

REGULATION (EEC) No 2923/74 OF THE COUNCIL

of 18 November 1974

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Whereas the Agreement ⁽¹⁾ establishing an association between the European Economic Community and the Republic of Cyprus, hereinafter called the 'Agreement', and the Protocol ⁽²⁾ laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community, hereinafter called the 'Protocol', provide for the opening of an annual Community tariff quota of 500 metric tons of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus; whereas pursuant to the joint declaration on Article 2 of the Protocol the tariff quota should be allocated among the Member States as follows: 100 metric tons for the Community as originally constituted and 400 metric tons for the new Member States; whereas Article 1 of Annex I to the Agreement provides that the duties applicable to the quota shall be equal to 30% of the Common Customs Tariff duties; whereas, as regards the duties applicable to goods within the limits of the quota by the new Member States, the special provisions of the Protocol and of the Act of Accession ⁽³⁾ should be observed; whereas, to comply with the special provisions of the Protocol, separate arrangements should be made for the Member States of the Community as originally constituted on the one hand and for the new Member States on the other hand;

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

all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Cyprus over a representative period and the economic outlooks for the quota period concerned;

However, as during the past three years no such products originating in Cyprus have been imported into the Community as originally constituted and whereas a minimal amount has been imported into only one of the new Member States; whereas no forecast can be made for 1975; whereas, to ensure fair distribution of the two quota amounts between the Member States concerned, each Member State should make a significant contribution to the relevant quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	27.8
Germany	19.4
France	27.8
Italy	25.0
Denmark	45.0
Ireland	5.0
United Kingdom	50.0

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of these amounts should be divided into two tranches, the first tranche being allocated among the Member States and the second forming reserves intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1973, p. 88.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 14.

determined at a level which, under present circumstances, may be approximately 75% and 50% of the quota amount respectively;

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

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State, it is essential that that Member State pays a large amount of it back into the reserve, in order to prevent a part of the tariff quota from remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, all transactions concerning the administration of shares granted to the abovementioned Economic Union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1975 a tariff quota of 500 metric tons shall be opened within the Community in respect of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus. This quota shall be allocated and administered in accordance with the provisions set out below.

Article 2

1. The Common Customs Tariff duty shall be partially suspended at the rate of 5.1% in respect of 100 metric tons of the quota referred to in Article 1.

2. Within the limits of 400 metric tons of the tariff quota referred to in Article 1, the new Member States shall apply the duties laid down in the relevant provisions of the Act of Accession, the Agreement and the Protocol.

Article 3

1. A first tranche of 72 metric tons of the amount specified in Article 2 (1) shall be allocated among the Member States of the Community as originally constituted; the shares which, subject to Article 6, are valid until 31 December 1975 shall be as follows:

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

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

2. A first tranche of 200 metric tons of the amount mentioned in Article 2 (2) shall be distributed between the new Member States; the shares, which subject to Article 6 are valid until 31 December 1975, shall be as follows:

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

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

Article 4

1. If 90% or more of the initial share of a Member State laid down in Article 3, or 90% of that share less the amount returned into the relevant reserve where the provisions of Article 6 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share, equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the relevant reserve is sufficient.

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

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

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

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

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

Article 5

Each of the additional shares drawn pursuant to Article 4 shall be valid until 31 December 1975.

Article 6

If, by 15 September 1975, a Member State has not used up its initial share, it shall, not later than 10 October 1975, return to the reserve the unused portion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 10 October 1975, notify the Commission of the total imports of the said goods effected up to and including 15 September 1975 and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the relevant reserve.

Article 7

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

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

Done at Brussels, 18 November 1974.

The Commission shall, not later than 15 October 1975, notify the Member States of the amounts in the reserves after the return of shares pursuant to Article 6.

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

Article 8

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

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

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

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

Article 9

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

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1975.

For the Council

The President

Ch. BONNET