REGULATION (EEC) No 3469/73 OF THE COUNCIL

of 17 December 1973

establishing Community supervision of imports of certain products originating in Austria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;

Having regard to the proposal from the Commission;

Whereas an Agreement [1] between the European Economic Community and the Republic of Austria was signed on 22 July 1972;

Whereas Articles 2 and 3 of that Agreement make provision for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas by way of derogation from these Articles, Articles 1, 2 and 3 of Protocol No 1 annexed to the Agreement lay down that, for imports of certain products listed in Annex C to that Protocol, the reduction of duties shall be limited to indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas application of this last provision requires that the Community be regularly informed of the trend of imports of the products in question originating in Austria; whereas it is, therefore, desirable that imports of these products be subjected to a system of supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the indicative ceilings at Community level, as and when these products are submitted to the customs authorities under cover of declarations that they have been made available for consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties as soon as the ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas, for the products which, in accordance with Articles 2 and 3 of the Agreement, are subject to the normal timetable for the abolition of customs duties it is necessary to follow the trend of imports; whereas to this end the Community should be empowered to take, where appropriate, measures to avoid any prejudice to industry in the Community and whereas it is, therefore, desirable that imports of these products also be subjected to a system of supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1974 to 31 December 1974, imports of products originating in Austria to which annual indicative ceilings are applied in accordance with Articles 1, 2 and 3 and Annex C to Protocol No 1 to the Agreement between the European Economic Community and the Republic of Austria shall be subjected to Community supervision.

The description of the products referred to in the preceding subparagraphs, their tariff headings and statistic numbers and the levels of the indicative ceilings are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in paragraph 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

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[1] OJ No L 300, 31. 12. 1972, p. 1.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules.

3. As soon as the ceilings have been reached, the Commission may issue a regulation reimposing the customs duties provided for in Article 3 (f) of Protocol No 1 to the Agreement until the end of the calendar year.

Article 2

During the period from 1 January 1974 until 31 December 1974, imports of the products referred to in Annex II which originate in Austria shall be subjected to Community supervision.

The Member States shall periodically inform the Commission of imports of these products; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol No 3 to the Agreement referred to in Article 1 shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

This Regulation shall enter into force on 1 January 1974.

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

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN 1974

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets:		
		C. Kraft paper and kraft board:		
		ex II. Other:		
I A 1		— Excluding kraft liner (a) and kraft paper for large bags (a)	48.01-08, 09, 11, 12, 13, 17, 19, 25, 26, 27, 28, 29, 33	14 696
		ex E. Other:		
I A 2		— Bible paper (India paper), copying tissue; other printing paper and other writing paper, not containing mechanical wood pulp or in which mechanical wood pulp does not represent more than 5 % (a)	48.01-58, 61, 62, 66	57 735
I A 3		— Printing paper and writing paper containing mechanical wood pulp (a), excluding copying tissue	48.01-64, 68	51 450
I A 4		— Other, excluding cellulose wadding, tissues, fluting paper for corrugated paperboard (a) and sulphite paper for wrapping purposes (a)	48.01-41, 43, 45, 52, 53, 54, 55, 56, 77, 82, 84, 86, 88, 91, 93, 95, 97	22 999
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets:		
		B. Other:		
I A 5		— Coated printing or writing paper	48.07-57, 58, 59	31 493
I A 6		— Other	48.07-55, 56, 64, 65, 66, 68, 70, 81, 85, 91, 97, 99	11 508
	48.15	Other paper and paperboard, cut to size or shape:		
I A 7		B. Other	48.15-10, 21, 29, 30, 40, 50, 61, 65, 95, 99	16 169
	73.02	Ferro-alloys:		
		ex G. Other:		
I A 8		— Ferro-molybdenum	73.02-81	254
I A 9		— Ferro-vanadium	73.02-83	525

(a) Subject to compliance with the definitions in fine.

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	73.15	Alloy steel and high-carbon steel in the forms mentioned in: heading Nos 73.06 to 73.14		
I A 10		A. High carbon steel	73.61-10, 20, 50, 90 73.62-10, 30 73.63-10, 21, 29, 50, 72, 74, 79 73.64-20, 50, 72, 75, 79, 90 73.65-21, 23, 25, 53, 55, 70, 81, 83 73.66-40, 81, 86, 89	7 007 (1)
		B. Alloy steel:		
I A 11		— Stainless or refractory (a)	73.71-13, 23, 53, 93 73.72-13, 33 73.73-13, 23, 33, 43, 53, 83 73.74-23, 53, 83 73.75-23, 33, 43, 53, 63, 73, 83, 93 73.76-13	16 209 (1)
I A 12		— High-speed (a)	73.71-14, 24, 54, 94 73.73-14, 24, 34, 54 73.74-54 73.75-24, 34, 44, 54, 64, 84 73.76-14	3 360 (1)
I A 13		— Other	73.71-19, 21, 29, 55, 56, 59, 99 73.72-11, 19, 39 73.73-19, 25, 26, 29, 35, 36, 39, 49, 55, 59, 72, 74, 89 73.74-21, 29, 51, 52, 59, 72, 74, 89, 90 73.75-11, 19, 29, 39, 49, 59, 69, 79, 89, 99 73.76-15, 16, 19	51 221 (1)
	76.01	Unwrought aluminium; aluminium waste and scrap:		
I A 14		A. Unwrought	76.01-11, 15	30 339

(a) Subject to compliance with the definitions in fine.
(1) Including products covered by the ECSC Treaty.

DEFINITIONS

ex 48.01 C II **Kraftliner**

'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 110 g/m² and having a Mullen burst ratio of not less than 35.

ex 48.01 C II **Kraft paper for large sacks**

'Kraft paper for large sacks' means machine-finished paper, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4·5 % in the cross direction and of more than 2 % in the machine direction.

ex 48.01 E **Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp**

'Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5 % of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5 % of mechanical wood pulp calculated on total fibre content.

ex 48.01 E **Printing paper and writing paper, containing mechanical wood pulp**

'Printing paper and writing paper containing mechanical wood pulp' means, paper other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.

ex 48.01 E **Fluting paper for corrugated paperboard**

'Fluting paper for corrugated paperboard' means paper, in rolls, containing not less than 65 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.

ex 48.01 E **Sulphite paper for wrapping purposes**

'Sulphite paper for wrapping purposes' means machine-glazed paper, containing more than 40 % of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 15.

ex 73.15 B **Alloy steel, stainless or heat-resisting**

'Alloy steel, stainless or heat-resisting' means alloy steel, containing, by weight, 12 % or more of chromium, with or without other alloy elements, and less than 1 % of carbon.

ex 73.15 B **High-speed alloy steel**

'High-speed alloy steel' means alloy steel containing, with or without other alloy elements, at least two of the following three elements: tungsten (wolfram), molybdenum and vanadium with a total content, by weight, of not less than 7 % of these elements taken together, and containing more than 0·6 % by weight, of carbon.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
	28.04	Hydrogen, rare gases and other non-metals:	
		C. Other non-metals:	
II A 1		ex V. Silicon	28.04-93, 95
II A 2	44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry	44.15 - all Nos
II A 3	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artifical resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II A 4	48.09	Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders	48.09 - all Nos
	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning:	
II A 5		B. Regenerated textile fibres	56.01-21, 23, 25, 29
	56.02	Continuous filament tow for the manufacture of man-made fibres:	
II A 6		B. Of regenerated textile fibres	56.02-21, 23, 25, 29
II A 7	68.04	Millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery	68.04 - all Nos
II A 8	68.06	Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, of paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up	68.06 - all Nos
II A 9	68.08	Articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch)	68.08 - all Nos
II A 10	68.16	Articles of stone or of other mineral substances (including articles of peat), not elsewhere specified or included	68.16 - all Nos
II A 11	69.02	Refractory bricks, blocks, tiles and similar refractory constructional goods, other than goods falling within heading No 69.01	69.02 - all Nos
II A 12	74.03	Wrought bars, rods, angles, shapes and sections of copper; copper wire	74.03 - all Nos
II A 13	74.04	Wrought plates, sheets and strips, of copper, of a thickness (excluding any backing) exceeding 0·15 mm	74.04 - all Nos

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II A 14	74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0·15 mm	74.05 - all Nos
II A 15	74.06	Copper powder and flakes	74.06 - all Nos
II A 16	74.07	Tubes and pipes and blanks therefor, of copper; hollow bars of copper	74.07 - all Nos
	78.01	Unwrought lead (including argentiferous lead); lead waste and scrap:	
		A. Unwrought:	
II A 17		II. Other	78.01-12, 13, 15, 19
	79.01	Unwrought zinc; zinc waste and scrap:	
II A 18		A. Unwrought	79.01-11, 15
II A 19	81.01	Tungsten (wolfram), unwrought or wrought and articles thereof	81.01 - all Nos
II A 20	81.02	Molybdenum, unwrought or wrought and articles thereof	81.02 - all Nos
II A 21	81.03	Tantalum, unwrought or wrought and articles thereof	81.03 - all Nos
	81.04	Other base metals, unwrought or wrought, and articles thereof; unwrought or wrought, and articles thereof:	
II A 22		B. Cadmium	81.04-16, 18
		C. Cobalt:	
II A 23		II. Other	81.04-23
II A 24		D. Chromium	81.04-26, 28
II A 25		E. Germanium	81.04-31, 39
II A 26		F. Hafnium (celtium)	81.04-36, 38
II A 27		G. Manganese	81.04-41, 43
II A 28		H. Niobium (columbium)	81.04-46, 48
II A 29		IJ. Antimony	81.04-51, 53
II A 30		K. Titanium	81.04-56, 58
II A 31		L. Vanadium	81.04-61, 63
II A 32		M. Uranium depleted in U 235	81.04-69
II A 33		O. Zirconium	81.04-81, 83
II A 34		P. Rhenium	81.04-91, 93
II A 35		Q. Gallium; indium; thallium	81.04-94, 95
II A 36		R. Cermets	81.04-97, 98
	85.24	Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes:	
II A 37		A. Electrodes for electrolysis installations	85.24-10