

COMMISSION OF THE EUROPEAN COMMUNITIES

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Draft

REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-silicon falling within subheading No 73.02 C of the Common Customs Tariff

Draft

REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-silico-manganese falling within subheading No 73.02 D of the Common Customs Tariff

Draft

REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not exceeding 90% inclusive by weight of chromium (super refined ferro-chromium) falling within subheading No ex 73.02EI of the Common Customs Tariff

Draft

REGULATION (EEC) OF THE COUNCIL

on the increase in volume of the Community tariff quota opened for 1975 for ferro-chromium containing not less than 4% by weight of carbon falling within subheading No ex 73.02 E I of the Common Customs Tariff

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. The draft Regulations annexed hereto follow requests from certain Member States that autonomous Community tariff quotas be opened or increased for 1975 for ferro-silicon, ferro-silico-manganese, super-refined ferro-chromium and high carbon ferro-chromium.

2. The requests concerned were studied, in particular, at consultations with experts from all the Member States held on 17 April 1975 on the basis of economic information and forecasts supplied by the competent bodies. In this context it must be mentioned, as the Commission has already done many times, that as far as autonomous Community tariff quotas are concerned it is insufficient simply to open quotas to meet estimated import needs from third countries. This procedure is, in fact, liable to disrupt Community production or even to discourage further development in this sector. This fact is all the more true in the present circumstances since a study was made of these raw materials on the Community market at the beginning of this year on the basis of forecasts which, given the uncertainty surrounding all sectors of Community production, could be significantly changed during 1975. These factors were taken into consideration when each product was studied.

3. From economic forecasts supplied at that meeting Community tables may be drawn up in respect of each of the products concerned as follows:

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Description	Consumption	Production	Abnormal stocks on 31.12.74	Inward Processing Traffic	Imports from third countries at or below quota duty rate adopted for 1974	Exports to third countries	Quota opened 1.1.75
- in metric tons -							
Ferro silicon	503 600	315 000	3 000	3 000	118 000	46 000	20 000
Ferro-silico-manganese	194 100	82 000		3 000	43 100	2 000	50 000
Super-refined ferro-chrome	156 411	119 400		1 000	14 200	3 200	3 000
High-carbon ferro-chromium	277 360	169 400	12 800	1 000	15 530	9 500	34 500

Community import requirements from third countries calculated in the usual manner from the above figures show the following deficits and surpluses:

- ferro-silicon surplus of 1 400 metric tons
- ferro-silico-manganese deficit of 14 000 metric tons
- super-refined ferro-chromium deficit of 15 611 metric tons
- high carbon ferro-chromium deficit of 34 630 metric tons.

It should be noted that, in view of the increased demand for these products as a ferro-alloys owing to the increase in steel production and of the present comparatively stable capacity of Community production, there is no guarantee that in 1975 the requirements of consumer industries will be met on the scale indicated by the above figures by deliveries from the Community and especially from countries for which a quota duty rate is applied which is equal to or less than that adopted for the autonomous quotas agreed for 1974. This seems all the more true because in the past final

assessments of these metals have always shown a relatively high deficit. Furthermore, traditional trading arrangements particularly between the new Member States and certain third countries should not be disrupted unduly, particularly since such trade was granted total or partial reductions in customs duties until the end of 1974. Moreover, by reason of the uncertainties which affect all sectors of Community production and consumption, it is desirable, so as not to disturb the sector of production, to show prudence in fixing the amounts of the autonomous quotas, even if it means re-examining the ferro-alloy markets situation at a more later stage in the year on more precise economic data. For this reason the Commission proposes that an autonomous tariff quota be opened at a reduced rate of duty fixed :

- at 15 000 metric tons for ferro-silicon
 - at 14 000 metric tons for ferro-silico-manganese
 - at 14 330 metric tons for super-refined ferro-chrome
- and an increase of 20 000 metric tons in the autonomous tariff quota opened 1 January 1975 for high-carbon ferro-chromium.

4. The proposed rules of administration for ferro-silico-manganese, which involve, inter alia, the setting up of a reserve, do not require special mention since they do not differ from those already proposed and upheld by the Council for autonomous increases and the opening of contractual quotas already referred to for this ferro-alloy. The Commission believes that each of the quotas for ferro-silicon and the two qualities of ferro-chromium should, on account of the size of the proposed quotas compared with the actual import needs from third countries, be subdivided into two tranches, the first being allocated among the Member States in proportion to their respective needs and the second constituting a Community reserve.

The setting up of a Community reserve is justified all the more in the present circumstances since the draft Regulations annexed hereto provide that at first only those Member States which at present have actual foreseeable needs should share in the increase. The Commission is however aware of the problems posed by the evolution of these needs and consequently reserves the right to alter the draft regulations later in the light of necessities.

5. The quota duties adopted for the autonomous increase in the tariff quotas for ferro-silicon and ferro-silico-manganese in 1974 were respectively 7% (instead of 10%), 4% (instead of 5.5%) and 5.5% (instead of 8%).

It seems that in maintaining the quota duties at 7% (for ferro-silicon), 4% (for ferro-silico-manganese) and 5.5% (for super-refined ferro-chromium) respectively for the proposed autonomous increase sufficient attention is being paid to the Community production situation in these sectors and to the need to encourage the laying in of supplies in the Community.

The Commission believes that in view of the special situation of the market in high-carbon ferro-chromium and of the fact that it is an increase in the Community tariff quota already opened, the quota duty rate should be maintained at zero.

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REGULATION (EEC) No /74 OF THE COUNCIL

of

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-silicon falling within subheading No 73.02 C of the Common Customs Tariff

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 draft Regulation submitted by the Commission;

Whereas, as regards ferro-silicon falling within subheading No 73.02 C of the Common Customs Tariff, a conventional duty free Community tariff quota of 20 000 metric tons has been opened by the Council for 1974 and allocated among the Member States by Regulation (EEC) No 2423/74¹ of 23 September 1974;

Whereas, bearing in mind present production capacity within the Community and the large increase in ferro-silicon required for the manufacture of steel, the above mentioned quota of 20 000 metric tons will not cover the entire Community import requirements of ferro-silicon from third countries; whereas it is therefore desirable that an autonomous Community tariff quota limited to 15 000 metric tons be opened; whereas the fixing at this new level of the quota amount does not exclude a new adjustment in the course of the quota period; whereas, so as not to prejudice Community development prospects in the production area concerned, the quota duty applicable should be fixed at 7%;

¹OJ No L 261, 27 September 1974, p. 16.

ANNEX A

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 consistently 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 of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, on the basis of statistics available at the time and allowing for the foreseeable development of the ferro-silicon market during the current year, the tariff quota of 20 000 metric tons opened by the aforementioned Regulation was allocated in the following percentages:

Benelux	64.75
Denmark	0.75
Germany	15.00
France	0.25
Ireland	1.25
Italy	4.25
United Kingdom	13.75;

Whereas, since the quota is an autonomous Community tariff quota intended to cover additional import needs arising in the Community, the allocation of the additional share may be made on the basis of the actual needs

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ANNEX A

expressed by each of the Member States; whereas Denmark, the United Kingdom, the Federal Republic of Germany and the three Member States comprising the Benelux Economic Union have stated that they require further supplies of 985, 11 000, 24 000 and 37 550 metric tons respectively; whereas the further needs of France and Italy may be estimated respectively at 400 and 1 000 metric tons; whereas according to the most recently available economic information and statistics, Ireland has not used up enough of its share of the initial

quota of 20 000 metric tons opened by the above-mentioned Regulation to justify its participation at present in the Community tariff quota; whereas, moreover, should additional needs arise subsequently in this Member State it may have recourse to the procedure set up in Article 3 of this Regulation; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the above mentioned Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares and additional requirements which might arise in the other Member States; whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 12 000 metric tons;

Whereas Member States may exhaust their initial shares at different rates; whereas to avoid disruption of supplies on this account it should be provided that 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;

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ANNEX A

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, and the Commission must be in a position to keep account of the extent to which the quotas have 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 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. There shall be opened within the Community for the period from the date of entry into force of this Regulation to 31 December 1975 in respect of ferro-silicon falling within subheading No 73.02 C of the Common Customs Tariff Community quota of 15 000 metric tons,
2. The Community Customs Tariff duty shall be suspended at 7% in respect of importations under the above quota.
3. New Member States shall apply in respect of importations under the said quotas duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 12 000 of this quota shall be allocated among certain Member States; the shares, which subject to Article 6 shall be valid until 31 December 1975, shall be as follows:

Benelux	6 013	metric tons
Denmark	157	metric tons
Germany	3 844	metric tons
France	63	metric tons
Italy	161	metric tons
United Kingdom	1 762	metric tons.

2. The second tranche of 3 000 metric tons shall constitute a reserve.

Article 3

Should ferro-silicon be required in Ireland this Member State shall draw a sufficient share from the reserve to the extent that the reserve so permits.

Article 4

1. As soon as one of the Member States referred to in Article 2 has used 90% or more of its initial share as fixed in Article 2(1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up as necessary to the next whole number.

ANNEX A

2. As soon as one of the Member States, after exhausting its initial share, has used 90% or more of the second share drawn by it, the Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.
3. As soon as one of the Member States, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

It shall continue in this fashion until reserve is exhausted.

4. By way of derogation from paragraphs 1 to 3, the Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1975.

Article 6

The Member States referred to in Article 2 shall return to the reserve, not later than 1 November 1975, the unused portion of their initial share which, on 15 October 1975, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

ANNEX A

Those Member States shall, not later than 1 November 1975, notify the Commission of the total quantities of the product in question imported up to and including 15 October 1975 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 November 1975, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting one of the reserves 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.

Article 8

1. Every Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to either Article 3 or Article 4 are opened in such a way that importations may be charged without interruption against its accumulated share of the relevant Community quota.
2. Every Member State shall ensure that importers of the products in question established in its territory have free access to the shares allocated to it.

ANNEX A

3. The extent to which a Member State has used up its shares shall be determined on the basis of the importations of the product in question submitted to the Customs on home-use entries.

Article 9

On receipt of a request from the Commission, the Member States shall notify it of the importations charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on the forty-second day following the date of its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council,

The President

Draft

REGULATION (EEC) No /74 OF THE COUNCIL

of

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-silico-manganese falling within subheading No 73.02 D of the Common Customs Tariff

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 draft Regulation submitted by the Commission;

Whereas, as regards ferro-silico-manganese falling within subheading No 73.02 D of the Common Customs Tariff, a conventional duty free Community tariff quota of 50 000 metric tons has been opened by the Council for 1974 and allocated among the Member States by Regulation (EEC) No 2424/74¹ of 23 September 1974;

Whereas, bearing in mind present Community production capacity, the above-mentioned quota of 50 000 metric tons will not cover the entire Community import requirements of ferro-silico-manganese from third countries; whereas it is therefore desirable that an autonomous Community tariff quota limited to 14 000 metric tons be opened; whereas the fixing at this new level of the quota amount does not exclude a new adjustment in the course of the quota period; whereas, so as not to prejudice Community development prospects in the production area concerned, the quota duty applicable should be fixed at 4 %;

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¹OJ No L 261, 27 September 1974, p. 18.

ANNEX B

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 consistently 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 of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, on the basis of statistics available at the time and allowing for the foreseeable development of the ferro-silico-manganese market during the current year, the tariff quota of 50 000 metric tons opened by the aforementioned Regulation was allocated in the following percentages:

Benelux	8.33
Denmark	0.62
Germany	82.20
France	0.10
Ireland	1.04
Italy	3.54
United Kingdom	4.17;

Whereas, since the quota is an autonomous Community tariff quota intended to cover additional import needs arising in the Community, the allocation of the additional share may be made on the basis of the actual needs

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ANNEX B

expressed by each of the Member States; whereas the United Kingdom, Italy, Germany, Denmark and the three Member States comprising the Benelux Economic Union have stated that they require further supplies of 1 900, 1 000, 12 000, 100 and 10 000 metric tons respectively; whereas the needs of France, taking account of its production capacity, can be estimated as 200 metric tons; whereas Ireland has not used up enough of its share of the initial quota of

50 000 metric tons opened by the abovementioned Regulation according to the most recently available economic information and statistics, to justify its participation at present in the proposed increase in the Community tariff quota; whereas, moreover, should additional needs arise subsequently in this Member State it may have recourse to the procedure set up under Article 3 of this Regulation; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the abovementioned Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares and any additional requirements which might arise in the other Member States; whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 11 800 metric tons;

Whereas Member States may exhaust their initial shares at different rates; whereas to avoid disruption of supplies on this account it should be provided that 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;

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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, and the Commission must be in a position to keep account of the extent to which the quotas have 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 a 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. There shall be opened within the Community for the period from the date of entry into force of this Regulation to 31 December 1975 in respect of ferro-silico-manganese falling within subheading No 73.02 D of the Common Customs Tariff a Community tariff quota of 14 000 metric tons.
2. The Community Customs Tariff duty shall be suspended at 4% in respect of importations under the above quota.
3. New Member States shall apply in respect of importations under the said quota duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 11 800 metric tons of this quota shall be allocated among certain Member States; the shares, which subject to Article 6 shall be valid until 31 December 1975, shall be as follows:

Benelux	4 682 metric tons
Denmark	47 metric tons
Germany	5 619 metric tons
France	93 metric tons
Italy	469 metric tons
United Kingdom	890 metric tons.

2. The second tranche of 2 800 metric tons shall constitute a reserve.

Article 3

Should ferro-silico-manganese be required in Ireland, this Member State shall draw a sufficient share from the reserve to the extent that the reserve so permits.

Article 4

1. As soon as one of the Member States referred to in Article 2 has used 90% or more of its initial share as fixed in Article 2(1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up as necessary to the next whole number.

ANNEX B

2. As soon as one of the Member States, after exhausting one of its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.

3. As soon as one of the Member States, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

It shall continue in this fashion until the reserve is exhausted.

4. By way of derogation from paragraphs 1 to 3, the Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1975.

Article 6

The Member States referred to in Article 2 shall return to the reserve, not later than 1 November 1975 the unused portion of their initial share which, on 15 October 1975, 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.

ANNEX B

Those Member States shall, not later than 1 November 1975, notify the Commission of the total quantities of the product in question imported up to and including 15 October 1975 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 November 1975, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting one of the reserves 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.

Article 8

1. Every Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to either Article 3 or Article 4 are opened in such a way that importations may be charged without interruption against its accumulated share of the relevant Community quota.
2. Every Member State shall ensure that importers of the product in question established in its territory have free access to the shares allocated to it.

ANNEX B

3. Every Member State shall charge importations of the product in question against its shares as and when the product is entered with the customs authorities for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the importations charged against those shares in accordance with paragraph 3.

Article 9

On receipt of a request from the Commission, the Member States shall notify it of the importation charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on the forty-second day following the date of its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council

The President

Draft
REGULATION (EEC) No /74 OF THE COUNCIL
of

on the opening, allocation and administration of an autonomous Community tariff quota for 1975 for ferro-chromium containing not more than 0.10% by weight of carbon and more than 30% but not exceeding 90% inclusive by weight of chromium (super refined ferro-chromium) falling within subheading No ex 73.02EI of the Common Customs Tariff.

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 draft Regulation submitted by the Commission;

Whereas, as regards ferro-chromium containing by weight not more than 0.10% of carbon and more than 30% but not more than 90% of chromium (super refined ferro-chromium) falling within subheading No ex. 73.02EI of the Common Customs Tariff, a conventional duty-free Community tariff quota of 3 000 metric tons has been opened by the Council for 1974 and allocated among the Member States by Regulation (EEC) No 2425/74¹ of 23 September 1974;

Whereas, bearing in mind present Community production capacity, the abovementioned quota of 3 000 metric tons will not cover the entire Community import requirements of this product from third countries; whereas it is therefore desirable in order that Community development prospects of the production area concerned should not be affected that an autonomous Community tariff quota limited to 14 330 metric tons be opened; whereas the fixing at this new level of the quota amount does not exclude a new adjustment in the course of the quota period; whereas, for the same reasons, the quota duty applicable should be fixed at 5.5%;

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¹OJ No L 261, 29 September 1974, P. 21.

ANNEX C

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 consistently 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 the statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, on the basis of statistics available at the time and allowing for the foreseeable development of the market in the product concerned during the current year, the tariff quota of 3 000 metric tons opened by the aforementioned Regulation was allocated in the following percentages:

Benelux	:	5.66
Denmark	:	0.34
Germany	:	6.17
France	:	0.34
Ireland	:	0.01
Italy	:	84.14
United Kingdom	:	3.34;

Whereas, since the quota is an autonomous Community tariff quota intended to cover additional import needs arising in the Community, the allocation of the additional share may be made on the basis of the actual needs expressed by each of the Member States; whereas Denmark, France, Italy,

ANNEX C

the United Kingdom, Germany and the three Member States comprising the Benelux Economic Union have stated that they require further supplies of 40, 1 000 1 800, 6 400, 3 000 and 2 090 metric tons respectively; whereas Italy has not used up enough of its share of the initial quota of 3 000 metric tons opened by the abovementioned Regulation, according to the most recently available economic information and statistics, to justify its participation at present in the proposed increase in the Community tariff quota; whereas, moreover, should additional needs arise subsequently in this Member State it may have recourse to the procedure set up under Article 3 of this Regulation; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the abovementioned Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares and any additional requirements which might arise in the other Member States; whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 11 500 metric tons;

Whereas Member States may exhaust their initial shares at different rates; whereas to avoid disruption of supplies on this account it should be provided that 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, and the Commission must be in a position to keep account of the extent to which the quotas have 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 a 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 one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be opened within the Community for the period from the date of entry into force of this Regulation to 31 December 1975, in respect of ferro-chromium containing by weight not more than 0.10% of carbon and more than 30% but not more than 90% of chromium (super-refined ferro-chromium) falling within subheading No ex 73.02EI of the Common Customs Tariff a Community tariff quota of 14 330 metric tons.
2. The Community Customs Tariff duty shall be suspended at 5.5% in respect of importations under the above quota.
3. New Member States shall apply in respect of importations under the said quota duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 11 500 metric tons of this quota shall be allocated among certain Member States; the shares, which subject to Article 6 shall be valid until 31 December 1975, shall be as follows:

Benelux	:	1 677	metric tons
Denmark	:	32	metric tons
Germany	:	2 408	metric tons
France	:	803	metric tons
Italy	:	1 444	metric tons
United Kingdom	:	5 136	metric tons.

2. The second tranche of 2 830 metric tons shall constitute a reserve.

Article 3

Should super-refined ferro-chromium be required in Ireland, this Member State shall draw a sufficient share from the reserve to the extent that the reserve so permits.

Article 4

1. As soon as one of the Member States referred to in Article 2 has used 90% or more of its initial share as fixed in Article 2(1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up as necessary to the next whole number.

ANNEX C

2. As soon as one of the Member States, after exhausting its initial share, has used 90% or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.

3. As soon as one of the Member States, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

It shall continue in this fashion until the reserve is exhausted.

4. By way of derogation from paragraphs 1 to 3, the Member States may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1975.

Article 6

The Member States referred to in Article 2 shall return to the reserve, not later than 1 November 1975, the unused portion of their initial share which, on 15 October 1975, 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.

Those Member States shall, not later than 1 November 1975 notify the Commission of the total quantities of the product in question imported up to and including 15 October 1975 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 November 1975, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting one of the reserves 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.

Article 8

1. Every Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to either Article 3 or Article 4 are opened in such a way that importations may be charged without interruption against its accumulated share of the relevant Community quota.

2. Every Member State shall ensure that importers of the product in question established in its territory have free access to the shares allocated to it.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the importations of the product in question entered for home use.

Article 9

On receipt of a request from the Commission, the Member States shall notify it of the importations charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on the forty-second day following the date of its publication in the Official Journal of the European Communities. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President

Draft
REGULATION (EEC) No /75 OF THE COUNCIL
of

on the increase in volume of the Community tariff quota opened for 1975 for ferro-chromium containing not less than 4 % by weight of carbon falling within subheading No ex 73.02 E I of the Common Customs Tariff

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 draft Regulation submitted by the Commission;

Whereas by its Regulation (EEC) No 195/75 of 22 January 1975, the Council opened for 1975 and apportioned among the Member States a Community tariff quota of a total size of 34 500 metric tons for ferro-chrome containing not less than 4% by weight of carbon and has exhausted the application of this quota to certain imports of ferro-chrome containing between 3% and 4% by weight of carbon falling within subheading 73.02 E I of the Common Customs Tariff;

Whereas, having regard to the most recent economic data for 1975 on consumption, production, exports to third countries, imports under the inward processing arrangements or other tariff preference scheme and taking account of the stocks held by a number of Member States on 31 December 1974, there is reason to assume that the additional Community import requirements in respect of imports from third countries may reach the level of 34 630 metric tons during 1974; whereas in order not to raise the question of the prospects for development of the Community production sector and taking into account the uncertainties which surround the different ferro-alloy consumption sectors, it is appropriate to limit the planned increase to 20 000 metric tons; whereas the fixing of this amount, relating to prudent estimates, does not exclude a future adjustment; whereas it is appropriate to apportion the increased amount between the Member States prorata to their respective needs for imports from third countries taking into account the possibility

provided by the abovementioned Regulation (EEC) No 195/75, which allowed all Member States to draw from the Community reserve if additional needs arise; whereas on this basis, the additional needs of Member States for imports from third countries stand at the percentages given below :

Benelux	28.89
Denmark	0.16
Germany	26.67
France	8.72
Italy	6.67
United Kingdom	28.89;

Whereas, in the case of Ireland, the current state of usage of its share and the economic data available do not currently constitute a justification for it sharing in this apportionment; whereas, moreover, if supplementary needs subsequently appear in this Member State, the latter may still have recourse to the procedure set up in Article 3 of this Regulation; whereas this system of apportionment ensures the uniform application of the Common Customs Tariff,

HAS ADOPTED THIS REGULATION :

Article 1

The amount of the Community tariff quota opened by Regulation (EEC) No 195/75 of 22 January 1975, for ferro-chromium containing not less than 4% by weight of carbon falling within subheading No ex 73.02 E I of the Common Customs Tariff is raised from 34 500 metric tons to 54 500 metric tons.

Article 2

1. This increase of 20 000 metric tons is subdivided into two tranches.
2. A first tranche of 18 000 metric tons shall be allocated among the Member States as follows :

./..

Benelux	:	5 200 metric tons
Denmark	:	30 metric tons
Germany	:	4 800 metric tons
France	:	1 570 metric tons
Italy	:	1 200 metric tons
United Kingdom:		5 200 metric tons.

3. The second tranche of 2 000 metric tons shall be allocated to the Community reserve. The reserve provided for in Article 2, paragraph 2 of Regulation (EEC) No 195/75 is therefore raised from 1 960 to 3 960 metric tons.

Article 3

Should products of this type be required in Ireland, this Member State shall draw a sufficient share from the reserve to the extent that the reserve so permit.

Article 4

The provisions of Regulation (EEC) No 195/75 of 22 January 1975, and in particular those of Article 1, paragraph 2, remain applicable.

Article 5

This Regulation shall enter into force on the forty-second day following the date of its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council,

The President

