

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 423 final

Brussels, 8 September 1977

Proposal for a  
COUNCIL REGULATION (EEC)

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 Malta (1977)

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(submitted to the Council by the Commission)

COM(77) 423 final



EXPLANATORY MEMORANDUM

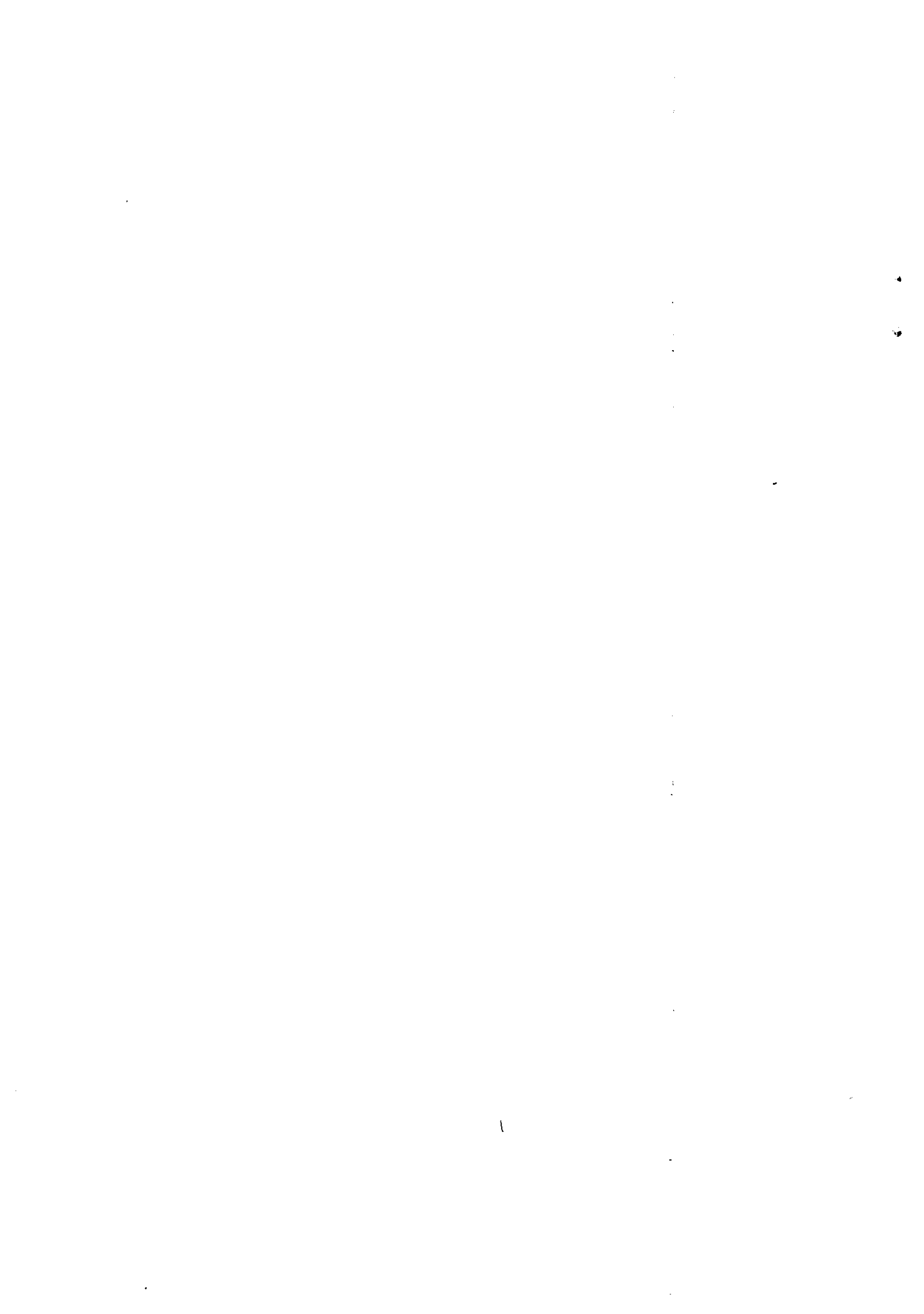
Article 2 of Annex I of the Agreement between the Community and Malta, amended by Article 5 of the Additional Protocol to this Agreement provides for 1977 for the opening of a duty-free Community tariff quota of 100 tonnes of other woven fabrics of cotton falling within tariff heading No 55.09, originating in Spain.

If the Protocol does not enter into force at the beginning of the calendar year this quota should be opened pro rata temporis. At the present moment it can be assumed that the abovementioned Protocol will enter into force on 1 November 1977. The tariff quota in question should therefore be opened for the last two months of this year.

The foregoing is the subject of this proposal.

It is the rule in this field that the quota volume is divided into two instalments, one forming the Community reserve and the second being allocated among the Member States. In this case the tariff quota is for a relatively small quantity and for a very short time of validity. It seems therefore possible to provide for a system of use based on a single allocation and at the same time to preserve the Community nature of the quota.

Concerning this allocation, the usual procedure should be applied, that is the proportion of the total imports of each Member State over the last three years to Community imports over the same period is worked out and the resulting percentages are applied per Member State.



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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 Annex I of the Agreement between the European Economic Community and Malta (1), as amended by Article 5 of the Additional Protocol to this Agreement (2) provides for 1977 for the opening by the Community of an annual duty-free Community tariff quota of 100 tonnes of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in Malta; whereas this tariff preference is applicable from the date of entry into force of the abovementioned Protocol and whereas the tariff quota should be opened pro rata temporis if the Protocol does not enter into force at the beginning of the calendar year; whereas the Community tariff quota in question should be opened for the year 1977;

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

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(1) OJ No L 111, 28.4.1976, p. 1.

(2) OJ No L

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 Malta during a representative period and the economic outlook for the tariff period in question;

Whereas, during the last 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 Malta of the products concerned:

Member States	1974	1975	1976
Benelux	-	55	50
Denmark	-	-	-
Germany	88	-	50
France	6	-	-
Ireland	-	-	-
Italy	-	45	-
United Kingdom	6	-	-

and  
Whereas, in view of these factors of the foreseeable development of the market for the products in question:

initial quota shares may be fixed approximately at the following percentages:

Benelux	24
Denmark	5
Germany	18
France	12
Ireland	5
Italy	24
United Kingdom	12

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of use based on a single allocation and at the same time preserve the Community nature of the quota; whereas such an allocation may therefore be based on the percentage figures shown in the table above;

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 measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 November until 31 December 1977 the Common Customs Tariff duties in respect of other woven fabrics of cotton falling within heading No 55.09 of the Common Customs Tariff, originating in Malta, shall be entirely suspended within the limits of a Community tariff quota of 17 tonnes.

*Article 2*

The Community tariff quota laid down in Article 1 shall be allocated among the Member States as follows :

Benelux	4 tonnes
Denmark	1 tonne
Germany	3 tonnes
France	2 tonnes
Ireland	1 tonne
Italy	4 tonnes
United Kingdom	2 tonnes.

### Article 3

1. The Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.
2. The Member States shall charge imports of the said goods against their shares as and when the goods are entered for home use.
3. 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 2.

### Article 4

On receipt of a request from the Commission, Member States shall inform it of imports actually charged against their shares.

### Article 5

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

### Article 6

This Regulation shall enter into force on 1 November 1977.

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

Done at Brussels,

*For the Council*

*The President*



# FINANCIAL STATEMENT

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1. Budget line concerned : Ch. 12 Art. 120

2. Legal basis : Art. 113.

3. Title of the tariff measure :

Proposal for a Council Regulation 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 Malta (1977)

4. Objectives :

Fulfilment of contractual obligations

5. Method of calculation :

- No of CCT	:	55.09
- Quota volume	:	17 T
- Quota duty rate	:	Free
- Duty rate CCT	:	13% - 15% (average 14%)

6. Loss of receipts :

cif average value of the goods 1975 : 3 000 EUR/MT

+ 15% for advance in prices = 3,450 EUR/MT

= 14% ~~3,450~~ 17

= 8,200 EUR

