REGULATION (EEC) No 3585/73 OF THE COUNCIL

of 28 December 1973

on the opening, allocation and administration of Community tariff quotas for bullion lead and unwrought lead other than bullion lead falling within subheading No 78.01 A I and A II 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 unwrought lead, Community production is insufficient, and whereas producers cannot therefore meet all of the requirements of Community user industries;

Whereas it appears to be in the Community's interest to suspend, in the case of this metal, the application of the autonomous Common Customs Tariff duties for a year within given limits, and to distinguish between bullion lead (unwrought lead containing 0·02 % or more by weight of silver for refining) and unwrought lead other than bullion lead;

Whereas, under Article 39 of the Act of Accession the new Member States must on 1 January 1974 make the first move towards alignment of their national tariffs on the Common Customs Tariff as regards the said goods; whereas, therefore, the needs of those Member States for imports from third countries should from that date onwards be covered by the tariff quota in question during the period thereof; whereas these requirements may not include imports to which some other preferential tariff treatment may apply; whereas the duties to be applied by the new Member States under the said quota must be in conformity with the relevant provisions of the Act of Accession;

Whereas, in view of the slight interpenetration of the markets in bullion lead and in other unwrought lead, and of the lack of complete statistical data on these two grades of the metal, it does not seem possible to establish the volume and allocation of the Community tariff quotas for the metal concerned on the basis of previous data; whereas, on the basis of estimates of requirements submitted by the Member States, the quota volumes to be opened for 1974 have been fixed at 304 300 metric tons for bullion lead and at 55 000 metric tons for other unwrought lead; whereas the latter amount takes account of the need to maintain a reasonable balance of deductions from the tariff quota for unwrought lead in general in order to safeguard the foundry industry; whereas, therefore, only the estimated requirements of some Member States for certain grades of lead have been taken into account, whereas it is advisable to allow the aforementioned Member States the option of not taking their share from these 55 000 metric tons if certain conditions of grades and purpose have not been met;

Whereas, to take account of future import trends for the said goods, the quota volumes of both grades of lead should be divided into two tranches, the first being allocated to the Member States and the second being held as a reserve to cover at a later date the requirements of Member States who have used up their initial shares; whereas, to give importers some certainty, the first tranches shall be fixed at 277 180 metric tons for bullion lead and 51 150 metric tons for other unwrought lead, the balances constituting the reserves; whereas, failing a sufficiently representative reference period, the following initial percentage-shares may be adopted on the basis of estimates which take account of the new situation:

(metric tons)

	Bullion lead	Other unwrought lead
Benelux	22 000	16 619
Denmark	50	911
Germany	60 000	11 984
France	50	333
Ireland	80	230
Italy	40 000	11 984
United Kingdom	155 000	9 089

Whereas the initial shares may be used up fairly quickly; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used

up one of its initial shares should draw a supplementary share from the appropriate reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must 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 follow the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a Member State has a considerable quantity of one of its initial shares left over, it is essential that it should return a significant proportion thereof to the appropriate reserve, to prevent a part of one or other quota volumes from remaining unused in one Member State while it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union any measures concerning 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. During the period from 1 January to 31 December 1974 Community tariffs quotas shall be opened in the Community for the following products within the following limits:

CCT heading No	Description	Amount of the quota
78.01 A I	Unwrought lead containing 0·02 % or more by weight of silver for refining (bullion lead)	304 300 metric tons
78.01 A II	Other unwrought lead	55 000 metric tons

2. Imports of the said goods may not be counted under these tariff quotas if they are already free of customs duties under other preferential tariff treatment applied by certain Member States in particular under the free trade agreements.

3. Within these tariff quotas the Common Customs Tariff duties shall be totally suspended.

4. Within these tariff quotas the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. Of these volumes, the first tranches of 277 180 metric tons in respect of bullion lead and 51 150 metric tons in respect of other unwrought lead shall be allocated among the Member States; the respective shares of the Member States, which, subject to Article 5, shall be valid from 1 January to 31 December 1974, shall be as follows:

(a) as regards unwrought lead containing 0·02 % or more by weight of silver for refining (bullion lead):

Benelux	22 000 metric tons
Denmark	50 metric tons
Germany	60 000 metric tons
France	50 metric tons
Ireland	80 metric tons
Italy	40 000 metric tons
United Kingdom	155 000 metric tons

(b) as regards other unwrought lead:

Benelux	16 619 metric tons
Denmark	911 metric tons
Germany	11 984 metric tons
France	333 metric tons
Ireland	230 metric tons
Italy	11 984 metric tons
United Kingdom	9 089 metric tons

2. The second tranches, of 27 120 metric tons and 3 850 metric tons respectively, shall constitute the Community reserves.

Article 3

1. If 90 % or more of one of a Member State's initial shares as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall, without delay, by notifying the Commission, draw a second share equal to 10 % of its original share, rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after one or other of its initial shares has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions imposed by paragraph 1, draw a third share equal to 5 % of its initial share, rounded up where necessary to the next unit.

3. If, after one or other of its second shares has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserves are used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1974.

Article 5

A Member State which on 15 October 1974 has not used up one or other of its initial shares shall return to the appropriate reserves not later than 31 October 1974 the unused portion exceeding 20 % of the initial amount. It may return a greater portion if there are grounds for believing that it may not be used up.

Member States shall, not later than 31 October 1974, notify the Commission of the total quantities of the said goods imported up to and including 15 October 1974 and charged against the Community quotas and any quantities of their initial shares returned to the reserves.

Article 6

Member States may restrict deductions from their shares of unwrought lead (other than bullion lead) for certain purposes or grades.

Article 7

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

It shall inform the Member States, not later than 15 November 1974, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which uses up one of the reserves is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 8

1. Member States shall take all necessary measures to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community quotas.

2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

3. As regards bullion lead, Member States shall administer their shares in accordance with the system of prior allocation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the quantities of the said goods entered for home use.

Article 9

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 10

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is observed.

Article 11

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, 28 December 1973.

For the Council

The President

Ove GULDBERG