COUNCIL REGULATION (EC) No 2404/94

of 29 September 1994

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (fourth series 1994), and amending Council Regulations (EC) No 3466/93 and (EC) No 3672/93 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and industrial products will remain, in the course of the second half of 1994, unable to met the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate columns for the period from 1 June or 1 July 1994 respectively until 31 December 1994, taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas by Regulation (EC) No 3466/93 [1] and (EC) No 3672/93 [2] the Council opened, for 1994, Community tariff quotas for certain industrial products, and in particular ferro-chromium containing by weight more than 6 % of carbon (order No 09.2711), ferro-phosphorus (order No 09.2717), magnesium (order No 09.2741), diisopropylnaphtalene (order No 09.2857);

Whereas current economic data suggests that Community demand for non-Community imports of the products in question could in the course of the year exceed the volumes laid down in the above Regulations; whereas the volume of the quota in question should therefore be increased;

Whereas by Regulation (EC) No 3466/93, the Council opened, for 1994, a Community tariff quota for ferro-chromium containing by weight more than 1,5 mm but not more than 2 % of carbon and not more than 55 % of chromium;

Whereas the benefit of this quota should be extended to other import needs and the description of this quota should consequently be amended and its amount increased;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports of the following products shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas shown below:

[1] OJ No L 317, 18. 12. 1993, p. 4.
[2] OJ No L 338, 31. 12. 1993, p. 42.

'Order No	CN code (1)	Description of goods	Quota period	Amount of quota	Quota duty (%)
09.2781	ex 7226 10 91	Flat-rolled products of silicon-electrical steel, cold-rolled, grain oriented, of a width not exceeding 500 mm, of a thickness of 0,23 mm or less, with a nominal magnetic inversion loss rate of 0,8 W/kg or less determinated by the Epstein method with a current of 50 cycles and one induction of 1,7 tesla	From 1 July to 31 December 1994	300 tonnes	0
09.2875	ex 0601 10 90	Tuberous roots of the species *Rumohra adlantiformis,* dormant for the manufacture of ornamental plants	From 1 June to 31 December 1994	5 000 000 pieces	0'

2. For order Nos 09.2711, 09.2717, 09.2799 and 09.2857, the table in Article 1 of Regulation (EC) No 3466/93 is hereby replaced by the following table :

'Order No	CN code (1)	Description of goods	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2711	ex 7202 41 91	Ferro-chromium containing by weight more than 6 % of carbon	580 000	0	31 December 1994
09.2717	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture of refined phosphoric iron or steel (a)	33 000	0	31 December 1994
09.2799	ex 7202 49 90	Ferro-chromium containing more than 1,5 %, but not more than 4 % by weight of carbon and not more than 70 % of chromium	15 000	0	31 December 1994
09.2857	ex 2902 90 90	Diisopropylnaphalene, mixed isomers	3 000	0	31 December 1994'

3. For order No 09.2741, the table in Article 1 of Regulation (EC) No 3672/93 is hereby replaced by the following table :

'Order No	CN code (1)	Description of goods	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, intended for the manufacture of elements used in the nuclear industry (a)	1 800	0	31 December 1994'

Article 2

The tariff quotas referred to in Article 1 (1) shall be managed by the Commission, which may take any appropriate administrative measure to ensure that they are managed efficiently.

Article 3

Where an importer submits a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full, it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continvous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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 seventh 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, 29 September 1994.

For the Council

The President

P. KRÜGER

ANNEX

Taric code

Order No	CN codes	Taric codes
09.2781	ex 7226 10 91	*20
09.2875	ex 0601 10 90	*10