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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2848/78

of 23 November 1978

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 and refined in Spain (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and Spain ⁽¹⁾ 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 tonnes of certain petroleum products, falling within Chapter 27 of the Common Customs Tariff and 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; whereas this preferential tariff arrangement has been provided only for imports of these products into the Member States of the Community in its original composition; whereas, according to the Act of Accession, imports of these products into the three new Member States are subject to the rates of duty of the Common Customs Tariff from 1 July 1977; whereas the import arrangements relating to these products should be uniform throughout the Community; whereas the aforementioned annual quota volume should be increased to 1 400 000 tonnes; whereas this Community tariff quota should be opened for 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Spain over a representative period and also to the economic outlook for the quota period concerned;

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

Member States	1975	1976	1977
Benelux	22.8	24.8	38.0
Denmark	0.0	0.0	6.4
Germany	54.4	32.4	15.5
France	0.9	8.5	13.0
Ireland	0.0	0.0	0.0
Italy	4.3	6.4	15.8
United Kingdom	17.6	27.9	11.3

Whereas, in view of these factors, and of market forecasts for the products concerned and in particular of the estimates submitted by certain Member States,

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

initial quota shares may be fixed approximately at the following percentages:

Benelux	22.77 %
Denmark	7.14 %
Germany	42.86 %
France	6.07 %
Ireland	0.18 %
Italy	4.91 %
United Kingdom	16.07 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared between the Member States and the second constituting a reserve to cover at a later date the requirements of Member States which have used up their initial quota shares; whereas to give importers in each Member State a certain degree of security, the first instalment of the Community quota might under the present circumstances be fixed at about 80% of the quota;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and

the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any Community tariff 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 operation relating to 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 1979, 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 1 400 000 tonnes:

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

CCT heading No	Description	Rate of duty (%)
27.10 (<i>cont'd</i>)	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
27.12	Petroleum jelly: A. Crude: III. For other purposes	0.8
	B. Other	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	0.8
	II. Other	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

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

Article 2

1. A first instalment amounting to 1 120 000 tonnes 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 1979, shall be as follows:

	(tonnes)
Benelux	255 000
Denmark	80 000
Germany	480 000
France	68 000
Ireland	2 000
Italy	55 000
United Kingdom	180 000

2. The second instalment amounting to 280 000 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that these might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a greater quantity if there are grounds for believing that it may not be used.

Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question imported up to 15 September 1979 and charged against the Community tariff quota, and of any quantities of the 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 shall, as soon as it is notified, 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 1979 of the amounts still in reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that the drawing which uses up a reserve does not exceed the balance available and to this end shall notify the amount of that balance to the Member State which makes such last drawing.

Article 7

1. Member States shall take all measures necessary 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 accumulated shares in the Community tariff quotas.

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 goods in question against their shares as and when such goods are entered with the customs authorities for home use.

Article 8

At the request of 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 compliance with this Regulation.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2849/78

of 23 November 1978

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 and originating in Spain (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and Spain ⁽¹⁾ 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 tonnes of other woven fabrics of cotton, falling within heading No 55.09 of the Common Customs Tariff and 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 products 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 respectively; whereas this preferential tariff arrangement has been provided only for imports of these products into the Member States of the Community in its original composition; whereas, pursuant to the Act of Accession, imports of these products into the three new Member States are subject to the rates of duty of the Common Customs Tariff from 1 July 1977; whereas the import arrangements relating to these products should be uniform throughout the Community; whereas the aforementioned annual quota volume should be increased to 1 900 tonnes; whereas this Community tariff quota should be opened for 1979;

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 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 to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the

requirements of the Member States calculated by reference to the statistics of imports from Spain over a representative period and also to the economic outlook for the quota period concerned;

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

Member States	1975	1976	1977
Benelux	12.7	18.7	8.2
Denmark	0.0	0.0	0.3
Germany	6.7	4.4	7.0
France	70.9	68.8	73.1
Ireland	1.2	0.5	2.7
Italy	5.2	5.8	6.0
United Kingdom	3.3	1.8	2.7

Whereas, in view of these factors, of market forecasts 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:

Benelux	6.15 %
Denmark	0.39 %
Germany	6.15 %
France	70.77 %
Ireland	1.54 %
Italy	13.08 %
United Kingdom	1.92 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of those Member States having used up their initial quota shares; whereas, in order to give importers in each Member State a certain

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

degree of security, the first instalment of the Community quota should under present circumstances be fixed at 68% of the quota;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in a Member State, it is essential that that Member State

should return a significant proportion to the reserve, to prevent a part of any 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 operation 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 1979, 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 1 900 tonnes:

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 1 300 tonnes 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 1979, shall be as follows:

	(tonnes)
Benelux	80
Denmark	5
Germany	80
France	920
Ireland	20
Italy	170
United Kingdom	25

2. The second instalment of 600 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, then to the extent permitted by the amount of the reserve, 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 unit.

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, rounded up where necessary to the next unit.

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 process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that these might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share which, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question imported up to 15 September 1979 inclusive, and charged against the tariff quota and, of any quantities of the initial shares returned to the reserve.

Article 6

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

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

Done at Brussels, 23 November 1978.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State which makes such last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the Community quota.

2. The 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. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with the customs authorities 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 request of 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 compliance with this Regulation.

Article 10

This Regulation shall enter into force on 1 January 1979.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2850/78

of 23 November 1978

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 and originating in Cyprus (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, as amended by the Additional Protocol to that Agreement ⁽²⁾, provides for the opening of an annual duty-free Community tariff quota of 100 tonnes 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 and originating in Cyprus; whereas the tariff quota in question should be opened for 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of imports of the goods in question from Cyprus over a representative reference period and also to the economic outlook for the quota period concerned;

Whereas, however, during the past three years no such products originating in Cyprus have been imported into

the Community; whereas no forecast can be made for 1979; whereas to ensure fair distribution of the quota amount between the Member States each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	13 %
Denmark	10 %
Germany	20 %
France	20 %
Ireland	8 %
Italy	17 %
United Kingdom	12 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 60% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between Member States and the Commission and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 1.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

a part of any tariff 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 operation relating to 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 1979, the Common Customs Tariff duties 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 and originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 100 tonnes.

Article 2

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

2. A first instalment amounting to 60 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	8
Denmark	6
Germany	12
France	12
Ireland	5
Italy	10
United Kingdom	7

3. The second instalment of 40 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1 draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial shares as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota, and of any quantity of the 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 shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up as soon as it receives the notifications.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance available, and to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated share of the Community quota.

2. The 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. The Member States shall charge imports of the products in question against their share as and when the goods are entered with customs authorities 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 request of 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2851/78

of 23 November 1978

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 and originating in Cyprus (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, as amended by the Additional Protocol to that Agreement ⁽²⁾, provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus; whereas the tariff quota in question should be opened for 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of imports of the said goods from Cyprus over a representative reference period and the economic outlook for the quota period concerned;

Whereas, however, during the past three years only one Member State has imported, and in an insignificant quantity, the said goods; whereas no forecast can be made for 1979; whereas to ensure fair distribution of the quota amount between the Member States each

Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	7 %
Denmark	7 %
Germany	15 %
France	11 %
Ireland	2 %
Italy	9 %
United Kingdom	49 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under present circumstances, be fixed at 46% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between Member States and the Commission and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others;

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 1.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any operation relating to the administration of the quota shares granted 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 1979, the Common Customs Tariff duty in respect of men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 500 tonnes.

Article 2

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

2. A first instalment amounting to 230 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	15
Denmark	15
Germany	35
France	25
Ireland	5
Italy	20
United Kingdom	115

3. The second instalment of 270 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then to the extent permitted by the amount of the reserve, 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 unit.

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, then 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota, and of any quantity of the 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 shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up as soon as it receives the notifications.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance

available, and to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated share of the Community quota.

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

3. The Member States shall charge imports of the products in question against their share as and when the goods are entered with customs authorities 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 8

At the request of 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2852/78

of 23 November 1978

establishing ceilings and Community supervision for imports of certain products originating in Algeria, Morocco and Tunisia (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached,

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

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Whereas the Cooperation Agreements 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 9 that products originating in these countries shall be imported into the Community free of customs duties; whereas, by way of derogation therefrom, Article 12 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 1979 should therefore be determined;

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 entered with customs authorities for home use; whereas this administrative procedure must make provision for the possibility of customs tariff duties being reintroduced as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to

1. From 1 January until 31 December 1979, imports of the products originating in Algeria, Morocco and Tunisia which are listed in Annexes I, II and III shall be subject to annual ceilings and Community supervision.

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

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for home use accompanied by a movement certificate in accordance with the rules contained in the Protocols on rules of origin annexed to the Cooperation Agreements between the Community of the one part and Algeria, Morocco and Tunisia of the other part. However, in the case of products falling within Chapter 27, a certificate of origin may be substituted for the movement certificate.

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

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

3. As soon as the ceilings have been reached, the Commission may adopt 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 quantities charged during the preceding month. They shall, if the Commission so requests, provide such statements for periods of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

ANNEX I

List of products originating in Algeria subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I DZ 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:		1 212 750
		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	
		d) For other purposes	27.10-79	
	27.11	Petroleum gases and other gaseous hydrocarbons:		1 212 750
		A. Propane of a purity not less than 99 %:		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
	27.12	I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
	27.13	Petroleum jelly:		
		A. Crude:		
		III. For other purposes	27.12-19	
	27.13	B. Other	27.12-90	
		Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		
		B. Other:		
	27.13	I. Crude:		
		c) For other purposes	27.13-89	
		II. Other	27.13-90	

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

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I DZ 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 DZ 2	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	53
I DZ 3	45.03	Articles of natural cork	45.03-all Nos	159
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	2 121

ANNEX II

List of products originating in Morocco subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
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 B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oils: c) For other purposes II. Fuel oils: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a) d) For other purposes	27.10-15, 17, 21, 25, 29 27.10-34, 38, 39 27.10-59 27.10-69 27.10-75 27.10-79	192 937
	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 B. Other: I. Commercial propane and commercial butane: c) For other purposes	27.11-03 27.11-19	
	27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	27.12-19 27.12-90	
	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	27.13-89 27.13-90	

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

Order No	CCT heading No	Description	NIMEXE Code	Level of ceiling (tonnes)
1	2	3	4	5
I MA 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 MA 2	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	53
I MA 3	45.03	Articles of natural cork	45.03-all Nos	636
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	2 121

ANNEX III

List of products originating in Tunisia subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
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 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 TN 1	27.11	Petroleum gases and other gaseous hydrocarbons:		192 937
		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:		
I TN 1	27.12	Petroleum jelly:		192 937
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	
I TN 1	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		192 937
		B. Other:		
		I. Crude:		
		c) For other purposes	27.13-89	
		II. Other	27.13-90	

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

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I TN 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 TN 2	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	53
I TN 3	45.03	Articles of natural cork	45.03-all Nos	53
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	848

COUNCIL REGULATION (EEC) No 2853/78

of 23 November 1978

establishing ceilings and Community supervision for imports of certain products originating in Egypt, Jordan, Lebanon and Syria (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Cooperation Agreements between the European Economic Community and the Arab Republic of Egypt ⁽¹⁾, the Hashemite Kingdom of Jordan ⁽²⁾, the Lebanese Republic ⁽³⁾ and the Syrian Arab Republic ⁽⁴⁾ each stipulate in Article 9 that products originating in these countries shall be imported into the Community duty free as from 1 July 1977; whereas, by way of derogation therefrom, Article 13 or 14, according to the Agreement concerned, 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 1979 should therefore be established;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the products in question originating in these countries; whereas it is therefore desirable that imports of these products be 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 entered with customs authorities 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 quantities charged 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;

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 subject to a system of supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1979, imports of the products originating in Egypt, Jordan, Lebanon and Syria which are enumerated in lists A of Annexes I, II, III and IV respectively shall be subject to annual ceilings and Community supervision.

The description of the products in question, their tariff headings and statistical numbers and the levels of the ceilings are given in the aforementioned lists.

2. Quantities shall be charged against the ceilings as and when products are entered with the customs authorities for home use accompanied by a movement certificate in accordance with the rules contained in the Protocols on rules of origin to the Cooperation Agreements between the Community of the one part and Egypt, Jordan, Lebanon and Syria of the other part. However, in the case of products falling within Chapter 27, a certificate of origin may be substituted for the movement certificate.

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

⁽¹⁾ OJ No L 266, 27. 9. 1978, p. 1.

⁽²⁾ OJ No L 268, 27. 9. 1978, p. 1.

⁽³⁾ OJ No L 267, 27. 9. 1978, p. 1.

⁽⁴⁾ OJ No L 269, 27. 9. 1978, p. 1.

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

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 adopt a Regulation reimposing until the end of the calendar year the customs duties applicable to third countries.

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

Article 2

From 1 January until 31 December 1979, imports of the products referred to in the lists B of Annexes I, II, III

and IV which originate in Egypt, Jordan, Lebanon and Syria shall be subject 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 being entered for home use and accompanied by a movement certificate conforming to the rules contained in the Protocols on rules of origin to the Cooperation Agreements.

Article 3

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

Article 4

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

ANNEX I

LIST A

List of products originating in Egypt subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I ET 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:		496 125
		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	
		d) For other purposes	27.10-79	
I ET 1	27.11	Petroleum gases and other gaseous hydrocarbons:		496 125
		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 ET 1	27.12	Petroleum jelly:		496 125
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	
I ET 1	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		496 125
		B. Other:		
		I. Crude:		
		c) For other purposes	27.13-89	
I ET 1	27.13	II. Other	27.13-90	496 125

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

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I ET 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 ET 2	31.03	Mineral or chemical fertilizers, phosphatic: A. Mentioned in Note 2 (A) to this Chapter: I. Superphosphates B. Mentioned in Note 2 (B) or (C) to this Chapter	31.03-15 31.03-30	38 587
I ET 3	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos	7 717
I ET 4	55.09	Other woven fabrics of cotton	55.09-all Nos	3 583

LIST B

List of products referred to in Article 2 originating in Egypt

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II ET 1	28.40	Phosphites, hypophosphites and phosphates: B. Phosphates (including polyphosphates): II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II ET 2	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought B. Waste and scrap: I. Waste: b) Other (including factory rejects)	76.01-11, 15 76.01-33
II ET 3	76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire	76.02-all Nos
II ET 4	76.03	Wrought plates, sheets and strip, of aluminium	76.03-all Nos
II ET 5	76.04	Aluminium foil (whether or not embossed cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm	76.04-all Nos

ANNEX II

LIST A

List of products originating in Jordan subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I JOR 1	55.09	Other woven fabrics of cotton	55.09-all Nos	110

LIST B

List of products referred to in Article 2 originating in Jordan

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II JOR 1	28.40	Phosphites, hypophosphites and phosphates: B. Phosphates (including polyphosphates): II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II JOR 2	31.03	Mineral or chemical fertilizers, phosphatic: A. Mentioned in Note 2 (A) to this Chapter: I. Superphosphates B. Mentioned in Note 2 (B) or (C) to this Chapter	31.03-15 31.03-30
II JOR 3	31.05	Other fertilizers; goods of this Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg: A. Other fertilizers: I. Containing the three fertilizing substances: nitrogen, phosphorus and potassium II. Containing the two fertilizing substances: nitrogen and phosphorus	31.05-04, 06 31.05-12, 14, 16, 19
II JOR 5	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos
II JOR 6	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought B. Waste and scrap: I. Waste: b) Other (including factory rejects)	76.01-11, 15 76.01-33
II JOR 7	76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire	76.02-all Nos

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II JOR 8	76.03	Wrought plates, sheets and strip, of aluminium	76.03-all Nos
II JOR 9	76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm	76.04-all Nos

ANNEX III

LIST A

List of products originating in Lebanon subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I RL 1,	31.03	Mineral or chemical fertilizers, phosphatic: A. Mentioned in Note 2 (A) to this Chapter: I. Superphosphates B. Mentioned in Note 2 (B) or (C) to this Chapter	31.03-15 31.03-30	} 16 537
I RL 2	55.09	Other woven fabrics of cotton	55.09-all Nos	220

LIST B

List of products referred to in Article 2 originating in Lebanon

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II RL 1	28.40	Phosphites, hypophosphites and phosphates: B. Phosphates (including polyphosphates): II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II RL 2	42.02	Travel goods (for example, trunks, suit-cases, 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	42.02-all Nos
II RL 3	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos
II RL 4	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought B. Waste and scrap: I. Waste: b) Other (including factory rejects)	76.01-11, 15 76.01-33
II RL 5	76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire	76.02-all Nos
II RL 6	76.03	Wrought plates, sheets and strip, of aluminium	76.03-all Nos
II RL 7	76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm	76.04-all Nos

ANNEX IV

LIST A

List of products originating in Syria subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I SYR 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 oil: III. For other purposes B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oils: c) For other purposes II. Fuel oils: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a) d) For other purposes	27.10-15, 17, 21, 25, 29 27.10-34, 38, 39 27.10-59 27.10-69 27.10-75 27.10-79	192 937
	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 B. Other: I. Commercial propane and commercial butane: c) For other purposes	27.11-03 27.11-19	
	27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	27.12-19 27.12-90	
	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other 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	
I SYR 2	55.09	Other woven fabrics of cotton	55.09-all Nos	551

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

LIST B

List of products referred to in Article 2 originating in Syria

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II SYR 1	28.40	Phosphites, hypophosphites and phosphates: B. Phosphates (including polyphosphates): II. Other	28.40-30, 62, 65, 71, 79, 81, 85
II SYR 2	31.03	Mineral or chemical fertilizers, phosphatic: A. Mentioned in Note 2 (A) to this Chapter: I. Superphosphates B. Mentioned in Note 2 (B) or (C) to this Chapter	31.03-15 31.03-30
II SYR 3	31.05	Other fertilizers; goods of this Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg: A. Other fertilizers: I. Containing the three fertilizing substances: nitrogen, phosphorus and potassium II. Containing the two fertilizing substances: nitrogen and phosphorus	31.05-04, 06 31.05-12, 14, 16, 19
II SYR 4			
II SYR 5	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos
II SYR 6	76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought B. Waste and scrap: I. Waste: b) Other (including factory rejects)	76.01-11, 15 76.01-33
II SYR 7	76.02	Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire	76.02-all Nos
II SYR 8	76.03	Wrought plates, sheets and strip, of aluminium	76.03-all Nos
II SYR 9	76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.20 mm	76.04-all Nos

COUNCIL REGULATION (EEC) No 2854/78

of 23 November 1978

establishing ceilings and Community surveillance of imports of certain products originating in Malta (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Malta ⁽¹⁾, as amended by the Additional Protocol to that Agreement ⁽²⁾, makes provision for the total abolition of customs duties in respect of the products to which the Agreement applies; whereas however for a number of products exemption from duties is subject to ceilings above which the customs duties applicable to third countries may be reintroduced; whereas the ceilings to be applied in 1979 should therefore be determined; whereas the application of ceilings requires that the Community be regularly informed on imports of the products in question originating in Malta; whereas it is therefore desirable that imports of these products be subjected to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when the products are entered with customs authorities for home use; whereas this administrative procedure must make provision for the possibility of customs tariff duties being reintroduced as soon as the ceilings are reached at Community level;

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

Article 1

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

The description of the products referred to in the first subparagraph, their tariff headings and statistical numbers and the ceilings shall be as set out in the Annex.

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for home use accompanied by a movement certificate in accordance with the rules contained in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta ⁽³⁾.

Goods may be charged against the ceiling only if the movement certificate is submitted before the date on which customs duties are reimposed.

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

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

3. As soon as the ceilings have been reached, the Commission may adopt a Regulation reimposing until

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 304, 29. 11. 1977, p. 2.

⁽³⁾ OJ No L 111, 28. 4. 1976, p. 3.

the end of the calendar year the customs duties applicable to third countries.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

ANNEX

List of products subject to import ceilings in 1979

Serial No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I M 1	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos	1 323
I M 2	55.09	Other woven fabrics of cotton	55.09-all Nos	110
I M 3	56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning	56.04-all Nos	882
I M 4	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	60.05-all Nos	238
I M 5	61.01	Men's and boys' outer garments	61.01-all Nos	899

COUNCIL REGULATION (EEC) No 2855/78

of 23 November 1978

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 and originating in Spain (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and Spain ⁽¹⁾ provides for the opening by the Community of an annual Community tariff quota of 200 tonnes 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 kilograms or less; whereas the duty to be applied under the quota has been fixed at 30% of the Common Customs Tariff duty; whereas these preferential tariff arrangements were laid down only for imports of these products into the Member States of the Community as originally constituted; whereas, under the Act of Accession, imports of these products into the three new Member States are subject to Common Customs Tariff duties with effect from 1 January 1978; whereas the import arrangements for these products should be uniform throughout the Community; whereas this Community tariff quota should be opened for the year 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Spain over a

representative reference period and also to the economic outlook for the quota 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:

Member States	(%)		
	1975	1976	1977
Benelux	2	4	—
Denmark	—	—	—
Germany	82	96	100
France	16	—	—
Ireland	—	—	—
Italy	—	—	—
United Kingdom	—	—	—

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:

Benelux	4%
Denmark	8%
Germany	46%
France	23%
Ireland	4%
Italy	4%
United Kingdom	11%

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 65% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a signification proportion to the reserve to prevent a part of any tariff 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 operation relating to 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 1979, the Common Customs Tariff duty in respect of dried figs, falling within subheading ex 08.03 B, originating in Spain and imported in immediate packings of a net capacity not exceeding 15 kilograms, shall be partially suspended at 3% within the limits of a Community tariff quota of 200 tonnes.

Article 2

1. A first instalment, amounting to 130 tonnes 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 until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	5
Denmark	10
Germany	60
France	30
Ireland	5
Italy	5
United Kingdom	15

2. The second instalment amounting to 70 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial shares as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the initial shares returned to the reserves.

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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities 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, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2856/78

of 23 November 1978

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 and originating in Spain (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and Spain ⁽¹⁾ provides for opening by the Community of an annual Community tariff quota of 1700 tonnes of dried grapes falling within subheading 08.04 B I of the Common Customs Tariff, originating in Spain and imported in immediate packings of a net capacity of 15 kilograms or less; whereas these preferential tariff arrangements were laid down only for imports of these products into the Member States of the Community as originally constituted; whereas under the Act of Accession, imports of the products into the three new Member States are subject to Common Customs Tariff duties with effect from 1 January 1978; whereas the import arrangements for these products should be uniform throughout the Community; whereas the abovementioned quota amount should therefore be increased to 1 900 tonnes; whereas this Community tariff quota should be opened for 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Spain over a

representative reference period and also to the economic outlook for the quota 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:

Member States	1975	1976	1977
Benelux	9.3	11.4	16.2
Denmark	2.4	—	0.9
Germany	2.6	7.2	5.2
France	48.8	38.3	62.9
Ireland	1.0	0.3	7.5
Italy	5.9	8.4	7.3
United Kingdom	30.0	34.4	—

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:

Benelux	9.9%
Denmark	1.0%
Germany	3.6%
France	42.7%
Ireland	0.6%
Italy	8.0 %
United Kingdom	34.2%

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota might under the circumstances be fixed at 80% of the quota volume;

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 operation relating to the administration of the quota shares allocated to the economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1979, the Common Customs Tariff duty in respect of dried grapes falling within subheading ex 08.04 B I, originating in Spain and imported in immediate containers of a net capacity not exceeding 15 kilograms shall be entirely suspended within the limits of a Community tariff quota of 1 900 tonnes.

Article 2

1. A first instalment amounting to 1 520 tonnes 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 until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	150
Denmark	15
Germany	55
France	650
Ireland	10
Italy	120
United Kingdom	520

2. The second instalment amounting to 380 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the initial shares returned to the reserves.

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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities 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, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for home use.

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

Article 8

At the Commission's request, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2857/78

of 23 November 1978

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 and originating in Turkey (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, under Article 5 (1) of Council Regulation (EEC) No 1180/77 of 17 May 1977 on the importation into the Community of certain agricultural products originating in Turkey ⁽¹⁾, fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff and 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 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Turkey over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, on the basis of the statistics at present available, imports into the Member States in 1975, 1976 and 1977 of the product concerned originating in Turkey have developed as follows and represent the following percentages of total imports into the Community:

Member States	1975		1976		1977	
	tonnes	%	tonnes	%	tonnes	%
Germany	35 154	65.47	43 936	64.15	54 568	63.97
Benelux	5 284	9.84	5 662	8.27	6 618	7.76
France	6 084	11.33	9 543	13.93	10 903	12.78
Italy	1 653.5	3.08	2 065	3.02	5 470	6.41
Denmark	899	1.67	1 161	1.70	1 274	1.49
Ireland	30	0.06	140	0.20	147	0.17
United Kingdom	4 590	8.55	5 978	8.73	6 320	7.42
Total	53 694.5		68 485		85 300	

⁽¹⁾ OJ No L 142, 9. 6. 1977, p. 10.

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1978 and, in particular, the forecasts made by some Member States, the initial shares may be fixed approximately at the following percentages:

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

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota share; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota might under the circumstances be fixed at approximately 80% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff quota from 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 operation relating to the administration of the quota shares allocated in 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 1979, a Community tariff quota of 25 000 tonnes 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 and originating in Turkey.

2. Within the limits of this tariff quota, the Common Customs Tariff duty applicable to these products shall be suspended at a rate of 2.5%.

3. 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 20 000 tonnes shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	2 028
Denmark	534
Germany	13 186
France	1 640
Ireland	332
Italy	50
United Kingdom	2 230

3. The second instalment amounting to 5 000 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then, to the extent permitted by the amount of the reserve, 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 one of its second shares 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial shares as, on 15 September 1979, is in excess of 40% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quotas and of any quantity of the 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 is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged under the conditions set in paragraph 3.

Article 8

At the Commission's request, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2858/78

of 23 November 1978

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 and originating in Morocco (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

imports into the Community from Morocco of the products concerned:

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 Cooperation Agreement between the European Economic Community and the Kingdom of Morocco, signed on 27 April 1976, provides for the opening by the Community of an annual Community tariff quota of 8 250 tonnes of apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff and 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 1979;

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 above principles, the Community nature of the quotas can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Morocco over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State represent the following percentages of

(%)

Member States	1975	1976	1977
Benelux	0.6	11.6	13.9
Denmark	—	—	—
Germany	—	0.9	30.3
France	91.3	87.5	54.3
Ireland	—	—	—
Italy	2.1	—	0.9
United Kingdom	6.0	—	0.6

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:

Benelux	15%
Denmark	2%
Germany	34%
France	39%
Ireland	1%
Italy	1%
United Kingdom	8%

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 70% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any

Member State which has almost used up 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of any tariff 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 operation relating to 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 1979, a Community tariff quota of 8 250 tonnes 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 and 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%.

Article 2

1. A first instalment amounting to 5 800 tonnes 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 1979, shall be as follows:

	(tonnes)
Benelux	870
Denmark	110
Germany	2 000
France	2 220
Ireland	60
Italy	60
United Kingdom	480

2. The second instalment amounting to 2 450 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial shares as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the 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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities 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 notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities 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, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2859/78

of 23 November 1978

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 and originating in Tunisia (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Republic of Tunisia, signed on 25 April 1976, provides for the opening by the Community of an annual Community tariff quota of 4 300 tonnes of apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff and 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 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Tunisia over a representative reference period and also to the economic outlook for the quota period in question;

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:

Member States	1975	1976	1977
Benelux	3.8	7.1	22.8
Denmark	—	—	—
Germany	—	—	2.6
France	95.2	92.9	74.0
Ireland	—	—	—
Italy	1.0	—	0.6
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 percentages of the initial quota shares may therefore be fixed as follows:

Benelux	28.7 %
Denmark	3.5 %
Germany	4.8 %
France	54.9 %
Ireland	1.8 %
Italy	1.8 %
United Kingdom	4.5 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 73 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any

Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 operation relating to 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 1979, a Community tariff quota of 4 300 tonnes 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 and 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%.

Article 2

1. A first instalment amounting to 3 135 tonnes 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 1979, shall be as follows:

	(tonnes)
Benelux	900
Denmark	110
Germany	150
France	1 725
Ireland	55
Italy	55
United Kingdom	140

2. The second instalment amounting to 1 165 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3 a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their

initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the initial shares returned to the reserves.

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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities 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, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities 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, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2860/78

of 23 November 1978

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 and originating in Israel (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the State of Israel ⁽¹⁾, signed on 11 May 1975, provides, in Protocol 1 annexed thereto, for the opening by the Community of an annual Community tariff quota of 150 tonnes of apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff and 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 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Israel over a representative reference period and also to the economic outlook for the quota 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 total imports of the product in question, originating in Israel:

Member States	1975	1976	1977
Benelux	—	1.4	5.6
Denmark	—	—	—
Germany	—	57.1	3.5
France	—	41.5	—
Ireland	—	—	—
Italy	—	—	—
United Kingdom	—	—	90.9 (= 49 tonnes)

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 1979 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 as follows:

Benelux	10 %
Denmark	5 %
Germany	25 %
France	8 %
Ireland	6 %
Italy	6 %
United Kingdom	40 %

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 80% of the quota volume;

⁽¹⁾ OJ No L 136, 28. 5. 1975, p. 3.

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional share must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 operation relating to 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 1979, a Community tariff quota of 150 tonnes 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 and 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%

Article 2

1. A first instalment of 120 tonnes 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 1979, shall be as follows:

	(tonnes)
Benelux	12
Denmark	6
Germany	30
France	10
Ireland	6
Italy	6
United Kingdom	50

2. The second instalment amounting to 30 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

2. If, after one of its initial shares has been used up, 90% or more of the second share drawn by a Member State has been used up, then, to the extent permitted by the amount of the reserve, 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, rounded up where necessary to the next unit.

3. If, after one of its second shares 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until the end of the period specified in Article 1.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portions of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the 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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the reserve does not exceed the balance available and, to this end, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities 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, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2861/78

of 23 November 1978

opening, allocating and providing for the administration of Community tariff quotas for prepared or preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Cooperation Agreement between the Community and Morocco provides that prepared and preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco, may be imported into the Community free of duties; whereas the detailed arrangements must be fixed by an exchange of letters between the Community and Morocco; whereas, since this exchange of letters has not yet taken place, it is advisable to renew for the year 1979 the Community arrangements which were applied in 1978; whereas these arrangements provide for the opening of two Community tariff quotas for importations into the Community of the products in question, one duty-free tariff quota of 14 000 tonnes and the other of 6 000 tonnes at a rate of duty of 10%; whereas these tariff quotas are to apply from 1 January 1979 until the conclusion of the exchange of letters provided for in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community arrangements for imports of the products in question are applied, or until 31 December 1979, whichever shall be the earliest; whereas these Community tariff quotas should therefore be opened;

Whereas it is in particular necessary to ensure for 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 quotas among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States,

calculated by reference to the statistics for imports from Morocco over a representative reference period and also to the economic outlook for the quota period in question;

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

Member States	(%)		
	1975	1976	1977
Benelux	11.0	11.3	14.8
Denmark	0.3	0.3	0.7
Germany	10.6	23.3	10.1
France	55.7	56.1	64.6
Ireland	0.5	0.5	0.2
Italy	1.4	0.2	1.8
United Kingdom	20.5	8.3	7.8

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

Member States	(%)	
	of the quota of 14 000 tonnes	of the quota of 6 000 tonnes
Benelux	13.49	9.54
Denmark	0.28	0.28
Germany	13.33	13.33
France	59.52	42.59
Ireland	0.36	0.37
Italy	0.64	1.48
United Kingdom	12.38	32.41

Whereas, in order to take into account import trends for the products concerned in the various Member States, each quota should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in

order to give importers in each Member State a certain degree of security, the first instalment of the Community quotas should, under the circumstances, be fixed at 90% of the quota volumes;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota shares should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State it is essential that that Member State should return a significant proportion to the corresponding reserve, to prevent a part of any tariff 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 operation relating to 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 1979 until the conclusion of the exchange of letters referred to in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community import arrangements are applied or until 31 December 1979, whichever shall be the earliest, a duty-free Community tariff quota of 14 000 tonnes shall be opened for imports into the Community of prepared or preserved sardines, falling with subheading 16.04 D of the Common Customs Tariff and originating in Morocco.

2. From 1 January 1979 until the conclusion of the exchange of letters referred to in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community import arrangements are applied or until 31 December 1979, whichever shall be the earliest, a Community tariff quota of 6 000 tonnes at a duty rate of 10% shall be opened for imports into the Community of prepared or preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco.

Article 2

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

2. A first instalment of each quota shall be shared among the Member States; the respective shares, which subject to Article 5 shall be valid until the end of the period specified in Article 1, shall be as follows:

Member States	(tonnes)	
	Article 1 (1)	Article 1 (2)
Benelux	1 700	515
Denmark	35	15
Germany	1 680	720
France	7 500	2 300
Ireland	45	20
Italy	80	80
United Kingdom	1 560	1 750
Total	12 600	5 400

3. The second instalment of each quota amounting to 1 400 and 600 tonnes respectively shall constitute the corresponding reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the corresponding reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 10% of its initial share, rounded up where necessary to the next unit.

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

accordance with the conditions laid down in paragraph 1, draw a third share equal to 5% of its initial share, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the initial shares returned to the reserve.

Article 6

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

3 and, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

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

Article 8

At the Commission's request, the Member States shall inform it of imports of the products concerned 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 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2862/78

of 23 November 1978

opening, allocating and providing for the administration of a Community tariff quota for prepared or preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Tunisia (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

a representative reference period and also to the economic outlook for the quota period in question;

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

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

Having regard to the proposal from the Commission,

Whereas the Cooperation Agreement between the Community and Tunisia provides that prepared and preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Tunisia, may be imported into the Community free of duties; whereas the detailed arrangements must be fixed by an exchange of letters between the Community and Tunisia; whereas, since this exchange of letters has not yet taken place, it is advisable to renew for the year 1979 the Community arrangements which were applied in 1978; whereas these arrangements provide for the opening of a Community tariff quota for importation into the Community of the products in question, of 100 tonnes free of duty; whereas these tariff quotas are to apply from 1 January 1979 until the conclusion of the exchange of letters provided for in Article 18 of the Cooperation Agreement between the Community and Tunisia, until such time as Community arrangements for imports of the products in question are applied, or until 31 December 1979, whichever shall be the earliest; whereas these Community tariff quotas should therefore be opened;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Tunisia over

(%)

Member States	1975	1976	1977
Benelux	—	—	—
Denmark	—	—	—
Germany	—	—	—
France	100 (= 33 tonnes)	100 (= 14 tonnes)	—
Ireland	—	—	—
Italy	—	—	—
United Kingdom	—	—	—

Whereas these data cannot be considered as representative and cannot serve as a basis for allocation of the quota among the Member States; whereas it is difficult to forecast the Member States' imports for 1979 because of the absence of any pattern in previous years; whereas in order that the quota may be allocated fairly, the initial quota shares may be fixed approximately at the following percentages:

Benelux	10%
Denmark	3%
Germany	15%
France	50%
Ireland	3%
Italy	4%
United Kingdom	15%

Whereas, in order to take into account import trends for the products concerned in the various Member States, each of the quota amounts should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member

State a certain degree of security, the first instalment of the Community quota might under the circumstances be fixed at 80% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 operation relating to 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 1979 until the conclusion of the exchange of letters referred to in Article 18 of the Cooperation Agreement between the Community and Tunisia, until such time as Community import arrangements are applied, or until 31 December 1979, whichever shall be the earliest, a duty-free Community tariff quota of 100 tonnes shall be opened for imports into the Community of prepared or preserved sardines, falling within subheading 16.04 D of the Common Customs Tariff and originating in Tunisia.

Article 2

1. The Tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment amounting to 80 tonnes 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 the end of the period specified in Article 1, shall be as follows:

	(tonnes)
Benelux	8
Denmark	2
Germany	12
France	40
Ireland	2
Italy	4
United Kingdom	12

3. The second instalment of 20 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

2. If, after one of its initial shares has been used up, 90% or more of the second share drawn by a Member State has been used up, then, to the extent permitted by the amount of the reserve, 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, rounded up where necessary to the next unit.

3. If, after one of its second shares 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until the end of the period specified in Article 1.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the 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 is 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 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.

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

Article 8

At the Commission's request, the Member States shall inform it of imports of the products concerned 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 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2863/78

of 23 November 1978

opening, allocating and providing for the administration of a Community tariff quota for sweet peppers, falling within subheading 07.01 S of the Common Customs Tariff and originating in Cyprus (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Article 2 of the Protocol laying down certain provisions relating to trade in agricultural products between the European Economic Community and Cyprus ⁽¹⁾ provides for the opening of an annual Community tariff quota of 250 tonnes of sweet peppers, falling within subheading 07.01 S of the Common Customs Tariff and originating in Cyprus, at a rate of customs duty equal to 50% of the customs duty in the Common Customs Tariff; whereas this Community tariff quota should be opened for the year 1979;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Cyprus over a representative reference period and also to the economic outlook for the quota period in question;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of future imports can be made; whereas, in these

circumstances, the quota volumes should be allocated in initial shares, to take into account demand for these products on the markets of the various Member States;

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 75% of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota 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 used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volumes have been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff 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 operation relating to the

⁽¹⁾ OJ No L 172, 28. 6. 1978, p. 10.

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 1979, the Common Customs Tariff duty for sweet peppers, falling within subheading 07.01 S of the Common Customs Tariff and originating in Cyprus, shall be partially suspended at 4.5% within the limits of the Community tariff quota of 250 tonnes.

Article 2

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

2. A first instalment amounting to 187 tonnes shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	7
Denmark	7
Germany	14
France	1
Ireland	7
Italy	1
United Kingdom	150

3. The second instalment amounting to 63 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the corresponding reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then, to the extent permitted by the amount of the reserve, 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the 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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.
2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities 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, the 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 complied with.

Article 10

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2864/78

of 23 November 1978

opening, allocating and providing for the administration of a Community tariff quota for certain dried grapes, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus (1979)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

initial shares, to take into account demand for these products on the markets of the various Member States;

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

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota amount should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under the circumstances be fixed at 75% of the quota volume;

Having regard to the proposal from the Commission,

Whereas Article 4 of the Supplementary Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾ provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of certain dried grapes, falling within subheading 08.04 B I of the Common Customs Tariff and originating in Cyprus; whereas this Community tariff quota should be opened for the year 1979;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share, should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

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 above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Cyprus over a representative reference period and also to the economic outlook for the quota period in question;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others;

Whereas, however, neither Community nor national statistics showing the breakdown for the products in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in

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

(1) OJ No L 172, 28. 6. 1978, p. 2.

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1979, the Common Customs Tariff duty for the following products, originating in Cyprus, shall be totally suspended within the limits of a Community tariff quota of 500 tonnes.

CCT heading No	Description
08.04	Grapes, fresh or dried: B. Dried : I. In immediate containers of a net capacity of 15 kilograms or less

Article 2

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

2. A first instalment amounting to 375 tonnes shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	10
Denmark	10
Germany	20
France	10
Ireland	10
Italy	2
United Kingdom	313

3. The second instalment of 125 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then, to the extent permitted by the amount of the reserve, 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 unit.

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, then, to the extent permitted by the amount of the reserve, 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, rounded up where necessary to the next unit.

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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

Article 5

The Member States shall return to the reserve, not later than 1 October 1979, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the products in question imported up to 15 September 1979 and charged against the tariff quota and of any quantity of the 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 is notified, shall inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount in the reserve after quantities 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, notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary 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 accumulated shares of the tariff quota.
2. The 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. The Member States shall charge the imports of the products concerned against their shares as and when the products are entered with customs authorities for home use.
4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, the Member States shall inform it of imports of the products concerned 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 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

COUNCIL REGULATION (EEC) No 2865/78

of 23 November 1978

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to

take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

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

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

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

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

⁽¹⁾ OJ, No. L 136, 28. 5. 1975, p. 3.

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

Article 2

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

Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; only products submitted to the

customs authorities under cover of a declaration that they are to be made available for home use and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration for this purpose.

Article 3

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

Article 4

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL

ANNEX I

List of products subject to import ceilings in 1979

Order No	CCT heading No	Description	NIMEXE code	Level of ceiling (tonnes)
1	2	3	4	5
I IL 1	27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:		
		A. Light oils:		
		III. For other purposes	27.10-15, 17, 21, 25, 29	
		B. Medium oils:		
		III. For other purposes	27.10-34, 38, 39	
		C. Heavy oils:		
		I. Gas oil:		
		c) For other purposes	27.10-59	
		II. Fuel oil:		
		c) For other purposes	27.10-69	
		III. Lubricating oils; other oils:		
		c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	27.10-75	
		d) For other purposes	27.10-79	
	27.11	Petroleum gases and other gaseous hydrocarbons:		Ceiling delayed
		A. Propane of a purity not less than 99 % :		
		I. For use as power or heating fuel	27.11-03	
		B. Other:		
		I. Commercial propane and commercial butane:		
		c) For other purposes	27.11-19	
	27.12	Petroleum jelly:		
		A. Crude:		
		III. For other purposes	27.12-19	
		B. Other	27.12-90	
	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:		
		B. Other:		
		I. Crude:		
		c) For other 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 (tonnes)
1	2	3	4	5
I IL 1 (cont'd)	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous materials: C. Other: II. Other	27.14-99	
I IL 2	29.02	Halogenated derivatives of hydrocarbons: A. Halogenated derivatives of acyclic hydrocarbons: III. Bromides	29.02-40	2 188
I IL 3	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: B. Gloves, including mittens and mitts	42.03-21, 25, 27, 28	Ceiling delayed
I IL 4	55.05	Cotton yarn, not put up for retail sale	55.05-all Nos	1 094
I IL 5	55.09	Other woven fabrics of cotton	55.09-all Nos	486
I IL 6	60.03	Stockings, under stockings, socks, ankle socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized	60.03-all Nos	Ceiling delayed
I IL 7	60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized	60.05-all Nos	547

ANNEX II

List of products referred to in Article 2

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

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
II IL 8	42.02	Travel goods (for example, trunks, suitcases, hat boxes, travelling bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: ex B. Of other materials: — Of leather	42.02-ex 21, ex 31, ex 41, ex 51, ex 81
II IL 9	42.03	Articles of apparel and clothing accessories, of leather or of composition leather: A. Articles of apparel 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