

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 437 final
Brussels, 27.10.1994

Proposal for a

COUNCIL REGULATION (EC)

opening and providing for the administration of
Community tariff quotas for certain agricultural
and industrial products
(1st series 1995)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Subsequent to requests made by various Member States, the Services of the Commission have examined, in conjunction with the Government experts concerned, the question of opening in 1994 tariff quotas for various products.
2. Following this examination, which took place during the "Economic Tariff" group meetings, it has been determined that the opening of tariff quotas for the following products could have the agreement of the Member States without disturbing the markets for such products:

- Vanadiumoxides	8 000 T	at 0%
- Ferro-chromium 6% of carbon	300 000 T	at 0%
- Sweet cherries	2 000 T	at 10%
- Ferro-phosphorus	35 000 T	at 0%
- Sour cherries	2 000 T	at 10%
- Poly-alpha-oléfin	5 500 T	at 0%
- Boysenberries	1 500 T	at 0%
- Polyvinylpyrrolidone	100 T	at 0%
- Raw Magnesium	1 800 T	at 0%
- Raw Magnesium	1 100 T	at 0%
- Flat-rolled products	600 T	at 0%
- Polyvinyl butyral	9 000 T	at 0%
- Magnetrons	650 000 pièce	at 0%
- Ferro-chromium 1.5 % of carbon	15 000 T	at 0%
- Montmorillonite	10 000 T	at 0%
- 4-benzylbiphenyl	400 T	at 0%
- Solid extract of wood resin	1 200 T	at 0%
- Bromochloromethane	370 T	at 0%
- 1-alkenes	8 000 T	at 0%
- 3,3-dimethylbutanone	750 T	at 0%
- 1-chloro-3,3-dimethylbutanone	550 T	at 0%
- Mushrooms	630 T	at 0%
- O-Cresol	13 000 T	at 0%
- Glutathione	15 T	at 0%
- Diisopropylnaphtalene	2 000 T	at 0%
- 2,2 isopropylidene bis	600 T	at 0%
- Magnetic heads	70 000 pièces	at 0%
- Glass granulate	80 T	at 0%
- Glass face-plate	650 000 pièces	at 0%
- Static memory	40 000 000 pièces	at 0%
- 1,2 Bis (pentabromophenyl) ethane	300 T	at 0%
- Chlorosulphonated polyethylene	6 000 T	at 0%

This is the aim of this proposal.

Proposal for a
COUNCIL REGULATION (EC) No,
of

opening and providing for the administration of Community tariff quotas
for certain agricultural and industrial products (1st series 1995)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and industrial products will remain in the course of 1995 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at reduced or at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1995 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, 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 quotas are used up and inform the Member States accordingly;

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1995 until the date shown in the table below, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (')	Description	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2703	ex 2825 30 00	Vanadiumoxides and hydroxides, not in the form of powder, exclusively for the production of alloys (a)	8 000 T	0	31.12.1995
09.2711	7202 41 91 7202 41 99	Ferro-chromium containing by weight more than 6 % of carbon	300 000 T	0	31.12.1995
09.2713	ex 2008 60 19 ex 2008 60 39	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	} 2 000 T	10 + AGR 10	31.12.1995
09.2717	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture or refined phosphoric iron or steel (a)	35 000 T	0	31.12.1995
09.2719	ex 2008 60 19 ex 2008 60 39	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % — with a sugar content not exceeding 9 % by weight	} 2 000 T	10 + AGR 10	31.12.1995
09.2727	ex 3902 90 00	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $36 \times 10^{-4} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	5 500 T	0	31.12.1995
09.2729	ex 0811 90 99	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	1 500 T	12	31.12.1995
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than, or equal to 1,5 % by weight and which is intended for the pharmaceutical industry (a)	100 T	0	31.12.1995
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, intended for the manufacture of elements used in the nuclear industry (a)	1 800 T	0	31.12.1995
09.2744	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, for the manufacture of zirconium sponge (a)	1 100 T	0	31.12.1995
09.2781	ex 7226 10 91	Flat-rolled products of silicon-electrical steel, cold-rolled, grain oriented, of a width not exceeding 500 mm, of a thickness of 0,23 mm or less, with a nominal magnetic inversion loss rate of 0,8 W/kg or less determined by the Epstein method with a current of 50 cycles and one induction of 1,7 tesla	600 T	0	31.12.1995
09.2791	ex 3905 90 00	Polyvinyl butyral in the form of powder, for the production of film for laminated safety glass (a)	9 000 T	0	31.12.1995

Order No	CN code (!)	Description	Amount of quota	Quota duty (%)	End of quota period
09.2797	ex 8540 41 00	Magnetrons with a power output of not more than 1 000 W, for the manufacture of microwave ovens (a)	650 000 pieces	0	31.12.1995
09.2799	ex 7202 49 90	Ferro-chromium containing more than 1,5% but no more than 4% by weight of carbon and not more than 70% of chromium	15 000 T	0	31.12.1995
09.2809	ex 3802 90 00	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 T	0	31.12.1995
09.2811	ex 2902 90 90	4-benzylbiphenyl	400	0	31.12.1995
09.2829	ex 3823 90 98	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content by weight not exceeding 30 % — an acid number not exceeding 110, and — a melting point of not less than 100 °C	1 200	0	31.12.1995
09.2837	ex 2903 40 98	Bromchloromethane	370 T	0	31.12.1995
09.2841	ex 2712 90 90	Blend of 1-alkenes containing by weight 80 % or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	8 000 T	0	31.12.1995
09.2845	ex 2914 19 00	3,3-Dimethylbutanone	750 T	0	31.12.1995
09.2847	ex 2914 70 90	1-Chloro-3,3-Dimethylbutanone	550 T	0	31.12.1995
09.2849	ex 0710 80 60	Mushrooms of the species <i>Auricularia polytricha</i> , either steamed, boiled or frozen, for the manufacture or prepared meals (a)(b)	630 T	0	31.12.1995
09.2851	ex 2907 12 00	O-Cresol having a purity of not less than 98,5 %	13 000 T	0	31.12.1995
09.2853	ex 2930 90 80	Glutathione	15 T	0	31.12.1995
09.2857	ex 2902 90 90	Diisopropylnaphtalene, mixed isomers	2 000 T	0	31.12.1995
09.2859	ex 2929 49 90	2,2 isopropylidene-bis(<i>p</i> -phenyleneoxydiethanol) solid form	600 T	0	31.12.1995
09.2863	ex 8473 30 90	Thin-film magnetic heads of Winchester technology (microsliders) capable of recording to a density of 78 tracks or more per millimetre, for the incorporation in hard disc storage units with an external disc diameter not exceeding 8,89 cm (3,5 inches) (a)	70 000 pieces	0	31.12.1995

Order No	CN code (')	Description	Amount of quota	Quota duty (%)	End of quota period
09.2867	ex 3207 40 90	Glass granulate, containing by weight : — 73 % or more but not more than 77 % of silicon dioxide, — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	80 tonnes	0	31. 12. 1995
09.2871	ex 7011 20 00	Glass face-plate: — with a diagonal measurement of 723 mm (\pm 3 mm) and of dimensions of 602 x 477 mm (\pm 2 mm), for the manufacture of colour cathode-ray tubes (a)	650 000 pieces	0	31. 12. 1995
09.2873	ex 8542 11 23	Static random access memory of C-MOS technology (C-MOS S-RAM), with a storage capacity of 32 K x 8 bits and an access line exceeding 55 ns, in the form of a monolithic integrated circuit, contained in a housing the exterior dimensions of which do not exceed 17 x 39 mm, with not more than 32 connections and bearing : — an identification marking consisting of or including one of the following combinations of figures and letters : KM 62256 MSM 5256 PD 43256 — other identification markings relating to devices complying with the abovementioned description	40 000 000 pieces	0	31. 12. 1995
09.2877	ex 2903 69 00	1,2-Bis(pentabromophenyl)ethane	300 tonnes	0	31. 12. 1995
09.2881	ex 3901 90 00	Chlorosulphonated polyethylene	6 000 T	0	31. 12. 1995

(') See Taric codes in the Annex.

(a) Checks on their prescribed end use shall be carried pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries

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

Done at

for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1995.

For the Council

The President

ANNEX

TARIC codes

Order Nos.	CN codes	TARIC codes
09.2703	ex2825 30 00	*10
09.2711	7202 41 91	
	7202 41 99	
09.2713	ex2008 60 19	*10
	ex2008 60 39	*11
09.2717	ex7202 99 19	*19
09.2719	ex2008 60 19	*20
	ex2008 60 39	*20
09.2727	ex3902 90 00	*95
09.2729	ex0811 90 99	*10
09.2731	ex3905 90 00	*94
09.2741	ex8104 11 00	*30
09.2744	ex8104 11 00	*40
09.2781	ex7226 10 91	*20
09.2791	ex3905 90 00	*91
09.2797	ex8540 41 00	*91
09.2799	ex7202 49 90	*10
09.2809	ex3802 90 00	*10
09.2811	ex2902 90 90	*50
09.2829	ex3823 90 98	*50
09.2837	ex2903 40 98	*10
09.2841	ex2712 90 90	*30
09.2845	ex2914 19 00	*20
09.2847	ex2914 70 90	*10
09.2849	ex0710 80 60	*10
09.2851	ex2907 12 00	*10
09.2853	ex2930 90 80	*16
09.2857	ex2902 90 90	*80
09.2859	ex2929 49 90	*10
09.2863	ex8473 30 90	*80
09.2867	ex3207 40 90	*30
09.2871	ex7011 20 00	*70
09.2873	ex8542 11 23	*26
09.2877	ex2903 69 00	*20
09.2881	ex3901 90 00	*94

FINANCIAL RECORD

1. Budget line concerned : Chap. 12 Art. 120
2. Legal basis : Art. 28 of the Treaty
3. Title of the tariff measure concerned : Proposal for a Council Regulation opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (1st series 1995).
4. Objective : To ensure an adequate supply for Community user-industries.
5. Method of calculation :

Description of the products	Quantities	Price (ECU/unit)	Normal rate (in %)	Quota duty (in %)	Duty-loss (in ECUS)
Vanadiumoxides	8 000 T	5 104	5,5	0	2 245 760
Ferro-chromium 6% of carbon	300 000 T	1 478	8	0	35 472 000
Sweet cherries	2 000 T	1 963	32	10	863 720
Ferro-phosphorus	35 000 T	245	5	0	428 750
Sour cherries	2 000 T	1 960	32	10	862 400
Poly-alfa-olefines	5 500 T	3 766	12,5	0	2 589 125
Boysenberries	1 500 T	5 104	5,5	0	421 080
Polyvinylpyrrolidone	100 T	3 465	12,5	0	43 312
Flat-rolled products	600 T	2 362	6	0	85 032
Polyvinyl butyral	9 000 T	4 064	12,5	0	4 572 000
Ferro-chromium 1,5%	15 000 T	1 416	8	0	1 699 200
Montmorillonite	10 000 T	728	5,7	0	414 960
4-benzybiphenyl	400 T	16 914	6,3	0	426 232
Rosin from wood	1 200 T	1 214	4,6	0	67 012
Bromochloromethane	370 T	2 958	7,4	0	80 990
1-alkenes	8 000 T	926	4,4	0	325 952

Description of the products	Quantities	Price (ECU/unit)	Normal rate (in %)	Quota duty (in %)	Duty-loss (in ECUS)
3,3-Dimethylbutanone	750 T	6 117	7,1	0	325 730
1-chloro-3,3-dimethylbutanone	550 T	3 704	6,6	0	134 455
Mushrooms	630 T	20 837	18	0	2 362 915
O-cresol	13 000 T	1 036	2,1	0	282 828
Glutathione	15 T	299 248	7,6	0	341 142
Diisopropyl-naphthalene mixed isomers	2 000 T	1 102	6,3	0	138 852
2,2-Isopropylidene bis	600 T	4 032	6,6	0	159 667
Chlorosulphonated polyethylene	6 000 T	3 645	12,5	0	2 733 750
Magnesium	1 800 T	7 541	5,3	0	719 411
Magnesium	1 100 T	7 541	5,3	0	439 640
Magnetrons	650 000 p.	24	5,1	0	795 600
Magnetic heads	70 000 T	66	4	0	184 800
Glass granulate	80 T	6 246	3,7	0	18 488
Glass face-plate	650 000 p.	11	7	0	500 500
Static memory	40 000 000 p.	3	14	0	16 800 000
1,2 Bis (penta-bromophenyl) ethane	300 T	2 100	7,6	0	47 880

Total duty loss: 76 583 183 Ecus.

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