REGULATION (EEC) No 420/73 OF THE COUNCIL

of 22 January 1973

establishing Community supervision of imports of certain products originating in Switzerland

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 Swiss Confederation 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 B to that Protocol, the reduction of duties shall be limited in 1973 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 Switzerland; 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 Communtiy 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;

[1] OJ No L 300, 31. 12. 1972, p. 188.

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 the indicative ceilings for the products listed in Annex B to Protocol No 1 have been calculated for 1973 by reference to the situation of the customs duties to be applied by the Community as originally constituted on the one hand, and by the new Member States on the other; whereas, consequently, supervision of imports of certain products must begin on 1 January 1973 in certain Member States and on 1 April 1973 in others;

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. Imports of products originating in Switzerland to which annual indicative ceilings are applied in accordance with Articles 1, 2 and 3 and Annex B to Protocol No 1 to the Agreement between the European Economic Community and the Swiss Confederation shall be subjected to Community supervision in 1973.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers, the levels of the indicative ceilings and the dates on which Community supervision shall begin 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.

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 applicable to third countries for the whole Community until the end of the calendar year.

The new Member States shall simultaneously reimpose the duties provided for in Article 3 (f) of Protocol No 1 to the Agreement referred to in paragraph 1.

Article 2

During the period from 1 January 1973 until 31 December 1973, imports of the products referred to in Annex II which originate in Switzerland 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 the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall apply from 1 January 1973.

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

Done at Brussels, 22 January 1973.

For the Council

The President

L. TINDEMANS

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN 1973

Order No	CCT heading No	Description	Nimexe Code	Level of ceiling — metric tons —
1	2	3	4	5
	73.02	Ferro-alloys:		
I CH 1		C. Ferro-silicon	73.02-30	6 617
	76.01	Unwrought aluminium, aluminium waste and scrap:		
I CH 2		A. Unwrought	76.01-11, 15	9 824

Dates on which supervision commences:

— in the Community as originally constituted: 1 April 1973,

— in the United Kingdom and Demark: 1 January 1973,

— in Ireland: 1 April 1973.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Date on which supervision commences: 1 January 1973

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 CH 1		ex V. Silicon	28.04-93, 95
II CH 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 CH 3	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18 - all Nos
II CH 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
II CH 5	74.03	Wrought bars, rods, angles, shapes and sections of copper; copper wire	74.03 - all Nos
II CH 6	74.04	Wrought plates, sheets and strips, of copper	74.04 - all Nos
II CH 7	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 CH 8	74.06	Copper powders and flakes	74.06 - all Nos
II CH 9	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 CH 10		II. Other	78.01-12, 13, 15, 19
	79.01	Unwrought zinc; zinc waste and scrap:	
II CH 11		A. Unwrought	79.01-11, 15
II CH 12	81.01	Tungsten (wolfram), unwrought or wrought, and articles thereof	81.01 - all Nos

Order No	CCT heading No	Description	Nimexe Code
1	2	3	4
II CH 13	81.02	Molybdenum, unwrought or wrought, and articles thereof	81.02 - all Nos
II CH 14	81.03	Tantalum, unwrought or wrought, and articles thereof	81.03 - all Nos
	81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:	
II CH 15		B. Cadmium	81.04-16, 18
		C. Cobalt:	
II CH 16		II. wrought	81.04-23
II CH 17		D. Chromium	81.04-26, 28
II CH 18		E. Germanium	81.04-31, 33
II CH 19		F. Hafnium (celtium)	81.04-36, 38
II CH 20		G. Manganese	81.04-41, 43
II CH 21		H. Niobium (columbium)	81.04-46, 48
II CH 22		IJ. Antimony	81.04-51, 53
II CH 23		K. Titanium	81.04-56, 58
II CH 24		L. Vanadium	81.04-61, 63
II CH 25		M. Uranium depleted in U 235	81.04-69
II CH 26		O. Zirconium	81.04-81, 83
II CH 27		P. Rhenium	81.04-91, 93
II CH 28		Q. Gallium; indium; thallium	81.04-94, 95
II CH 29		R. Cermets	81.04-97, 98