

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 198 final.

Brussels, 15 April 1983

Draft of

COUNCIL REGULATION (EEC)

temporarily and totally suspending the Common Customs Tariff duties  
on certain niobium alloy products falling within  
subheadings ex 81.04 H I and H II

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(Submitted to the Council by the Commission)

COM(83) 198 final.



## EXPLANATORY MEMORANDUM

The Council adopted on 22 November 1982 Regulation (EEC) No 3165/82 granting a temporary suspension of duty in respect of certain niobium alloy products falling within subheadings ex 81.04 H I and H II. This suspension was agreed until 30 June 1983 and is based on the fact that the production of niobium alloy is insufficient in the Community and the producers are thus not able to satisfy the needs of the user industry in the Community.

It concerns the special case of a product which is used for the construction of coils necessary for an apparatus intended for advanced studies in fusion material controlled by magnetic confinement, in the context of a programme which has obtained the status of "priority programme" in the European Community and for which Euratom and the CEA are participating in the financial undertaking.

Having taken account that, on the one hand niobium alloy which is a continuing question showing a deficit in the Community production and that on the other hand the common CEA-Euratom project should be terminated during the summer of 1983, the Commission proposes a renewal of the above suspension measure until 31 August 1983. The loss of Community receipts is estimated to the 15,000 ECU.

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temporarily and totally suspending the Common Customs Tariff duties on certain niobium alloy products falling within subheadings ex 81.04 H I and H II

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Whereas current Community production of the products referred to in this Regulation is inadequate and producers cannot therefore satisfy the needs of the Community's user industries;

Whereas it is in the Community's interest that it should totally suspend the autonomous Common Customs Tariff duties on these products;

Whereas, in view of the difficulties involved in making a rigorous assessment in the near future of developments in the economic situation of the sector in question, this suspension measure should be taken only temporarily by fixing its term of validity on the basis of the interests of Community production,

HAS ADOPTED THIS REGULATION:

*Article 1*

The autonomous Common Customs Tariff duties on the following products shall be totally suspended from 1 July to 31 August 1983.

- (a) ex 81.04 H I: unwrought niobium alloy containing by weight not less than 52 % and not more than 55 % of niobium and not less than 45 % and not more than 48 % of titanium;
- (b) ex 81.04 H II: niobium alloy bars and rods or billets containing by weight not less than 52 % and not more than 55 % of niobium and not less than 45 % and not more than 48 % titanium.

*Article 2*

This Regulation shall enter into force on 1 July 1983.

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

Done at Brussels,

*For the Council*  
*The President*