', and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, hereinafter called 'the Protocol', provide for the opening of an annual Community tariff quota of 100 metric tons of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Cyprus; whereas, however, the first stage of the Agreement ends on 30 June 1977; whereas the Community intends to maintain its trading relations with that country; whereas the provisions governing the second half of 1977 should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the tariff quota should be opened for the whole of 1977;

Whereas, pursuant to the joint declaration on Article 2 of the Protocol, the tariff quota should be allocated among the Member States as follows: 70 metric tons for the Community as originally constituted and 30 metric tons for the new Member

States; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 30% of the Common Customs Tariff duties; whereas as regards the duties to be applied to the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession ⁽³⁾ must be respected; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas it is in particular necessary to ensure for 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 more 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 to both the statistics of each State's imports of the said goods from Cyprus over a representative reference period and the economic outlooks for the quota period concerned;

Whereas, however, during the past three years no such products originating in Cyprus have been imported either into the Community as originally constituted or into any of the new Member States; whereas no forecast can be made for 1977; whereas to ensure fair distribution of the two quota amounts between the Member States concerned each Member State should make a significative contribution to the relevant quota amount; whereas such contributions

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1973, p. 88.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 14.

may approximately correspond to the following percentages:

Benelux	19
Germany	27
France	29
Italy	25
Denmark	33
Ireland	27
United Kingdom	40

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of these amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves 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 instalments of the Community quota should be determined at a level which, under present circumstances, may be approximately 75 and 70% of the quota amount respectively;

Whereas the initial 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 share should draw an additional share from the relevant reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserves allow; whereas the initial and additional 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 the tariff 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, any measure concerning the

administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, a tariff quota of 100 metric tons shall be opened within the Community in respect of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Cyprus. This quota shall be allocated and administered in accordance with the provisions set out below.

Article 2

1. The Common Customs Tariff duties shall be partially suspended at the rates indicated below in respect of 70 metric tons of the quota referred to in Article 1.

CCT heading No	Description	Rate of duty (%)
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning:	
	A. Synthetic textile fibres	2.5
	B. Regenerated textile fibres	3.0

2. Within the limits of 30 metric tons of the quota referred to in Article 1, the new Member States shall apply the duties laid down in the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 3

1. A first instalment, amounting to 52 metric tons of the amount specified in Article 2 (1), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 6 are valid until 31 December 1977, shall be as follows:

Germany	14 metric tons,
Benelux	10 metric tons,
France	15 metric tons,
Italy	13 metric tons.

inform the Commission of the reasons which led them to apply this paragraph.

Article 5

The second instalment of 18 metric tons shall constitute the relevant reserve.

Each of the additional shares drawn pursuant to Article 4 shall be valid until 31 December 1977.

2. A first instalment, amounting to 21 metric tons of the amount specified in Article 2 (2), shall be allocated among the new Member States; the shares, which subject to Article 6 are valid until 31 December 1977, shall be as follows:

Denmark	7 metric tons,
Ireland	6 metric tons,
United Kingdom	8 metric tons.

The second instalment of nine metric tons shall constitute the relevant reserve.

Article 6

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial shares which, on 15 September 1977, are in excess of 20% of the initial amounts. They may return greater portions if there are grounds for believing that such portions may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the said goods effected up to and including 15 September 1977 and charged against the Community quota and, where appropriate, the proportions of their initial shares that are being returned to the relevant reserve.

Article 4

1. If 90% or more of the initial share of a Member State laid down in Article 3, or 90% of that share less the amount returned into the relevant reserve where the provisions of Article 6 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 relevant reserve is sufficient.

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 accordance with the conditions laid down in paragraph 1, to draw a third share, equal to 7.5% of its initial share, rounded up to the next unit.

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

This process shall be applied until the relevant reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, a Member State may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall

Article 7

The Commission shall keep an account of the shares opened by the Member States in accordance with Articles 3 and 4 and shall inform each State of the extent to which the reserves have been used up as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amounts in the reserves after the return of shares pursuant to Article 6.

The Commission shall ensure that any drawing which uses up one or the other reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the last drawing.

Article 8

1. The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

3. The Member States shall charge imports of the said goods against their share as and when the goods are entered for home use.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 9

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

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3051/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus (1977)

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 the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, hereinafter called 'the Agreement', and the Protocol laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community ⁽²⁾, hereinafter called 'the Protocol', provide for the opening of an annual Community tariff quota of 500 metric tons of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus; whereas, however, the first stage of the Agreement ends on 30 June 1977; whereas the Community intends to maintain its trading relations with that country; whereas the provisions governing the second half of 1977 should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the tariff quota should be opened for the whole of 1977;

Whereas, pursuant to the joint declaration on Article 2 of the Protocol, the tariff quota should be allocated among the Member States as follows: 100 metric tons for the Community as originally constituted and 400 metric tons for the new Member

States; whereas Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 30% of the Common Customs Tariff duties; whereas, as regards the duties to be applied to the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession ⁽³⁾ must be respected; whereas to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas it is in particular necessary to ensure for 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 more 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 to both the statistics of each State's imports of the said goods from Cyprus over a representative reference period and the economic outlooks for the quota period concerned;

Whereas, however, during the past three years no such products originating in Cyprus have been imported into the Community as originally constituted; whereas a minimal amount has been imported into only one of the new Member States; whereas no forecast can be made for 1977; whereas to ensure fair distribution of the two quota amounts between the Member States concerned each Member State should make a significant contribution to the relevant quota amount; whereas such contributions may

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1973, p. 88.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 14.

approximately correspond to the following percentages:

Benelux	19
Germany	28
France	28
Italy	25
Denmark	45
Ireland	3
United Kingdom	52

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of these amounts should be divided into two instalments, the first instalments being allocated among the Member States and the second forming reserves 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 for importers in each Member State, the first instalments of the Community quota should be determined at a level which, under present circumstances, may be approximately 72 and 50% of the quota amount respectively;

Whereas the initial 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 share should draw an additional share from the relevant reserve; whereas, this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserves allow; whereas the initial and additional 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 the tariff quota's 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, any measure concerning the administration of the quota shares allocated to

that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1977, a tariff quota of 500 metric tons shall be opened within the Community in respect of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus. This quota shall be allocated and administered in accordance with the provisions set out below.

Article 2

1. The Common Customs Tariff duty shall be partially suspended at the rate of 5.1% in respect of 100 metric tons of the quota referred to in Article 1.
2. Within the limits of 400 metric tons of the quota referred to in Article 1, the new Member States shall apply the duties laid down in the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 3

1. A first instalment, amounting to 72 metric tons of the amount specified in Article 2 (1), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 6 are valid until 31 December 1977, shall be as follows:

Germany	20 metric tons,
Benelux	14 metric tons,
France	20 metric tons,
Italy	18 metric tons.

The second instalment of 28 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 200 metric tons of the amount specified in Article 2 (2), shall be allocated among the new Member States; the shares, which subject to Article 6 are valid until 31 December 1977, shall be as follows:

Denmark	90 metric tons,
Ireland	5 metric tons,
United Kingdom	105 metric tons.

The second instalment of 200 metric tons shall constitute the relevant reserve.

Article 4

1. If 90% or more of the initial share of a Member State laid down in Article 3, or 90% of that share less the amount returned into the relevant reserve where the provisions of Article 6 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 relevant reserve is sufficient.

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 accordance with the conditions laid down in paragraph 1, to draw a third share, equal to 7.5% of its initial share, rounded up to the next unit.

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

This process shall be applied until the relevant reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, a Member State may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until 31 December 1977.

Article 6

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the said goods effected up to and including 15 September 1977 and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the relevant reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States in accordance with Articles 3 and 4 and shall inform each State of the extent to which the reserves have been used up as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amounts in the reserves after the return of shares pursuant to Article 6.

The Commission shall ensure that any drawing which uses up one or the other reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the last drawing.

Article 8

1. The Member States shall take all appropriate measures to ensure that when additional shares are drawn pursuant to Article 4 it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the said goods established in their territory have free access to the share allocated to them.

3. The Member States shall charge imports of the said goods against their share as and when the goods are entered for home use.

4. The extent to which a Member State used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 9

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

Article 10

The Member States and the Commission shall co-operate closely in order to ensure that this Regulation is observed.

Article 11

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3052/76

of 9 December 1976

opening a tariff quota for new potatoes falling within subheading 07.01 A II of the Common Customs Tariff, originating in Cyprus (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Protocol laying down certain provisions relating to the Agreement ⁽²⁾ establishing an association between the European Economic Community and the Republic of Cyprus consequent on the accession of new Member States to the European Economic Community provides that, during the period 1 January 1974 to 30 June 1977, the Republic of Cyprus shall be entitled to annual tariff quotas, free of customs duties, in respect of imports into the United Kingdom of new potatoes falling within subheading 07.01 A II of the Common Customs Tariff, originating in Cyprus; whereas the tariff quota must take into account the traditional United Kingdom imports from Cyprus; whereas taking this element into account it is advisable to fix the tariff quota for the period 1 January to 30 June 1977 at 110 000 long tons;

Whereas equal and continuous access to the quota should be ensured for all importers and quota duties

should be applied consistently to all imports of the product in question until the quota is used up,

HAS ADOPTED THIS REGULATION:

Article 1

A duty-free tariff quota of 110 000 long tons shall be opened in the United Kingdom for the period 1 January to 30 June 1977 in respect of new potatoes falling within subheading 07.01 A II of the Common Customs Tariff, originating in Cyprus.

Article 2

1. The United Kingdom shall ensure that importers of the product in question established in its territory have free access to the tariff quota.
2. The extent to which the tariff quota is used up shall be based on the quantities of the imported product in question entered for home use.

Article 3

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council
The President
P. J. J. MERTENS

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽²⁾ OJ No L 133, 21. 5. 1973, p. 88.

COUNCIL REGULATION (EEC) No 3053/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in Turkey (1977)

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, pending the entry into force of the Supplementary Protocol signed in Ankara on 30 June 1973 containing the adjustments to be made to the Agreement establishing an association between the European Economic Community and Turkey and to the Additional Protocol ⁽¹⁾ consequent on the accession of new Member States, the Community has undertaken, in an Interim Agreement ⁽²⁾ which runs only for the period prior to the entry into force of this Supplementary Protocol, which is applicable until 31 December 1974 but which has been extended for 1977 in accordance with the terms laid down in Article 13 thereof, to implement certain provisions of the Supplementary Protocol relating to trade in goods; whereas under Article 6 of the Interim Agreement amending the first paragraph of the Sole Article of Annex 1 to the Additional Protocol, the Community must totally suspend the customs duties applicable to certain petroleum products falling within Chapter 27 of the Common Customs Tariff, refined in Turkey, within the limit of an annual Community tariff quota of 340 000 metric tons; whereas pursuant to Article 2 of the abovementioned Interim Agreement, the new Member States must apply zero duties to the products concerned; whereas, furthermore, provision must be made for the provisional adjustment of the volume of the aforementioned tariff for these products, increasing it to 391 000 metric tons for 1977;

Whereas equal and direct access to the said quota by all importers and the uninterrupted application of

the rate laid down for the said quotas to all imports of the products in question into all Member States should be guaranteed until the quotas are exhausted; whereas utilization of this quota, based on allocation between Member States, would appear to safeguard the Community character of the said quota as regards the principles described above; whereas in order to ensure that such allocation takes as much account as possible of the actual development of the market of the products concerned, the allocation of shares should be in direct proportion to the needs of Member States, calculated, on the one hand, on the basis of statistics relating to imports from Turkey during a given representative period and, on the other, on the basis of the economic prospects for the quota period considered;

Whereas, during the last three years for which complete statistics are available, imports of these products from Turkey into the various Member States were as follows:

(in metric tons)

	1973	1974	1975
Benelux	—	15 000	50 000
Denmark	12 000	—	20 026
Germany	300 000	46 534	35 000
France	—	—	—
Ireland	—	—	—
Italy	134 035	12 252	19 409
United Kingdom	40 000	17 000	24 729

whereas this information indicates that imports of these products are very irregular and that the calculation of the percentages which they represent in relation to the total imports into the Community of the same products from Turkey would not therefore be significant; whereas the calculation of the imports from Member States in question for the quota period considered proves difficult as a result of the irregularity noted in imports during the foregoing years;

⁽¹⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽²⁾ OJ No L 277, 3. 10. 1973, p. 2.

whereas the foreseeable import figures put forward by the Member States for the quota period concerned leads to the quota considered being allocated according to the percentages indicated hereinafter:

Benelux	16.55
Denmark	4.14
Germany	42.07
France	8.28
Ireland	4.14
Italy	12.41
United Kingdom	12.41

Whereas to take into account the uncertainty in the development of imports of the said products into Member States, the quota amount should be divided into two instalments, the first instalment being allocated between the Member States and the second forming a reserve intended to meet subsequently the needs of the Member States which have exhausted their original share of the quota; whereas in order to ensure some security to importers in each Member State, the first instalment of the Community quota should be fixed at a relatively high level which, under the circumstances, might amount to approximately 75% of the quota volume;

Whereas the initial quota shares of those 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 such 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 of one of the initial shares remains in one or other Member State, it is essential that that Member State pay a certain percentage 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 it does not seem possible for the moment, taking into account the differences still existing in the national provisions governing the market of the products in question, to lay down a single method of administration;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to any measures taken under paragraphs 2 and 4 of the single article of Annex 1 to the Additional Protocol between the European Economic Community and Turkey, a Community tariff quota of 391 000 metric tons shall be opened from 1 January until 31 December 1977 for the following petroleum products, refined in Turkey and falling within Chapter 27 of the Common Customs Tariff:

CCT heading No	Description
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: A. Light oils: III. For other purposes B. Medium oils: III. For other purposes

CCT heading No	Description
27.10 (<i>cont'd</i>)	C. Heavy oils: I. Gas oil: c) For other purposes II. Fuel oil: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 (a) d) For other purposes
27.11	Petroleum gases and other gaseous hydrocarbons: B. Other: I. Commercial propane and commercial butane c) For other purposes
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other

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

2. Within the Community tariff quota, Common Customs Tariff duties shall be totally suspended.

Within the limits of the quota, the new Member States shall also exempt the petroleum products concerned from duty.

Article 2

1. The tariff quota referred to Article 1 (1) shall be divided into two instalments.

2. A first instalment, amounting to 290 000 metric tons, shall be shared among the Member States; the shares which, subject to Article 5 shall be valid until 31 December 1977, shall consist of the following amounts:

Benelux	48 000 metric tons,
Denmark	12 000 metric tons,
Germany	122 000 metric tons,
France	24 000 metric tons,
Ireland	12 000 metric tons,
Italy	36 000 metric tons,
United Kingdom	36 000 metric tons.

3. The second instalment of 101 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of one of the initial shares 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 concerned shall proceed without delay, by notifying the Commission to draw a second share equal to 10% of its initial share, where appropriate rounded up to the next figure, 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, under the conditions laid down in paragraph 1, to draw a third share equal to 5% of its initial share, where appropriate rounded up to the next figure.

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, under the same conditions, to draw a fourth share equal to the third.

This procedure shall be followed until the reserve has been exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such quantity may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected up to and including 15 September 1977 and charged against the Community quota and, where appropriate, the proportion

of their original quota share that is being returned to the reserve.

Article 6

The Commission shall keep account of the initial share 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 5 October 1977, notify Member States of the state of the reserve after the return of quota 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. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the relevant Community quota.

2. Member States shall take all measures necessary to ensure that importers of the products in question established in their territories have free access to the shares allocated to them.

3. The extent to which a Member State has used up its quota shares shall be determined on the basis of the importations of the products in question entered with the customs authorities for home use.

Article 8

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

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3054/76

of 9 December 1976

opening, allocating, and providing for the administration of Community tariff quotas for certain textile products falling within heading Nos 55.05 and 55.09 and subheading ex 58.01 A of the Common Customs Tariff, coming from Turkey (1977)

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, pending the entry into force of the Supplementary Protocol signed in Ankara on 30 June 1973 containing the adjustments to be made to the Agreement establishing an Association between the European Economic Community and Turkey and to the Additional Protocol⁽¹⁾ consequent on the accession of new Member States, the Community has undertaken, in an Interim Agreement⁽²⁾ which runs only for the period prior to the entry into force of this Supplementary Protocol which is applicable until 31 December 1974 but which has been extended for 1977 in accordance with the terms laid down in Article 13 thereof, to implement certain provisions of the Supplementary Protocol relating to trade in goods; whereas, under Article 6 of this Interim Agreement amending Article 1 of Annex 2 to the Additional Protocol, the Community must reduce by 75% the customs duties on imports from Turkey of certain textile products falling within heading Nos 55.05 and 55.09 of the Common Customs Tariff, within the limit of annual Community tariff quotas of 390 metric tons for cotton yarn and 1 390 metric tons for woven fabrics of cotton; whereas the abovementioned Article 6 allocates these Community tariff quotas as follows:

— for cotton yarn:

300 metric tons to the Community as originally constituted,

40 metric tons to Denmark, 10 metric tons to Ireland and 40 metric tons to the United Kingdom,

— for woven fabrics of cotton:

1 000 metric tons to the Community as originally constituted,

20 metric tons to Denmark, 10 metric tons to Ireland and 360 metric tons to the United Kingdom;

Whereas, moreover, it appears desirable to provide for a provisional adjustment of the tariff advantages for these goods:

— for the Community as originally constituted by a total suspension of the customs duties of the Common Customs Tariff, and an increase in the volumes of the quotas allocated to these Member States,

— for the new Member States, by a total suspension of the duties applicable within the limits of the quotas fixed above, increased in the same proportions;

Whereas the volumes of the quotas to be opened for 1977 are therefore 1 026 metric tons for cotton yarn and 2 415 metric tons for other woven fabrics of cotton;

Whereas pursuant to Article 1 of Annex 2 to the Additional Protocol together with Article 2 of the Interim Agreement, for the duration of 1977 in particular, the Community must partially reduce the duties applicable in respect of third countries to carpets, carpeting and rugs, knotted (made up or not) of wool or of fine animal hair (excluding hand-made carpets, carpeting and rugs) imported from Turkey; whereas it also appears advisable to improve this tariff advantage provisionally by means of a total suspension of the duties applicable to the products in question within a Community tariff quota fixed at a provisional level of 185 metric tons for 1977 and allocated in accordance with the same percentages as those adopted for 1976;

Whereas, in order to comply with the special provisions of the Interim Agreement, different systems should be provided for the Member States of the Community as originally constituted and for the new Member States;

⁽¹⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽²⁾ OJ No L 277, 3. 10. 1973, p. 2.

Whereas, as regards the Community as originally constituted:

- it is necessary to guarantee to all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rate laid down for those quotas to all imports of the product concerned into all Member States until the quota has been used up,
- in the light of the principles mentioned above, the Community nature of the quotas can best be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the product

concerned, such allocation shall be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Turkey over a representative period and to the economic outlook for the quota period concerned; whereas, in spite of the limited need for imports from Turkey of the products concerned, as shown by the statistics for the majority of the Member States the Community character of the tariff quotas concerned should be safeguarded by making provisions to cover needs which might arise in these Member States;

- imports into the various Member States from Turkey were as follows during the last three years for which complete statistics are available:

	1973		1974		1975	
	metric tons	%	metric tons	%	metric tons	%
<i>Cotton yarn</i>						
Germany	10 734	42.56	6 333	29.01	14 196	51.63
Benelux	6 795	26.95	7 000	32.07	4 255	15.48
France	162	0.64	1 806	8.27	1 044	3.80
Italy	7 527	29.85	6 690	30.65	7 998.6	29.09
<i>Other woven fabrics of cotton:</i>						
Germany	877	30.62	456	24.52	151	10.50
Benelux	953	33.27	1 000	53.76	948	65.91
France	412	14.39	194	10.43	95	6.61
Italy	622	21.72	210	11.29	244.2	16.98

- in view of these figures and foreseeable market trends for the products concerned during 1977, the initial shares may be fixed approximately at the following percentages:

	<i>cotton yarn</i>	<i>other woven fabrics of cotton</i>
Germany	44.7	23.1
Benelux	20.0	30.8
France	5.3	34.6
Italy	30.0	11.5

- in order to take into account the uncertainty of the import trends for the products concerned in the Member States, the quota volumes should be divided into two instalments, the first instalment being allocated to the Member States and the second held as a reserve intended ultimately to cover the requirements of those Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security to importers, the first instalment should be determined at a relatively high level, which, under present circumstances, may be about 73% of each quota volume,

- 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 one of its initial quota shares should draw an additional quota share from the corresponding 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 each of the reserves allows; whereas each of 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 co-operation 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,
- 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 percentage of it back into the corresponding reserve, in order to prevent a part of one or other of the Community quotas from remaining unused in one Member State when it could be used in others,
- since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure

concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members;

Whereas as regards the new Member States in particular:

- the quota volumes to be allocated to those new Member States under Article 6 of the Interim Agreement as well as the duties to be applied in those Member States for the purposes of these quotas determined in accordance with Article 2 of the said Agreement, must be adjusted as set out above,
- equal and uninterrupted access to the quotas should be ensured to all importers and the duties should be applied without interruption to all imports of the products concerned until the quotas have been used up,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, Community tariff quotas shall be opened for the following products coming from Turkey as shown below:

CCT heading No	Description	Quota (metric tons)
55.05	Cotton yarn, not put up for retail sale	1 026
55.09	Other woven fabrics of cotton	2 415
58.01	Carpets, carpeting and rugs (made up or not): ex A. Of wool or of fine animal hair excluding handmade carpets, carpeting and rugs	185

2. The quotas shall be allocated and administered in accordance with the following provisions.

SECTION I

Provisions relating to the Community as originally constituted

Article 2

Within the quota referred to in Article 1, the Common Customs Tariff duties shall be totally

suspended within the limit of 870 metric tons for cotton yarn not put up for retail sale, 1 737 metric tons for other woven fabrics of cotton, and 128 metric tons for carpets made of wool or fine animal hair.

Article 3

1. The quotas referred to in Article 2 shall be divided into two instalments.

2. The first instalment of each of these quotas shall be shared among the Member States; the shares, which subject to Article 6 shall be valid until 31 December 1977, shall be as follows:

(in metric ton/s)

	CCT heading No		
	55.05	55.09	ex 58.01 A
Germany	284	293	36
Benelux	128	391	14
France	34	439	26
Italy	190	146	18
	636	1 269	94

The second instalment of each quota, amounting to 234, 468 and 34 metric tons respectively, shall constitute the corresponding reserve.

Article 4

1. If 90% or more of one of any Member State's initial shares, as laid down in Article 3 (2) or 90% of that share less the amount returned into the corresponding reserve, where Article 6 has been applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share in the quota 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 has been used up, 90% or more of the second share drawn by one of the Member States has been used up, that Member State shall, in the manner provided for in paragraph 1, draw a third share equal to 7.5% of its initial share.

3. If, after one or other of its second shares has been used up, 90% or more of the third share drawn by a Member State has been used up, the latter shall, in the same manner, draw a fourth share equal to the third.

This procedure shall be followed until the reserve has been exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw smaller shares 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 their reasons for applying this paragraph.

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until 31 December 1977.

Article 6

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected under the Community quotas up to and including 15 September 1977 and, where appropriate, the proportion of each of their initial shares that they are returning to each of the reserves.

Article 7

The Commission shall keep account of the shares opened by Member States in accordance with Article 3 and 4 and shall inform each of them of the extent to which the reserves have been used as soon as it receives the notifications.

It shall, not later than 5 October 1977, notify the Member States of the state of each of the reserves after the return of shares pursuant to Article 6.

It shall ensure that any drawing which uses up a 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 8

Member States shall take all measures necessary to ensure that, when additional shares are drawn pursuant to Article 4, it is possible for imports to be counted without interruption against their accumulated shares of the Community tariff quotas.

SECTION II

Provisions applicable to the new Member States

Article 9

1. Within the tariff quotas referred to in Article 1, the following shares shall be allocated to the new Member States:

	(in metric tons)		
	CCT heading No		
	55.05	55.09	ex 58.01 A
Denmark	69	35	14
Ireland	18	18	2
United Kingdom	69	625	41
	156	678	57

2. Within the limits of these quotas, the new Member States shall apply zero duties for the textile products concerned.

SECTION III

General provisions

Article 10

1. Member States shall take all measures necessary to ensure for importers of the products concerned established in their territory free access to the shares allocated to them.

2. Member States shall count imports of the products concerned against their shares as and when such products are presented for customs clearance under cover of a declaration that they have been made available for consumption.

3. The extent to which the Member States' shares have been used up shall be established on the basis of imports counted in accordance with paragraph 2.

Article 11

On receipt of a request from the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 12

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

Article 13

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS

COUNCIL REGULATION (EEC) No 3055/76

of 9 December 1976

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey (1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas under Article 1 of Council Regulation (EEC) No 3375/73 of 10 December 1973 on the importation into the Community of certain agricultural products originating in Turkey ⁽²⁾, fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey are admitted on importation into the Community at a duty of 2.5%, within the limit of a Community tariff quota of 21 700 metric tons; whereas the Community tariff quota concerned should therefore be opened for 1977; whereas, as regards the new Member States, it should be noted that Article 9 of the Supplementary Protocol, signed at Ankara on 30 June 1973, provides that the reductions of customs duties pursuant to the Association Agreement shall be applied by the new Member States from the entry into force of that Protocol in the proportions and according to the time limits laid down, that the rates on which the new Member States shall base those reductions shall be those which they apply at any given moment to

non-member countries and that the rates fixed as a result of the reductions regarding the products listed, in particular, in Annex 6 to the Additional Protocol — and which include hazelnuts — may in no case be lower than those applied by the new Member States with reference to the Community as originally constituted; whereas the reduction to be applied by the new Member States within the framework of the tariff quota under consideration must therefore, in certain cases, be limited to 80%;

Whereas it is in particular necessary to ensure to all importers of the Member States equal and uninterrupted access to the said quota and uninterrupted application of the rate 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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, 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 relating to imports from Turkey over a representative period, and to the economic outlook for the quota period concerned;

Whereas, on the basis of the statistics at present available, imports into the Member States in 1973, 1974 and 1975 of the product concerned originating in Turkey have developed as follows and represent the following percentages of total imports into the Community:

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 37.

⁽²⁾ OJ No L 345, 15. 12. 1973, p. 1.

	1973		1974		1975	
	metric tons	%	metric tons	%	metric tons	%
Germany	39 133	70.16	34 515	64.29	35 154	65.47
Benelux	3 323	5.96	4 500	8.38	5 284	9.84
France	6 170	11.06	5 680	10.58	6 084	11.33
Italy	2 062	3.70	2 473	4.61	1 653.5	3.08
Denmark	975	1.75	875	1.63	899	1.67
Ireland	201	0.36	619	1.15	30	0.06
United Kingdom	3 910	7.01	5 026	9.36	4 590	8.55
	55 774		53 688		53 694.5	

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1977 and, in particular, the forecasts made by some Member States, the initial shares may be fixed approximately at the following percentages:

Germany	65.93
Benelux	10.14
France	8.20
Italy	0.25
Denmark	2.67
Ireland	1.66
United Kingdom	11.15

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

Whereas the initial shares may be used up sooner or later; whereas, in order to take this fact into account and to avoid any break in continuity, it is important that any Member State which has used up almost all its initial share should draw an additional share from the reserve; whereas this must be done as and when each of its additional shares in the quota is almost entirely used up, and repeated as often as the reserve allows; whereas the initial and additional shares must

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

Whereas if, at a specified date in the quota period, a considerable balance remains in any Member State, it is essential that the Member State should return a certain proportion thereof to the reserve, in order to avoid part of the Community quota remaining unused in one Member State when it could be used in others; whereas, taking into account the seasonal nature of imports, it seems appropriate to fix the transfer limit of 40% of the initial share;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1977, a Community tariff quota of 21 700 metric tons shall be opened in the Community for fresh or dried hazelnuts, shelled or otherwise, falling within subheading

ex 08.05 G of the Common Customs Tariff, originating in Turkey.

2. Within this tariff quota the Common Customs Tariff duty is suspended at 2.5%.

3. The new Member States shall apply within this Community tariff quota, the customs duties calculated in accordance with the relevant provisions of the Act of Accession, in the Supplementary Protocol and in Regulation (EEC) No 3375/73.

4. This tariff quota shall be allocated and administered in accordance with the following provisions.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two instalments.

2. A first instalment, amounting to 17 700 metric tons, shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	11 669 metric tons,
Benelux	1 795 metric tons,
France	1 451 metric tons,
Italy	45 metric tons,
Denmark	472 metric tons,
Ireland	294 metric tons,
United Kingdom	1 974 metric tons.

3. The second instalment of 4 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share, as laid down in Article 2 (2), or 90% of that share less the amount returned into the reserve, where Article 5 has been applied, has been exhausted, that Member State shall without delay, by notifying the Commission, draw a second share in the quota 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, in the manner provided for in paragraph 1, draw a third share equal to 7.5% of its initial share.

3. If after its second share has been exhausted 90% or more of the third share drawn by that Member State has been used, it shall, in the manner provided for in paragraph 1, 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, Member States may draw smaller shares 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 their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 40% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected under the Community quota up to 15 September 1977 inclusive and, where appropriate, the proportion of their initial shares that they are returning 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 5 October 1977, notify the Member States of the state of 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 supplementary shares drawn pursuant to Article 3 are opened in such a way that changes may be made without interruption against their accumulative shares of the Community quota.
2. The Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them or drawn from the reserve.
3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.
4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

On receipt of a request from the Commission, Member States shall inform it of imports of the products in question actually charged against its shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure the correct application of this Regulation.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 9 December 1976.

For the Council

The President

P. J. J. MERTENS
