COUNCIL REGULATION (EEC) No 2864/76

of 23 November 1976

on the opening, allocation and administration of an autonomous Community tariff quota for 1976 for super-refined ferro-chromium 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, as regards ferro-chromium containing by weight not more than 0·10 % of carbon and more than 30 % but not exceeding 90 % of chromium (super-refined ferro-chromium) falling within subheading ex 73.02 E I of the Common Customs Tariff, a conventional duty-free Community tariff quota of 3 000 metric tons has been opened by the Council for 1976 and allocated among the Member States by Regulation (EEC) No 2882/75 [1];

Whereas, bearing in mind present capacity, Community production together with the abovementioned quota of 3 000 metric tons should cover the entire Community requirements of this product; whereas it is, however, desirable to avoid unduly disrupting traditional patterns of trade between Member States and third countries by opening an autonomous Community tariff quota the volume of which should be limited to 1 000 metric tons so as not to jeopardize development prospects in the Community production sector; whereas for the same reasons the quota duty applicable should be fixed at 5·5 %;

Whereas 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 must be in proportion to the requirements of the Member States as calculated by reference to the 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 1974 and 1975
Benelux	1 050	2 200	3 457	2 829
Denmark	60	20	50	35
Germany	59 972 [1]	13 800	16 331	15 066
France	800	5 000	100	2 550
Ireland	0	18	5	12
Italy	5 000	5 648	5 856	5 752
United Kingdom	7 225	5 464	7 858	6 661
Total	74 107	32 150	33 657	32 905

[1] Ferro-chromium in general.

Whereas in view of these factors, the foreseeable development of the super-refined ferro-chromium market in 1976 and the allocated shares of the tariff quota of 3 000 metric tons opened by Regulation (EEC) No 2882/75, the initial percentage shares in the quota volume can be fixed as follows:

Benelux	10·00
Denmark	0·20
Germany	52·50
France	0·50
Ireland	0·10
Italy	6·00
United Kingdom	30·70

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of

[1] OJ No L 292, 12. 11. 1975, p. 17.

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 one of its members,

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-chromium containing by weight not more than 0·10 % of carbon and more than 30 % but not exceeding 90 % of chromium (super-refined ferro-chromium) falling within subheading ex 73.02 E I of the Common Customs Tariff.

2. Within this quota, the Common Customs Tariff duty shall be suspended at 5·5 % in respect of importations.

3. Within this quota, new Member States shall apply 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	100
Denmark	2
Germany	525
France	5
Ireland	1
Italy	60
United Kingdom	307

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 importations charged against their shares.

Article 5

The Member States and the Commission shall cooperate 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