

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 11 July 1975

Proposal for a
REGULATION (EEC) OF THE COUNCIL

opening, allocation and providing for the administration of a Community tariff quota for cotton yarn falling within heading No 55.05 of the Common Customs Tariff, originating in Malta

(1976)

Proposal for a
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for 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 Malta

(1976)

Proposal for a
REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta

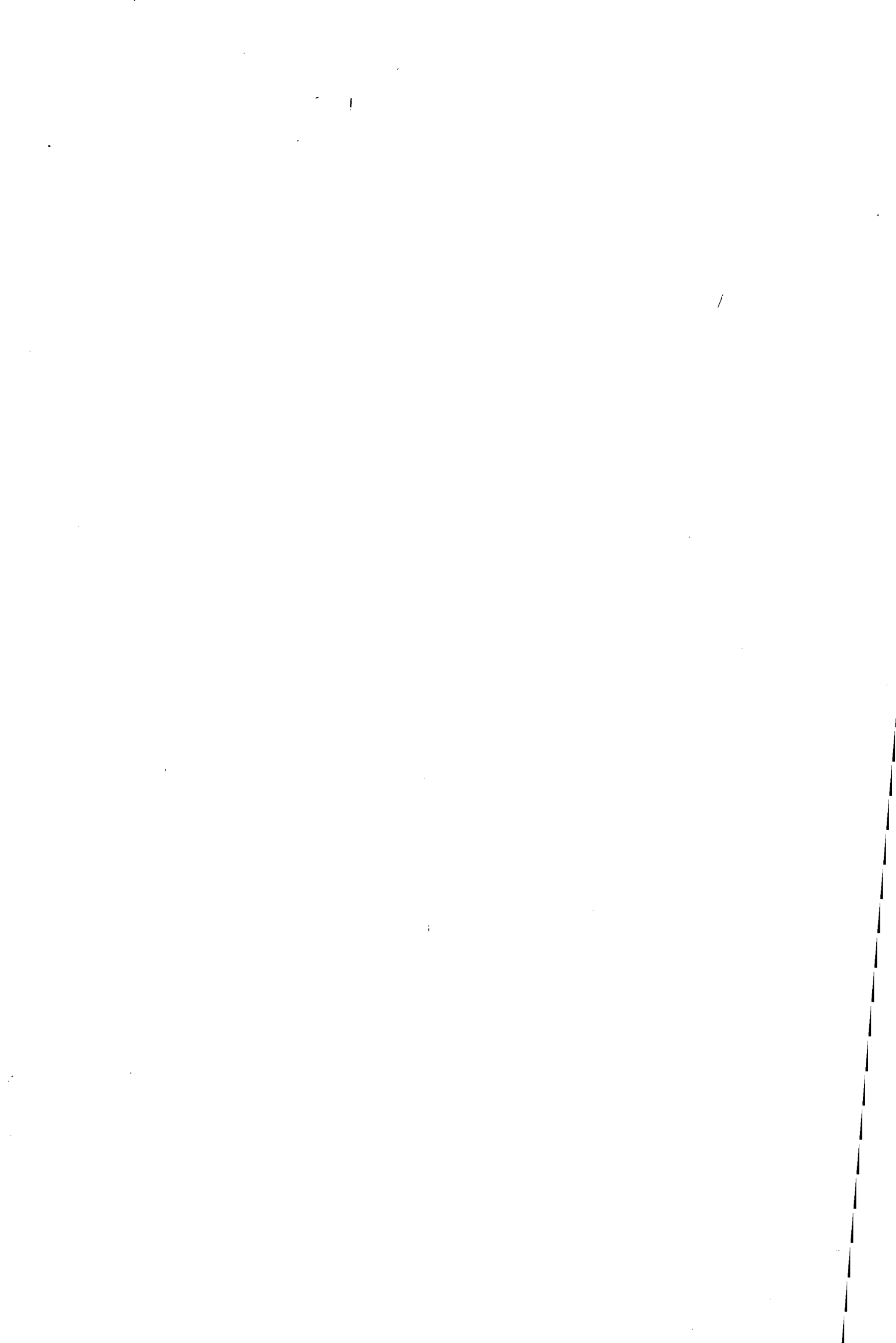
(1976)

Proposal for a
REGULATION (EEC) OF THE COUNCIL

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 Malta

(1976)

(submitted by the Commission to the Council)



EXPLANATORY MEMORANDUM

1. Article 3 of the Agreement between the European Economic Community and Malta, read with Articles 1 and 2 of Annex I thereto, provides for the opening of Community tariff quotas for the importation into the Community of the following products, originating in Malta, at the quota duties specified below :

CCT Heading No	Product	Annual volume -tons-	Quota duty
55.05	Cotton yarn, not put up for retail sale :	750	30 % of the CCT duties
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning :	600	
60.05	Outer garments and other articles, knitted or croched, not elastic nor rubberised:	100	
61.01	Men's and boy's outer garments	300	

2. At its session of 4/5 June 1973 however, the Council agreed that Malta should be treated, as from 1 January 1974, no less favourably than countries eligible for the Generalised System of Preferences. This undertaking implies that the treatment hitherto granted to Malta will be improved comparably. For the year 1974 this improvement consists in a autonomous 50 % increase of the quota amounts fixed in the EEC/Malta Agreement, and total suspension of duties in the CCT and the national Customs tariff of each of the Member States. An other increase of 5 % was agreed for 1975.

.../...

3. The Regulations provide, in the usual way, for the splitting up of the tariff volumes into two parts, of which the first will be allocated among the Member States as quota shares and the second will be kept as a reserve.
4. The allocation of the first part of the quotas for the products falling within the tariff headings 55.05 and 60.05 has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1971, 1972 and 1973 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off.
5. However, it does not seem appropriate to apply this rule to the tariff quota for man-made fibres (56.04) and outer garments (60.05) since :
 - (a) import figures for certain Member States varied considerably from year to year;
 - (b) other Member States imported none at all;
 - (c) total Community imports are lower than the agreed tariff quota volumes;
 - (d) it is difficult to forecast future imports.

In this situation and in view nevertheless to allocate the quota volume fairly among the Member States according to their respective sizes, it seems indicated that each Member State takes a significative part in the quota volume. Of course, this formula has to be adapted to the futur development of imports.

6. The proposed Regulations provide for a single method of administration to be applied by all Member States, namely the "as and when" method.
7. 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 regulations annexed.
8. In formulating its proposals the Commission wishes to draw up in good time, having regard to inherent procedural delay, an instrument to give effect to the commitments at present in force with respect to Malta.

Being aware, however, of the problems posed by the continuing development of the situation, the Commission accordingly reserves the right to make adaptations to its proposals should such be necessary.

Annexes :

- 4 proposals of Regulations of the Council

ANNEX A

Proposal
REGULATION (EEC) No .../75 OF THE COUNCIL

of

opening, allocation and providing for the administration of a Community tariff quota for cotton yarn falling within heading No 55.05 of the Common Customs Tariff, originating in Malta

(1976)

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 between the European Economic Community and Malta, signed at Valetta on 5 December 1970, provides in Article 3 (1), together with Article 2 of Annex I, for the opening by the Community of an annual Community tariff quota of 750 metric tons of cotton yarn not put up for retail sale falling within heading No 55.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to Article 1 of the said Annex, the quota duty is equal to 30 % of the Common Customs Tariff duty in respect of the product concerned; whereas, with a view to granting Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized system of preferences, the volume should be increased to 1,181 metric tons and the duties totally suspended; whereas, as regards the allocation of this tariff quota, the quota volume laid down in the Agreement should be con-

finied to the original Member States and the new Member States shall participate in the supplementary volume;

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, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and the economic outlook for the quota period concerned;

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:

	1972		1973		1974	
Germany	57.3	51.4	45.5	39.8	30,1	24,3
Benelux	28.7	25.7	34.8	30.4	39,7	32,0
France	5.4	4.8	8.0	7.0	23,7	19,1
Italy	8.6	7.8	11.7	10.2	6,5	5,2
Denmark		0.1		0.0		0,1
Ireland		3.2		0.1		0,6
United Kingdom		7.0		12.5		18,7

ANNEX A

Whereas, in view of these factors of the foreseeable development during 1976 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows:

Benelux	23,0
Denmark	0,1
France	51,0
Germany	6,2
Ireland	1,1
Italy	9,9
United Kingdom	8,7

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 70% of the quota amount;

Whereas the initial quota shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State, it is essential that that Member State pays a large amount of it back into 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 united in and represented by the Benelux Economic Union, all transactions concerning the

administration of shares granted to the abovementioned 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 tariff quota of 1,181 metric tons shall be opened in the Community for cotton yarn, not put up for retail sale, falling within heading No 55.05 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota the Community Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

Article 2

1. A first tranche, amounting to 805 metric tons of the Community tariff quota referred to in Article 1, shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1976 shall consist of the following amounts:

Germany	410 metric tons
Benelux	185 metric tons
France	50 metric tons
Italy	80 metric tons
Denmark	1 metric ton
Ireland	9 metric tons
United Kingdom	70 metric tons

2. The second tranche of 376 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have 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 amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member

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ANNEX A

State has been used, that Member State shall, in accordance with the conditions laid down in paragraph 1, proceed without delay to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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 proceed, in the same way, to 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, the Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 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. They shall return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1976, notify the Commission of the total imports of the product concerned effected up to 15 September 1976 inclusive, and charged against the Community quota and, where appropriate, the proportion of their initial share 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 received the notifications.

The Commission shall, not later than 15 October 1976, notify 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 final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their share 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

Member States shall inform the Commission at regular intervals 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 1976.

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

Done at Brussels,

For the Council
The President

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Proposal
REGULATION (EEC) No .../75 OF THE COUNCIL

of

opening, allocating and providing for the administration of a Community tariff quota for 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 Malta

(1976)

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 between the European Economic Community and Malta, signed at Valetta on 5 December 1970, provides in Article 3 (1), together with Article 2 of Annex I, for the opening by the Community of an annual Community tariff quota of 600 metric tons 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 Malta; whereas, pursuant to Article 1 of the said Annex, the quota duty is equal to 30 % of the Common Customs Tariff duty in respect of the product concerned; whereas, with a view to granting Malta a treatment not less favourable than generalized system of preferences, the volume should be increased to 945 metric tons and the duties totally suspended; whereas, as regards and the duties totally suspended; whereas, as regards the allocation of this tariff quota, the quota volume

laid down in the Agreement should be confined to the original Member States and the new Member States shall participate in the supplementary volume;

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, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and the economic outlook for the quota period concerned;

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:

	1972		1973		1974	
Germany	—	—	—	—	—	—
Benelux	—	—	—	—	—	—
France	—	—	—	—	—	—
Italy	100	66,8	—	—	—	—
Denmark	—	—	—	—	—	100
Ireland	—	15,5	—	—	—	—
United Kingdom	—	17,7	—	—	—	—

Whereas, both these percentages and the estimates from certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas, initial quota shares may consequently be fixed approximately as follows:

Benelux	10,4
Denmark	3,5
France	10,4
Germany	13,9
Ireland	5,2
Italy	43,6
United Kingdom	13,0

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be approximately 60% of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of 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 entirely used up, and repeated as many times 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 Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into 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 united in and represented by the

Benelux Economic Union, all transactions concerning the administration of shares granted to the abovementioned 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 945 metric tons shall be opened in the Community for 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 Malta.

2. Within the limits of this tariff quota the Community Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

Article 2

1. A first tranche of 575 metric tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1976 shall consist of the following amounts:

Benelux	60 metric tons
Denmark	20 metric tons
France	80 metric tons
Germany	60 metric tons
Ireland	30 metric tons
Italy	250 metric tons
United Kingdom	75 metric tons

2. The second tranche of 370 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have 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 amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall, in accordance with the conditions laid down in paragraph 1, proceed to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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 proceed, in the same way, to 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, the Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 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. They shall return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1976, notify the Commission of the total imports of the product in question effected up to and including 15 September 1976 and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with

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

Done at Brussels,

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 1976, notify 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 final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

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

Member States shall inform the Commission at regular intervals 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 1976.

For the Council
The President



Proposal
REGULATION (EEC) No .../75 OF THE COUNCIL
of

opening, allocating and providing for the administration of a Community tariff quota for outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta
(1976)

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 between the European Economic Community and Malta, signed at Valetta on 5 December 1970, provides in Article 3 (1), together with Article 2 of Annex I, for the opening by the Community of an annual Community tariff quota of 100 metric tons of outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to Article 1 of the said Annex, the quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned; whereas, with a view to granting Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized system of preferences, the volume should be increased to 158 metric tons and the duties totally suspended; whereas, as regards the allocation of this tariff quota, the quota volume laid down in the Agreement should

be confined to the original Member States and the new Member States shall participate in the supplementary volume;

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, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and the economic outlook for the quota period concerned;

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:

	1972		1973		1974	
Germany	4.3	0.8	—	—	4,0	1,8
Benelux	—	—	—	—	7,0	3,3
France	93.6	17.1	94.6	52.0	50,0	22,8
Italy	2.1	0.4	5.4	2.9	39,0	17,8
Denmark		—		0.6		1,8
Ireland		0.1		2.9		—
United Kingdom		81.6		41.0		52,5

Whereas both these percentages and the estimates from certain Member States as well as the practical need to ensure that the obligations contracted under the Agreement concerned are allocated fairly among all the Member States; whereas initial quota shares may consequently be fixed approximately as follows:

Benelux	8.3
Denmark	4.2
France	41.7
Germany	12.5
Ireland	4.2
Italy	12.5
United Kingdom	16.6

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 75% of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of 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 entirely used up and repeated as many times 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 Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into 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 united in and represented by the

Benelux Economic Union, all transactions concerning the administration of shares granted to the abovementioned 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 158 metric tons shall be opened in the Community for outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota the Community Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

Article 2

1. A first tranche of 120 metric tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1976, shall consist of the following amounts:

Benelux	10 metric tons
Denmark	5 metric tons
France	50 metric tons
Germany	15 metric tons
Ireland	5 metric tons
Italy	15 metric tons
United Kingdom	20 metric tons

2. The second tranche of 38 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2, or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have 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 amount in the reserve allows.

2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall, in accordance with the conditions laid down in paragraph 1, proceed to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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 proceed, in the same way, to 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, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is reason to believe that they 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 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. They shall return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1976, notify the Commission of the total imports of the product concerned effected up to 15 September 1976 inclusive and charged against the Community quota and, where appropriate, the proportion of their initial share that is being returned to the reserve.

Article 6

The Commission shall keep account of the shares opened by Member States in accordance with

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

Done at Brussels,

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 15 October 1976, notify 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 final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their share 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

Member States shall inform the Commission at regular intervals 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 1976.

For the Council

The President



Proposal
REGULATION (EEC) No .../75 OF THE COUNCIL
of

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 Malta
(1976)

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 between the European Economic Community and Malta, signed at Valetta on 5 December 1970, provides in Article 3 (1), together with Article 2 of Annex I, for the opening by the Community of an annual Community tariff quota of 300 metric tons of men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Malta; whereas, pursuant to Article 1 of the said Annex, the quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned; whereas, with a view to granting Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized system of preferences, the volume should be increased to 473 metric tons and the duties totally suspended; whereas, as regards the allocation of this tariff quota, the quota volume laid down in the Agreement should be confined to the original Member States and the new Member States shall partici-

pate in the supplementary volume;

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 may be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and the economic outlook for the quota period concerned;

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:

	1972		1973		1974	
Germany	55.5	43.4	31.0	19.4	16,2	7,7
Benelux	27.3	21.4	35.1	22.0	45,5	21,6
France	11.7	9.2	11.9	7.4	22,9	10,9
Italy	5.5	4.2	22.0	13.7	15,4	7,4
Denmark		7.6		29.0		31,9
Ireland		0.2		0.2		0,4
United Kingdom		14.0		8.3		20,1

Whereas in view of these factors of the foreseeable development during 1976 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows:

Benelux	12,7
Denmark	17,5
Germany	47,6
France	9,5
Ireland	0,3
Italy	3,2
United Kingdom	9,2

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two tranches, the first tranche being allocated among the Member States and the second forming a reserve intended ultimately to cover the requirements of the Member States which have used up their initial quota shares; whereas, in order to ensure a certain degree of security to importers in each Member State, the first tranche of the Community quota should be determined at a level which, under present circumstances, may be 67% of the quota amount;

Whereas the initial shares of the Member States may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of 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 entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas this method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State it is essential that that Member State pays a large amount of it back into 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 united in and represented by the Benelux Economic Union, all transactions concerning the

administration of shares granted to the above mentioned 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 473 metric tons shall be opened in the Community for men's and boys' outer garments from Malta falling within heading No 61.01 of the Common Customs Tariff.
2. Within the limits of this tariff quota the Community Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

Article 2

1. A first tranche amounting to 315 metric tons of the Community tariff quota referred to in Article 1 shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1976 shall consist of the following amounts:

Benelux	40 metric tons
Denmark	55 metric tons
France	30 metric tons
Germany	150 metric tons
Ireland	1 metric ton
Italy	10 metric tons
United Kingdom	29 metric tons

2. The second tranche of 158 metric tons shall constitute the reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 (1), or 90% of that share less the amount returned into the reserve, where the provisions of Article 5 have 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 amount in the reserve allows.
2. If, after its initial share has been exhausted, 90% or more of the second share drawn by a Member State has been used, that Member State shall, in accordance with the conditions laid down in paragraph 1, proceed to draw a third share equal to 7.5% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the reserve allows.

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 proceed, in the same way, to 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, the Member State may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 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. They shall return a larger quantity if there is reason to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1976, notify the Commission of the total imports of the product concerned effected up to 15 September 1976 inclusive and charged against the Community quota and, where appropriate, the proportion of their initial share 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 1976, notify 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 final drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that, when additional shares are drawn pursuant to Article 3, it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product concerned established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their share 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

Member States shall inform the Commission at regular intervals 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 1976.

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

Done at Brussels,

For the Council,

The President

