

COUNCIL REGULATION (EEC) No 2876/77

of 20 December 1977

opening, allocating and providing for the administration of Community tariff quotas for prepared or preserved sardines falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco (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 on 20 December 1977 the Council decided to open two Community tariff quotas for prepared or preserved sardines falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco; whereas the respective quota volumes and duties are fixed at 14 000 tonnes free of duty and 6 000 tonnes at a duty rate of 10 %; whereas these tariff quotas are to apply from 1 January 1978 until the conclusion of the exchange of letters provided for in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community arrangements for imports of the products in question are applied, or until 31 December 1978, whichever shall be the earliest; whereas these Community tariff quotas should therefore be opened;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have 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 products concerned, such allocation would be in proportion to the needs of the Member States, assessed by reference both to the statistics of each State's imports from Morocco over a representative 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 by each

of the Member States represent the following percentages of the imports into the Community from Morocco of the products concerned:

Member State	1974	1975	1976
Benelux	10.0	11.0	11.3
Denmark	0.2	0.3	0.3
Germany	11.3	10.6	23.3
France	62.2	55.7	56.1
Ireland	0.1	0.5	0.5
Italy	3.0	1.4	0.2
United Kingdom	13.2	20.5	8.3

Whereas, in view of these factors and of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Member State	Of the quota of 14 000 tonnes	Of the quota of 6 000 tonnes
Benelux	13.49	9.54
Denmark	0.28	0.28
Germany	13.33	13.33
France	59.52	42.59
Ireland	0.36	0.37
Italy	0.64	1.48
United Kingdom	12.38	32.41

Whereas, in order to take into account import trends for the products concerned in the different Member States, each of 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 for importers in each Member State, the first instalment of the Community quotas should be determined at a level which, under present circumstances, may be 90 % of each of the quota amounts;

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, any Member State having used up almost the whole of any one of its initial quota shares should

⁽¹⁾ OJ No C 299, 12. 12. 1977, p. 60.

draw an additional quota share from the corresponding reserve; whereas this must be done by each Member State 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 amounts are used and inform 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 Luxemburg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1978 until the conclusion of the exchange of letters referred to in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community import arrangements are applied or until 31 December 1978, whichever shall be the earliest, a duty-free Community tariff quota of 14 000 tonnes shall be opened for imports into the Community of prepared or preserved sardines falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco.

2. From 1 January 1978 until the conclusion of the exchange of letters referred to in Article 19 of the Cooperation Agreement between the Community and Morocco, until such time as Community import arrangements are applied or until 31 December 1978, whichever shall be the earliest, a Community tariff quota of 6 000 tonnes at a duty rate of 10 % shall be opened for imports into the Community of prepared or preserved sardines falling within subheading 16.04 D of the Common Customs Tariff and originating in Morocco.

Article 2

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

2. A first instalment of each quota shall be shared among the Member States; the respective shares which, subject to Article 5, shall be valid until the end of the period specified in Article 1, shall be as follows:

(tonnes)

Member State	Article 1 (2)	
Benelux	1 700	515
Denmark	35	15
Germany	1 680	720
France	7 500	2 300
Ireland	45	20
Italy	80	80
United Kingdom	1 560	1 750
Total	12 600	5 400

3. The second instalment of each quota, 1 400 tonnes and 600 tonnes respectively, shall constitute the corresponding reserve.

Article 3

1. If 90 % or more of one of the initial shares of a Member State, as laid down in Article 2 (2), or 90 % or more 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 10 % 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 in the manner specified in paragraph 1 to draw a third share equal to 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 of its 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 in the manner specified in paragraph 1, to draw a fourth share equal to the third.

This process shall be applied until the reserve is exhausted.

4. By way of derogation to paragraphs 1, 2 and 3, the Member States may proceed to draw shares smaller than those fixed in those paragraphs if there is any 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 the end of the period defined in Article 1.

Article 5

The Member States shall return to the reserve, not later than 1 October 1978, 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 larger quantity if there are reasons to believe that such quantity might not be used.

The Member States shall, not later than 1 October 1978, notify the Commission of the total imports of the products concerned effected up to 15 September 1978 inclusive and charged against the Community quotas and, where appropriate, the proportion of their initial shares which is being returned to each 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 reserves have been used as soon as it receives the notifications.

The Commission shall, not later than 5 October 1978, notify Member States of the amount in each reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up any 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 tariff quotas.

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

3. The extent to which a Member State has used up its share shall be determined on the basis of imports of the products in question originating in Morocco when entered for home use.

Article 8

At the Commission's request Member States shall inform it of 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 this Regulation is observed.

Article 10

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, 20 December 1977.

For the Council

The President

H. SIMONET