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REGULATION (EEC) No 2831/72 OF THE COUNCIL
of 28 December 1972

opening, allocating and providing for the administration of a Community
tariff quota for fresh or dried nuts, shelled or not, falling within subheading
ex 08.05 G of the Common Customs Tariff, originating in Turkey

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 6 of the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional stage pursuant to Article 4 of the Agreement establishing an association between the European Economic Community and Turkey, the Community must suspend at a level of 2.5% the common customs tariff duties applicable to fresh or dried nuts, shelled or not, originating in Turkey, falling within subheading ex 08.05 G of the Common Customs Tariff, within the limit of a Community tariff quota of an overall annual volume of 18 700 metric tonnes; whereas the abovementioned Additional Protocol enters into force on 1 January 1973 and whereas the abovementioned Community tariff quota should therefore be opened for 1973;

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 products 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 most accurately the actual development of the market in the products concerned, such allocation shall 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 during the last three years for which statistics are entirely available, imports from each Member State correspond in relation to imports into the Community of the products in question originating in Turkey, to the percentages indicated in the table below; whereas the incomplete information available for 1972 does not enable meaningful percentages to be produced, and all the less so as imports into the Community of the products in question, in particular those originating in Turkey, are carried out during the latter months of the calendar year; whereas nothing, however, enables the patterns of trade, which this table reveals, to be slightly modified in 1972:

	1969	1970	1971
Germany	70.43	73.03	74.47
Benelux	10.57	9.39	14.04
France	8.29	13.24	11.03
Italy	6.47	4.34	0.46

Whereas, taking into account these data and the foreseeable development of the market of the product concerned during 1973, and in particular the forecasts made by the Member States, initial quota shares may be fixed approximately at the following percentages:

Germany	78.0
Benelux	12.0
France	9.7
Italy	0.3;

Whereas, in order to take into account the import trends for the products concerned in the Member States, the quota volume should be divided into two instalments, the first instalment being divided among 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 share; whereas in order to ensure a certain degree of security to importers in each Member State, the first instalment of the Community quota should be determined at a relatively high level which, under present circumstances, may be 80% of the quota volume;

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 to 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 in the quota 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 volume is used and inform the 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, in order to avoid a 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 adequate to lay down 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 one and represented by the Benelux Economic Union in the apportionment of the tariff quota in question, all transactions concerning the administration of the shares granted to the abovementioned Economic Union may be carried out by one of its Members;

Whereas, since the tariff quota, concerned is to be valid until 31 December 1973, the system thus laid down may be modified in order to take account of the accession of new Member States.

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1973 and 31 December 1973 the Common Customs Tariff duty applicable to fresh or dried nuts, shelled or not, falling within subheading ex 08.05 G, originating in Turkey, shall be suspended at a level of 2.5% within the limit of a Community tariff quota of 18 700 metric tons.

Article 2

1. A first instalment, amounting to 14 960 metric tons of this Community tariff quota shall be shared amongst the Member States; the proportions which, subject to Article 5, shall be valid from 1 January 1973 to 31 December 1973 shall consist of the following amounts for the Member States:

Germany	11 669 metric tons
Benelux	1 795 metric tons
France	1 451 metric tons
Italy	45 metric tons

2. The second instalment, amounting to 3740 metric tons shall make up 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 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 proceed without delay, by notifying the Commission, 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, pursuant to the provisions of paragraph 2, 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, Member States may proceed to draw smaller shares 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

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1973.

Article 5

If, by 15 October 1973, a Member State has not used up its initial share, it shall, not later than 31 October 1973, return to the reserve the unused portion of this share in excess of 40% of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used.

The Member States shall, not later than 31 October 1973, notify the Commission of the total imports of the products concerned effected up to 15 October 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 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 10 November 1973 notify Member States of the state of the reserve after the return of quota shares pursuant to Article 6.

The Commission shall ensure that any drawing which uses up one of the reserves 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, 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 tariff quota.

2. The Member States shall guarantee to importers of the products concerned established in their territory free access to the shares allocated to them.

3. The Member States shall charge imports of the products concerned against their shares in so far as such products have been presented for Customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which Member States' share have been used up shall be recorded on the basis of imports charged on the conditions laid down in paragraph 3.

Article 8

Member States shall inform the Commission at regular intervals of imports of the products concerned actually charged against the shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that the foregoing provisions are observed.

Article 10

The foregoing provisions may be modified in order to take into account the situation arising from the accession of new Member States.

Article 11

This Regulation shall enter into force on 1 January 1973.

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

Done at Brussels, 28 December 1972.

For the Council

The President

T. WESTERTERP
