

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 438 final.

Brussels, 12 September 1978

Proposal for a
COUNCIL REGULATION (EEC)
opening, allocating and providing for the administration
of a Community tariff quota for certain textile fibres
falling within heading No 56.04 of the Common Customs
Tariff, originating in Cyprus (1979)

Proposal for a
COUNCIL REGULATION (EEC)
opening, allocating and providing for the administration
of a Community tariff quota for men's and boy's outer
garments falling within heading No 61.01 of the Common
Customs Tariff, originating in Cyprus (1979)

(submitted to the Council by the Commission)

COM(78) 438 final.

EXPLANATORY MEMORANDUM

1. The Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, together with the Protocol laying down certain provisions relating to that Agreement consequent on the accession of new Member States to the European Economic Community and the Additional Protocol to this Agreement provides for the opening of the following annual duty-free Community tariff quotas for products originating in Cyprus :

Common Customs Tariff heading	Description of goods	Annual quota
56.04	Man-made fibres (discontinuous or waste) carded, combed or otherwise prepared for spinning	100 metric tons
61.01	Men's and boys' outer garments	500 metric tons

2. In order to fulfil the Community's obligation to Cyprus in 1979, regulations should be adopted opening, allocating and providing for the administration of these Community tariff quotas.

This is the purpose of the proposals annexed hereto.

3. The regulations provide, as is the rule, for each of the quotas to be divided into two instalments, the first of which is allocated among the Member States while the second constitute the reserve.

The allocation of the first instalment is usually based on the statistics for the previous three years and the forecasts for the quota period concerned. However, in this case, this principle cannot be applied to the products in question. For, during the past three years, there were no imports of man-made fibres falling within tariff heading No 56.04 and the imports of outer garments falling within tariff heading No 61.01 were insignificant. In this situation it seems also very difficult to draw up forecasts for 1979.

.../...

To allocate the quotas in question nevertheless equitably among Member States, it appears desirable to provide for a significant share of the quota amount for each of the Member States. Obviously, this formula will have to be adapted subsequently in the light of actual trade movements.

Annexes :

2 proposals of Regulations of the Council.

PROPOSAL FOR A
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota
for certain textile fibres falling within heading No 56.04 of the Common Customs
Tariff, originating in Cyprus (1979)

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 the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾ as amended by the Additional Protocol to that Agreement ⁽²⁾ provides for the opening of an annual duty-free Community tariff quota of 100 tonnes of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Cyprus; whereas the tariff quota in question should be opened for 1979;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the abovementioned principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of each State's imports of the goods in question from Cyprus over a representative reference period and also to the economic outlook for the quota period concerned;

Whereas, however, in respect of the past three years, no such products originating in Cyprus have been imported into the Community; whereas no forecast can be made for 1979; whereas, to ensure fair distribution of the quota amount between the Member States, each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	13 %
Denmark	10 %
Germany	20 %
France	20 %
Ireland	8 %
Italy	17 %
United Kingdom	12 %;

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 60% of the quota volume;

(1) OJ N° L 133, 21.5.1973, p. 1

(2) OJ N° L 339, 28.12.1977, p. 2

Whereas the Member States' initial shares may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial share, should draw an additional share from the reserve ; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows ; whereas the initial and additional shares must be valid until the end of the quota period ; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof ;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any 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 united in and represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

From 1 January to 31 December 1979 the Common Customs Tariff duties in respect of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 100 tonnes.

Article 2

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

2. A first instalment, amounting to 60 tonnes, shall be allocated among the Member States ; the shares which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

Benelux	8 tonnes,
Denmark	6 tonnes,
Germany	12 tonnes,
France	12 tonnes,
Ireland	5 tonnes,
Italy	10 tonnes,
United Kingdom	7 tonnes.

3. The second instalment of 40 tonnes shall constitute the reserve.

Article 3

1. If 90% of more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, then to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit.
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, then that Member State shall, in accordance with the conditions laid down in 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 until the reserve is used up.

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

Article 4

Each of the 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, such unused portion of their initial share as, on 15 September 1979, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question up to 15 September 1979 and charged against the Community quota, and of any quantities of the 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 is 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 in the reserve after quantities have been returned pursuant to Article 5.

The Commission shall ensure that any drawing uses up the reserve is limited to the balance available, and to this end shall indicate the amount thereof to the Member State which makes such last drawing.

Article 7

1. The Member States shall take all measures necessary 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 shares of the Community quota.
2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.
3. The Member States shall charge imports of the products in question on their shares as and when the products are entered with the customs authorities for home use.

4. 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 3.

Article 8

At the request of the Commission, the Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

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

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing, for the administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus (1979)

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 the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽¹⁾ as amended by the Additional Protocol to that Agreement ⁽²⁾ provides for the opening of an annual duty-free Community tariff quota of 500 tonnes of men's and boy's outer garments falling within heading N° 61.01 of the Common Customs Tariff, originating in Cyprus ; whereas the tariff quota in question should be opened for 1979 ;

(1) OJ N° L 133, 21.5.1973, p.1

(2) OJ N° L 339, 28.12.1977, p. 2

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up ; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States ; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of each Member States' imports of the products in question from Cyprus over a representative reference period and also to the economic outlook for the quota period concerned ;

Whereas, in respect of the past three years only one Member State has imported, the products in question ;. whereas no forecast can be made for 1979 ; whereas, to ensure fair distribution of the quota amount between the Member States, each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	7 %
Denmark	7 %
Germany	15 %
France	11 %
Ireland	2 %
Italy	9 %
United Kingdom	40 %;

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of Member States which have used up their initial quota shares ; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 46% of the quota volume ;

Whereas the Member States' initial shares may be used up at different times ; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial share, should draw an additional share from the reserve ; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows ; whereas the initial and additional shares must be valid until the end of the quota period ; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof ;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any 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 united in and represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

From 1 January to 31 December 1979 the Common Customs Tariff duty in respect of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 500 tonnes.

Article 2

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

2. A first instalment, amounting to 230 tonnes, shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1978, shall be as follows:

Benelux	15 tonnes,
Denmark	15 tonnes,
Germany	35 tonnes
France	25 tonnes,
Ireland	5 tonnes,
Italy	20 tonnes,
United Kingdom	115 tonnes.

3. The second instalment of 270 tonnes shall constitute the reserve.

Article 3

1. If 90% or more of a Member State's initial share as specified in Article 2 (2), or 90% of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, then to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15% of its initial share, rounded up where necessary to the next unit.
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, then that Member State shall, in accordance with the conditions laid down in 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 conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

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

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, such unused portion of their initial share as, on 15 September 1979, is in excess of 20% of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1979, notify the Commission of the total quantities of the products in question up to 15 September 1979 and charged against the Community quota, and of any quantities of the 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 is 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 in the reserve after quantities have been returned pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available, and to this end shall indicate the amount thereof to the Member State which makes such last drawing.

Article 7

1. The Member States shall take all measures necessary 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 shares of the Community quota.
2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.
3. The Member States shall charge imports of the products in question on their shares as and when the products are entered with the customs authorities for home use.
4. 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 3.

Article 8

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

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.

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