REGULATION (EEC) No 3586/73 OF THE COUNCIL

of 28 December 1973

on the opening, allocation and administration of a Community tariff quota for unwrought zinc falling within subheading No 79.01 A 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 zinc, 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;

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 tariff 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 unwrought zinc, it does not seem possible to establish the volume and allocation of the Community tariff quota for the metal concerned on the basis of previous data; whereas, on the basis of estimates of requirement supplied by the Member States, the quota volume for unwrought zinc to be opened for 1974 has been fixed at 20 000 metric tons; whereas this volume takes account of the need to stay within reasonable limits and to safeguard Community production; whereas, therefore, only the estimated requirements of some Member States for certain grades of zinc have been taken into account; whereas it is advisable to allow the aforesaid Member States the option of not taking their share from this amount 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 volume of 20 000 metric tons should be divided into two tranches, the first being allocated amongst 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 tranche should be fixed at 18 000 metric tons, the balance constituting the reserve; whereas, failing a sufficiently representative reference period, the following approximate initial percentage-shares may be adopted on the basis of estimates which take account of the new situation:

Benelux	25·34
Denmark	2·22
Germany	42·67
France	1·33
Ireland	1·48
Italy	10·66
United Kingdom	16·30

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 its initial share should draw a supplementary share from the 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 its

initial share left over, it is essential that it should return a significant proportion thereof to the reserve, to prevent a part of the Community quota 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 a Community tariff quota of 20 000 metric tons shall be opened in the Community for unwrought zinc falling within subheading No 79.01 A of the Common Customs Tariff.

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

3. Within this tariff quota the Common Customs Tariff duty shall be totally suspended.

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

Article 2

1. Of this Community tariff quota, a first tranche of 18 000 metric tons 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:

Benelux	4 561 metric tons
Denmark	400 metric tons
Germany	7 681 metric tons
France	239 metric tons
Ireland	266 metric tons
Italy	1 919 metric tons
United Kingdom	2 934 metric tons

2. The second tranche, of 2 000 metric tons, shall constitute the Community reserve.

Article 3

1. If 90 % or more of a Member State's initial share 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 initial share, or rounded up where necessary to the next unit, to the extent permitted by the amount of the reserve.

2. If, after its initial share 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 its second share 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 up a fourth share equal to the third.

This process shall continue to apply until the reserve is 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 its initial share shall return to the reserve 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 quota and any quantities of their initial shares returned to the reserve.

Article 6

Member States may restrict deductions from their shares of unwrought zinc for certain puposes 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 reserve has been used up.

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

It shall ensure that the drawing which uses up the reserve 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 measures necessary 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 quota.

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. The extent to which a Member State has used up its quota-share 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 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