

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 143 final.

Brussels, 8 April 1975

Proposal for a
REGULATION (EEC) OF THE COUNCIL
establishing Community supervision of imports of certain products
originating in the State of Israel

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. The Agreement concluded by the European Economic Community with the State of Israel provides, in particular in the case of industrial products, for the phased abolition of Common Customs Tariff duties over a transitional period extending until 1 July 1977. Notwithstanding this provision, special arrangements are laid down for a certain number of sensitive products: an annual ceiling may be imposed on the volume of such products which may be imported at the preferential rate of duty. When this ceiling is reached the Community may reintroduce until the end of the calendar year the customs duties applicable to third countries. In certain cases it is the basic duties which are to be applied; these are the duties to which the reductions provided for in the Agreement apply.

The initial volumes of the annual ceilings operative for 1975 are fixed by the Agreement itself. However, if the Agreement does not enter into force at the beginning of a calendar year these volumes are to be adjusted on a prorata basis.

The ceilings are to be fixed annually and their levels increased by a certain percentage. They will be abolished not later than 31 December 1979.

2. The operation of the ceiling arrangements and the power to reintroduce customs duties will necessarily require the adoption of detailed common rules to be applied uniformly by all Member States. This can take the form of a Community system of supervision of actual imports from the partner State. To this end, the Member States should take appropriate measures to permit the rapid collection of statistical returns for the whole Community. In this connection only imports of the products in question should be taken into account, as and when they are submitted to the customs authorities under cover of a declaration of entry for home use and accompanied by an EUR 1 movement certificate conforming to the rules contained in the Agreement referred to under 1.

These returns are to be made up by each Member State at the end of every month and forwarded by the tenth day of the following month to the Commission so as to enable the latter to communicate by telex to all the Member States an overall, product-by-product statement for the preceding month of the imports in question. The system of supervision will require of the responsible departments of the Member States and the Commission diligence and close cooperation. In view of the fact that the products concerned are sensitive products and that imports at a reduced rate of duty in excess of the ceilings could cause disturbance of the Community market, it is absolutely essential that all Member States respect rigorously the ten-day time limit referred to above.

The following procedure is to be adopted for setting in train machinery to reintroduce duties: if one of the overall monthly statements drawn up by the Commission reveals that 75% of the ceiling fixed for a given product has been reached, the Member States would be informed and consultations could be held, for example in the Working Party on Economic Tariff Problems, either at the request of a Member State or the Commission's initiative. The aim of these consultations would be to examine, case by case, whether or not the customs duties applicable to non-member countries should be reintroduced once the target ceiling is actually reached.

Monthly returns would still be made in respect of imports of the product in question or, if the Commission so requested, it would be notified by telex of such imports every ten days. In the latter case, the time limit for forwarding the information would be five days.

In this way, the Commission would be able to take, within the shortest possible time, measures leading to the reintroduction by Regulation, of customs duties in respect of the partner State which would apply until the end of the calendar year. In the above hypothesis, the reintroduction of the customs duties on the product under consideration would, naturally, be effected within a time limit fixed by the Regulation putting an end to the reduction of duties provided for in the Protocols No 1.

3. As far as application of the rule on ceilings and reintroduction of duties is concerned, the attached proposal makes provision for the Council to confer powers upon the Commission.

The proposed Regulation does no more than outline how these powers are to be exercised so that, in consultation with the Member States, the machinery to be set in train may be adapted flexibly and rapidly. It is with the same view to maximum efficiency and rapidity that the proposed Regulation provides that the Commission would be responsible for reintroducing, in respect of the partner State, the duties applicable to non-member countries.

ANNEX:

Proposal for a Council Regulation.

Proposal for a
REGULATION (EEC) No OF THE COUNCIL
of
establishing Community supervision of imports of certain products
originating in the State of Israel

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 Article 2 of the Agreement¹ between the European Economic Community
and the State of Israel signed on , and Articles 1 and 2 of
Protocol No 1 thereto make provision for the progressive abolition of
customs duties in respect of the products to which the Agreement applies;
whereas by way of derogation from those Articles, Article 5 of that
Protocol provides that in the case of imports of certain products listed
in Annex B to that Protocol the reduction of duties is to be limited to
ceilings above which the customs duties applicable to third countries may
be reintroduced; whereas, however, the Community may suspend totally
or partially the application of such ceilings; whereas the application
of ceilings requires that the Community be regularly informed of the
trend of imports of the products in question originating in Israel;
whereas it is, therefore, desirable to make imports of such products
subject to supervision;

Whereas this objective may be achieved by means of an administrative
procedure based on setting off, at Community level, imports of the products
in question against the ceilings as and when the products are submitted
to the customs authorities under cover of declarations that they are to be made
available for consumption; whereas such administrative procedure must make
provision for the reintroduction of customs tariff duties as soon as the
ceilings have been reached at Community level;

¹OJ No L

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Whereas such administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas there is particular need for close cooperation as the Commission must be able to take suitable measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the amounts indicated in Annex B to the said Protocol are annual ceilings; whereas, however, since the Agreement is to enter into force on [1 July 1975], the provision relating to prorata application is operative;

Whereas the trend of imports of certain products not subject to ceilings should also be followed; whereas it is therefore desirable that imports of such products should also be subject to supervision;

HAS ADOPTED THIS REGULATION:

Article 1

1. From [1 July 1975] until 31 December 1975, imports of products originating in Israel to which annual ceilings are applied in accordance with Article 5, par.2, of and Annex B to Protocol No 1 to the Agreement between the European Economic Community and the State of Israel shall be subjected to Community supervision.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers and the levels of the ceilings are given in Annex I.

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2. Amounts shall be set off against the ceilings as and when products are submitted to the customs authorities under cover of a declaration that they are to be made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall inform the Commission at the intervals and within the time limits specified in paragraph 4 below of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing, until the end of the calendar year, the customs duties specified in Articles 2 and 5(6) of Protocol No 1 to the Agreement.

4. Member States shall forward to the Commission not later than the tenth day of each month statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of ten days and forward them within five clear days of expiry of the preceding ten-day period.

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Article 2

During the period from [1 July 1975] until 31 December 1975, imports of the products referred to in Annex II which originate in Israel shall be subjected to Community supervision.

Member States shall forward to the Commission not later than the tenth day of each month statements of imports of the products in question effected during the preceding month; only products submitted to the customs authorities under cover of a declaration that they are to be made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration for this purpose.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

This Regulation shall enter into force on [1 July 1975]

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

Done at Brussels,

For the Council
The President

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATE CEILINGS UPON IMPORTATION
IN 1975

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling - metric tons -
1	2	3	4	5
	(27.10	Petroleum oils, and oils obtained)
	(	from bituminous minerals, other than)
	(	crude; preparations not elsewhere)
	(	specified or included, containing not)
	(	less than 70 % by weight of petroleum)
	(	oils or of oils obtained from bitumi-)
	(	nous minerals, those oils being the)
	(	basic constituents of the prepara-)
	(	tions :)
	(	A. Light oils :)
	(	III. For other purposes	27.10 - 15,)
	(	B. Medium oils :	17,21,25,29)
	(	III. For other purposes	27.10 - 34,)
	(	C. Heavy oils :	38,39)
	(	I. Gas oil :)
	(	c) For other purposes	27.10 - 59)
	(	II. Fuel oil :)
	(	c) For other purposes	27.10 - 69)
	(	III. Lubricating oils; other oils:)
	(	c) To be mixed in accordance)
	(	with the terms of Addi-)
I IL 1	(	tional Note 7 to Chapter		) 300,000
	(	27 (a)	27.10 - 75)
	(	d) For other purposes	27.10 - 79)
	()
	()
	(27.11	Petroleum gases and other gaseous)
	(	hydrocarbons :)
	(	A. Propane of a purity of 99 % or)
	(	more :)
	(	I. Intended to be used as motor)
	(	or other fuel	27.11 - 05)

1	2	3	4	5
		B. Other :)
		I. Commercial propane and commercial butane :)
		c) For other purposes	27.11 - 19)
	27.12	Petroleum jelly :)
		A. Crude :)
		III. For other purposes	27.12 - 19)
		B. Other	27.12 - 90)
	27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, wether or not coloured :)
		B. Other :)
		I. Crude :)
		c) For other purposes	27.13 - 89)
		II. Other	27.13 - 90)
	27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals :)
		C. Other :)
		II. Not specified	27.14 - 99)
I IL 2	29.02	Halogenated derivatives of hydrocarbons :		
		A. Halogenated derivatives of acyclic hydrocarbons :		
		III. Bromides and polybromides	29.02 - 40	900

1	2	3	4	5
I IL 3	42.03	Articles of apparel and clothing accessories, of leather or of composition leather :		
		B. Gloves, including mittens and mitts	42.03 - 21, 25,27,28	1,5
I IL 4	55.05	Cotton yarn, not put up for retail sale	55.05 - all Nos	450
I IL 5	55.09	Other woven fabrics of cotton	55.09 - all Nos	200
I IL 6	60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic nor rubberised	60.03 - all Nos	50
I IL 7	60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberised	60.05 - all Nos	225

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

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II IL 1	28.01	Halogens (fluorine, chlorine, bromine and iodine) : C. Bromine	28.01 - 50
II IL 2	28.10	Phosphorus pentoxide and phosphoric acids (meta-, ortho- and pyro-)	28.10 - 00
II IL 3	28.33	Bromides, oxybromides, bromates and perbromates, and hypobromites	28.33 - 00
II IL 4	28.40	Phosphites, hypophosphites and phosphates : B. Phosphates : II. Other, including polyphosphates	28.40 - 50, 62 65, 71, 79, 81, 85
II IL 5	29.16	Carboxylic acids with alcohol, phenol, aldehyde or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides and peracids, and their halogenates, sulphonated, nitrated or nitrosated derivatives : A. Carboxylic acids with alcohol function : III. Tartaric acid and its salts and esters	29.16 - 15, 16, 18
II IL 6	31.03	Mineral or chemical fertilisers, phosphatic : A. Mentioned in Note 2 (A) to this Chapter : I. Superphosphates	31.03 - 15

1	2	3	4
II IL 7	39.02	Polymerisation and copolymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone-indene reins) :	
		C. Other :	
		VII. Polyvinyl chloride	39.02 - 52,53,55 56,58,62,64,66
II IL 8	42.02	Travel goods (for example, trunks, suit-cases, hatboxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanised fibre, of artificial plastic sheeting, of paperboard or of textile fabric :	
		ex B. Of other materials :	
		- Of natural leather	42.02 - ex 21, ex 31, ex 41, ex 51, ex 81
II IL 9	42.03	Articles of apparel and clothing accessories, of leather or of composition leather :	
		A. Articles of apparel	42.03 - 21,25, 27,28
		C. Other clothing accessories	42.03 - 51,59
II IL 10	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02	51.04 - all Nos

1	2	3	4
II IL 11	56.05	Yarn of man-made fibres (continuous or waste), not put up for retail sale	56.05 - all Nos
II IL 12	56.07	Woven fabrics of man-made fibres (discontinuous or waste)	56.07 - all Nos
II IL 13	70.05	Unworked drawn or blown glass (including flashed glass), in rectangles	70.05 - all Nos
II IL 14	76.03	Wrought plates, sheets and strip, of aluminium	76.03 - all Nos
