REGULATION (EEC) No 2424/74 OF THE COUNCIL

of 23 September 1974

on the opening, allocation and administration of a Community tariff quota for ferro-silico-manganese, falling within subheading 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 subheading 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 the tariff quota concerned should therefore be opened on 1 January 1975 and allocated among the Member States ; whereas the duties to be applied by the new Member States within the quota must comply with the relevant provisions of the Act of Accession ;

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 used up ; whereas in the light of the principles outlined above, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota ; whereas, in order that it may 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 during the past three years for which statistics are fully available, the corresponding imports into each of the Member States represented the following percentages of the total imports of the product in question :

	1971	*1972*	*1973*
Benelux	12·22	10·80	16·65
Denmark	0·00	1·69	0·00
Germany	65·63	55·24	62·59
France	0·33	0·43	0·93
Ireland	0·00	0·01	0·00
Italy	15·69	15·26	15·81
United Kingdom	6·13	16·57	4·02

Whereas, in view of these factors and of market forecasts for ferro-silico-manganese for 1975, the 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 product concerned, the quota 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 which have used up their initial share ; whereas, to give importers some degree of certainty, the first tranche of the Community tariff quota should be fixed at a relatively high level which, in this case, might be 96 % of the volume of the quota ;

Whereas initial shares may be used up fairly quickly ; 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 each time its additional share is almost used up, 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 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 thereof to the reserve to prevent a part of the 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. During the period from 1 January to 31 December 1975 a Community tariff quota of 50 000 metric tons shall be opened in the Community for ferro-silico-manganese, falling within subheading 73.02 D of the Common Customs Tariff.

2. Imports of the products in question shall not be counted under the 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 arrangements.

3. Within this tariff quota the Common Customs Tariff duty 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. The first tranche of 48 000 metric tons of this quota shall be allocated among the Member States ; the respective shares of the Member States, which, subject to Article 5, shall be valid until 31 December 1975, 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, without delay, in accordance with the conditions imposed by paragraph 1, draw a third share, equal to 5 % of its initial share.

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, without delay, 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

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

Article 5

A Member State which on 15 September 1975 has not used up its initial share shall return to the reserve not later than 10 October 1975 any 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 up.

Member States shall, not later than 10 October 1975, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1975 and charged against the Community quota 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 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 1975, of the amount still in reserve following any returns pursuant to Article 5.

It shall ensure that when an amount using up 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. Member States 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 their accumulated shares in the Community quota.

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

3. Member States shall charge imports 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 a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

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

Article 9

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

Article 10

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