

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 611 final.

Brussels, 1 December 1975

Proposal for

A COUNCIL REGULATION

opening, allocating and providing for the administration of a Community tariff quota of rosin, including "brais résineux", falling within subheading 38.08 A, originating in Austria, Finland, Iceland, Norway, Portugal and Switzerland

(submitted to the Council by the Commission)

COM(75) 611 final.

EXPLANATORY MEMORANDUM

1. At a meeting of the "Economic Tariff Problems" Group which considered, inter alia, the question of opening a tariff quota of rosin (sub-heading 38.08 A of the Common Customs Tariff) for 1976, the delegation of one Member State, supported by others, requested that the volume of the duty-free quota of these products for 1976 to be established subject to the limits laid down in Decision No 1/75 of the EEC-Greece Council of Association should be increased by a certain quantity reserved for imports coming from the EFTA non-member countries of the Community.

2. The proposal for a regulation concerning the autonomous, non-discriminatory quota to be opened in 1976 for a volume not exceeding the limits fixed in Decision No 1975 referred to above is currently before the Council for its approval.

3. As regards the additional request put forward, after close consideration of the matter the Commission decided that it would be appropriate to make it possible to import additional duty-free amounts subject to the authorized limits. That is why it proposes opening a duty-free Community tariff quota for a volume equivalent to 20 % of the imports by the Community in 1974 from the EFTA countries which have signed a free trade agreement with the Community, to which residual duties are still applicable. On this basis, the quota is fixed at 13 155 t, as a result of the application of the 20 % rate to the total amount of imports not exempted from the duty and listed in the table below :

Member State	Imports from (in tonnes)						Total imports
	Portugal	Sweden	Finland	Norway	Switzerland	Austria	
Benelux	12 852	2.253	198	-	-	-	15 303
Denmark	-	-	-	-	-	-	-
Germany	27 943.9	1 813.1	-	59.9	-	1.7 825.5	30 644.1
France	10 053	900	-	-	-	-	10 953
Ireland	5.25	-	-	1.98	-	-	7.23
Italy	8 350	235	279.1	-	-	1.5	8 865.6
United Kingdom	-	-	-	-	-	-	-
	59 204.15	5 201.1	477.1	61.88		3.2 825.5	65 772.93

4. Since the Community tariff quota relates to a relatively low volume by comparison with the Community's total imports and this amount will certainly be used up equally quickly in all Member States concerned, it seems that a breakdown into quotas allocated definitively to the Member States does not derogate from the Community nature of the quota in question.

Since importation from these countries into Denmark and the United Kingdom is already free of duty, these two Member States are excluded from the quota-share allocation, which is carried out by applying the above-mentioned 20% to the imports by each Member State during the reference year. On that basis, the level of the quota shares is as follows :

Benelux	3 061 tonnes
Germany	6 129 tonnes
France	2 191 tonnes
Ireland	1 tonne
Italy	1 773 tonnes.

Proposal for
Regulation (EEC) No .../75 of the Council
of.....

opening, allocating and providing for the
administration of a Community tariff quota of
rosin, including "brais résineux", falling within
subheading 38.08 A, originating in Austria, Finland,
Iceland, Norway, Portugal, Sweden and Switzerland

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, in its Regulation (EEC) No 2877/75 of 29 October 1975¹
the Council opened and allocated among the Member States a Community
tariff quota, duty free, of rosin falling within subheading 38.08 A
of the Common Customs Tariff (1976) for a volume not exceeding the
limits laid down in Decision No 1/75 of the Council of Association
on the application of the provisions of paragraph 3 of Protocol No 10
of the Agreement establishing an Association between Greece and the
Community;

Whereas rosin production in the Community and in Greece is not
sufficient to cover the supply requirements of the user industries
in the Community; whereas, therefore, supplies currently depend to
a considerable extent on imports from third countries exceeding the
volume of the tariff quota opened by the above-mentioned regulation;
whereas it is in the Community's interests to satisfy its most urgent
supply requirements, subject to the limits laid down in Decision No 1/75
of the Council of Association and at the most favourable conditions;
whereas it is appropriate, therefore, to suspend wholly the customs

¹OJ No L 292 of 12 November 1975, p. 4.

duties applicable to the importation of such products, originating in EFTA non-member countries with which the Community has concluded free trade agreements, up to a limit of 20% of imports into the Community during 1974 from these countries which have not been exempted from duties by virtue of any other preferential system; whereas on this basis the quota volume is fixed at 13 155 t;

Whereas, in view of the relatively small volume of this quota in relation to the Community's own requirements it is appropriate, without thereby derogating from the Community nature of the quota, to provide for a method of using it, that is based on a single allocation among Member States; whereas this allocation may be calculated by the same method as was used to determine the quota volume for obtaining 20% of the imports of each Member State coming from these same countries; whereas the resulting exclusion of certain Member States from the allocation of the quota does not conflict with the Community character of this quota, since by virtue of the agreements signed, these Member States already import rosin originating in the countries referred to above duty free;

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 quota shares allocated to that Economic Union may be carried out by any one of its members;

HAS ADOPTED THIS REGULATION :

Article 1

1. There is hereby opened in respect of the period 1 January to 31 December 1976 a Community tariff quota of 13 155 tonnes of rosin, including "brais résineux", falling within subheading 38.08 A of the Common Customs Tariff, originating in Austria, Finland, Iceland, Norway, Portugal, Sweden and Switzerland.
2. Common Customs Tariff duties shall be suspended totally for this tariff quota.

3. The new Member States shall apply, in respect of this tariff quota, duties calculated in accordance with the provisions on the matter laid down in the Act of Accession.
4. The Protocols on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the agreements concluded between the Community and each of the countries referred to in paragraph 1, shall be applicable under this quota.

Article 2

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

Benelux	3 061 tonnes
Germany	6 129 tonnes
France	2 191 tonnes
Ireland	1 tonne
Italy	1 773 tonnes.

Article 3

1. Each Member State shall take all appropriate measures to ensure that importers of the product in question established in its territory have free access to the shares allocated to it.
2. The extent to which the quota shares of Member States have been used up shall be determined on the basis of imports of the product in question originating in one of the countries referred to above entered with the customs authorities under cover of declarations that they have been entered into consumption.

Article 4

On receipt of a request from the Commission, the Member States shall notify it of the importations actually charged against their quota shares.

Article 5

The 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 Brussels,

By the Council,

The President