



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.10.1995
COM(95) 460 final

95/0240 (ACC)

Proposal for a
COUNCIL REGULATION (EC)
amending Regulation (EC) No 520/94
establishing a Community procedure for
administering quantitative quotas

(presented by the Commission)

Explanatory Memorandum

Article 2(5) of Regulation (EC) No 520/94 establishing a Community procedure for administering quantitative quotas⁽¹⁾ stipulates that the quantities of such quotas that are not allocated, assigned or used must be redistributed to importers in time to allow them to be used before the end of the period covered by the quota.

Experience has shown that the information relating to the unused quantities (which account for the lion's share of the quantities liable to be redistributed) may not be available until after the end of the quota period, as was the case for the 1994 quotas.

The delay in this case was the result of the fact that the period of validity of import licences was extended to take account of delivery and transport problems, etc. arising because of the distance between the Community and China.

The quantities of the 1994 quotas that had not been used could not therefore be redistributed.

This situation could occur again.

Article 2(5) should consequently be amended to introduce greater flexibility in the rules concerning the redistribution of quantities that are not allocated, assigned or used with a view to ensuring optimum use of the quotas.

It is proposed therefore that, in cases where it finds that redistribution could not have taken place before the end of the quota period, the Commission can decide to carry out the redistribution during the next quota period.

To avoid excessive cumulation of imports, such a decision will be taken on a case-by-case basis taking into account the type of product and the purpose for which the quotas concerned were introduced, following consultation of the committee set up under Regulation (EC) No 520/94 in accordance with the procedure laid down in Article 23.

A proposal for a regulation to this effect is attached hereto for approval.

⁽¹⁾ OJ No L 66, 10.3.1994, p. 1.

Proposal for a
COUNCIL REGULATION (EC)
amending Regulation (EC) No 520/94
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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Article 2(5) of Council Regulation (EC) No 520/94⁽¹⁾ provides that the quantities of quotas that are not allocated, assigned or used must be redistributed in time to allow them to be used before the end of the period covered by the quota;

Whereas experience acquired during the administration of the 1994 quotas has shown that, as a result notably of the period of validity of licences, the information relating to the unused quantities (which account for the lion's share of the quantities liable to be redistributed) was not available until after the end of the 1994 quota period; whereas therefore those quantities could not be redistributed;

Whereas greater flexibility should therefore be allowed in the redistribution of the quantities that are not allocated, assigned or used; whereas, however, to avoid possible excessive accumulation of imports, the question of whether such a redistribution after the end of the quota period is appropriate should be examined on a case-by-case basis and the relevant arrangements decided, notably with regard to the period of validity of licences, taking into account the type of product in question and the purpose for which the quotas concerned were introduced;

Whereas, to this end, Regulation (EC) No 520/94 should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(5) of Regulation (EC) No 520/94 is replaced by the following:

"5. Quantities that have not been allocated, assigned or used shall be redistributed in accordance with Article 14 in time to allow them to be used before the end of the period covered by the quota.

⁽¹⁾ OJ No L 66, 10.3.1994, p. 1.

Where if it is found that it has not been possible to redistribute such quantities in time, the Commission shall decide, in accordance with the procedure laid down in Article 23, on their redistribution during the following quota period."

Article 2

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

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

Done at Brussels,

For the Council
The President

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