REGULATION (EEC) No 2091/74 OF THE COUNCIL

of 2 August 1974

on the opening, allocation and administration of a Community tariff quota for 1974 for ferro-chromium containing not less than 4 % by weight of carbon falling within subheading ex 73.02 E I 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 Community production of ferro-chromium containing not less than 4 % by weight of carbon falling within subheading ex 73.02 E I of the Common Customs Tariff is inadequate and producers are unable to meet the total requirements of consumer industries in the Community; whereas it is therefore in the Community's interest to suspend totally in respect of this metal the application of the Common Customs Tariff duty until 31 December 1974, within a limited tariff quota which should be fixed at 30 000 metric tons so that Community development prospects of the production sector concerned are not affected;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted; whereas, in the light of these principles, arrangements for the utilization of the tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question.

Whereas, however, since the quota is an autonomous Community tariff quota intended to cover import needs arising in the Community, the allocation of the quota may be made on the basis of the actual import needs from third countries expressed by each of the Member States; whereas, on the basis of economic information supplied and allowing for duty-free supplies from the Community or certain third countries, these needs would be as follows:

Benelux	5 718	metric tons
Denmark	240	metric tons
Germany	12 708	metric tons
France	7 146	metric tons
Italy	6 354	metric tons
United Kingdom	27 794	metric tons;

Whereas the most recently available economic information concerning Ireland would not at present justify its participation in the allocation of the quota; whereas, since the quota is a Community tariff quota, it is appropriate to provide for this Member State a commercially exploitable share, which should amount to 20 metric tons; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial share; whereas, to give importers some degree of certainty, the first tranche of the tariff quota should be fixed at a relatively high level which could be 27 000 metric tons;

Whereas Member States may exhaust their initial shares at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost exhausted a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should 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 keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of a 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 united within and 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 any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 September to 31 December 1974 a tariff quota of 30 000 metric tons shall be opened within the Community in respect of ferro-chromium containing not less than 4 % by weight of carbon falling within subheading ex 73.02 E I of the Common Customs Tariff.

2. Imports of the product in question already benefiting from exemption of customs duties by virtue of another preferential tariff arrangement are not chargeable against this tariff quota.

3. Within this quota, the Common Customs Tariff shall be totally suspended in respect of importations.

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

Article 2

1. A first tranche of 27 000 metric tons of this Community tariff quota shall be allocated among the Member States ; the shares, which subject to Article 6 shall be valid until 31 December 1974, shall be as follows :

Benelux	2 380 metric tons
Denmark	100 metric tons
Germany	8 000 metric tons
France	3 000 metric tons
Ireland	20 metric tons
Italy	2 500 metric tons
United Kingdom	11 000 metric tons.

2. The second tranche of 3 000 metric tons shall constitute a reserve.

Article 3

1. As soon as one of the Member States has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. As soon as one of the Member States, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share.

3. As soon as one of the Member States, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall forthwith, and in accordance with the same conditions, draw a fourth share equal to the third.

It shall continue in this fashion until the reserve is exhausted.

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

Article 4

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

Article 5

Any Member State which on 15 November 1974 has not exhausted one of its initial shares shall not later than 10 December 1974 return to the reserve the unused portion in excess of 20 % of the initial amount. It may return a greater portion if there are grounds for believing that such portion may not be used in full.

The Member States shall, not later than 10 December 1974, notify the Commission of the total quantities of the products in question imported up to and including 15 November 1974 and charged against the Community quotas and of any portion of their initial shares 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 the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 December 1974, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting the reserve is drawn, the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated share of the tariff quota.

2. The Member States shall ensure that importers of the product in question established in their territories have free access to the shares allocated to them.

3. The Member State shall charge importations of the product in question against their shares as and when the product is entered with the customs authorities for home use.

4. The extent to which the Member States have used up their shares shall be determined on the basis of the importations charged against their shares in accordance with paragraph 3.

Article 8

The Member States shall notify the Commission at regular intervals of the importations charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 September 1974.

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

Done at Brussels, 2 August 1974.

For the Council

The President

B. DESTREMAU