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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 87/76

of 20 January 1976

establishing indicative ceilings and Community supervision for imports of certain products originating in Austria (1976)

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 an Agreement between the European Economic Community and the Republic of Austria [1] was signed on 22 July 1972;

Whereas Articles 1 and 2 of Protocol 1 annexed to this Agreement make provision for a specific timetable for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas under Article 3 of that Protocol the imports of these products are limited to annual indicative ceilings above which the customs duties applicable to third countries may be re-introduced; whereas, however, under Article 3 (b) the Community has to suspend the application of certain ceilings; whereas, on the other hand, in the event of short-term economic difficulties, the Community may, under Article 3(c) of Protocol 1, maintain the ceiling amounts of the preceding year; whereas, however, application of this measure must be limited to products most affected by the short-term difficulties; whereas, therefore, the ceilings to be applied in 1976 must be established; whereas in this situation it is also necessary that the Commission be regularly informed of the trend of the imports of the products in question and, in consequence, it is necessary to subject these imports to supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the indicative ceilings at Community level, as and when these products are submitted to the customs authorities under cover of declarations that they have been made available for consumption; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties as soon as the ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to re-introduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for certain products for which, under Article 3 of Protocol 1, the Community has suspended the application of ceilings and for products which are not subject to the ceiling system; whereas it is therefore desirable that imports of such products should be subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January until 31 December 1976, imports of products originating in Austria and indicated in

[1] OJ No L 300, 31. 12. 1972, p. 1.

Annex I to this Regulation shall be subject to indicative ceilings and to Community supervision.

The description of the products referred to in the preceding subparagraphs, their tariff headings and statistic numbers and the levels of the indicative ceilings are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the customs duties provided for in Article 3 (f) of Protocol 1 to the Agreement until the end of the calendar year.

4. Member States shall forward to the Commission not later than the 15th day of each month statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

From 1 January until 31 December 1976, imports of the products referred to in Annex II which originate in Austria shall be subject to Community supervision.

Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; to this end, only products submitted to the customs authorities under cover of a declaration that they have been made available for consumption and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

This Regulation shall enter into force on 1 January 1976.

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

Done at Brussels, 20 January 1976.

For the Council

The President

G. THORN

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN 1976

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets:		
		C. Kraft paper and Kraft board:		
		ex II. Other:		
I A 1		— Excluding Kraftliner (a) and Kraft paper for large bags (a)	48.01-08, 09, 11, 12, 13, 17, 19, 25, 26, 27, 28, 29, 33	16 203
		ex E. Other:		
I A 2		— Bible paper (India paper), copying tissue; other printing paper and other writing paper, not containing mechanical wood pulp or in which mechanical wood pulp does not represent more than 5% (a)	48.01-58, 61, 62, 66	60 622
I A 3		— Printing paper and writing paper, containing mechanical wood pulp (a), excluding copying tissue	48.01-64, 68	54 022
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets:		
		B. Other:		
I A 4		— Coated printing or writing paper	48.07-57, 58, 59	34 721
I A 5		— Other	48.07-55, 56, 64, 65, 66, 68, 70, 81, 85, 91, 97, 99	12 687
	48.15	Other paper and paperboard, cut to size or shape:		
I A 6		B. Other	48.15-10, 21, 29, 30, 40, 50, 61, 65, 95, 99	17 826
	73.02	Ferro-alloys:		
		ex G. Other:		
I A 7		— Ferro-molybdenum	73.02-81	280

(a) Subject to compliance with the definitions given in Annex III.

Order No	CCT heading No	Description	Nimexe code	Level of ceiling (metric tons)
1	2	3	4	5
	73.15	Alloy steel and high-carbon steel in the forms mentioned in: heading Nos 73.06 to 73.14:		
		B. Alloy steel:		
I A 8		— High-speed (a)	73.71-14, 24, 54, 94 73.73-14, 24, 34, 54 73.74-54 73.75-24, 34, 44, 54, 64, 84 73.76-14	3 704 (1)
I A 9		— Other	73.71-19, 21, 29, 55, 56, 59, 99 73.72-11, 19, 39 73.73-19, 25, 26, 29, 35, 36, 39, 49, 55, 59, 72, 74, 89 73.74-21, 29, 51, 52, 59, 72, 74, 89, 90 73.75-11, 19, 29, 39, 49, 59, 69, 79, 89, 99 73.76-15, 16, 19	56 471 (1)

(a) Subject to compliance with the definitions given in Annex III.
(1) Including products covered by the ECSC Treaty.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	Nimexe code
1	2	3	4
II A 1	44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like	44.18-all Nos
	48.01	Paper and paperboard (including cellulose wadding), machine made, in rolls or sheets:	
		ex E. Other:	
II A 2		— Other, excluding cellulose wadding, tissues, fluting paper for corrugated paperboard (a) and sulphite paper for wrapping purposes (a)	48.01-41, 43, 45, 52, 53, 54, 55, 56, 77, 82, 84, 86, 88, 91, 93, 95, 97
	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning:	
II A 3		B. Regenerated textile fibres	56.01-21, 23, 25, 29
	73.02	Ferro-alloys:	
		ex G. Other:	
II A 4		— Ferro-vanadium	73.02-83
	73.15	Alloy steel and high carbon steel in the forms mentioned in heading Nos 73.06 to 73.14:	
II A 5		A. High carbon steel	73.61-10, 20, 50, 90 73.62-10, 30 73.63-10, 21, 29, 50, 72, 74, 79 73.64-20, 50, 72, 75, 79, 90 73.65-21, 23, 25, 53, 55, 70, 81, 83 73.66-40, 81, 86, 89
		B. Alloy steel:	
II A 6		— Stainless or refractory (1) (a)	73.71-13, 23, 53, 93 73.72-13, 33 73.73-13, 23, 33, 43, 53, 83 73.74-23, 53, 83 73.75-23, 33, 43, 53, 63, 73, 83, 93 73.76-13
	76.01	Unwrought aluminium; aluminium waste and scrap:	
II A 7		A. Unwrought	76.01-11, 15

(a) Subject to compliance with the definitions given in Annex III.
(1) Including products covered by the ECSC Treaty.

ANNEX III

DEFINITIONS

ex 48.01 C II **Kraftliner**

'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80% of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.

ex 48.01 C II **Kraft paper for large sacks**

'Kraft paper for large sacks' means machine-finished paper, in rolls, containing not less than 80% of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4·5% in the cross direction and of more than 2% in the machine direction.

ex 48.01 E **Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5% of mechanical wood pulp**

'Other printing paper and other writing paper, not containing mechanical wood pulp or containing not more than 5% of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5% of mechanical wood pulp calculated on total fibre content.

ex 48.01 E **Printing paper and writing paper, containing mechanical wood pulp**

'Printing paper and writing paper containing mechanical wood pulp' means paper other than machine-glazed, used for printing and writing containing more than 5% of mechanical wood pulp calculated on total fibre content.

ex 48.01 E **Fluting paper for corrugated paperboard**

'Fluting paper for corrugated paperboard' means paper, in rolls, containing not less than 65% of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.

ex 48.01 E **Sulphite paper for wrapping purposes**

'Sulphite paper for wrapping purposes' means machine-glazed paper, containing more than 40% of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8% and having a Mullen burst ratio of not less than 15.

ex 73.15 B **Alloy steel, stainless or heat-resisting**

'Alloy steel, stainless or heat-resisting' means alloy steel, containing, by weight 12% or more of chromium, with or without other alloy elements, and less than 1% of carbon.

ex 73.15 B **High-speed alloy steel**

'High-speed alloy steel' means alloy steel containing, with or without other alloy elements, at least two of the following three elements: tungsten (wolfram), molybdenum and vanadium with a total content, by weight, of not less than 7% of these elements taken together, and containing more than 0·6%, by weight, of carbon.