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I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2876/75 OF THE COUNCIL
of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for certain plywoods of coniferous species, falling within heading No ex 44.15 of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof;

Having regard to the proposal from the Commission;

Whereas, under Protocol No 11 to the Act of Accession ⁽¹⁾, the Community is required to open each year nil duty Community tariff quotas for certain plywoods of coniferous species falling within heading No ex 44.15 of the Common Customs Tariff, the volume thereof to be decided annually when it is established that all possibilities of supply on the internal market of the Community have been exhausted during the period for which the quotas are open; whereas, in view of the aforesaid possibilities of supply and on the basis of forecasts of requirements made by the Member States, the volume of the tariff quota to be opened for 1976 may be fixed at 635 000 m³; whereas the opening of the aforementioned tariff quota also covers the commitment entered into by the Community within the GATT to grant in respect of these products an annual duty-free tariff quota of 400 000 m³; whereas the abovementioned requirements do not include imports to which other preferential tariff arrangements may apply; whereas, in view of the relatively small quantities produced in the Community, it is not necessary to apportion this amount between the categories of plywood specified in the abovementioned Protocol No 11;

Whereas, to take more precise account of future trends in imports of the products concerned, the quota should be divided into two tranches, the first being allocated among all the Member States and the second held as a reserve to cover the subsequent requirements of Member States which have exhausted their initial shares; whereas, in order to offer importers some degree of security, the first tranche of the quota should be fixed at a relatively high level, or about 97% of its full amount; whereas, on the basis of Member States' estimates of their needs, the initial shares may be fixed as set out in Article 2;

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

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 170.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976, a Community tariff quota of 635 000 m³ shall be opened for the following products falling within heading No ex 44.15 of the Common Customs Tariff:

- (a) plywood of coniferous species, without the addition of other substances, of a thickness greater than 9 mm, the faces of which are not further prepared than the peeling process;
- (b) plywood of coniferous species, without the addition of other substances, sanded, and of a thickness greater than 18.5 mm.

2. Imports of the products in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

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

4. New Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession to imports within the limits of the above quota.

Article 2

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

2. A first tranche of 614 800 m³ shall be allocated among the Member States. Member States' shares which, subject to Article 5, shall be valid until 31 December 1976, shall be as follows:

	<i>in cubic metres</i>
Benelux	85 000
Denmark	74 800
Germany	100 000
France	20 000
Ireland	10 000
Italy	25 000
United Kingdom	300 000.

3. The second tranche of 20 200 m³ shall constitute the reserve.

Article 3

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

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share, rounded up as necessary to the next whole number.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of the products in question imported up to and including 15 September 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

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

Done at Luxembourg, 29 October 1975.

Article 7

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

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

3. Member States shall charge imports of the products in question against their shares as and when the products 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 imports charged against that share in accordance with paragraph 3.

Article 8

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

Article 9

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 1976.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2877/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for rosin,
including 'brais résineux', falling within subheading 38.08 A of the Common Customs
Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

in metric tons

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

Benelux	17 798
Denmark	280
Germany	33 163
France	10 922
Ireland	16
Italy	17 325
United Kingdom	18 368
Total	97 872;

Having regard to the draft Regulation submitted by
the Commission;

Whereas the production in the Community and in
Greece of rosin falling within subheading 38.08 A
of the Common Customs Tariff is currently
insufficient to meet the requirements of the
processing industries in the Community; whereas,
consequently, Community supplies of products of
this type currently depend to a considerable extent
on imports from third countries;

Whereas, under Decision No 1/75 of the Association
Council on the application of paragraph 3 of
Protocol No 10 to the Agreement establishing an
Association between the European Economic Com-
munity and Greece, the Community may open
autonomous tariff quotas for rosin provided that,
for the Community as a whole, the annual quotas
do not exceed 25% of the Community's imports
from third countries not associated with or linked
to it by a preferential agreement during the last year
for which statistics are available; whereas the most
urgent Community requirements for the products in
question should be met immediately on the most
favourable terms; whereas a nil duty Community
tariff quota should therefore be opened within the
limits of the above amount;

Whereas, in 1974, the imports of rosin from third
countries not associated with or linked to the Com-
munity by a preferential agreement were as follows:

Whereas 25% of this total represents 24 468 metric
tons;

Whereas, in view of the negligible size of such
a quota in comparison with the Community's
requirements, a system of utilization should, without
derogating from the Community nature of the tariff
quota, be provided, based on a single allocation
between the Member States; whereas this allocation
should be calculated by the same method as is used
to establish a total quota of 25% of the imports
of each Member State from the same third countries;
whereas, calculated in such a manner, this allocation
should be as set out in Article 2;

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

HAS ADOPTED THIS REGULATION:

Article 1

During the period 1 January to 31 December
1976, the Common Customs Tariff duty for rosin
including 'brais résineux' falling within subheading

38.08 A shall be totally suspended within the limits of a Community tariff quota of 24 468 metric tons.

The tariff quota rate of duty to be applied by the new Member States shall be nil.

Article 2

The Community tariff quota referred to in Article 1 shall be allocated as follows among the Member States:

	<i>in metric tons</i>
Benelux	4 450
Denmark	70
Germany	8 291
France	2 730
Ireland	4
Italy	4 331
United Kingdom	4 592.

Article 3

1. Member States shall take all appropriate measures to ensure that importers of the product in

question established in their territory have free access to the shares allocated to them.

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

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2878/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for unwrought lead other than bullion lead, falling within subheading 78.01 A II of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the draft Regulation submitted by the Commission;

Whereas, under Protocol No 14 to the Act of Accession ⁽¹⁾, the Community is required to open each year, until the entry into force of a total suspension of the customs duty for an indefinite period, a tariff quota for bullion lead (unwrought lead for refining, containing 0.02% or more by weight of silver) falling within subheading 78.01 A I; whereas this suspension from 1 January 1976 makes the opening of a tariff quota unnecessary for 1976;

Whereas, in accordance with the same Protocol, the Community is also required to open each year a nil duty Community tariff quota for lead other than bullion lead falling within subheading 78.01 A II, the amount of the quota to decrease annually from 1 January 1975 by an amount fixed for 1974 at 55 000 metric tons to arrive at zero in 1978; whereas the Protocol also provides that the new Member States are to share in those tariff quotas from 1 January 1974; whereas the duties to be applied by the new Member States within those tariff quotas must comply with the relevant provisions of the Act of Accession; whereas the Community tariff quota laid down for this product, the amount of which is 27 000 metric tons for 1976, should therefore be opened on 1 January 1976;

Whereas, in view of the minimal interpenetration of the markets in unwrought lead other than bullion lead and of the lack of complete statistics relating to this grade of metal, it does not seem possible to base the allocation of the Community tariff quota

in question on previous data; whereas the figure of 27 000 metric tons takes account of the need to maintain a balance in the amounts chargeable against the tariff quota in order to maintain the protection of the foundry industry; whereas Member States should therefore be at liberty to authorize only imports satisfying certain conditions as to grade and intended use to be charged against that quota;

Whereas, in order to take more precise account of future trends in imports of the product in question, the quota should be divided into two tranches, the first to be allocated among all the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche should be set at 25 500 metric tons, the remainder constituting the reserve; whereas, on the basis of estimates taking account of market trends in this product, the initial shares may be allocated as set out in Article 2;

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

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 171.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 January to 31 December 1976, a Community tariff quota of 27 000 metric tons shall be opened for unwrought lead other than bullion lead, falling within subheading 78.01 A II of the Common Customs Tariff.
2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.
3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.
4. The new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession within this quota.

Article 2

1. A first tranche of 25 500 metric tons of this Community tariff quota shall be allocated among the Member States. Member States' shares which, subject to Article 5, shall be valid from 1 January to 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	12 100
Denmark	271
Germany	4 529
France	112
Ireland	57
Italy	4 529
United Kingdom	3 902.

2. The second tranche of 1 500 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus

any portion returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.

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 the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share, rounded up as necessary to the next whole number.

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

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of the product in question imported up to and including 15 September 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the product in question which may be charged against their quota shares to lead of certain grades or lead to be used for certain purposes.

Article 7

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports

may be charged without interruption against their aggregate shares of the Community quota.

2. Member States shall ensure that importers of the product 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 share shall be determined on the basis of the imports of the product in question entered with the customs authorities for home use.

Article 9

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

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2879/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for unwrought zinc, falling within subheading 79.01 A of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the draft Regulation submitted by the Commission;

Whereas under Protocol No 15 to the Act of Accession ⁽¹⁾, the Community is required to open each year a nil duty Community tariff quota for unwrought zinc, falling within subheading 79.01 A of the Common Customs Tariff, fixed at 30 000 metric tons for 1971, and decreasing each year, except in 1974, until the quota is abolished on 31 December 1977; whereas the quota calculated on that basis amounts to 10 000 metric tons for 1976; whereas the Protocol also provides that the new Member States shall share in the tariff quota from 1 January 1974; whereas the duties to be applied by these Member States within that tariff quota must comply with the relevant provisions of the Act of Accession; whereas the tariff quota in question should therefore be opened on 1 January 1976;

Whereas, in view of the minimal interpenetration of the markets in unwrought zinc, it does not seem possible to base the allocation of the Community tariff quota for the metal in question on previous data; whereas the figure of 10 000 metric tons takes account of the need not to exceed a reasonable amount, thereby protecting Community production; whereas, to this end, only certain Member States' estimates of their requirements for specific grades of zinc have been taken into account; whereas Member States should therefore be at liberty to authorize only imports satisfying certain conditions as to grade and intended use to be charged against that quota;

Whereas, in order to take more precise account of future trends in imports of the product in question, the quota of 10 000 metric tons should be divided into two tranches, the first to be allocated among

the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche should be set at 9 000 metric tons the remainder constituting the reserve; whereas, on the basis of estimates taking account of market trends in unwrought zinc, the first tranche may be allocated approximately according to the following percentages:

Benelux	25.50
Denmark	2.15
Germany	41.15
France	1.28
Ireland	1.42
Italy	10.28
United Kingdom	18.22;

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

Whereas if at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 172.

by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976, a Community tariff quota of 10 000 metric tons shall be opened in the Community for unwrought zinc falling within subheading 79.01 A of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.

4. Within this quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 9 000 metric tons of the quota referred to in Article 1 shall be allocated among the Member States. Member States' shares which, subject to Article 5, shall be valid from 1 January to 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	2 295
Denmark	194
Germany	3 703
France	115
Ireland	128
Italy	925
United Kingdom	1 640.

2. The second tranche of 1 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve where

Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.

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 forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share, rounded up as necessary to the next whole number.

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 forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is exhausted.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of the product in question imported up to and including 15 September 1976 charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the unwrought zinc which may be charged against their quota shares to unwrought zinc of certain grades or to be used for certain purposes.

Article 7

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 8

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

2. Member States shall ensure that importers of the product 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 share shall be determined on the basis of the imports of the product in question entered with the customs authorities for home use.

Article 9

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

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2880/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for ferro-silicon, falling within subheading 73.02 C of the Common Customs Tariff

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, as regards ferro-silicon, falling within subheading 73.02 C, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 20 000 metric tons; whereas the tariff quota in question should therefore be opened on 1 January 1976 and allocated among the Member States; whereas the duties to be applied by the new Member States within this tariff quota must comply with the relevant provisions of the Act of Accession;

Whereas arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual market trends in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota period in question;

Whereas, during the last three years for which statistics are fully available, the corresponding imports into each of the Member States represented the following percentages of the total imports of the product in question:

	1972	1973	1974
Benelux	15.69	20.28	15.14
Denmark	2.02	0.64	0.36
Germany	49.74	61.47	56.31
France	0.31	0.37	0.52
Ireland	0.65	0	0.24
Italy	8.81	10.87	13.97
United Kingdom	22.78	6.42	13.46

Whereas, in view of these factors and of market forecasts for ferro-silicon for 1976, the percentage shares in the quota volume can be expressed roughly as follows:

Benelux	64.75
Denmark	0.75
Germany	15.00
France	0.25
Ireland	1.25
Italy	4.25
United Kingdom	13.75;

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of use based on a single allocation and at the same time preserve the Community nature of the quota; whereas such an allocation may therefore be based on the percentage figures shown in the table above;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976 a Community tariff quota of 20 000 metric tons shall be opened in the Community for ferro-silicon falling within subheading 73.02 C of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this tariff quota the Common Customs Tariff duty shall be totally suspended.

4. Within this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

The Community tariff quota referred to in Article 1 shall be allocated among Member States as follows:

	<i>in metric tons</i>
Benelux	12 950
Denmark	150
Germany	3 000
France	50
Ireland	250
Italy	850
United Kingdom	2 750.

Article 3

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

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

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2881/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for ferro-silico-manganese, falling within subheading 73.02 D of the Common Customs Tariff

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, as regards ferro-silico-manganese, falling within subheading 73.02 D, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 50 000 metric tons; whereas the tariff quota in question should therefore be opened on 1 January 1976 and allocated among the Member States; whereas the duties to be applied by the new Member States within this tariff quota must comply with the relevant provisions of the Act of Accession;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is used up; whereas in the light of the principles outlined above, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual market trends in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota period in question;

Whereas, during the last three years for which statistics are fully available, the corresponding imports into each of the Member States represented the following percentages of the total imports of the product in question:

	1972	1973	1974
Benelux	10.80	16.63	18.41
Denmark	1.69	0	0
Germany	55.24	62.49	58.88
France	0.43	0.92	0.46
Ireland	0.01	0	0
Italy	15.26	15.94	19.61
United Kingdom	16.57	4.02	2.64;

Whereas, in view of these factors and of market forecasts for ferro-silico-manganese for 1976, the initial percentage shares in the quota volume may be expressed roughly as follows:

Benelux	8.33
Denmark	0.62
Germany	82.20
France	0.10
Ireland	1.04
Italy	3.54
United Kingdom	4.17;

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two tranches, the first being allocated and the second forming a reserve intended to cover any subsequent requirements of Member States which have used up their initial share; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should be set at a relatively high level which, in this case, might be 96% of the volume of the quota;

Whereas Member States may use up their initial shares at different rates; whereas to provide for this eventuality and to avoid disruption of supplies, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up, a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional

shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, which latter must, in particular, be able to keep a record of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976 a Community tariff quota of 50 000 metric tons shall be opened in the Community for ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff.
2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.
3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.
4. Within this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 48 000 metric tons of this Community tariff quota shall be allocated among the Member States. Member States' shares which, subject to Article 5, shall be valid from 1 January to 31 December 1976, shall be as follows:

in metric tons

Benelux	4 000
Denmark	300
Germany	39 450
France	50
Ireland	500
Italy	1 700
United Kingdom	2 000.

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

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.
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 forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share, rounded up as necessary to the next whole number.
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 forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified therein if there are grounds for believing that those specified may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in

excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used up.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of the product in question imported up to and including 15 September 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may

be charged without interruption against their aggregate shares of the Community quota.

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

3. Member States shall charge imports of the product in question against their shares as and when the product is 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 Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

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 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2882/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not more than 90% by weight of chromium (super-refined ferro-chromium), falling within subheading ex 73.02 E I of the Common Customs Tariff

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, as regards ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not more than 90% of chromium (super-refined ferro-chromium), falling within subheading ex 73.02 E I, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 3 000 metric tons; whereas the tariff quota in question should therefore be opened on 1 January 1976 and allocated among the Member States; whereas the duties to be applied by the new Member States within this tariff quota must comply with the relevant provisions of the Act of Accession;

Whereas arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual market trends in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota period in question;

Whereas, during the last three years for which statistics are fully available, the corresponding imports into each of the Member States represented the following percentages of the total imports of the product in question:

	1972	1973	1974
Benelux	1.55	1.42	6.84
Denmark	1.33	0.08	0.07
Germany	77.62 ⁽¹⁾	80.92 ⁽¹⁾	42.92
France	2.08	1.08	15.55
Ireland	0.01	0	0.06
Italy	9.67	6.75	17.57
United Kingdom	7.74	9.75	17;

Whereas, in view of these factors and of market forecasts for ferro-chromium for 1976, the percentage shares in the quota volume may be expressed roughly as follows:

Benelux	5.66
Denmark	0.34
Germany	6.17
France	0.34
Ireland	0.01
Italy	84.14
United Kingdom	3.34;

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of use based on a single allocation and at the same time preserve the Community nature of the quota; whereas such an allocation may therefore be based on the percentage figures shown in the table above;

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

⁽¹⁾ Based on imports in ferro-chromium in general.

HAS ADOPTED THIS REGULATION:

France	10
Ireland	1
Italy	2 524
United Kingdom	100.

Article 1

1. During the period 1 January to 31 December 1976, a Community tariff quota of 3 000 metric tons shall be opened in the Community for ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not more than 90% of chromium (super-refined ferro-chromium) falling within subheading ex 73.02 E I of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.

4. Within this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

The Community tariff quota referred to in Article 1 shall be allocated among Member States as follows:

	<i>in metric tons</i>
Benelux	170
Denmark	10
Germany	185

Article 3

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

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

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2883/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for raw silk (not thrown), falling within heading No 50.02 of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the draft Regulation submitted by the Commission;

Whereas, in accordance with the resolution passed at its meeting from 29 to 31 May 1967, the Council, by its Regulation (EEC) No 321/70 ⁽¹⁾, reintroduced, until 31 December 1976, the 10% autonomous duty of the Common Customs Tariff for raw silk (not thrown), falling within heading No 50.02; whereas the conventional duty for that product is 5%;

Whereas the aforementioned resolution further provides for the opening, in respect of that period and for that product, of annual Community tariff quotas exempt from customs duties; whereas the amount of those quotas should correspond to the difference between the total consumption of raw silk and the amount produced in the Community;

Whereas raw silk is produced in the Community and whereas it is in the Community's interest to maintain this production on its territory; whereas that production can be estimated at 350 metric tons for 1976; whereas, taking account of this production and of the forecasts for 1976, the imports needed to satisfy consumption within the Community can be estimated at 2 500 metric tons;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product

in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors, the initial percentage shares in the quota volume for 1976 can be expressed approximately as follows:

Benelux	0.25
Denmark	0.25
Germany	10.50
France	37.50
Ireland	0.25
Italy	45.00
United Kingdom	6.25;

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two tranches, the first being allocated and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should in this case be fixed at 80% of the total quota;

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

⁽¹⁾ OJ No L 43, 24. 2. 1970, p. 2.

a record of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity is left over in a Member State, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1976, the autonomous duty of the Common Customs Tariff for raw silk (not thrown), falling within heading No 50.02, shall be totally suspended within a Community tariff quota of 2 500 metric tons.
2. Within this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 2 000 metric tons of this Community tariff quota shall be allocated among the Member States. Member States' shares, which, subject to Article 5, shall be valid until 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	5
Denmark	5
Germany	210
France	750
Ireland	5
Italy	900
United Kingdom	125.

2. The second tranche of 500 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.
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 forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 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 forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used up.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of the raw silk imported up to and including 15 September 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 7

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

2. Member States shall ensure that importers of the product 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 share shall be determined on the basis of the imports of the product in question entered with the customs authorities for home use.

Article 8

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

Article 9

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 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2884/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for yarn, entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04 of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the draft Regulation submitted by the Commission;

Whereas, in accordance with the resolution passed at its meeting from 29 to 31 May 1967, the Council, by its Regulation (EEC) No 322/70 ⁽¹⁾, reintroduced, until 31 December 1976, the 12% autonomous duty of the Common Customs Tariff for silk yarn, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04; whereas the conventional duty for that product is 7%;

Whereas the aforementioned resolution further provides for the opening in respect of that period and for such silk yarn of an annual Community tariff quota with reduced or nil duty where a change in the sources of supply or an insufficient supply within the Community might have adverse results for the processing industries in the Member States;

Whereas silk yarn is produced in the Community; whereas, although that production could cover all the Community requirements by reason of its overall volume, this does not apply with regard to yarn entirely spun from silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas consequently Community supply for those qualities of yarn depends to a considerable extent on imports; whereas full application of the Common

Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse results for the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the silk yarn in question is 7%; whereas, when fixing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community silk yarn producing industry and, on the other, that of the silk yarn processing industries with regard to their supplies on favourable terms; whereas a quota duty of 2.5% could best meet the abovementioned requirements;

Whereas the trends in imports during 1974 suggest that the import requirements for the yarns in question might be in the region of 60 metric tons for 1976; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota; whereas, to represent as closely as possible the actual market trends in the product in question, the allocation should be proportionate to the requirements of the Member States calculated with reference to statistical data on imports during a representative reference period and to the economic prospects for the quota period in question;

⁽¹⁾ OJ No L 43, 24. 2. 1970, p. 5.

Whereas the imports of the products falling within tariff heading No 50.04 of each of the Member States concerned during the last three years for which complete statistics are available represent the following percentages of total Community imports of these products:

	1972	1973	1974
Benelux	0.7	0	5
Denmark	0.2	0	0
Germany	18.6	15.8	28
France	17.1	17.1	17
Ireland	1.4	0	7
Italy	50.0	52.6	39
United Kingdom	12.0	14.5	4;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	2.1
Denmark	2.1
Germany	36.4
France	25.5
Ireland	2.1
Italy	27.7
United Kingdom	4.3;

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two tranches, the first being allocated and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should be fixed at 78% of the total quota;

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

Whereas if, at a given date in the quota period, a considerable quantity is left over in a Member State, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1976, the autonomous duty of the Common Customs Tariff for yarn entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04 shall be suspended at 2.5% within a Community tariff quota of 60 metric tons.

2. Within the tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 47 metric tons of this Community tariff quota shall be allocated among the Member States. Member States' shares which, subject to Article 5, shall be valid until 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	1
Denmark	1
Germany	17
France	12
Ireland	1
Italy	13
United Kingdom	2.

2. The second tranche of 13 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any

portion returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.

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 forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 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 forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used up.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of silk yarn imported up to and including 15 September 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 7

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

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

3. Member States shall charge against their shares imports of the product in question as and when the product is 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 Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

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 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2885/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for yarn,
spun entirely from silk waste other than noil, not put up for retail sale, falling within
heading No ex 50.05 of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the draft Regulation submitted
by the Commission;

Whereas, in accordance with the resolution passed
at its meeting from 29 to 31 May 1967, the Council,
by its Regulation (EEC) No 323/70 ⁽¹⁾, reintroduced,
until 31 December 1976, the 7% autonomous duty
of the Common Customs Tariff for yarn, spun
entirely from silk waste other than noil, not put up
for retail sale, falling within heading No ex 50.05;
whereas the conventional duty for that product is
3.5%;

Whereas the aforementioned resolution further
provides for the opening, in respect of that period
and for such yarn, of an annual Community tariff
quota with reduced duty or nil duty, where a change
in the sources of supply or an insufficient supply
within the Community might have adverse results
for the processing industries in the Member States;

Whereas yarn spun from waste silk is produced in
the Community; whereas, although that production
should cover all the Community requirements by
reason of its overall volume, this does not apply
with regard to yarn entirely spun from waste silk;
whereas there is, as a result, an insufficient supply
in the Community;

Whereas, consequently, Community supplies of those
qualities of yarn depend to a considerable extent
on imports; whereas full application of the Common

Customs Tariff duty would result in those products
being subjected to a considerable customs charge
while products manufactured from silk yarn face
powerful competition from similar products
manufactured from other material; whereas an
insufficient supply, added to competition at finished
product level, might have adverse results for the
Community's processing industries;

Whereas the Common Customs Tariff duty applicable
to imports of the yarn spun from waste silk in
question is 3.5%; whereas, when fixing the quota
duty, it is appropriate to take into account, on the
one hand, the situation of the Community industry
producing yarn spun from waste silk and, on the
other, that of the industries processing yarn spun
from waste silk with regard to their supplies on
favourable terms; whereas a quota duty of 1% could
best meet the abovementioned requirements;

Whereas the trends in imports during 1974 suggest
that Community import requirements for the yarns in
question might be in the region of 195 metric tons
for 1976; whereas the opening of a Community
tariff quota of that volume is unlikely to harm
Community production;

Whereas equal and continuous access to the quota
should be ensured for all importers and the rate
laid down for the tariff quota should be applied
consistently to all imports of the product in question
until the quota is used up; whereas a system of
utilization of the Community tariff quota, based
on an allocation between the Member States
concerned, would, in the light of the principles
outlined above, appear consistent with the Com-
munity nature of the quota; whereas, to represent
as closely as possible the actual market trends in the
product in question, the allocation should be
proportionate to the requirements of the Member
States calculated with reference to statistical data
on imports during a representative reference period
and to the economic prospects for the quota period
in question;

⁽¹⁾ OJ No L 43, 24. 2. 1970, p. 8.

Whereas the imports of the products falling within heading No 50.05 of each of the Member States concerned during the last three years for which complete statistics are available represent the following percentages of total Community imports of these products:

	1972	1973	1974
Benelux	0.1	1.5	1
Denmark	0.1	0	0
Germany	41.0	43.7	50
France	10.8	7.2	10
Ireland	0.6	0	0
Italy	38.7	36.0	33
United Kingdom	8.7	12.6	6;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	0.6
Denmark	0.6
Germany	49.4
France	9.3
Ireland	0.6
Italy	30.9
United Kingdom	8.6;

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two tranches, the first being allocated and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should be fixed at 83% of the total quota;

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

Whereas if, at a given date in the quota period, a considerable quantity is left over in a Member State, it is essential that that Member State should return a significant proportion to the reserve, so as to avoid a part of the quota remaining unused in one Member State when it could be used in others;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1976 the autonomous duty of the Common Customs Tariff for yarn, spun entirely from silk waste other than noil, not put up for retail sale, falling within heading No ex 50.05, shall be suspended at 1% within a Community tariff quota of 195 metric tons.

2. Within this tariff quota, the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 162 metric tons of this Community tariff quota shall be allocated among the Member States. Member State's shares which, subject to Article 5, shall be valid until 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	1
Denmark	1
Germany	80
France	15
Ireland	1
Italy	50
United Kingdom	14;

2. The second tranche of 33 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any

portion returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share, rounded up as necessary to the next whole number.

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 forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 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 forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 October 1976, the unused portions of their initial shares which, on 15 September 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used up.

Member States shall notify the Commission, not later than 1 October 1976, of the total quantities of yarn from silk waste imported up to and including 15 September 1976 and charged against the Community quota and of any portions of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

Article 7

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

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

3. Member States shall charge against their shares imports of the product in question as and when the product is 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 Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

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 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2886/75 OF THE COUNCIL

of 29 October 1975

opening, allocating and providing for the administration of a Community tariff quota for newsprint, falling within subheading 48.01 A of the Common Customs Tariff (1976), and extending temporarily this quota to include certain other types of paper

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof;

Having regard to the proposal from the Commission;

Whereas the Community has undertaken to open an annual duty-free Community tariff quota of 1 500 000 metric tons of newsprint falling within subheading 48.01 A;

Whereas, in view of present Community production capacity, that quantity is insufficient to meet anticipated import requirements; whereas provision should therefore be made for an autonomous supplementary quota which, according to the estimates submitted, may be fixed at present at 750 000 metric tons; whereas the fact that this figure has been adopted for the autonomous supplementary quota does not rule out a readjustment during the quota period; whereas a Community tariff quota should therefore be opened for 1976 for a total quantity of 2 250 000 metric tons of the product in question;

Whereas provision should be made, for a new period running from 1 January to 30 June 1976, for extending the tariff quota in question to include certain types of paper fulfilling all the conditions set out in the Additional Note to Chapter 48 except those relating to watermarks;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied without interruption to all imports of the product in question until the quota is exhausted; whereas in the light of these principles, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as

closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics on imports from third countries during a representative reference period and to the economic outlook for the year covered by the quota in question;

Whereas, for the last three years for which complete statistics are available; the imports of each of the Member States amounted to the following percentages of total imports of the products in question:

	1972	1973	1974
Benelux	11.53	12.18	14.04
Denmark	7.02	6.92	4.89
Germany	26.65	27.04	25.78
France	7.64	9.46	13.46
Ireland	1.95	0	2.12
Italy	0.06	0.32	0.42
United Kingdom	45.15	44.08	39.29;

Whereas, in order to arrive at a proper assessment of those statistics, however, it should be borne in mind that the opening of a Community tariff quota for the enlarged Community may alter the pattern of trade of Member States with third countries; whereas, in view of the above and of the foreseeable trend on the market in newsprint, in general, and of production in particular during 1976 the quota may be allocated approximately in the following percentages:

Benelux	14.48
Denmark	7.71
Germany	32.23
France	12.14
Ireland	0.70
Italy	0.04
United Kingdom	32.70;

Whereas, to take account of import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member

States which have exhausted their initial shares; whereas, to give importers some degree of certainty and yet enable Community production to be disposed of on satisfactory terms, the first tranche of the quota should be fixed at about 95% of the full amount;

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

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

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any transaction in respect of the administration of the shares allocated to that Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976, a Community tariff quota of 2 250 000 metric tons shall be opened in respect of newsprint falling within subheading 48.01 A ⁽¹⁾ of the Common Customs Tariff.

2. Until 30 June 1976, Member States may charge against this tariff quota the other types of paper complying with the definition of newsprint contained

in the Additional Note to Chapter 48, except as regards the criteria governing watermarks.

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

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

5. New Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession to imports within the limits of the above quota.

Article 2

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

2. A first tranche of 2 141 000 metric tons shall be allocated among the Member States. Member States shares, which subject to Article 5 shall be valid from 1 January until 31 December 1976, shall be as follows:

	<i>in metric tons</i>
Benelux	310 000
Denmark	165 000
Germany	690 000
France	260 000
Ireland	15 000
Italy	1 000
United Kingdom	700 000;

3. The second tranche, of 109 000 metric tons, shall constitute the reserve.

Article 3

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

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

⁽¹⁾ Entry under this subheading is subject to conditions to be determined by the competent authorities.

the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.

3. If, after its second share has been exhausted, 90% or more of the third share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the reserve is exhausted.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

The Member States shall return to the reserve, not later than 1 October 1976, the unused portion of their initial share which, on 15 September 1976, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the products in question imported up to and including 15 September 1976 and charged against the Community tariff quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been 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 Luxembourg, 29 October 1975.

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that when a quantity exhausting the reserve is drawn, the amount so drawn 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. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

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

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

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

Article 8

On receipt of a request from the Commission the Member States shall notify it of the importations charged against its share.

Article 9

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 1976.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2887/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for dried grapes in immediate containers of a net capacity of 15 kg or less, falling within subheading 08.04 B I of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

to that Economic Union may be carried out by any one of its members,

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

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission;

Article 1

Having regard to the Opinion of the European Parliament ⁽¹⁾;

1. During the period 1 January to 31 December 1976, a Community tariff quota of 8 373 metric tons shall be opened for dried grapes in immediate containers of a net capacity of 15 kg or less falling within subheading 08.04 B I of the Common Customs Tariff.

Whereas a Community tariff quota for dried grapes in immediate containers of a net capacity of 15 kg or less, falling within subheading 08.04 B I of the Common Customs Tariff, should be opened for 1976 at a duty of 1.2%; whereas the volume of this quota should be limited to 15% of Community imports in 1973 from third countries not associated with the Community nor linked to it by a preferential agreement; whereas, on this basis, the volume of the quota is fixed at 8 373 metric tons; whereas the duties to be applied by the new Member States within the said tariff quota should be calculated in accordance with the relevant provisions of the Act of Accession;

2. Within the limits of this tariff quota, the Common Customs Tariff duty shall be suspended at the level of 1.2%.

3. New Member States shall, within the said tariff quota, apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

The tariff quota set out in Article 1 shall be divided among the Member States as follows:

Whereas, in view of the comparatively low volume of the quota compared with the needs of the Community, a system for its utilization based on a single allocation among Member States should be provided, without derogating from the Community nature of the tariff quota; whereas, in accordance with the needs forecast by each Member State, the shares may be determined as set out in Article 2;

	<i>in metric tons</i>
Benelux	791
Denmark	335
Germany	2 335
France	572
Ireland	280
Italy	31
United Kingdom	4 029;

Article 3

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quotas allocated

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

2. The extent to which a Member State has used up its share shall be determined on the basis of the

⁽¹⁾ OJ No C 239, 20. 10. 1975, p. 50.

imports of the products in question entered with the customs authorities for home use.

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1976.

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

Done at Luxembourg, 29 October 1975.

For the Council

The President

G. MARCORA

REGULATION (EEC) No 2888/75 OF THE COUNCIL

of 29 October 1975

on the opening, allocation and administration of a Community tariff quota for certain eels falling within subheading ex 03.01 A II of the Common Customs Tariff (1976)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas eel fishing has been prohibited or has become impossible in certain Community production centres; whereas this has led to a drop in Community production of eels in general and particularly of fresh eels (live or dead), chilled or frozen, falling within subheading ex 03.01 A II of the Common Customs Tariff, intended for curing or skinning or for use in the industrial manufacture of products falling within heading No 16.04; whereas the processing industries in the Community consequently depend to a large extent on imports for their supplies of eels; whereas for 1976 the application of the autonomous Common Customs Tariff duty should therefore be suspended totally on imports of the relevant products up to an appropriate quantitative limit; whereas, within this limit, the new Member States should apply customs duties as provided in the Act of Accession ⁽²⁾; whereas, the introduction of a Community measure of this nature is unlikely to harm Community production;

Whereas current demand not met by Community production, which must therefore be met by imports, can be estimated at 5 700 metric tons for 1976; whereas a tariff quota for the relevant types of eel

should therefore be opened for 1976 on the conditions set out above;

Whereas it is in particular necessary to ensure to all importers in the Member States 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, in the light of these principles, the Community nature of the quota can be respected by allocating the tariff quota among the Member States listed below; whereas statistics available for these products do not give a clear picture of the market situation for them; whereas, therefore, it is not possible to allocate the quota among the Member States on the basis of import trends for the relevant products over the past few years; whereas, however, according to the estimates put forward by the Member States, initial shares may be fixed at the quantities set out in Article 2;

Whereas, in order to take into account import trends for the products concerned, the quota amount should be divided into two tranches, the first tranche being allocated, and the second forming a reserve intended subsequently to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should be fixed at a level which, under present circumstances, may be approximately 91 % of the quota amount;

Whereas the initial shares may be used up at different rates; whereas, in order to take this fact into account and to avoid any break in continuity, any Member State which has almost used up its total initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial 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, which must be able to keep

⁽¹⁾ Opinion delivered on 17 October 1975 (not yet published in the Official Journal).

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

account of the extent to which the quota amount has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable balance remains in one or other Member State it is essential, to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others, that that Member State should return a significant proportion thereof to the reserve;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1976, a Community tariff quota of 5 700 metric tons shall be opened for fresh eels (live or dead) chilled or frozen, falling within subheading ex 03.01 A II of the Common Customs Tariff, intended for curing or skinning or for use in the industrial manufacture of products falling within heading No 16.04, under conditions to be determined by the competent authorities.

2. Within the limits of this tariff quota, the Common Customs Tariff duty shall be totally suspended.

3. The new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession within this quota.

Article 2

1. A first tranche of 5 200 metric tons of this Community tariff quota shall be allocated among the Member States. Member States' shares, which, subject to Article 5, shall be valid from 1 January

until 31 December 1976, shall consist of the following amounts:

	<i>in metric tons</i>
Benelux	1 600
Denmark	1 000
Germany	2 200
France	100
Ireland	10
Italy	90
United Kingdom	200

2. The second tranche of 500 metric tons shall constitute the reserve.

Article 3

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

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, by notifying the Commission, draw a third share equal to 7.5% of its initial share, rounded up as necessary to the next whole number, to the extent that the reserve so permits.

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

This procedure shall apply until the reserve is used up.

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

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

Member States shall return to the reserve, not later than 1 September 1976, the unused portions of their initial shares which, on 15 August 1976, are in excess of 20% of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall notify the Commission, not later than 1 September 1976, of the total quantities of the products in question imported up to and including 15 August 1976, and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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

It shall inform the Member States, not later than 5 September 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

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

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

Done at Luxembourg, 29 October 1975.

Article 7

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

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

3. Member States shall charge imports of the products in question against their shares as and when the products 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 against that share in accordance with paragraph 3.

Article 8

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

Article 9

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 1976.

For the Council

The President

G. MARCORA