

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 490 final

Brussels, 24 September 1976

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for cotton yarn falling within heading No 55.05 of the Common Customs Tariff, originating in Malta
(1977)

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning falling within heading No 56.04 of the Common Customs Tariff originating in Malta
(1977)

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta
(1977)

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Malta
(1977)

(submitted to the Council by the Commission)

COM(76) 490 final

EXPLANATORY MEMORANDUM

of 1970

1. The Agreement/between the European Economic Community and Malta, and the Protocol of 1976 thereto

provides for the opening of Community tariff quotas for the importation into the Community at duty rates reduced by 70% of the following products, originating in Malta :

CCT Heading No	Product	Annual volume	From which for the new Member States
55.05	Cotton yarn, not put up for retail sale :	750 tons	160 tons
56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning :	600 tons	200 tons
60.05	Outer garments and other articles, knitted or croched, not elastic nor rubberised:	100 tons	90 tons
61.01	Men's and boy's outer garments	300 tons	430 tons

2. At its session of 4/5 June 1973 however, the Council agreed that Malta should be treated, as from 1 January 1974, no less favourably than countries eligible for the Generalised System of Preferences. This undertaking implies that the treatment hitherto granted to Malta will be improved comparably. For the years from 1974 to 1976 this improvement consists in a ^{yearly} autonomous 5% increase of the quota amounts fixed in the EEC/Malta Agreement, and total suspension of duties in the CCT and the national Customs tariff of each of the Member States. An other increase of 5% is agreed for 1977.

3. The Regulations provide, in the usual way, for the splitting up of the tariff volumes into two parts, of which the first will be allocated among the Member States as quota shares and the second will be kept as a reserve.
4. The allocation of the first part of the quotas for the products falling within the tariff headings 55.05 and 60.05 has been undertaken according to the rules generally applied hitherto. The total imports of each Member State for 1973, 1974 and 1975 have been expressed as a proportion of total Community imports over the same period. The resulting percentages have been applied State by State to the volume of the first part, the last digit of the number of metric tons being rounded off.
5. However, it does not seem appropriate to apply this rule to the tariff quota for man-made fibres (56.04) since :
 - (a) import figures for certain Member States varied considerably from year to year;
 - (b) other Member States imported none at all;
 - (c) total Community imports are lower than the agreed tariff quota volumes;
 - (d) it is difficult to forecast future imports.

In this situation and in view nevertheless to allocate the quota volume fairly among the Member States according to their respective sizes, it seems indicated that each Member State takes a significant part in the quota volume. Of course, this formula has to be adapted to the futur development of imports.

6. The proposed Regulations provide for a single method of administration to be applied by all Member States, namely the "as and when" method.

7. The Member States' experts who participated in the consultative meeting of the "Economic Tariff Problems" Group (26/27 April 1976) expressed agreement in principle to the scheme for allocation of shares proposed by the Commission in the framework of the regulations annexed.

Annexes :

- 4 proposals of Regulations of the Council

Proposal for a
REGULATION (EEC) No OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for cotton yarn, falling within heading No 55.05 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta, signed on 5 December 1970, (1) and the Protocol (2) laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community provide for the opening of an annual Community tariff quota of 910 metric tons of cotton yarn, not put up for retail sale,

falling within heading No 55.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the Joint Declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows : 750 metric tons for the Community as originally constituted and 160 metric tons for the new Member States;

whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to the Annex I of the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I of the said Agreement quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned;

.../...

(1) OJ No L 61 of 14.3.1971

(2) OJ No L 111 of 28.4.1976.

whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since the 1 January 1974, it is granted to Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 1,079 metric tons for the year 1977; whereas, however, the Community yet has opened a duty free tariff quota of 1,240 metric tons for the products in question for 1976; whereas therefore the quota volume should be held at this level and the difference between these volumes should be allocated to the two groups of Member States;

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 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 quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta, of the products concerned:

- % -

	1973	1974	1975
Germany	45.5	30.1	13.7
Benelux	34.8	39.7	54.7
France	8.0	23.7	14.0
Italy	11.7	6.5	17.6
Denmark	-	0.3	-
Ireland	1.0	2.7	12.5
United Kingdom	99.0	97.0	87.5

Whereas in view of these factors of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows: (in %) :

Germany	56.5
Benelux	25.5
France	7.0
Italy	11.0
Denmark	1.0
Ireland	11.0
United Kingdom	88.0

Whereas, in order to take into account import trends for the products concerned in the different Member States, the quota amount should be divided into two instalments, each first instalment being allocated among the Member States, and each 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 each quota should be determined at a level which, under present circumstances, may be approximately 70% of / quota amount;
each

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 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 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 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, 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 be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977 a tariff quota of 1,240 metric tons shall be opened in the Community for cotton yarn not put up for retail sale, falling within heading No 55.05 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota, the Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 1,046 tons is assigned to the Member States of the Community in its original composition.

4. An amount of 194 tons is assigned to the new Member States.

Article 2

1. A first instalment, amounting to 730 metric tons of the amount specified in Article 1(3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Germany	412	metric tons,
Benelux	186	metric tons,
France	51	metric tons,
Italy	80	metric tons.

The second instalment of 316 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 140 metric tons of the amount mentioned in Article 1 (4) shall be distributed between the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	2	metric tons,
Ireland	15	metric tons,
United Kingdom	123	metric tons.

The second instalment of 54 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 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 equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the respective 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, proceed without delay 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, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the respective reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member State may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of their initial amount. They may return a greater portion if there are grounds for believing that such quantity may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to and including 15 September 1977, 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 and shall inform each of them of the extent to which the reserves / been used as soon as it receives the notifications. have

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

Done at Brussels,

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

are
The Commission shall ensure that any drawing which uses up the reserves / limited to the balance available and for this purpose shall specify the amount thereof to the Member State which makes the last 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 quota.

2. The Member States shall ensure that importers of the product concerned 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 share as and when the goods are entered for home use.

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

This Regulation shall enter into force on 1 January 1977.

For the Council
The President

Proposal for a
REGULATION (EEC) No OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta, signed on 5 December 1970, (1) and the Protocol (2) laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community provide for the opening of an annual Community tariff quota of 800 metric tons of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning,

falling within heading No 56.04 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the Joint Declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 600 metric tons for the Community as originally constituted and 200 metric tons for the new Member States;

whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to the Annex I of the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I of the said Agreement quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned;

.../...

(1) OJ No L 61 of 14.3.1971
(2) OJ No L 111 of 28.4.1976.

whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since the 1 January 1974, it is granted to Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 940 metric tons for the year 1977; whereas, however, the Community yet has opened a duty free tariff quota of 992 metric tons for the products in question for 1976; whereas therefore the quota volume should be held at this level and the difference between these volumes should be allocated to the two groups of Member States;

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 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 quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta, of the products concerned:

- % -

	1973	1974	1975
Germany	-	-	-
Benelux	-	-	-
France	-	-	-
Italy	-	-	100 (=1t)
Denmark	-	100(=16t)	-
Ireland	-	-	-
United Kingdom	-	-	-

Whereas in view of these factors of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows: (in %) :

Germany	13
Benelux	13
France	18
Italy	56
Denmark	16
Ireland	24
United Kingdom	60

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, each first instalment being allocated among the Member States, and each 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 each quota should be determined at a level which, under present circumstances, may be approximately 60 % of / quota amount;
each

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 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 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 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, 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 be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977 a tariff quota of 992 metric tons shall be opened in the Community man-made fibres (discontinuous or waste), otherwise prepared for spinning, carded, combed or / falling within heading No56.04 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota, the Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 771 tons is assigned to the Member States of the Community in its original composition.

4. An amount of 221 tons is assigned to the new Member States.

Article 2

480

1. A first instalment, amounting to / metric tons of the amount specified in Article 1(3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Germany	63	metric tons,
Benelux	63	metric tons,
France	86	metric tons,
Italy	268	metric tons.

The second instalment of ²⁹¹ / metric tons shall constitute the relevant reserve.

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2. A first instalment, amounting to / metric tons of the amount mentioned in Article 1 (4) shall be distributed between the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	21	metric tons,
Ireland	32	metric tons,
United Kingdom	80	metric tons.

The second instalment of 88 metric tons shall constitute the relevant reserve.

.../...

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 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 equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the respective 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, proceed without delay 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, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the respective reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of their initial amount. They may return a greater portion if there are grounds for believing that such quantity may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to and including 15 September 1977, 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 and shall inform each of them of the extent to which the reserves / been used as soon as it receives the notifications. have

The Commission shall, not later than 5 October 1977, notify Member States of the amount in the reserves after the return of shares pursuant to Article 5.

are

The Commission shall ensure that any drawing which uses up the reserves / limited to the balance available and for this purpose shall specify the amount thereof to the Member State which makes the last 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 quota.

2. The Member States shall ensure that importers of the product concerned 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 share as and when the goods are entered for home use.

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

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels,

For the Council
The President

Proposal for a
REGULATION (EEC) No OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for outer garments and other articles, knitted or crocheted, not elastic or rubberized, falling within heading No 60.05 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta, signed on 5 December 1970, (1) and the Protocol (2) laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community provide for the opening of an annual Community tariff quota of 190 metric tons of outer garments and other articles, knitted or crocheted, not elastic or rubberized,

falling within heading No 60.05 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the Joint Declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 100 metric tons for the Community as originally constituted and 90 metric tons for the new Member States;

whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to the Annex I of the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I of the said Agreement quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned;

(1) OJ No L 61 of 14.3.1971
(2) OJ No L 111 of 28.4.1976.

whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since the 1 January 1974, it is granted to Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized tariff preferences; whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 216 metric tons for the year 1977, from which 122 metric tons belongs to the Member States of the Community as originally constituted and 94 metric tons to the new Member States;

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 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 quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta, of the products concerned:

- % -

	1973	1974	1975
Germany	-	7	4.2
Benelux	-	4	34.4
France	94.6	50	54.2
Italy	5.4	39	7.2
Denmark	1.3	3.4	0.6
Ireland	7.8	-	0.6
United Kingdom	90.9	96.6	98.8

Whereas in view of these factors of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows: (in %) :

Germany	17
Benelux	11
France	55
Italy	17
Denmark	17
Ireland	17
United Kingdom	66

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, each first instalment being allocated among the Member States, and each 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 each quota should be determined at a level which, under present circumstances, may be approximately 75 % of / quota amount;
each

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 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 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 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, 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 be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977 a tariff quota of 216 metric tons shall be opened in the Community for outer garments and other articles, elastic or rubberized, knitted or crocheted, not / falling within heading No 60.05 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota, the Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 122 tons is assigned to the Member States of the Community in its original composition.

4. An amount of 94 tons is assigned to the new Member States.

Article 2

1. A first instalment, amounting to 90 metric tons of the amount specified in Article 1(3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Germany	15	metric tons,
Benelux	10	metric tons,
France	50	metric tons,
Italy	15	metric tons.

The second instalment of 32 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to 70 metric tons of the amount mentioned in Article 1 (4) shall be distributed between the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	12	metric tons,
Ireland	12	metric tons,
United Kingdom	46	metric tons.

The second instalment of 24 metric tons shall constitute the relevant reserve.

Article 3

1. If 90% or more of the initial share of a Member State, as laid down in Article 2 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 equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the respective 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, proceed without delay 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, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the respective reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member State may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they 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 1977.

Article 5

The Member States shall return to the reserve, not later than 1 October 1977, the unused portion of their initial share which, on 15 September 1977, is in excess of 20% of their initial amount. They may return a greater portion if there are grounds for believing that such quantity may not be used in full.

The Member States shall, not later than 1 October 1977, notify the Commission of the total imports of the product concerned effected up to and including 15 September 1977, 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 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 1977, notify Member States of the amount in the reserve after the return of shares pursuant to Article 5.

The Commission shall ensure that any drawing which uses up the reserves are limited to the balance available and for this purpose shall specify the amount thereof to the Member State which makes the last 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 quota.

2. The Member States shall ensure that importers of the product concerned 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 share as and when the goods are entered for home use.

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

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels,

For the Council
The President

Proposal for a
REGULATION (EEC) No OF THE COUNCIL

opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff, originating in Malta (1977)

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 the Agreement between the European Economic Community and Malta, signed on 5 December 1970, (1) and the Protocol (2) laying down certain provisions concerning that Agreement as a result of the accession of new Member States to the European Economic Community provide for the opening of an annual Community tariff quota of 730 metric tons of men's and boys' outer garments,

falling within heading No 61.01 of the Common Customs Tariff, originating in Malta; whereas, pursuant to the Joint Declaration annexed to this Protocol, the tariff quota should be allocated among the Member States as follows: 300 metric tons for the Community as originally constituted and 430 metric tons for the new Member States;

whereas the first stage of the Agreement ends on 30 June 1977 and, pursuant to the Annex I of the Agreement the *pro rata temporis* clause would apply to the volume of the quota; whereas the Community intends to maintain its trading relations with Malta; whereas the provisions governing the second stage should not be less favourable than those laid down for the first; whereas in order not to disrupt trading patterns for the products in question, the Community tariff quota should be opened for the whole of 1977; whereas, pursuant to Annex I of the said Agreement quota duty is equal to 30% of the Common Customs Tariff duty in respect of the product concerned;

.../...

(1) OJ No L 61 of 14.3.1971

(2) OJ No L 111 of 28.4.1976.

whereas to comply with the special provisions of the said Protocol, separate arrangements should be made for Member States of the Community as originally constituted on the one hand, and for the new Member States on the other;

Whereas, since the 1 January 1974, it is granted to Malta a treatment not less favourable than that enjoyed by countries eligible for the generalized tariff preferences;^{TRA} whereas to this end therefore the duty rates should be totally suspended and the quota volume increased to 815 metric tons for the year 1977, from which 364 metric tons belongs to the Member States of the Community as originally constituted and 451 metric tons to the new Member States;

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 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 quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect more accurately the actual development of the market in the product concerned, such allocation should be in proportion to the needs of the Member States, assessed by reference to both the statistics of each State's imports of the said goods from Malta over a representative period and 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 Malta, of the products concerned:

- % -

	1973	1974	1975
Germany	31.0	16.2	42.9
Benelux	35.1	45.5	12.1
France	11.9	22.9	38.8
Italy	22.0	15.4	6.2
Denmark	77.4	60.9	45.4
Ireland	0.5	0.7	2.3
United Kingdom	22.1	38.4	52.3

Whereas in view of these factors of the foreseeable development during 1977 of the market for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may consequently be fixed approximately as follows: (in %) :

Germany	65
Benelux	18
France	13
Italy	4
Denmark	35
Ireland	1
United Kingdom	64;

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, each first instalment being allocated among the Member States, and each 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 each quota should be determined at a level which, under present circumstances, may be approximately 67 % of / quota amount;
each

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 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 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 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, 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 be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1977 a tariff quota of 815 metric tons shall be opened in the Community for men's and boys' outer garments falling within heading No 61.01 of the Common Customs Tariff, originating in Malta.

2. Within the limits of this tariff quota, the Common Customs Tariff duties shall be totally suspended.

This suspension shall be fully applied in the new Member States.

3. An amount of 364 tons is assigned to the Member States of the Community in its original composition.

4. An amount of 451 tons is assigned to the new Member States.

Article 2

1. A first instalment, amounting to ²⁴³7 metric tons of the amount specified in Article 1(3), shall be allocated among the Member States of the Community as originally constituted; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Germany	158	metric tons,
Benelux	44	metric tons,
France	31	metric tons,
Italy	10	metric tons.

The second instalment of 121 metric tons shall constitute the relevant reserve.

2. A first instalment, amounting to ³⁰⁰7 metric tons of the amount mentioned in Article 1(4) shall be distributed between the new Member States; the shares, which subject to Article 5 are valid until 31 December 1977, shall be as follows:

Denmark	105	metric tons,
Ireland	3	metric tons,
United Kingdom	192	metric tons.

The second instalment of 151 metric tons shall constitute the relevant reserve.

Article 3

more of the initial share of a Member State, as laid down in Article 2 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 equal to 15% of its initial share, rounded up to the next unit where appropriate, to the extent that the amount in the respective 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, proceed without delay 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, in the same way, to draw a fourth share equal to the third.

This process shall be applied until the respective reserve is exhausted.

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member States may proceed to draw shares smaller than those fixed in those paragraphs, if there is reason to believe that they might not be used up. They shall inform the Commission of the reasons which led them to apply this paragraph.

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

Done at Brussels,

For the Council
The President