REGULATION (EEC) No 2422/74 OF THE COUNCIL

of 23 September 1974

on the opening, allocation and administration of a Community tariff quota for unwrought zinc, falling within subheading 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 Protocol 15 to the Act of Accession [1] provides that the Community shall open each year a nil duty Community tariff quota for unwrought zinc, falling within subheading 79.01 A of the Common Customs Tariff, fixed at 30 000 metric tons for 1971, and decreasing each year, except 1974 until the quota is abolished on 31 December 1977; whereas the quota calculated on that basis amounts to 15 000 metric tons for 1975; whereas the Protocol also provides that the new Member States shall share in the tariff quota from 1 January 1974; whereas the duties to be applied by these Member States within those tariff quotas must comply with the relevant provisions of the Act of Accession; whereas the Community tariff quota in question should therefore be opened on 1 January 1975;

Whereas, in view of the minimal interpenetration of the markets in unwrought zinc, it does not seem possible to base the allocation of the Community tariff quota in question on previous data; whereas the figure of 15 000 metric tons takes account of the need not to exceed a reasonable amount, thereby protecting Community production; whereas, to this end, only certain Member States' estimates of their requirements of specific grades of zinc have been taken into account; whereas Member States should therefore be at liberty to authorize only imports satsifying 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 product in question, the quota of 15 000 metric tons should be divided into two tranches, the first to be allocated among the Member States, the second to form a reserve intended to cover any subsequent requirements of Member States which have used up their initial share; whereas, in order to ensure a certain degree of security for importers, the initial tranche should be set at 14 000 metric tons, the remainder constituting the reserve;

whereas, having regard to estimates taking account of trends in the market for unwrought zinc, the first tranche may be allocated approximately according to the following percentages:

Benelux	25·50
Denmark	2·14
Germany	41·15
France	1·28
Ireland	1·43
Italy	10·28
United Kingdom	18·22

Whereas Member States may exhaust their initial shares at different rates; whereas to avoid disruption of supplies on this account, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this should be done by each Member State when its additional share 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 a Member State's initial share remains unused it is essential that it should return a significant proportion to the reserve, so as to avoid a part of the 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, a Community tariff quota of 15 000 metric tons shall be opened in the Community for

[1] OJ No L 73, 27. 3. 1972, p. 172.

unwrought zinc, falling within subheading 79.01 A of the Common Customs Tariff.

2. Where the product in question is 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 the tariff quota.

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

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

Article 2

1. The first tranche of the quota referred to in Article 1 of 14 000 metric tons 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 :

Benelux	3 570 metric tons
Denmark	300 metric tons
Germany	5 760 metric tons
France	180 metric tons
Ireland	200 metric tons
Italy	1 440 metric tons
United Kingdom	2 550 metric tons

2. The second tranche, of 1 000 metric tons, shall constitute the reserve.

Article 3

1. As soon as a Member State 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 a Member State, after using up its initial share, has used 90 % or more of its second share, 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 a Member State, after exhausting its second share, 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 reserve is 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 they may not be used in full. It shall inform the Commission of its reasons for applying this provision.

Article 4

Additional shares 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 its initial share shall, not later than 31 October 1975, return to the 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 product in question imported up to and including 15 October 1975 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the unwrought zinc which may be charged against their quota shares to unwrought zinc of certain grades or zinc 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 the 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 product in question established in its territory have free access to the shares allocated to it.

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

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