

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 230 final.

Brussels, 29 May 1975

Proposal for a
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration
of a Community tariff quota for apricot pulp falling
within subheading ex 20.06 B II c) 1) aa) of the Common
Customs Tariff, originating in Israel.

(year 1976)

(submitted to the Council by the Commission)

Explanatory memorandum

1. The Agreement between the European Economic Community and the State of Israel provides in Article 10 of Protocol No. 1 annexed thereto for the opening of an annual Community tariff quota for the importation into the Community of 150 metric tons of apricot pulp, originating in Israel, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff.
The customs duties applicable within the limits of this quota are equal to 70% of the duties actually applied to non-member countries.

Accordingly the tariff quota in question has to be opened for 1976.

2. The proposal for a Regulation opening this tariff quota makes provision, as is usual, for the division of the quota volume into two tranches, the first of which is allocated by shares to the Member States, while the second constitutes a reserve.
It does not seem possible, in this case, to base the allocation of the first tranche on the rules generally applied, that is, to relate the total imports by each Member State during the past three years to the Community imports over the same period and to apply for each Member State the resulting percentages to the volume of the first tranche. As only one Member State has regularly imported the products concerned and the other Member States have imported them only occasionally if at all, an allocation scale based on estimates put forward by some Member States and on the

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need to allocate the quota volume fairly among the Member States appears suitable.

3. The form of administration to be applied by all the Member States is the "grey-hound-system".
4. The Member States' experts who participated in the consultative meeting of the "Economic Tariff problems" Group (14/18 April 1975) expressed agreement in principle to the scheme for allocation of shares proposed by the Commission in the framework of the regulation annexed.
5. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described in paragraph 1 above be approved.

ANNEX:

1 proposal for a Regulation (EEC) of the Council

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

opening, allocating and providing for the administration
of a Community tariff quota for apricot pulp falling
within subheading ex 20.06 B II c) 1) aa) of the Common
Customs Tariff, originating in Israel.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament;

Whereas the Agreement between the European Economic Community
and the State of Israel, signed on 1 July 1975, provides
in Article 10 of the Protocol No. 1 annexed thereto for the
opening by the Community of a annual Community tariff quota of 150
metric tons of apricot pulp falling within subheading ex 20.06 B II
c) 1) aa) of the Common Customs Tariff, originating in Israel;
whereas the customs duties applicable to the quota are equal to
70% of the duties actually applied to non-member countries;

whereas the Community tariff quota in question should therefore
be opened for 1976 ;

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Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports of the product-in question until the quota is used up; whereas a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota, having regard to the principles mentioned above; whereas, to represent as closely as possible the actual development of the market in the product in question, the allocation should follow proportionately the requirements of the Member States calculated from both statistics of imports from Israel during a representative reference period and the economic outlook for the quota 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 Israel of the products concerned:

	1972	1973	1974
Benelux	-	58.6(=58 t)	100(=25t)
Denmark	-	-	-
Germany	43.3(=13 t)	-	-
France	-	-	-
Ireland	-	-	-
Italy	-	-	-
United Kingdom	56.7(=17 t)	41.4(=41 t)	-

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Whereas these data cannot be considered as representative to serve as a basis for allocation of the quota volume among the Member States; whereas it is difficult to estimate imports by Member States for 1976 because of the absence of any pattern in previous years; whereas to allocate the quota volume fairly, the initial quota shares may be fixed approximately as follows:

Benelux	15%
Denmark	5%
Germany	25%
France	10%
Ireland	5%
Italy	5%
United Kingdom	35%

Whereas, to take account of future import trends in the various Member States for the products concerned, the quota volume should be divided into two tranches, the first being allocated amongst the Member States and the second held as a reserve to cover at a later date the requirements of Member States which have used up their initial share; whereas, to give importers some certainty, the first tranche of the Community tariff quota could be fixed at 60% of the quota volumes;

Whereas the initial shares may be used up more or less quickly; 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 one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas each initial and supplementary share must be valid until

the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quotas have been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that that State should return a significant proportion to the reserve to prevent a part of the Community quota from remaining unused in one Member State when 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 any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1976, a Community tariff quota of 150 metric tons shall be opened in the Community for apricot pulp, falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel.
2. Within the limits of this tariff quota the Common Customs Tariff duty applicable to these products shall be partially suspended at a rate of 11.9%.
3. Within the limits of this tariff quota the new Member States shall apply duties calculated in accordance with the provisions of Protocol No. 1 annexed to the Agreement between the Community and the State of Israel and of the Act of Accession.

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Article 2

1. A first tranche of 100 metric tons of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1975 shall be as follows:

Benelux	15	metric tons
Denmark	5	metric tons
Germany	25	metric tons
France	10	metric tons
Ireland	5	metric tons
Italy	5	metric tons
United Kingdom	35	metric tons

2. A second tranche of 50 metric tons shall constitute 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.

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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, in accordance with the conditions imposed by paragraph 1, draw a third share, equal to 7.5% of its initial share, rounded up where necessary to the next unit.
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 accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraph 1 to 3, a Member State may draw shares lower than those fixed in those paragraphs if there are grounds for believing that they may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1976.

Article 5

The Member States shall return to the reserve, not later than 1 October 1976 the unused portion of their initial share which, on 15 September 1976 is in excess of 20% of the initial amount. It may return a greater portion if there are grounds for believing that it may not be used up.

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Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1976 and charged against the 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 State pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each state of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1976, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up the 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 supplementary 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 quota.
2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

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3. Member States shall charge imports of the said goods against their shares as and when such 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 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 State and the Commission shall co-operate closely in order to ensure that this Regulation is observed.

Article 10

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,

For the Council

The President