

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 319 final

Brussels, 27 June 1989

Proposal for a

COUNCIL REGULATION (EEC)

repealing and replacing Regulation (EEC) No 4192/88  
opening and providing for the administration of a Community  
tariff quota for certain grades of magnesium

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(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 4192/88 of 16 December 1988 (1) opened for 1989 a zero-duty Community tariff quota of a volume of 320 tonnes for certain grades of extra-pure magnesium falling within CN Code ex 8104 11 00.
  
2. Subsequent to a request presented by the French authorities, the Commission Services have examined in conjunction with national experts the possibility of extending the scope of this tariff quota to the same products when intended for other application and the consequential modification of the amount of this tariff quota. The examination showed that a solution accepting the French request could be approved by all Member States without the Community market for the products concerned being disturbed. The volume of the quota could be fixed at 850 tonnes for the second semester.

That is the purpose of the attached proposal.

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(1) OJ No. L 368 of 31.12.1988, p. 36.

Proposal for a  
COUNCIL REGULATION (EEC) No  
of  
repealing and replacing Regulation (EEC) No 4192/88,  
opening and providing for the administration of a Community tariff quota for certain grades  
of magnesium

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas by regulation (EEC) No 4192/88 (1), the Council opened for 1989 a zero-duty Community tariff quota of 320 tonnes of certain extra-pure grades of magnesium intended for use in the manufacture of raspings for the nuclear fuel industry; whereas it is appropriate to extend the benefit of that tariff quota to similar goods intended for different use, and to adapt the volume of the quota; whereas it is appropriate to repeal Regulation (EEC) no 4192/88 and replace it by the present regulation;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports;

whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the tariff quota is used and inform the Member States accordingly;

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(1) OJ No L 368, 31.12.1988, p. 36

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the Netherlands and the Grand Duchy of Luxembourg are  
united with and jointly represented by the European  
Economic Union, any operation concerning the  
administration of the quota  
may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 July to 31 December 1989 the customs duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2742	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of billets or ingots, intended for the manufacture of elements used in the nuclear industry	850	0

2. Within the limit of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

3. The relevant Community provisions shall be applied in order to monitor the use of the product for the prescribed specific purpose.

*Article 2*

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

*Article 3*

If an importer presents in a Member State a declaration of entry into free circulation including a request for

preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission.

#### Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such times as the balance of the tariff quota so permits.

#### Article 5

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

#### Article 6

Regulation (EEC) No 4192/87 is repealed.

#### Article 7

This Regulation shall enter into force on 1 July 1989.

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

Done at Brussels,

For the Council

The President

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## FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

La présente proposition vise l'ouverture d'un contingent tarifaire communautaire autonome destiné à couvrir, à des conditions favorables, les besoins des industries utilisatrices. Elle aura pour effet de permettre à ces industries de concurrencer celles des pays tiers sur les marchés de la Communauté et des pays tiers et de maintenir ou même d'améliorer l'emploi dans la Communauté.

1. Ligne budgétaire concernée : Chap. 12, art. 120
2. Base juridique : article 28 du traité
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil abrogeant et remplaçant le règlement (CEE) n° 4192/88, portant ouverture et mode de gestion d'un contingent tarifaire communautaire pour certaines qualités de magnésium.
4. Objectif : Couvrir, à des conditions plus favorables, les besoins des industries communautaires.
5. Mode de calcul :
  - Code de la NC : ex 8104 11 00
  - Volume du contingent : 850 tonnes
  - Droit à appliquer : 0%
  - Droit normal : 5,3%
6. Perte de recettes :
  - Valeur d'une tonne : 5 629 écus
  - Valeur totale : 4 784 650 écus
  - Perte de recettes : 253 586 écusPar rapport à l'année 1988 : diminution des pertes de :  
253 586 écus - 95 468 écus (déjà comptabilisées en 1989) - 170 003 écus  
= 11 885 écus.

Commission of the European Communities

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Office for Official Publications of the European Communities  
L - 2985 Luxembourg

Series: DOCUMENTS

1989 — 7 pp. — Format: 21.0 × 29.7 cm

EN

ISSN 0254-1475

ISBN 92-77-51745-X

Catalogue number: CB-CO-89-282-EN-C



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