COUNCIL REGULATION (EEC) No 2863/76

of 23 November 1976

on the opening, allocation and administration of an autonomous Community tariff quota for 1976 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 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas, as regards ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff, a conventional duty-free Community tariff quota of 50 000 metric tons has been opened by the Council for 1976 and allocated among the Member States by Regulation (EEC) No 2881/75 (1);

Whereas, bearing in mind present Community production capacity, the abovementioned quota will not cover the entire Community import requirements of ferro-silico-manganese from third countries; whereas it is therefore desirable that an autonomous Community tariff quota limited to 1 000 metric tons be opened; whereas, so as not to prejudice Community development prospects in the production area concerned, the quota duty applicable must be fixed at 4 %;

Whereas 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 must 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 last three years for which statistics are fully available, the corresponding imports, in metric tons, into each of the Member States were as follows:

	1973	1974	1975	Average for the three years
Benelux	18 955	21 100	10 512	16 856
Denmark	0	0	0	0
Germany	71 237	67 469	68 325	69 010
France	1 055	521	557	711
Ireland	0	0	37	12
Italy	18 166	22 475	13 415	18 018
United Kingdom	4 579	3 020	2 694	3 431
Total	113 992	114 585	95 540	108 038

Whereas in view of these factors, the foreseeable development of the ferro-silico-manganese market in 1976 and the shares allocated or drawn from the reserve under the tariff quota of 50 000 metric tons opened by the abovementioned Regulation (EEC) No 2881/75, the initial percentage shares in the quota can be fixed as follows:

Benelux	27·00
Denmark	0·10
Germany	64·30
France	0·50
Ireland	0·10
Italy	5·00
United Kingdom	3·00

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of use based on a single allocation and at the same time preserve the Community nature of the quota; whereas such an allocation may therefore be based on the percentage figures shown in the table above;

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,

(1) OJ No L 292, 12. 11. 1975, p. 14.

HAS ADOPTED THIS REGULATION :

Article 1

1. From the date of entry into force of this Regulation until 31 December 1976, a tariff quota of 1 000 metric tons shall be opened within the Community in respect of ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff.

2. Within this quota, Community Customs Tariff duty shall be suspended at 4 %.

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

Article 2

The Community tariff quota referred to in Article 1 shall be allocated among the Member States as follows :

	in metric tons
Benelux	270
Denmark	1
Germany	643
France	5
Ireland	1
Italy	50
United Kingdom	30

Article 3

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

2. 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 4

At the request of the Commission, the Member States shall inform it of the importations charged against their shares.

Article 5

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

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE