REGULATION (EEC) No 3588/73 OF THE COUNCIL

of 28 December 1973

on the opening, allocation and administration of a Community tariff quota 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 113 thereof;

Having regard to the proposal from the Commission;

Whereas, as regards ferro-silico-manganese falling within tariff subheading No 73.02 D, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 50 000 metric tons from 1969;

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 the duties to be applied by those Member States under the said tariff quota must be in conformity with the relevant provisions of the Act of Accession;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff quota arrangement based on an allocation between the Member States would seem to preserve the Community nature of the said quota; whereas to represent as closely as possible the actual development of the market in the said goods the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and from the economic outlook for the tariff year in question;

Whereas, however, the available statistics of imports from third countries into the new Member States to which no equivalent tariff preference were applied under any other preferential arrangements only cover the year 1972 and the first few months of 1973; whereas during the year 1972 such imports by each of the Member States represented the following percentages of total Community imports of the said goods, whereas for the year 1973, on the basis of the most recent forecasts by the Member States, which have been confirmed by the imports statistics for the first few months, these percentages are as follows:

	1972	1973
Benelux	10·80	15·21
Denmark	1·69	2·46
Germany	55·24	64·00
France	0·43	0·98
Ireland	0·01	0·01
Italy	15·26	12·51
United Kingdom	16·57	4·83

Whereas in view of these factors and of market forecasts for ferro-silico-manganese in general for 1974, the inital percentage shares in the quota volume can be expressed roughly as follows:

Benelux	8·33
Denmark	0·62
Germany	82·20
France	0·10
Ireland	1·04
Italy	3·54
United Kingdom	4·17

Whereas, to take account of future import trends for the said goods, the quota volume should be divided into two tranches, the first being allocated and the second 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 of the Community tariff quota should be fixed at a relatively elevated level which might be 96 % of the volume of the quota;

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 tariff 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 measure 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 50 000 metric tons shall be opened in the Community for ferro-silico-manganese falling within subheading No 73.02 D 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 duties 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 the first tranche of 48 000 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	4 000 metric tons
Denmark	300 metric tons
Germany	39 450 metric tons
France	50 metric tons
Ireland	500 metric tons
Italy	1 700 metric tons
United Kingdom	2 000 metric tons

2. The second tranche, of 2 000 metric tons, shall constitute the 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, 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 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 September 1974 has not used up its initial share shall return to the reserve not later than 10 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 10 October 1974, notify the Commission of the total quantities of the said goods imported up to and including 15 September 1974 and charged against the Community tariff quota and any quantities of the initial share returned to the reserve.

Article 6

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 October 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 7

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. Member States shall charge imports of the said goods against their shares as and when such goods are entered for home use.

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

Article 8

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

Article 9

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

Article 10

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