

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 25 September 1974

Proposal for a

REGULATION (EEC) OF THE COUNCIL

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

Proposal for a

REGULATION (EEC) OF THE COUNCIL

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

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

1. Article 2 of the Agreement at present in force between the European Economic Community

and Spain, read with Articles 2, 3 and 4 of Annex I thereto, provides for the opening of Community tariff quotas for the importation into the Community of the following products, originating in Spain, at the quota duties specified below:

CCT Heading No	Product	Annual Volume	Quota Duty
Chapter 27	Certain petroleum products	1 200 000 t)	40% of the CCT duties
55.09	Other cotton fabrics	1 800 t)	

2. These provisions apply only to the six original Member States, since the "Protocol fixing certain provisions relating to the Agreement between the European Economic Community and Spain in consequence of the Accession of the new Member States to the European Economic Community" of 29 January 1973 (OJ No L 66, 13 March 1973) provides that as regards the new Member States the situation shall remain as before. The Protocol also provides that the contracting parties are to lay down before 1 January 1974 the transitional measures and adjustments which may appear necessary following the accession of the new Member States.

In July 1973, the Community opened negotiations with Spain with a view to concluding, by 1 January 1974, a new Agreement to replace the 1970 Agreement. However, in view of the present state of these negotiations, it is by no means certain that the Agreement could enter into force on 1 January 1975 but rather on a later date which **might** well be within the first half of 1975.

3. In view of the foregoing, the Commission believes that the possible necessity should be provided for of opening tariff quotas, **for** 1975, **under** the current Agreement, in favour of Spain. Consequently, the relevant tariff quotas should be opened by 1 January 1975 and therefore approved by the Council before **1 November** 1974.

.../...

However, in view of the possible entry into force of a new Agreement it is proposed to confine the period of validity of these Community tariff quotas for the year 1975 to the period not-covered by the new Agreement.

This is the object of the proposals annexed hereto.

It is therefore necessary to initiate immediately the procedures for opening the relevant tariff quotas.

4. The Regulations provide, in the usual way, for the splitting up of the tariff volumes into two parts, of which the first will be allocated among the Member States as quota shares and the second will be kept as a reserve.
5. The allocation of the first part of each quota has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1971 to 1973 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off.
6. The proposed Regulation on other cotton fabrics provides for a single method of administration, to be applied by all Member States, namely the "as and when" method.

However it is at present impossible to provide for a single method of administration ("as and when" or advance allocation) of the quota for certain petroleum products. The rules governing the market in these products vary from one Member State to another, with the effect that the Member States regard the application of a single method of administration as impossible. In contrast to general practice, therefore, each Member State will be empowered to administer its own share of the quota according to its own rules, while ensuring that all importers of the relevant products have free access to the quota.

**Proposal for a
REGULATION (EEC) OF THE COUNCIL**

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

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

Whereas the Community tariff quota in question should be opened for the year 1975; and whereas, however, because of the possibility of the entry into force during 1975 of a new Agreement in this regard between the European Economic Community and Spain, it is necessary to confine the period of validity of this tariff quota to such period as is not covered by the new Agreement;

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Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas to represent as closely as possible the actual trend of the market in the products in question the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question;

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

	1971	1972	1973
Benelux	2.2	2.8	9.8
France	75.7	78.0	47.7
Germany	5.2	6.4	2.4
Italy	16.9	12.8	40.7

Whereas, in view of these figures, the foreseeable development during 1974 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

Benelux	6
France	68
Germany	6
Italy	20

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

Whereas the initial shares of Member States may be used up at different rates; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share must draw an additional share from the reserve; whereas this must be done by each Member State as each one of its additional shares is almost used up, and as

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

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

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are 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 one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1975 until 31 December 1975 the Common Customs

Tariff duties in respect of products originating in Spain as specified below shall be partially suspended at the levels indicated for each of them within the limits of an overall Community tariff quota of 1 800 metric tons:

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

Article 2

1. A first tranche, amounting to 1 350 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States. The respective individual shares, which, subject to Article 5, shall be valid until the end of the period specified in Article 1, shall be as follows :

Benelux	300	metric tons
France	220	metric tons
Germany	300	metric tons
Italy	270	metric tons

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

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90 % of that

share less the amount returned to the reserve, where the provisions of Article 5 have been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall proceed without delay, by notifying the Commission, to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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

This process shall be applied until the reserve is exhausted.

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

Article 4

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

Article 5

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 are reasons for considering 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 products concerned effected up to 15 September 1975 inclusive, and charged against the Community quota and of any quantities of their initial share returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 15 October 1975, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

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

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

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

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

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

Article 8

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

Article 9

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

Article 10

In the event that the preferential tariff arrangement for imports into the Community of products covered by Article 1, paragraph 1, is made the subject of a new Agreement between the European Economic Community and Spain and that the said Agreement enters into force before 31 December 1974 this Regulation shall cease to have effect as on such date of entry into force.

Article 11

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels,

For the Council

The President

Proposal for a
REGULATION (EEC) OF THE COUNCIL

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

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

Whereas the Community tariff quota in question should be opened for the year 1975; and whereas, however, because of the possibility of the entry into force during 1975 of a new Agreement in this regard between the European Economic Community and Spain, it is necessary to confine the period of validity of this tariff quota to **such period as is not covered by the new Agreement;**

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to represent as closely as possible the actual **trend** of the market in the products in question, the allocation should follow proportionately the requirement of the Member States calculated from both statistics of imports from Spain during a representative period and the economic outlook for the tariff period in question.

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

	1971	1972	1973
Germany	19.80	34.60	49.0
Benelux	25.40	9.10	15.3 (est.)
France	13.00	8.40	11.2
Italy	41.80	47.90	21.5

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

Germany	39
Benelux	17
France	11
Italy	33;

Whereas, to take account of future trends of imports of the product under consideration, the total quota volume should be divided into two tranches, the first being shared between Germany and the Benelux and the second held as a reserve to cover at a later date the requirements of these Member States, should they use up their new share;

Whereas to give Member State importers some certainty, the first tranche of the Community quota should be fixed at 80% of the total quota;

Whereas the initial shares of Member States may be used up at different rates; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial share must draw a supplementary share from the reserve; whereas this must be done by each Member State as each of its additional shares is almost used up, and as many times as the reserve allows; whereas, the initial and supplementary shares must be valid until the end of the quota period; whereas, this form of administration requires close cooperation between the Member States and the Commission, and the Com-

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

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

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union any measure concerning the adminis-

tration of the shares allocated to that Economic Union may be carried out by one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

From 1 January 1975 until 31 December 1975, and subject to ~~the measures~~

which might be taken pursuant to Article 3 (2) and (4) of Annex I to the Agreement between the Community and Spain, the Common Customs Tariff duties in respect of products refined in Spain and listed below shall be partially suspended at the levels indicated for each of them, within the limits of an overall Community tariff quota of 1 200 000 metric tons :

CCT heading No	Description	Rate of duty %
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:	
	A. Light oils:	
	III. For other purposes	2.4
	B. Medium oils:	
	III. For other purposes	2.4
	C. Heavy oils:	
	I. Gas oil:	
	c) For other purposes	1.4
	II. Fuel oil:	
	c) For other purposes	1.4
	III. Lubricating oils; other oils:	
	c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	1.6
	d) For other purposes	2.4
27.11	Petroleum gases and other gaseous hydrocarbons:	
	B. Other:	
	I. Commercial propane and commercial butane:	
	c) For other purposes	0.6
27.12	Petroleum jelly:	
	A. Crude:	
	III. For other purposes	0.8
	B. Other	2.8
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured:	
	B. Other:	
	I. Crude:	
	c) For other purposes	0.8
	II. Other	2.4
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals:	
	C. Other:	
	II. Other	0.8

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

Article 2

1. The first tranche, amounting to 1 000 000 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States. The respective individual shares, which, subject to Article 5 shall be valid until the end of the period specified in Article 1, shall be as follows :

Germany	390.000	metric tons
Benelux	170.000	metric tons
France	110.000	metric tons
Italy	330.000	metric tons

2. The second tranche, of to 200 000 metric tons shall be held as a reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

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, by notifying the Commission, draw a third share equal to 7.5% of its initial share, rounded up to the next unit where necessary, to the extent permitted by the amount of the reserve.

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 like manner draw a fourth share equal to the third.

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

Article 4

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

Article 5

A Member State which on 15 September 1975 has not used up its initial share shall return to the reserve not later than 10 October 1975 the unused portion exceeding 20% of the initial amount. It may return a greater portion if there are grounds for believing that it may not be used up.

Member States shall, not later than 10 October 1975, notify the Commission of the total quantities of the products concerned imported up to and including 15 September 1975 and charged against the appropriate Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

The Commission shall keep 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 State of the extent to which the reserves have been used up.

It shall inform the Member States not later than 15 October 1975, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up a reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

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

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

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

Article 8

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

Article 9

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

Article 10

In the event that the preferential tariff arrangement for imports into the Community of products as specified in Article 1 is made the subject of a new Agreement between the European Economic Community and Spain and that the said Agreement enters into force before 31 December 1974 this Regulation shall cease to have effect as on such date of entry into force.

Article 11

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels,

For the Council

The President

