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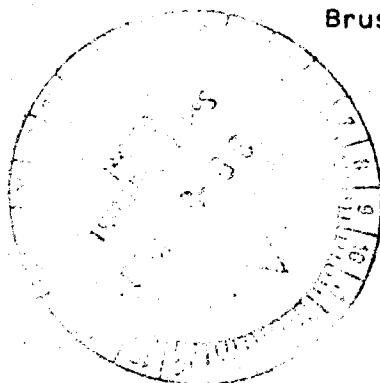
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 549 final

Brussels, 22 October 1979



Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for newsprint falling within subheading No 48.01 A of the Common Customs Tariff (1980) and extending this quota to include certain other types of paper

(submitted to the Council by the Commission)

COM(79) 549 final

EXPLANATORY MEMORANDUM

1. At the last multilateral GATT negotiations, the Community undertook to open annually a nil duty Community tariff quota for 1,500,000 metric tons of newsprint falling within subheading No 48.01 A of the Common Customs Tariff.

Furthermore, the Community informed the Nordic delegation (text Nord 4 of document NCG(67)44 rev.) that it had decided to open a nil duty tariff quota each year under Article 28 of the Treaty of Rome if it were established that all possibilities of supply on the internal market of the Community had been exhausted during a given trading year and after having entirely used up the nil duty quota bound under GATT.

Judging from market trends over the past few years it is clear already that the 1980 Community tariff quota must be greater than the 1,500,000 metric tons originally established. This is why the Commission considers that it can propose the opening of a tariff quota for 2,700,000 metric tons. This amount is based on first estimates, so that a review of the situation during the course of the year is naturally not excluded.

2. The tariff quota is allocated in accordance with the method which has normally been applied: allocation is based on past import figures and on estimates for the quota year in question.

Furthermore, in view of the size of the quota proposed from the start, the Commission considers that it would be contrary to the Community nature of this quota to divide it up into shares allocated definitively to all the Member States. It therefore proposes a system of administration based on the institution of a Community reserve limited to 7%. This system of allocation and administration was, moreover, unanimously approved by all Member States at the time of the opening of the tariff quota for previous years.

.../...

3. In the expectation of a definitive decision on the problem of the watermark criteria, contained in the additional note to Chapter 48, it is proposed to renew for 1980 the possibility for the Member States to count against the quota concerned other types of paper which correspond, leaving aside the criteria of watermarks, to the definition of newsprint to be found in the additional note to Chapter 48.

Proposal for a
COUNCIL REGULATION (EEC) No .../79

of

opening, allocating and providing for the administration of a Community tariff quota for newsprint falling within subheading 48.01 A of the Common Customs Tariff (1930) and extending this quota to include certain other types of paper

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual duty-free Community tariff quota of 1 500 000 tonnes of newsprint falling within subheading 48.01 A;

Whereas, in view of present Community production capacity, that quantity is insufficient to meet anticipated import requirements; whereas provision should therefore be made for an autonomous supplementary quota which, according to the estimates submitted, may be fixed at present at 1 200 000 tonnes; whereas the fact that this figure has been adopted for the autonomous supplementary quota does not rule out a re-adjustment during the quota period; whereas a Community tariff quota should therefore be opened for 1980 for a total quantity of 27 000 000 tonnes of the product in question;

Whereas provision should be made for extending the tariff quota in question to include certain types of paper fulfilling all the conditions set out in the Additional Note to Chapter 48 except those relating to watermarks;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied without interruption to all imports of the product in question until the quota is exhausted; whereas in the light of these principles, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics on imports from third countries during a representative reference period and to the economic outlook for the year covered by the quota in question;

Whereas, for the last three years for which complete statistics are available, the imports of each of the Member States amounted to the following percentages of total imports of the products in question:

	1976	1977	1978
Benelux	12.55	14.41	14.78
Denmark	5.92	5.43	6.55
Germany	26.90	27.85	25.28
France	11.50	11.82	11.12
Ireland	2.03	1.85	1.94
Italy	0.50	0.49	0.89
United Kingdom	40.60	38.15	39.44

Whereas, in view of the above and of the foreseeable trend on the market in newsprint, in general, and of production in particular during 1980, the initial quota may be allocated approximately in the following percentages:

Benelux	13.85
Denmark	7.39
Germany	27.33
France	10.71
Ireland	1.87
Italy	1.11
United Kingdom	37.74

Whereas, to take account of import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial shares; whereas, to give importers some degree of certainty and yet enable Community production to be disposed of on satisfactory terms, the first tranche of the quota should be fixed at about 93 % of the full amount;

Whereas Member States may exhaust their initial shares at different rates; whereas to provide for this eventuality and avoid disruption of supplies any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as the reserve

allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quota has been used up and to inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused it is essential, to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others, that such State should return a significant proportion thereof to the reserve;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any transaction in respect of the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 January to 31 December 1980, a Community tariff quota of 2700 000 tonnes shall be opened in respect of newsprint falling within subheading 48.01 A of the Common Customs Tariff⁽¹⁾.
2. Member States may charge against this tariff quota the other types of paper complying with the definition of newsprint contained in the Additional Note to Chapter 48, except as regards the criteria governing watermarks.
3. Imports of newsprint shall not be charged against this tariff quota if they are already free of customs duties under other preferential tariff treatment. Furthermore, imports of any other paper referred to in paragraph 2 enjoying duty-free exemption under the said tariff quota shall not be charged against the indicative ceilings fixed under certain free trade agreements.
4. The Common Customs Tariff duty shall be totally suspended within the limits of the above quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

⁽¹⁾ Entry under this subheading is subject to conditions to be determined by the competent authorities.

2. A first tranche of 2500 000 tonnes shall be allocated among the Member States. Member States' shares, which subject to Article 5 shall be valid from 1 January until 31 December 1980, shall be as follows:

	(in tonnes)
Benelux	346 250
Denmark	184 750
Germany	683 250
France	267 750
Ireland	46 750
Italy	27 750
United Kingdom	943 500.

3. The second tranche, of 200 000 tonnes, shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as fixed in Article 2 (2), or of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 15 % of its initial share, rounded up as necessary to the next whole number.
2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a third share equal to 7.5 % of its initial share.
3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This procedure shall apply until the reserve is exhausted.

4. Notwithstanding paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this provision.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1980.

Article 5

The Member States shall return to the reserve, not later than 1 October 1980, the unused portion of their initial share which, on 15 September 1980, is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1980 notify the Commission of the total quantities of the products in question imported up to and including 15 September 1980 and charged against the Community tariff quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1980 of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that when a quantity exhausting the reserve is drawn, the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

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

Done at Brussels,

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

2. Member States shall take all measures necessary to ensure that the types of paper referred to in Article 1 (2) included in this tariff quota are in fact intended for the printing of newspapers, weekly papers or other periodicals of heading No 49.02, published at least 10 times per year.

3. Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to it.

4. The extent to which a Member State has used up its shares shall be determined on the basis of imports of the products in question entered with the customs authorities for home use.

Article 8

On receipt of a request from the Commission the Member States shall notify it of the importations charged against its share.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1980.

For the Council
The President

1. Ligne budgétaire concernée : Chap. 12 art. 120

2. Base juridique : articles 28 et 113 du traité

3. Intitulé de la mesure tarifaire :

Proposition de règlement du Conseil portant ouverture, répartition et mode de gestion du contingent tarifaire communautaire de papier journal de la sous-position 48.01 du TDC et étendant le bénéfice de ce même contingent à certains autres papiers (année 1980)

4. Objectif :

Respect des engagements contractés au GATT et assurer la couverture des besoins de la Communauté en papier journal.

5. Mode de calcul :

- N° du T.D.C. : 48.01 A et ex 48.01 F
- Volume du/des contingent(s) : 2.700.000 tonnes
- Droits à appliquer : 0 %
- Droits du T.D.C. : 6,7 et 11,6 % (3,3 et 6 % pour AELE)

6. Perte de recettes :

Prix moyen à la tonne : 362 UCE

Valeur des 2.700.000 tonnes : 977.400.000 UCE

Importations sous le 48.01 A (+ 17%) = 166.158.000 UCE

Importations sous le 48.01 F (+ 83%) = 811.242.000 UCE

Perte :

48.01 A : 166.158.000 UCE, dont

AELE (74 %) = 122.956.920 UCE x 3,3 % = 4.057.578 UCE
pays tiers 43.201.080 UCE x 6,7 % = 2.894.472 UCE

ex 48.01 F : 811.242.000 UCE, dont

AELE (74,5 %) = 604.375.290 UCE x 6 % = 36.262.517 UCE
pays tiers 206.866.710 UCE x 11,6 % = 23.996.538 UCE

67.211.105 UCE

Par rapport à l'année 1979, diminution des pertes de

85.000.000 - 67.211.105 UCE = 17.788.895 UCE