

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 401 final.

Brussels, 11 September 1978

Proposal for a  
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration  
of a Community tariff quota for newsprint falling within  
subheading No 48.01 A of the Common Customs Tariff (1979)  
and extending this quota to include certain other types  
of paper

(Submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

1. At the last multilateral GATT negotiations, the Community undertook to open annually a nil duty Community tariff quota for 1,500,000 metric tons of newsprint falling within subheading No 48.01 A of the Common Customs Tariff.

Furthermore, the Community informed the Nordic delegation (text Nord 4 of document NCG(67)44 rev.) that it had decided to open a nil duty tariff quota each year under Article 28 of the Treaty of Rome if it were established that all possibilities of supply on the internal market of the Community had been exhausted during a given trading year and after having entirely used up the nil duty quota bound under GATT.

Judging from market trends over the past few years it is clear already that the 1979 Community tariff quota must be greater than the 1,500,000 metric tons originally established. This is why the Commission considers that it can propose the opening of a tariff quota for 2,500,000 metric tons. This amount is based on first estimates, so that a review of the situation during the course of the year is naturally not excluded.

2. The tariff quota is allocated in accordance with the method which has normally been applied : allocation is based on past import figures and on estimated for the quota year in question.

Furthermore, in view of the size of the quota proposed from the start, the Commission considers that it would be contrary to the Community nature of this quota to divide it up into shares allocated definitively to all the Member States. It therefore proposes a system of administration based on the institution of a Community reserve limited to 5%. This system of allocation and administration was, moreover, unanimously approved by all Member States at the time of the opening of the tariff quota for previous years.

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3. In the expectation of a definitive decision on the problem of the watermark criteria, contained in the additional note to Chapter 48, perhaps in the framework of the current GATT regulations, it is proposed to renew for 1979 the possibility for the Member States to count against the quota concerned other types of paper which correspond, leaving aside the criteria of watermarks, to the definition of newsprint to be found in the additional note to Chapter 48.

Proposal for a  
**COUNCIL REGULATION (EEC) No. ....**  
of .....

opening, allocating and providing for the administration of a Community tariff quota for newsprint falling within subheading 48.01 A of the Common Customs Tariff (1978) and extending this quota to include certain other types of paper.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual duty-free Community tariff quota of 1 500 000 metric tons of newsprint falling within subheading 48.01 A;

Whereas, in view of present Community production capacity, that quantity is insufficient to meet anticipated import requirements; whereas provision should therefore be made for an autonomous supplementary quota which, according to the estimates submitted, may be fixed at present at 1 000 000 tonnes; whereas the fact that this figure has been adopted for the autonomous supplementary quota does not rule out a readjustment during the quota period; whereas a Community tariff quota should therefore be opened for 1979 for a total quantity of 250 000 tonnes of the product in question;

Whereas provision should be made for extending the tariff quota in question to include certain types of paper fulfilling all the conditions set out in the Additional Note to Chapter 48 except those relating to watermarks;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied without interruption to all imports of the product in question until the quota is exhausted; whereas in the light of these principles, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics on

imports from third countries during a representative reference period and to the economic outlook for the year covered by the quota in question;

Whereas, for the last three years for which complete statistics are available, the imports of each of the Member States amounted to the following percentages of total imports of the products in question:

	1975	1976	1977
Benelux	14.06	12.55	14.41
Denmark	5.23	5.92	5.43
Germany	27.05	26.90	27.85
France	11.86	11.50	11.82
Ireland	2.02	2.03	1.85
Italy	0.50	0.50	0.49
United Kingdom	39.28	40.60	38.15

whereas, in view of the above and of the foreseeable trend on the market in newsprint in general, and of production in particular during 1978 the quota may be allocated approximately in the following percentages:

Benelux	14.13
Denmark	7.43
Germany	26.74
France	12.10
Ireland	2.08
Italy	0.94
United Kingdom	37.48

Whereas, to take account of import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, to give importers some degree of certainty and yet enable Community production to be disposed of on satisfactory terms, the first tranche of the quota should be fixed at about 95 % of the full amount;

Whereas Member States may exhaust their initial shares at different rates; whereas to provide for this eventuality and avoid disruption of supplies any Member State which has almost used up its initial share should draw an additional share from the reserve, whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission which latter must be in a position to keep account of the extent to which the quota has been used up and to inform the Member States accordingly;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January to 31 December 1979 a Community tariff quota of 2 500 000 tonnes shall be opened in respect of newsprint falling within subheading 48.01 A of the Common Customs Tariff (1).

2. Member States may charge against this tariff quota the other types of paper complying with the definition of newsprint contained in the Additional Note to Chapter 48, except as regards the criteria governing watermarks.

3. Imports of newsprint shall not be charged against this tariff quota if they are already free of customs duties under other preferential tariff treatment. Furthermore, imports of any other paper referred to in paragraph 2 enjoying duty free exemption under the said tariff quota shall not be charged against the indicative ceilings fixed under certain free trade agreements.

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

4. The Common Customs Tariff duty shall be totally suspended within the limits of the above quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. A first tranche of 2 356 000 tonnes shall be allocated among the Member States. Member States shares, which subject to Article 5 shall be valid from 1 January until 31 December 1979, shall be as follows:

	(in tonnes)
Benelux	333 000
Denmark	175 000
Germany	630 000
France	285 000
Ireland	49 000
Italy	1 000
United Kingdom	883 000

3. The second tranche, of 144 000 tonnes, shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as fixed in Article 2 (2), or of that share minus the portion returned to the reserve where Article 5 has been applied, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 15 % of its initial share, rounded up as necessary to the next whole number.

2. If, after its initial share has been exhausted 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided for in paragraph 1, draw a third share equal to 7.5 % of its initial share.

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 the manner and to the extent provided for in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this provision.

*Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

*Article 5*

The Member States shall return to the reserve, not later than 1 October 1979, the unused portion of their initial share which, on 15 September 1979, is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question imported up to and including 15 September 1979 and charged against the Community tariff quota and of any portion of their initial shares 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 Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1979, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that when a quantity exhausting the reserve is drawn, the amount so drawn does not

exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

*Article 7*

1. Member States shall take all appropriate measures 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 share of the Community quota.

2. Member States shall take all measures necessary to ensure that the types of paper referred to in Article 1 (2) included in this tariff quota are in fact intended for the printing of newspapers, weekly papers or other periodicals of heading No 49.02, published at least 10 times per year.

3. Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to it.

4. The extent to which a Member State has used up its shares shall be determined on the basis of imports of the products in question entered with the customs authorities for home use.

*Article 8*

On receipt of a request from the Commission the Member States shall notify it of the importations charged against its share.

*Article 9*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 10*

This Regulation shall enter into force on 1 January 1979.

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

Done at Brussels,

*For the Council*

*The President*

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

2. Legal basis : Art. 28 and 113 of the Treaty

3. Title of the tariff measure :

Proposal for a Regulation (EEC) of the Council on the opening, allocation and administration of a Community tariff quota for newsprint falling within subheading No 48.01 A of the Common Customs Tariff(1979) and extending this quota to include certain other types of paper.

4. Objectives :

To respect the contractual engagements under GATT and to assure covering the Communities' needs for newsprint.

5. Method of calculation :

- No of CCT	:	48.01 A et ex 48.01 E
- Quota volume	:	2 500 000 tonnes
- Quota duty rate	:	0%
- Duty rate CCT	:	7% and 12%

6. Loss of receipts : 8 500 000 EUA