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REGULATION (EEC) No 2832/72 OF THE COUNCIL
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opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products falling within chapter 27 of the Common Customs Tariff refined in 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 the sole Article of Annex No 1 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 totally suspend the Common Customs Tariff duties applicable to certain petroleum products in chapter 27, refined in Turkey, within the limit of a Community tariff quota of an overall annual volume of 200 000 metric tons; whereas the abovementioned Additional Protocol enters into force on 1 January 1973 and whereas the community tariff quota referred to above should therefore be opened for 1973;

Whereas equal and direct access to the said quota by all importers in the Community and the uninterrupted application of the rate laid down for the said quotas to all imports of the products in question into all Member States should be guaranteed until the quotas are exhausted; whereas utilisation of this quota, based on allocation between Member States, would appear to safeguard the Community character of the said quota as regards the principles described above; whereas in order to ensure that such allocation takes as much account as possible of the actual development of the market of the products concerned, the allocation of shares should be in direct proportion to the needs of Member States, calculated on the one hand, on the basis of statistics relating to imports from Turkey during a given representative period and, on the other, on the

basis of the economic prospects for the quota period considered;

Whereas despite the limited demand for imports from Turkey of the products considered, as shown by statistical data, in respect of the majority of Member States, the Community character of the tariff quota in question should be safeguarded by providing for the requirements to be covered which might arise in those Member States.

Whereas as far as the abovementioned petroleum products are concerned, imports into the Community from Turkey during the last three years for which statistical data are completely available were zero; except for Italy which imported a total of 48 759 metric tons in 1968, 43 652 metric tons in 1969 and 15 750 metric tons in 1970 and the Federal Republic of Germany which imported 43 820 metric tons in 1971 and the Benelux countries which imported 1299 metric tons in 1968; whereas this information indicates that imports of these products are very irregular and that the calculation of the percentages which they represent in relation to the total imports into the Community of the same products from Turkey would not therefore be significant; whereas the calculation of the imports from Member States in question for the quota period considered proves difficult as a result of the irregularity noted in imports during the foregoing years; whereas the foreseeable import figures put forward by the Member States for the quota period concerned leads to the quota considered being allocated according to the percentages indicated hereafter:

Germany	40.0%
Benelux	29.0%
France	13.5%
Italy	17.5%

Whereas to take into account the uncertainty in the development of imports of the said products into Member States, the quota volume should

be divided into two portions, the first portion being allocated between the Member States, and the second portion forming a reserve intended to meet subsequently the needs of the Member States which have exhausted their original share of the quota; whereas in order to ensure some security to importers in each Member State, the first portion of the Community quota should be fixed at a relatively high level which, under the circumstances, might amount to approximately 70% of the quota volume;

Whereas the initial quota shares of those 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 such 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 amounts are used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance of one of the initial shares remains in one or other Member State it is essential that that Member State pay a certain percentage of it back into the 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 it does not seem possible for the moment, taking into account the differences still existing in the national provisions governing the market of the products in question, to lay down a single method of administration;

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 quota concerned is valid until 31 December 1973 any alterations to the scheme provided for might be carried out to take into account the accession of new Member States;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1973 and until 31 December 1973, and subject to the measures which might be taken pursuant to the sole Article (2 and 4) of Annex No 1 of the Additional Protocol between the European Economic Community and Turkey, the common customs tariff duties for the products refined in Turkey, a list of which follows, shall be totally suspended within the framework of an overall Community tariff quota of 200 000 metric tons:

CCT heading No	Description of goods
27.10	<p>Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:</p> <p>A. Light oils:</p> <p style="padding-left: 20px;">III. Intended for other purposes</p> <p>B. Medium oils:</p> <p style="padding-left: 20px;">III. Intended for other purposes</p> <p>C. Heavy oils:</p> <p style="padding-left: 20px;">I. Gas oil:</p> <p style="padding-left: 40px;">(c) Intended for other purposes</p>

CCT heading No	Description of goods
27.10 (cont'd)	II. Fuel oil: (c) Intended for other purposes III. Lubricating and other oils: (c) Intended to be mixed in accordance with the terms of Additional Note 7 to this Chapter (a) (d) Intended for other purposes
27.11	Petroleum gases and other gaseous hydrocarbons: B. Other: I. Commercial propane and commercial butane: (c) Intended for other purposes
27.12	Petroleum jelly: A. Crude: III. Intended for other purposes B. Other
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozo kerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: (c) Intended for other purposes II. Other
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other

(a) Inclusion in this subheading is subject to the conditions to be laid down by the competent authorities.

Article 2

1. A first instalment, amounting to 140 000 metric tons of this Community tariff quota shall be shared among the Member States; the proportions which, subject to Article 5, shall be valid for each of the Member States from 1 January to 31 December 1973 shall consist of the following amounts:

Germany	56 000 metric tons
Benelux	40 600 metric tons
France	18 900 metric tons
Italy	24 500 metric tons.

2. The second instalment, amounting to 60 000 metric tons, shall make up the reserve.

Article 3

1. If 90% or more of one of the initial shares 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 6 have been applied, has been exhausted, that Member State concerned shall proceed without delay, by notifying the Commission to

draw a second share equal to 20% of its initial share, where appropriate rounded up to the next figure, 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 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 10% of its initial share, where appropriate rounded up to the next figure, 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.

That process shall be applied by analogy until the reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, 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

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

Article 5

If, on 15 September 1973 a Member State has not used up its initial quota share, it shall, not later than 10 October 1973, return to the reserve the unused portion of its 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 products concerned effected up to 15 September 1973 inclusive, and charged against the Community quota and, where appropriate, the proportion of their original quota share that is being returned to the reserve.

Article 6

The Commission shall keep account of the initial share 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 the reserve after the return of quota 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 quotas are drawn pursuant to Article 3, it is possible for charges to be made without interruption against the accumulated shares of the Community tariff quota.

2. The Member States shall take all measures necessary to guarantee free access to the quotas allocated to them by all importers established on their territory.

3. The extent to which the quota shares of the Member States have been used up shall be recorded on the basis of the imports of the products concerned under cover of declarations that they have been entered into consumption.

Article 8

Member States shall inform the Commission of imports of the products in question actually charged against their quota shares.

Article 9

The Member States and the Commission shall cooperate closely to see that the provisions of the preceding Articles are observed.

Article 10

Any alterations to the preceding provisions may be made to take into account the situation resulting 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
