REGULATION (EEC) No 2421/74 OF THE COUNCIL

of 23 September 1974

on the opening, allocation and administration of Community tariff quotas for bullion lead, and unwrought lead other than bullion lead, falling within subheadings 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 Protocol 14 to the Act of Accession [1] provides that the Community shall open each year nil duty Community tariff quotas for bullion lead (unwrought lead for refining, containing 0·02 % or more by weight of silver), falling within subheading 78.01 A I and for lead other than bullion lead, falling within subheading 78.01 A II, the amount of the quota to correspond, in the case of bullion lead, to the total amount in respect of which requests have been received by Member States, plus a Community reserve and, in the case of unwrought lead other than bullion lead, to decrease annually from 1 January 1975 by an amount fixed for 1974 at 55 000 metric tons to achieve the abolition of the quota by 1978 ; whereas the Protocol also provides that the new Member States are to share in the tariff quotas from 1 January 1974 ; whereas the duties to be applied by the new Member States within those tariff quotas must comply with the relevant provisions of the Act of Accession ; whereas the Community tariff quotas in question should therefore be opened on 1 January 1975 for 41 000 metric tons of unwrought lead other than bullion lead and for 350 000 metric tons (on the basis of Member States' estimates) of bullion lead ;

Whereas, in view of the minimal interpenetration of the markets in bullion lead and in other unwrought lead and of the lack of complete statistics relating to these two grades of metal, it does not seem possible to base the allocation of the Community tariff quotas in question on previous data ; whereas the figure of 41 000 metric tons for unwrought lead other than bullion lead takes account of the need to maintain a balance in the amounts chargeable against the tariff quota for unwrought lead in general in order to protect the foundry industry ; whereas Member States should therefore be at liberty to authorize only imports satisfying certain conditions as to grade and intended use to be charged against that quota ;

Whereas, in order to make greater allowance for future trends in imports of the products in question, the quota for each grade of unwrought lead should be divided into two tranches, the first to be allocated among all the Member States, the second to form a reserve intended to cover any subsequent requirements of Member States which have used up their initial shares ; whereas, in order to ensure a certain degree of security for importers, the initial tranches should be set at 315 600 metric tons, in the case of bullion lead, and 38 500 metric tons, in the case of unwrought lead other than bullion lead, the remainder constituting the reserve ; whereas, having regard to estimates taking account of market trends in these products, the initial shares may be allocated as follows :

	— *metric tons* —	
	bullion lead	*unwrought lead, other*
Benelux	35 000	14 460
Denmark	50	486
Germany	90 000	8 127
France	500	200
Ireland	50	100
Italy	40 000	8 127
United Kingdom	150 000	7 000

Whereas Member States may use up their initial shares at different rates ; whereas to avoid disruption of supplies on this account any Member State which has almost used up either of its initial shares should draw an additional share from the corresponding reserve ; whereas this should be done by each Member State when each of its additional shares has been almost used up, 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, which latter must, in particular, be able to keep a record of the extent to which the quota has been used up and to inform the Member States accordingly ;

Whereas, if at a given date in the quota period a considerable quantity of either of a Member State's

[1] OJ No L 73, 27. 3. 1972, p. 171.

initial shares remains unused, it is essential that it return a significant proportion to the corresponding reserve, so as to avoid a part of either quota remaining unused in one Member State when 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 transaction in respect of 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. During the period from 1 January to 31 December 1975 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 (in metric tons)
78.01 A I	Unwrought lead containing 0·02 % or more by weight of silver for refining (bullion lead)	350 000
78.01 A II	Other unwrought lead	41 000

2. Where the products in question are already imported duty-free under other preferential tariff arrangements entered into by certain Member States, in particular under free trade agreements, such imports shall not be charged against these tariff quotas.

3. The Common Customs Tariff duty shall be totally suspended within these quotas.

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

Article 2

1. The first tranches of the quota referred to in Article 1 of 315 600 metric tons of bullion lead and 38 500 metric tons of unwrought lead other than bullion lead shall be allocated among the Member States. The shares which, subject to Article 5, shall be valid from 1 January to 31 December 1975, shall, for each Member State, be as follows :

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

Benelux	35 000 metric tons
Denmark	50 metric tons
Germany	90 000 metric tons
France	500 metric tons
Ireland	50 metric tons
Italy	40 000 metric tons
United Kingdom	150 000 metric tons

(b) unwrought lead, other :

Benelux	14 460 metric tons
Denmark	486 metric tons
Germany	8 127 metric tons
France	200 metric tons
Ireland	100 metric tons
Italy	8 127 metric tons
United Kingdom	7 000 metric tons

2. The second tranche of 34 400 metric tons and 2 500 metric tons respectively, shall constitute the reserves.

Article 3

1. As soon as a Member State has used 90 % or more of one of its initial shares as fixed in Article 2 (1), or of that share minus any portion returned to the corresponding 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 a Member State, after using up one of its initial shares, has used 90 % or more of its second share, that Member State shall forthwith and 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 a Member State, after exhausting one of its second shares, has used 90 % or more

of its third share, that Member State shall, forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This procedure shall apply until the reserves are exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw lesser amounts than those specified therein if there are grounds for believing that the may not be used in full. It shall inform the Commission of its reasons for applying this provision.

Article 4

Additional share drawn pursuant to Article 3 shall be valid until 31 December 1975.

Article 5

A Member State which, on 15 October 1975, has not exhausted one of its initial shares shall, not later than 31 October 1975, return to the corresponding reserve any unused portion in excess of 20 % of the initial amount. It may return a greater quantity if there are grounds for believing that such may not be used in full.

Member States shall, not later than 31 October 1975, notify the Commission of the total quantities of the products in question imported up to and including 15 October 1975 and charged against the Community quota and of any portion of each initial share returned to either reserve.

Article 6

Member States may restrict the unwrought lead other than bullion lead which may be charged against their quota shares to lead of certain grades or lead to be used for certain purposes.

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 receives notification, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 November 1975, inform the Member States of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts a reserve does not exceed the balance available and, to this end, shall notify the amount thereof to the Member State making the last drawing.

Article 8

1. Each Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against its accumulated share of the Community quota.

2. Each Member State shall ensure that importers of the products in question established in its territory have free access to the shares allocated to it.

3. Each Member State shall administer its share of the bullion lead quota according to a 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 imports of the product in question entered with the customs authorities for home use.

Article 9

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

Article 10

The Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 11

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels, 23 September 1974.

For the Council

The President

Ch. PONCELET