

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 534 final  
Brussels, 15 October 1976

Draft

## COUNCIL REGULATION (EEC)

on the opening, allocation and administration of an autonomous Community tariff quota for 1976 for ferro-silicon falling within subheading 73.02 of the Common Customs Tariff

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Draft

## COUNCIL REGULATION (EEC)

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

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## COUNCIL REGULATION (EEC)

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

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(submitted to the Council by the Commission)

COM(76) 534 final



EXPLANATORY MEMORANDUM

1. The draft Regulations annexed hereto follow requests from certain Member States that autonomous Community tariff quotas be opened for 1976 for ferro-silicon, ferro-silico-manganese, and super-refined ferro-chromium:
  
2. The requests concerned were studied, in particular, at consultations with experts from all the Member States held on 10 June 1976 on the basis of economic information and forecasts supplied by the competent bodies. In this context it must be mentioned, as the Commission has already done many times, that as far as autonomous Community tariff quotas are concerned it is insufficient simply to open quotas to meet estimated import needs from third countries. This procedure is, in fact, liable to disrupt Community production and to jeopardize rationalization. This fact is all the more true in the present circumstances since a study was made of these raw materials on the Community market on the basis of forecasts which, given the uncertainty surrounding all sectors of Community production, <sup>and consumption</sup> could be significantly changed the year. These factors were taken into consideration when each product was studied.
  
3. From economic forecasts supplied at that meeting Community tables may be drawn up in respect of each of the products concerned as follows:

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description		Production	Abnormal stocks on 31.12.75	Inward Processing Traffic	Duty-free imports from third countries carried out outside the contractual quota	Exports to third countries	Quota opened 1.1.76
- in metric tons -							
ferro-silicon	536 640	295 500	20 000	2 000	103 790	17 000	20 000
ferro-silico-manganese	218 150	83 000	-	-	28 030	2 000	50 000
super-refined ferro-chromium	122 550	122 000	-	2 000	9 450	15 000	3 000

Community import requirements from third countries calculated in the usual manner from the above figures show the following deficits and surpluses :

ferro-silicon	deficit of	78 350 metric tons
ferro-silico-manganese	deficit of	55 120 metric tons
super-refined ferro chromium	surplus of	28 900 metric tons.

As regards these products, it should be noted that

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consumption of ferro-silicon and ferro-silico-manganese is running above the 1975 estimates, whereas according to the producer Member States' experts Community production capacity would appear to have been voluntarily reduced so as not to increase existing stocks.

In all events, it is certain that, as regards ferro-silicon and ferro-silico-manganese at least, the requirements of the consumer industries can not be met in full by Community production and by deliveries from associated or similar countries. This is all the more true because, in the past, final stocktakings of these metals have always shown a relatively high deficit.

As regards super-refined ferro-chromium, the deficit noted in 1975 in the estimates has turned into a surplus of about 29 000 metric tons, mainly owing to a reduction in consumption which was itself caused by the use of a less elaborate and cheaper substitute material : high-carbon ferro-chromium. Nevertheless, traditional patterns of trade between Member States and third countries should not be disrupted unduly.

Moreover, because of the uncertainties which still affect all sectors of Community production and consumption in spite of the signs of a modest improvement in the economic situation it is still desirable, so as not to disturb the production sector, to show prudence in fixing the amounts of autonomous quotas.

For these reasons, the Commission proposes that an autonomous tariff quota be opened and fixed at :

- 10 000 metric tons for ferro-silicon
- 20 000 metric tons for ferro-silico-manganese
- 3 000 metric tons for super-refined ferro-chromium.

4. The proposed rules of administration for these quotas do not require special mention since they do not differ from those already adopted by the Council in 1975 in the same context. Each of the quotas is therefore subdivided into two tranches, the first being allocated among the Member States in proportion to their respective needs, and the second constituting a Community reserve. The setting up of a Community reserve is all the more justified in the present circumstances since the draft Regulations provide that at first only those Member States which at present have actual foreseeable needs should have a share.

Contrary to the solution adopted in previous years, the respective needs of the Member States were not determined on the basis of the estimated needs put forward by the Member States but according to the usual allocation criteria based on previous imports from third countries, i.e. in this case, on the average for the last two or three years for which statistics are available, less the shares allocated of the contractual quotas opened at the beginning of 1976, or drawn from the Community reserves set up.

5. The quota duties adopted for the autonomous increase in the tariff quotas for ferro-silicon, ferro-silico-manganese and super-refined ferro-chromium in 1975 were respectively 7% (instead of 10%), 4% (instead of 5.5%) and 5.5% (instead of 8%).

It seems that in maintaining the quota duties at these levels for the proposed autonomous increases sufficient attention is being paid to the Community production situation in these sectors and to the need to encourage an increased supply in the Community.

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COUNCIL REGULATION (EEC)

on the opening, allocation and administration of an autonomous  
Community tariff quota for 1976 for ferro-silicon falling within  
subheading 73.02 C 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-silicon falling within subheading 73.02 C of  
the Common Customs Tariff, a conventional duty free Community tariff quota  
of 20 000 metric tons has been opened by the Council for 1976 and allocated  
among the Member States by Regulation (EEC) No 2880/75<sup>1</sup> of 29 October 1975;

Whereas, bearing in mind present production capacity within the Community

the above mentioned quota of 20 000 metric tons will not cover the  
entire Community import requirements of ferro-silicon from third countries;  
whereas it is therefore desirable that an autonomous Community tariff quota  
limited to 10 000 metric tons be opened;

whereas, so as not to prejudice Community development  
prospects in the production area concerned, the quota duty applicable should  
be fixed at 7%;

<sup>1</sup>OJ No L 292, 12 November 1975, p. 12.

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports of the product in question until the quota is exhausted; whereas in the light of these principles 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 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 fully available, the corresponding imports into each of the Member States were as follows :

	1973	1974	1975	Average for the 3 years
Benelux	34 300	32 000	27 920	31 406
Denmark	1 081	753	854	896
Germany	103 936	119 029	84 764	102 506
France	548	1 100	1 955	1 201
Ireland	0	507	397	301
Italy	18 380	29 536	22 088	23 331
United Kingdom	10 355	28 460	21 849	20 388
Total	169 100	211 385	159 827	180 099

Whereas in view of these factors, the foreseeable development of the ferro-silicon market in 1976 and the shares allocated in the tariff quota of 20 000 metric tons opened by the aforementioned Regulation (EEC) No 2880/75, the initial percentage shares in the quota can be fixed as follows :

Benelux	11.53
Denmark	0.46
Germany	62.20
France	0.72
Ireland	0.03
Italy	14.04
United Kingdom	11.02;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the above mentioned Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares;

whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 9 000 metric tons;

Whereas Member States may exhaust their initial shares 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;

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Whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires 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 such State should return a part of a Community 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 any 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 Community tariff quota of 10 000 metric tons shall be opened within the Community for ferro-silicon falling within subheading 73.02 of the Common Customs Tariff.
2. Within this quota, the Common Customs Tariff duty shall be suspended at 7%.
3. Within this quota, new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

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Article 2

metric tons  
1. A first tranche of 9 000/of this quota shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1976, shall be as follows:

Benelux	1 038	metric tons
Denmark	41	metric tons
Germany	5 598	metric tons
France	65	metric tons
Ireland	3	metric tons
Italy	1 263	metric tons
United Kingdom	992	metric tons.

2. The second tranche of 1 000 metric tons shall constitute the reserve.

Article 3

1. As soon as a Member State has used 90% or more of its initial share as fixed in Article 2(1), 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 10% 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 drawn by it, the Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.

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, the Member States 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 1976.

#### Article 5

The Member States shall return to the reserve, not later than 1 November 1976, the unused portion of their initial share which, on 15 October 1976, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that such portion may not be used.

Those Member States shall, not later than 1 November 1976, notify the Commission of the total quantities of the product in question imported up to and including 15 October 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

#### Article 6

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 reserves have been used up.

It shall, not later than 5 November 1976, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting one of the reserves 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 7

1. Every Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that import may be charged without interruption against its accumulated share of the relevant Community quota.
2. Every Member State shall ensure that importers of the products in question established in its territory have free access to the shares allocated to it.
3. Every Member State shall charge import of the product in question against its shares as and when the product is entered with the customs authorities for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the import charged against those shares in accordance with paragraph 3.

Article 8

At the Commission's request, , the Member States shall inform it of the import actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on the seventh day following the date of 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,

For the Council,

The President

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Draft

COUNCIL REGULATION (EEC)

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 2581/75<sup>1</sup> of 29 October 1975;

Whereas, bearing in mind present Community production capacity, the above-mentioned quota of 50 000 metric tons 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 20 000 metric tons be opened;

whereas, so as not to prejudice Community development prospects in the production area concerned, the quota duty applicable should be fixed at 4 %;

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<sup>1</sup>OJ No L 292, 12 November 1975, p. 14.

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Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports of the product in question until the quota is exhausted; whereas in the light of these principles 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 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 into each of the Member States were as follows :

	1973	1974	1975	Average for the 3 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 aforementioned Regulation (EEC) No 2881/75, the initial percentages shares in the quota can be fixed as follows :

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Benelux	19.61
Germany	50.25
France	1.12
Italy	26.59
United Kingdom	2.43;

Whereas in the case of Denmark and Ireland their share in the initial quota of 50 000 metric tons and the most recently available economic information and statistics do not justify at present their participation ; in the proposed increase in the Community tariff quota; whereas, moreover, should additional needs arise subsequently in these Member States they may have recourse to the procedure set up under Article 3 of this Regulation; whereas this system of allocation also ensures the uniform application of the Common Customs Tariff;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the abovementioned Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares and any additional requirements which might arise in the other Member States; whereas, to give importers/ <sup>of Member States</sup> some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 18 000 metric tons;

Whereas Member States may exhaust their initial shares 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;

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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 such State should return a significant proportion thereof to the reserve in order to prevent a part of a Community 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 of the administration of the shares allocated to that Economic Union may be carried out by any 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 Community tariff quota of 20 000 metric tons shall be opened within the Community for ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff.
2. Within this quota, the Common Customs Tariff duty shall be suspended at 4%.
3. Within this quota, new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 18 000 metric tons of this quota shall be allocated among certain Member States; the shares, which subject to Article 6 shall be valid until 31 December 1976, shall be as follows:

Benelux	3 530	metric tons
Germany	9 045	metric tons
France	202	metric tons
Italy	4 786	metric tons
United Kingdom	437	metric tons.

2. The second tranche of 2 000 metric tons shall constitute a reserve.

Article 3

Should ferro-silico-manganese be required in Denmark and Ireland, these Member States shall draw a sufficient share from the reserve to the extent that the reserve so permits.

Article 4

1. As soon as one of the Member States referred to in Article 2 has used 90% or more of its initial share as fixed in Article 2(1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10% of its initial share rounded up as necessary to the next whole number.

2. As soon as one of the Member States, after exhausting one of its initial shares, has used 90% or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5% of its initial share.

3. As soon as one of the Member States, 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, the Member States 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 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 December 1976.

#### Article 6

The Member States referred to in Article 2 shall return to the reserve, not later than 1 November 1976, the unused portion of their initial share which, on 15 October 1976, is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used.

Those Member States shall, not later than 1 November 1976, notify the Commission of the total quantities of the product in question imported up to and including 15 October 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

#### Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserves have been used up.

It shall, not later than 5 November 1976, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting one of the reserves 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. Every Member State shall take all appropriate measures to ensure that additional shares drawn pursuant to either Article 3 or Article 4 are opened in such a way that import may be charged without interruption against its accumulated share of the relevant Community quota.

2. Every Member State shall ensure that importers of the product in question established in its territory have free access to the shares allocated to it.

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3. Every Member State shall charge import of the product in question against its shares as and when the product is entered with the customs authorities for home use.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the importat charged against those shares in accordance with paragraph 3.

Article 9

At the Commission's request, the Member States shall inform it of the imports actually 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 the seventh day following the date of 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,

For the Council

The President

Draft  
COUNCIL REGULATION (EEC)

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 more than 90% of chromium (super refined ferro-chromium) falling within subheading ex. 73.02EI 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<sup>1</sup> of 29 October 1975;

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, in order to avoid unduly disrupting traditional patterns of trade between Member States and third countries, that an autonomous Community tariff quota be opened and its volume limited to 3 000 metric tons so as not to jeopardize Community development prospects in the production sector concerned; whereas for the same reasons the quota duty applicable should be fixed at 5.5%;

<sup>1</sup> OJ No L 292, 12 November 1975, p.17.

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports of the product in question until the quota is exhausted; whereas, in the light of these principles, 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 into each of the Member States were as follows :

	1973	1974	1975	Average for 1974 & 1975
Benelux	1 050	2 200	3 457	2 829
Denmark	60	20	50	35
Germany	59 972*	13 800	16 331	15 066
France	800	3 000	100	2 550
Ireland	0	18	5	12
Italy	5 000	5 643	5 856	5 752
United Kingdom	7 225	5 464	7 858	6 661
Total	74 107	32 150	33 657	32 905

\* 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 the aforementioned Regulation (EEC) No 2882/75, the initial percentage shares in the quota volume can be fixed as follows :

Benelux	8.89
Denmark	0.08
Germany	49.76
France	8.49
Ireland	0.04
Italy	10.80
United Kingdom	21.94;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first being allocated among the Member States and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their new shares;

whereas, to give importers some degree of certainty, the first tranche of the quota should be fixed at a relatively high level which could be 2 400 metric tons;

Whereas Member States may exhaust their initial shares 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

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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, to prevent a part of a quota from remaining unused in one Member State while it could be used in others, that such State should return a significant proportion thereof to the reserve;

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 to 31 December 1976 a Community tariff quota of 3 000 metric tons shall be opened within the Community for ferro-chromium containing by weight not more than 0.10% of carbon and more than 30% but not more than 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%.
3. Within this quota, new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. A first tranche of 2 400 metric tons of this quota shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1976, shall be as follows:

Benelux	:	213	metric tons
Denmark	:	2	metric tons
Germany	:	1 194	metric tons
France	:	204	metric tons
Ireland	:	1	metric ton
Italy	:	259	metric tons
United Kingdom	:	527	metric tons.

2. The second tranche of 600 metric tons 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(1), 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 10% of its initial share rounded up as necessary to the next whole number.

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

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, the Member States 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 1976

Article 5

The Member States shall return to the reserve, not later than 1 November 1976, the unused portion of their initial share which, on 15 October 1976, is in excess of 20% of the initial amount. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

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Those Member States shall, not later than 1 November 1976 notify the Commission of the total quantities of the product in question imported up to and including 15 October 1976 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

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 reserves have been used up.

It shall, not later than 5 November 1976, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting one of the reserves 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 7

1. Every Member State 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 its accumulated share of the relevant Community quota.

2. Every Member State shall ensure that importers of the product in question established in its territory have free access to the shares allocated to it.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the importations of the product in question entered for home use.

Article 8

On receipt of a request from the Commission, the Member States shall notify it of the importations charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on the seventh day following the date of 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,

For the Council

The President

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