COUNCIL REGULATION (EEC) No 2303/77

of 18 October 1977

on the opening, allocation and administration of a Community tariff quota for ferro-silicon falling within subheading 73.02 C of the Common Customs Tariff (1978)

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-silicon falling within subheading 73.02 C, the European Economic Community has undertaken to open an annual nil duty tariff quota of 20 000 tonnes; whereas the tariff quota concerned should therefore be opened on 1 January 1978 and allocated among the Member States;

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, to 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 last three years for which statistics are available, the corresponding imports into each of the Member States represented the following percentages of their total imports of the product in question:

	1974	*1975*	*1976*
Benelux	15·14	17·47	17·86
Denmark	0·36	0·54	0·59
Germany	56·31	53·03	53·74
France	0·52	1·22	1·58
Ireland	0·24	0·25	0·22
Italy	13·97	13·82	14·05
United Kingdom	13·46	13·67	11·96

Whereas, in view of these factors and of market forecasts for ferro-silicon for 1978, the initial percentage shares in the quota volume can be expressed roughly as follows:

Benelux	50·38
Denmark	0·76
Germany	29·98
France	0·50
Ireland	0·25
Italy	4·28
United Kingdom	13·85

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two tranches, the first being allocated and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial share; whereas, to give importers some degree of certainty, the first tranche of the tariff quota should be fixed at a high level, which could be 99 % of the amount of the quota;

Whereas initial shares may be exhausted at different rates; whereas to avoid disruption of supplies on this account it should be provided that 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 exhausted 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 quotas have 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 that Member State should return a significant proportion thereof to the reserve in order to prevent a part of a 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 one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. For the period 1 January to 31 December 1978, a Community tariff quota of 20 000 tonnes shall be opened within the Community in respect of ferro-silicon falling within subheading 73.02 C of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff treatment.

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

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.

2. A first tranche of 19 850 tonnes shall be allocated among the Member States ; the shares, which subject to Article 5 shall be valid from 1 January until 31 December 1978, shall be as follows :

	(tonnes)
Benelux	10 000
Denmark	150
Germany	5 950
France	100
Ireland	50
Italy	850
United Kingdom	2 750

3. The second tranche of 150 tonnes shall constitute a reserve.

Article 3

1. As soon as a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), 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 5 % of its initial share rounded up as necessary to the next whole number.

2. As soon as a Member State, after exhausting its initial share, has used 90 % or more of the second share draw by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 2·5 % of its initial share rounded up as necessary to the next whole number.

3. As soon as a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

It shall continue in this fashion until the reserve is exhausted.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1978.

Article 5

Member States shall, not later than 1 October 1978, return to the reserve the unused portion of their initial share which, on 15 September 1978 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1978, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1978 and charged against the Community quota and of any portion of these initial shares returned to the reserve.

Article 6

Member States may restrict the possibility of charging against their quotas to certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been so used.

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 the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1978, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting 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 8

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

2. The 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. The extent to which the Member States have used up their shares shall be determined on the basis of the importations of the products in question entered with the customs authorities for home use.

Article 9

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

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1978.

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

Done at Luxembourg, 18 October 1977.

For the Council

The President

H. SIMONET