

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a  
REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a  
Community tariff quota for ferro-silicon falling  
within subheading No 73.02C of the Common Customs  
Tariff

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Proposal for a  
REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a  
Community tariff quota for ferro-silico-manganese  
falling within subheading No 73.02D of the Common  
Customs Tariff

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Proposal for a  
REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a  
Community tariff quota for ferro-chromium containing  
10% by weight or less of carbon and not less than  
30% and not exceeding 90% inclusive by weight of  
chromium (super-refined ferro-chromium) falling  
within subheading No ex 73.02 E I of the Common  
Customs Tariff

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(submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

1. At the latest multilateral negotiations with GATT the Community undertook to open annually nil duty Community tariff quotas for the following industrial products:

(a)	ex 32.01 D	Tanning extracts of eucalyptus
(b)	48.01 A	Newsprint
(c)	ex 50.09	Handwoven fabrics of silk or of waste silk other than noil
(d)	ex 54.03.B I a	Certain unbleached flax yarns
(e)	ex 55.09	Handwoven fabrics of cotton
(f)	miscellaneous	Certain handicraft products (handicrafts)
(g)	73.02 0	Ferro-silicon
(h)	73.02 D	Ferro-silico-manganese
(i)	ex 73.02 E I	Super-refined ferro-chromium
(j)	77.01 A	Unwrought magnesium

2. It had already been decided to replace the Community tariff quotas for tanning extracts of eucalyptus and certain flax yarns (which had never been completely used up to then) for 1972 by a partial suspension of the customs duty. It was for this reason that those two products were separated from the industrial products covered by this memorandum. They will eventually be added to the list of products in respect of which the duties shall be totally or partially suspended.

The proposals on quotas for newsprint, handwoven fabrics of silk or waste silk other than noil, handicraft products (handicrafts) and unwrought magnesium will be treated separately. The proposals for Regulations annexed hereto relate only to Community tariff quotas to be opened for 1976 for the products under letters (g), (h) and (i) of figure 1 above

and to be allocated among all the Member States.

3. The Commission proposals for the three ferro-alloys are based largely on those for the same products for preceding years in the sense that the shares are allocated in accordance with the rules regularly followed (calculated by reference to prior statistics and forecasts for 1976). The proposed rules of administration differ somewhat from those at present in force in that to ensure the uniform application of the Common Customs Tariff it is proposed that a reserve be set up for both ferro-silicon and super-refined ferro-chromium.
4. The attached proposals for regulations refer to the opening, allocation and method of administration, for the year 1976, of the following Community tariff quotas :

	Description of products	Quota volume	Quota duty	Reserve volume	Volume of the first tranche
Annex A	ferro-silicon	20,000 m.t.	0 %	2,000 m.t.	18,000 m.t.
Annex B	ferro-silico-manganese	50,000 m.t.	0 %	10,000 m.t.	40,000 m.t.
Annex C	super-refined ferro-chromium	3,000 m.t.	0 %	600 m.t.	2,400 m.t.

Proposal for a  
REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a Community tariff quota for ferro-silicon falling within subheading No 73.020 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 113 thereof;

Having regard to the proposal from the Commission;

Whereas, as regards ferro-silicon falling within subheading No 73.02 0, the European Economic Community has undertaken to open an annual nil duty tariff quota of 20 000 metric tons; whereas the tariff quota concerned should therefore be opened on 1 January 1976 and allocated among the Member States; whereas the duties to be applied by the new Member States within the tariff quota must comply with the relevant provisions of the Act of Accession;

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 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:

	<u>1972</u>	<u>1973</u>	<u>1974</u>
Benelux	15.69	20.28	15.14
Denmark	2.02	0.64	0.36
Germany	49.74	61.47	56.31
France	0.31	0.37	0.52
Ireland	0.65	0	0.24
Italy	8.81	10.87	13.97
United Kingdom	22.78	6.42	13.46

Whereas, in view of these factors and of market forecasts for ferro-silicon for 1976, the percentage shares in the quota volume can be expressed roughly as follows:

Benelux	10.0
Denmark	1.-
Germany	55.5
France	0.4
Ireland	0.3
Italy	11.3
United Kingdom	14.6

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 quota should

ANNEX A

be fixed at a relatively high level, which could be 90% 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, to prevent a part of the 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 transaction in respect 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. There shall be opened within the Community for the period 1 January to 31 December 1976, in respect of ferro-silicon falling within subheading No 73.02C of the Common Customs Tariff, a Community tariff quota of 20 000 metric tons.

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2. Imports of the product in question shall not be counted under this tariff quota if they are already free of customs duties under other preferential tariff treatment.
3. The Common Customs Tariff duty shall be totally suspended in respect of importations under the above quota.
4. The new Member States shall also exempt from duty up to this quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two tranches.
2. A first tranche of 18 000 metric tons shall be allocated among the Member States; shares, which subject to Article 5 shall be valid until 31 December 1976, shall be as follows:

Benelux	3,042	metric tons
Denmark	180	metric tons
Germany	9,990	metric tons
France	72	metric tons
Ireland	54	metric tons
Italy	2,034	metric tons
United Kingdom	2,628	metric tons

3. The second tranche, of 2 000 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(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 10% of its initial share.
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, 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 1976.

Article 5

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

Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the product in question imported up to and including 15 September 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 reserve has been used up.

It shall, not later than 5 October 1976, 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 7

1. Every Member State shall take all appropriate measures to ensure that 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 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 share shall be determined on the basis of the importations of the products in question entered with the customs authorities for home use.

Article 8

On request by the Commission, the Member States shall inform it of the importations actually accounted for from 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 1 January 1976.

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

Done at Brussels,

For the Council

The President

Proposal for a  
REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration of a Community tariff quota for ferro-silico-manganese falling within subheading No 73.02D 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 113 thereof;

Having regard to the proposal from the Commission;

Whereas, as regards ferro-silico-manganese falling within subheading No 73.02D, the European Economic Community has undertaken to open an annual nil duty tariff quota of 50 000 metric tons; whereas the tariff quota concerned should therefore be opened on 1 January 1976 and allocated among the Member States; whereas the duties to be applied by the new Member States within the quota must comply with the relevant provisions of the Act of Accession;

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

ANNEX B

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:

	<u>1972</u>	<u>1973</u>	<u>1974</u>
Benelux	10.80	16.63	18.41
Denmark	1.69	0	0
Germany	55.24	62.49	58.88
France	0.43	0.92	0.46
Ireland	0.01	0	0
Italy	15.26	15.94	19.61
United Kingdom	16.57	4.02	2.64

Whereas, in view of these factors and of market forecasts for ferro-silico-manganese for 1976, the percentage shares in the quota volume can be expressed roughly as follows:

Benelux	19.40
Denmark	0.05
Germany	59
France	0.50
Ireland	0.05
Italy	20
United Kingdom	1.- ;

Whereas, to take account of future import trends for the product concerned, the quota should be divided into two tranches, the first tranche being

ANNEX B

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 quota should be fixed at a relatively high level which could be 80% 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 quota has 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 the 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 transaction in respect 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:

ANNEX B

Article 1

1. There shall be opened within the Community for the period 1 January to 31 December 1976, in respect of ferro-silico-manganese falling within subheading No 73.02D of the Common Customs Tariff, a Community tariff quota of 50 000 metric tons.
2. Imports of the products in question shall not be counted under the tariff quota if they are already free of customs duties under other preferential tariff treatment .
3. The Common Customs Tariff duty shall be totally suspended in respect of importations under the above quota.
4. The new Member States shall also exempt from duty up to this quota.

Article 2

1. A first tranche of 40 000 metric tons of this quota shall be allocated among the Member States; shares, which subject to Article 5 shall be valid until 31 December 1976 shall be as follows:

Benelux	7,760	metric tons
Denmark	20	metric tons
Germany	23,600	metric tons
France	200	metric tons
Ireland	20	metric tons
Italy	8,000	metric tons
United Kingdom	400	metric tons

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2. The second tranche, of 10 000 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.
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, 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 1976.

Article 5

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

Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the product in question imported up to and including 15 September 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 reserve has been used up.

It shall, not later than 5 October 1976, 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 7

1. Every Member State shall take all appropriate measures to ensure that 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 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. Every Member State shall charge importations of the product in question against its share 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 share shall be determined on the basis of the importations against that share in accordance with paragraph 3.

Article 8

On request by the Commission, the Member States shall inform it of the importations actually accounted for from 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 1 January 1976.

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

Done at Brussels,

For the Council

The President

Proposal for a

**REGULATION (EEC) OF THE COUNCIL**

on the opening, allocation and administration of a  
Community tariff quota for ferro-chromium containing  
10% by weight or less of carbon and not less than 30%  
and not exceeding 90% inclusive by weight of chromium  
(super-refined ferro-chromium) falling within subheading  
No 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 113 thereof;

Having regard to the proposal from the Commission;

Whereas, as regards ferro-chromium containing by weight 10% or less of  
carbon and not less than 30% but not more than 90% of chromium  
(superrefined ferro-chromium) falling within subheading No 73.02 E I,  
the European Economic Community has undertaken to open an annual nil  
duty tariff quota of 3 000 metric tons; whereas the tariff quota  
concerned should therefore be opened on 1 January 1976 and allocated  
among the Member States; whereas the duties to be applied by the new  
Member States within the quota must comply with the relevant provisions  
of the Act of Accession;

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 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;

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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:

	<u>1972</u>	<u>1973</u>	<u>1974</u>
Benelux	1.55	1.42	6.84
Denmark	1.33	0.08	0.07
Germany	77.62 <sup>1</sup>	80.92 <sup>1</sup>	42.92
France	2.08	1.08	15.55
Ireland	0.01	0	0.06
Italy	9.67	6.75	17.57
United Kingdom	7.74	9.75	17

<sup>1</sup>Based on general imports of ferro-chromium.

Whereas, in view of these factors and of market forecasts for ferro-chromium for 1976, the percentage shares in the quota volume can be expressed roughly as follows:

Benelux:	6.25
Denmark:	0.20
Germany:	24.54
France:	7.95
Ireland:	0.03
Italy:	50.86
United Kingdom:	10.17 ;

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

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tranche of the quota should be fixed at a relatively high level which could be 80% 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; 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 quota has 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 the quota from remaining unused in one Member State while it could be used in others, that such a 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 transaction in respect 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. There shall be opened within the Community for the period 1 January to 31 December 1976, in respect of ferro-chromium

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containing by weight 10% or less of carbon and not less than 30% but not more than 90% of chromium (superrefined ferro-chromium) falling within subheading No 73.02 C of the Common Customs Tariff, a Community tariff quota of 3 000 metric tons.

2. Imports of the product in question shall not be counted under this tariff quota if they are already free of customs duties under other preferential tariff treatment.
3. The Common Customs Tariff duty shall be totally suspended in respect of importations under the above quota.
4. The new Member States shall also exempt from duty up to this quota.

Article 2

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

Benelux:	150	metric tons
Denmark:	5	metric tons
Germany:	589	metric tons
France:	190	metric tons
Ireland:	1	metric ton
Italy:	1,221	metric tons
United Kingdom:	244	metric tons

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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.
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, 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.

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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 October 1976, the unused portion of their initial share which, on 15 September 1976, is in excess of 20 % of the initial amount.

It may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall, not later than 1 October 1976, notify the Commission of the total quantities of the product in question imported up to and including 15 September 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 reserve has been used up.

It shall, not later than 15 October 1976, 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.



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Article 7

1. Every Member State shall take all appropriate measures to ensure that 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 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 share shall be determined on the basis of the importations of the products in question entered with the customs authorities for home use.

Article 8

On request by the Commission, the Member States shall inform it of the importations actually accounted for from 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 1 January 1976.

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

Done at Brussels,

For the Council  
The President

