COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 243 final

Brussels, 8 June 1977

Proposal for a

REGULATION (EEC) OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1) aa) of the Common Customs Tariff, originating in Israel (year 1978)

(submitted to the Council by the Commission)

COM(77) 243 final

Explanatory memorandum

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

Accordingly the tariff quota in question has to be opened for 1978.

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

3. The form of administration to be applied by all the Member States is the "grey-hound-system".

4. The Member States' experts who participated in the consultative meeting of the "Economic Tariff problems" Group (13/14 April 1977) expressed agreement in principle to the scheme for allocation of shares proposed by the Commission in the framework of the regulation annexed.

5. It is proposed that the proposal for a Council Regulation opening the Community tariff quota described in paragraph 1 above be approved.

ANNEX :

1 proposal for a Regulation (EEC) of the Council.

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel (1978)

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 (1),

Whereas the Agreement between the European Economic Community and the State of Israel (2), signed on 11 May 1975 provides, in Article 10 of Protocol 1 annexed thereto, for the opening by the Community of an annual Community tariff quota of 150 metric tons of apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel; whereas the customs duties applicable to the quota are equal to 70% of the customs duties actually applied to non-member countries; whereas the Community tariff quota in question should therefore be opened for 1978;

Whereas it is in particular necessary to ensure to all importers of the Member States equal and uninterrupted access to the quota and uninterrupted application of the rate laid down for that quota to all imports of the product in question 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 tariff quota among the Member States; whereas, to reflect most accurately the actual development of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, assessed by reference both to the statistics relating to imports from Israel over a representative reference period and to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports of each Member State represent the following percentages as against the imports into the Community from Israel of the products concerned:

	1974	1975	1976
Benelux	100 (= 25 *)	—	1.4
Denmark	—	—	-
Germany	—	—	57.1
France	—	—	41.5
Ireland	—	—	-
Italy	—	—	-
United Kingdom	—	—	-

(*) metric tons.

Whereas these data cannot be considered as representative to serve as a basis for allocation of the quota volume among the Member States; whereas it is difficult to estimate imports by Member States for 1978 because of the absence of any pattern in previous years; whereas to allocate the quota volume on a fair basis, the initial quota shares may be fixed approximately at the following percentages:

Benelux	7·5
Denmark	4·2
Germany	41·6
France	8·3
Ireland	4·2
Italy	4·2
United Kingdom	30·0 ;

(1) OJ No

(2) OJ No L 136, 28. 5. 1975, p. 3.

Whereas, to take account of future import trends in the various Member States for the products concerned, the quota volume should be divided into two instalments, the first instalment being allocated among the Member States and the second held as a reserve intended to cover at a later date the requirements of Member States which have used up their initial share; whereas, in order to ensure a certain degree of security to importers of each Member State, the first instalment of the Community tariff quota could be fixed at 80% of the quota volumes;

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 of its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State if each of its supplementary shares is almost used up, and as many times as the reserve allows; whereas each initial and supplementary share must be valid until the end of the quota period; whereas this form of administration requires close collaboration between Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quotas have been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share remains in any Member State, it is essential that that State should return a significant proportion 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, 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 carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1978, a Community tariff quota of 150 metric tons shall be opened in the Community for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel.

2. Within the limits of this tariff quota, the Common Customs Tariff duty applicable to these products shall be suspended at a rate of 11·9%.

Article 2

1. A first instalment, amounting to 120 metric tons of the Community tariff quota referred to in Article 1, shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1978, shall be as follows:

Benelux	9 metric tons,
Denmark	5 metric tons,
Germany	50 metric tons,
France	10 metric tons,
Ireland	5 metric tons,
Italy	5 metric tons,
United Kingdom	36 metric tons.

2. The second instalment of 30 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 (1), 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 without delay, by notifying the Commission, draw a second share in the quota 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, 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 accordance with the same conditions, 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 to 3, Member States may draw smaller shares than those fixed in those paragraphs if there is reason to believe that these shares might not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

The Member States shall, not later than 1 October 1978 return to the reserve the unused portion of their initial share which, on 15 September 1978, 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.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected under the Community quota up to and including 15 September 1978, and where appropriate, the proportion of their initial shares that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares opened by the 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 1978, notify the Member States of the state of 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 measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that charges may be made without interruption against their accumulative shares of the Community quota.

2. Member States shall ensure that importers of the said products 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 such goods are entered for home use under cover of a declaration that they have been made available for consumption.

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

The Member States shall forward to the Commission, within the 45 days following the publication of this Regulation in the Official Journal of the European Communities, a copy or a photocopy of the provisions they have made in order to apply this Regulation.

Article 11

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels,

For the Council

The President

FINANCIAL STATEMENT

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

2. Legal basis : Articles 43 and 113

3. Title of the tariff measure : Proposal for a Regulation (EEC) of the Council opening, allocating and providing for the administration of a Community tariff quota for apricot pulp falling within subheading ex 20.06 B II c) 1 aa) of the Common Customs Tariff, originating in Israel (year 1978).

4. Objectives : Execution of contractual obligation - Agreement EEC/Israel -

5. Method of calculation :

- No of CCT	:	ex 20.06 B II c) 1 aa)
- Quota volume	:	150 tonnes
- Quota duty rate	:	11.9%
- Duty rate CCT	:	17%

6. Loss of receipts : 1 900 UA to 2 400 UA according to the use of the quota (estimate).