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REGULATION (EEC) No 2833/72 OF THE COUNCIL
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opening, allocating and providing for the administration of Community tariff quotas for cotton yarn, not put up for retail sale, and other woven fabrics of cotton falling within subheadings 55.05 and 55.09 of the Common Customs Tariff, coming from Turkey

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 under Article 1 of Annex No 2 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 make, as from the entry into force of the said Protocol, a 75% reduction of the Common Customs Tariff duties, within the limit of annual Community tariff quotas of 300 metric tons for cotton yarn, not put up for retail sale, falling within tariff subheading 55.05, and of 1000 metric tons for other woven fabrics of cotton falling within tariff subheading 55.09; whereas moreover it seems necessary to lay down provisionally an adjustment to the tariff benefits consisting of the establishment, for the two Community tariff quotas in question, of a zero quota duty and of an increase in the quota volume from 300 metric tons to 500 metric tons for cotton yarn, not put up for retail sale; whereas the abovementioned Protocol enters into force on 1 January 1973 and whereas the Community tariff quotas should therefore be opened for 1973 under the conditions mentioned above;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rate laid down for those quotas 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 quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect most accurately the actual development of the market in the product concerned, such allocation shall be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Turkey over a representative period and to the economic outlook for the quota period concerned; whereas, in spite of the little need for imports from Turkey of the imports concerned, as shown by the statistical data for the majority of the Member States, the Community character of the tariff quotas concerned should be safeguarded by making provisions to cover needs which might arise in the Member States;

Whereas, during the last three years for which statistics are completely available, the corresponding imports by each of the Member States, coming from Turkey, have developed as indicated below;

<i>(in metric tons)</i>			
	1969	1970	1971
<i>Cotton yarn</i>			
Germany	3 468	4 167	8 458
Benelux	—	2 071	4 626
France	281	244	242
Italy	371	5 455	3 867
<i>Other woven fabrics of cotton</i>			
Germany	491	419	371
Benelux	—	207	848
France	821	449	603
Italy	95	1 002	830

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amounts should be divided into two instalments, the first instalment 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 instalment of the Community quota should be determined at a level which, under present circumstances, may be 80% 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 one of its initial quota shares should draw an additional quota share from the corresponding 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 each of the reserves allows; whereas each of 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 these data indicate that imports of those products are rather irregular and whereas, as a result, the calculation of the percentages which they represent in relation to the imports into the Community of the same products coming from Turkey would not be meaningful; whereas moreover it was not possible to collect, for all the Member States, data relating to imports of the products concerned, in particular from Turkey, for the start of 1972; whereas it is therefore not possible to correct this estimate in the light of more recent experience;

Whereas the estimation of imports into each of the Member States, for the quota period envisaged, proves difficult as a result of the considerable variations which have occurred during the previous years; whereas the foreseeable import figures submitted by the Member States take into account this situation given that, as a whole, they imply an overall estimate of the situation, i.e. they cover both the products falling under subheading 55.05 and subheading 55.09; whereas, in this situation, it does not yet

seem possible to put forward clear percentages of how the two categories of products concerned are allocated; whereas, taking account of these factors, the quotas concerned should still be allocated, for the quota period in question, according to the percentages indicated below:

Germany	42%
Benelux	11%
France	35%
Italy	12%

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 percentage of it back into the corresponding reserve, in order to avoid a part of one or other of the Community quotas 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;

Whereas, since the tariff quotas concerned are 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 until 31 December 1973, the Common Customs Tariff duties in respect of the products, a list of which follows, coming from Turkey, shall be totally suspended within the framework of overall Community tariff quotas indicated in respect of each of them:

CCT heading No	Description of goods	Quota volumes (in metric tons)
55.05	Cotton yarn, not put up for retail sale	500
55.09	Other woven fabrics of cotton	1 000

Article 2

1. The quotas laid down in Article 1 shall be divided into two instalments.

2. The first instalment of each quota shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid until 31 December 1973, shall consist of the following amounts:

(in metric tons)

	CCT heading No	
	55.05	55.09
Germany	168	336
Benelux	44	88
France	140	280
Italy	48	96
Total	400	800

3. The second instalment of each quota, i.e. 100 metric tons and 200 metric tons respectively, 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 corresponding 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 one or other of its initial shares 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 one or other of the second shares 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, the Member States 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 1973.

Article 5

If, by 15 September 1973, a Member State has not used up one or other of its initial shares, it shall, not later than 10 October 1973, return to the reserve the unused portion of this share in excess of 20% 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 10 October 1973, notify the Commission of the total imports of the product concerned effected up to 15 September 1973 inclusive, and charged against the Community quotas and, where appropriate, the proportion of each of their initial shares that is being returned to each of the reserves.

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 reserves have been used as soon as it receives the notifications. The Commission shall, not later than 15 October 1973, notify Member States of the state of each of the reserves 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, 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 take all measures necessary to guarantee to importers of the products concerned established in their territory free access to the share allocated to them.

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

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

Article 8

Member States shall inform the Commission

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

Done at Brussels, 28 December 1972.

at regular intervals of the 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 that the provisions of this Regulation are observed.

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1973.

For the Council

The President

T. WESTERTERP