

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 12th. July 1976

PROPOSAL FOR A REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a
Community tariff quota for fresh or dried hazelnuts, shelled or otherwise,
falling within subheading ex 08.05 G
of the Common Customs Tariff and originating in Turkey

(1977)

(submitted to Council by the Commission)

EXPLANATORY MEMORANDUM

1. Article 4 of Council Regulation (EEC) No 3375/73¹ of 10 December 1973 on the importation into the Community of certain agricultural products originating in Turkey provides for the opening for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff of an annual Community tariff quota of 21 700 metric tons at a duty rate of 2.5 %

2. It is not at present possible to know whether the tariff measure laid down by this regulation in favour of Turkey will be agreed, for the year 1976, on the basis of the Supplementary Protocol concluded arising from the accession of new Member States or whether the validity of the interim agreement will be extended.

The proposal for a regulation annexed hereto is based on the Supplementary Protocol and would have to be modified if this did not come into force on 1 January 1976.

3. As regards the new Member States, the result of Article 9 is that the reduction to be applied by the new Member States within the tariff quota in question must be limited to the reduction granted by such States with reference to the Community as originally constituted.

4. It should be noted that the economic information on the basis of which the proposed allocation will be drawn up should be based, in particular, on past and future imports into Member States, specifically originating in or coming from Turkey. This information has been obtained by all Member States for 1971 to 1973. The allocation contained in this proposal for a Regulation is in fact identical to that used for 1976, because it corresponds to the criteria normally applied in this field.

The Member States' experts who participated in the consultative meeting of the "Economic Tariff Problems" Group (27/28 April 1976) expressed agreement in principle to the scheme for allocation of shares proposed by the Commission

5. As regards administration of this quota, it is proposed that there should be an initial allocation among Member States of a large part of the quota, the balance representing part of the reserve

¹Of No L 345, 15 December 1973, p. 1. 15 December 1973. 15

containing returned shares which exceeded Member States' needs and from which those States still in need may draw additional shares.

As in the past, the proposal for a Regulation annexed hereto provides that when the uniform method of administration to be applied by all Member States should be the "as and when" method. However, to take account of the seasonal nature of the imports concerned, the proposed threshold for returns to the reserve is 40% of the initial share.

Proposal for a
REGULATION (EEC) No. .. /76 OF THE COUNCIL

of

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey (1977)

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 under Article 1 of Council Regulation (EEC) No 3375/73 of 10 December 1973 concerning the importation into the Community of certain agricultural products originating in Turkey (1) fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey are admitted on importation into the Community at a duty of 2.5%, within the limit of a Community tariff quota of 21 700 metric tons; whereas the Community tariff quota concerned should therefore be opened for 1977; whereas, as regards the new Member States, it should be noted that Article 9 of the Additional Protocol signed at Ankara on 30 June 1973 provides that the reductions of customs duties pursuant to the Association Agreement shall be applied by the new Member States from the entry into force of the Protocol in the proportions and according to the time limits laid down,

that the rates on which the new Member States shall base those reductions shall be those which they apply at any given moment to non-member countries and that the rates fixed as a result of the reductions regarding the products listed, in particular, in Annex 6 to the Additional Protocol — and which include hazelnuts — may in no case be lower than those applied by the new Member States with reference to the Community as originally constituted; whereas the reduction to be applied by the new Member States within the framework of the tariff quota under consideration must therefore, in certain cases, be limited to 80%;

Whereas it is in particular necessary to ensure to all importers of the Member States equal and uninterrupted access to the said quota and uninterrupted application of the rate 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, to reflect most accurately the actual development of the market in the products concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference both to the statistics relating to imports from Turkey over a representative period, and to the economic outlook for the quota period concerned;

Whereas, on the basis of the statistics at present available, imports into the Member States in 1973, 1974 and 1975 of the products concerned, originating in Turkey, have developed as follows and represent the following percentages of total imports into the Community:

(1) OJ No L 345, 15.12.1973, p. 1.

	1973		1974		1975	
	metric tons	%	metric tons	%	metric tons	%
Germany	39 133	70.16	34 515	64.29	35 154	65.47
Benelux	3 323	5.96	4 500	8.38	5 284	9.84
France	6 170	11.06	5 680	10.58	6 084	11.33
Italy	2 062	3.70	2 473	4.61	1 653.5	3.08
Denmark	975	1.75	875	1.63	899	1.67
Ireland	201	0.36	619	1.15	30	0.06
United Kingdom	3 910	7.01	5 026	9.36	4 590	8.55
	55 774		53 688		53 694.5	

Whereas, taking into account these figures and the foreseeable development of the product concerned during 1977 and, in particular, the forecasts made by some Member States, the initial shares may be fixed approximately at the following percentages:

Germany	65.93
Benelux	10.14
France	8.20
Italy	0.25
Denmark	2.67
Ireland	1.66
United Kingdom	11.15

Whereas in order to take into account the import trends for the product concerned in the Member States, the quota volume should be divided into two instalments, the first instalment being allocated to the Member States, and the second forming a reserve intended ultimately to cover the requirements of the Member States, should their initial share be used up; whereas, in order to ensure a certain degree of security to importers, the first instalment of the Community quota should be determined at a relatively high level, which under present circumstances could be approximately 80 % of the quota volume;

Whereas the initial shares may be used up sooner or later; whereas, in order to take this fact into account and to avoid any break in continuity, it is important that any Member State which has used up almost all its initial share should draw an additional share from the reserve; whereas this must be done as and when each of its additional shares in the quota is almost entirely used up, and repeated as often as the reserve allows; whereas the initial and additional shares must be available for use until the end of the quota period; whereas this method of administration calls for close

cooperation between the Member States and the Commission, which must in particular be able to observe the extent to which the quota volume is used up and inform the Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in any Member State, it is essential that the Member State should return a certain proportion thereof to the reserve, in order to avoid part of the Community quota remaining unused in one Member State when it could be used in others; whereas, taking into account the seasonal nature of imports, it seems appropriate to fix the transfer limit at 40% of the initial share;

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 measure concerning 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

1. From 1 January to 31 December 1977 a Community tariff quota of 21 700 metric tons shall be opened in the Community for fresh or dried hazelnuts, shelled or otherwise, falling within subheading ex 08.05 G of the Common Customs Tariff, originating in Turkey.
2. Within this tariff quota, the Common Customs Tariff duty is suspended at 2.5%.

3. The new Member States shall apply within this Community tariff quota, the customs duties calculated in accordance with the relevant provisions of the Act of Accession, the complementary Protocol and Regulation (EEC) No 3375/73.

4. This tariff quota shall be allocated and administered in accordance with the following provisions.

Article 2

1. The tariff quota laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment, amounting to 17 700 metric tons, shall be shared among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1977, shall be as follows:

Germany	11 669 metric tons,
Benelux	1 795 metric tons,
France	1 451 metric tons,
Italy	45 metric tons,
Denmark	472 metric tons,
Ireland	294 metric tons,
United Kingdom	1 974 metric tons.

3. The second instalment of 4 000 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of any Member State's initial share, as laid down in Article 2 (2), or 90% of that share less the amount returned into the reserve, where Article 5 has been applied, has been exhausted, that Member State shall proceed without delay, by notifying the Commission, to draw a second share equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the reserve is sufficient.

2. If, after its initial share has been exhausted, 90% of the second share drawn by a Member State has been used, that Member State shall proceed, in the manner specified in paragraph 1, to 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, that Member State shall, in the manner provided for in paragraph 1, draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member State may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that those shares might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 40% of their initial amount. They may return a larger portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the products concerned effected up to and including 15 September 1977, and charged against the Community quota and, where appropriate, the proportion of their initial shares that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with Articles 2 and 3 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1977, notify the Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserve is limited to the balance available and for this purpose shall specify the amount thereof to the Member State which makes the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that changes may be made without interruption against their accumulative shares of the Community quota.

2. The Member States shall ensure that importers of the said products established in their territory have free access to the shares allocated to them or drawn from the reserve.

3. The Member States shall charge imports of the said goods against their shares as and when the 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 the imports charged in accordance with paragraph 3.

Article 8

On receipt of a request from the Commission, 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 that this Regulation is observed.

Article 10

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels,

For the Council

The President