

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 350 final

Brussels, 07.09.1994

Proposal for a

COUNCIL REGULATION (EC)

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (fourth series 1994), and amending the Council Regulations (EC) Nos. 3466/93 and 3672/93

opening and providing for the administration of Community tariff quotas for certain agricultural, chemical and industrial products

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In response to requests from Member States the Commission, jointly with the appropriate government experts, has been considering the desirability of opening on the one hand two new tariff quotas for agricultural and industrial products for the second six-months of 1994, and on the other hand, of amending Regulations (EC) Nos 3466/93 of 10.12.1993⁽¹⁾ and 3672/93 of 22.12.1993⁽²⁾.

2. With respect to the opening of new quotas, the study of the question at meetings of the Economic Tariff Problems Group, most recently on 10 June 1994, indicated that agreement would be forthcoming from the Member States on tariff quotas for the following products with no resultant disturbance of the markets concerned:

- Tuberos roots 5 000 000 pieces at 0%
- Flat-rolled products 300 T at 0%

3. With respect to the amendment of the above-mentioned regulations, it is recalled that the Council opened various tariff quotas for 1994 by these regulations:

- Ferro-chromium 6% of carbon (order n° 09.2711)
- Ferro-phosphorus (order n° 09.2717)
- Magnesium (order n° 09.2741)
- Mixed isomers (order n° 09.2859)
- Ferro-chromium 4% of carbon (order n° 09.2799)

(1) O.J. No L 317 of 18.12.1993
(2) O.J. No L 338 of 31.12.1993

4. It seems absolutely necessary to increase the volume of these tariff quotas and to extend the scope of the last of these quota (order n° 09.2799) if the needs of Community industries are to be satisfied.

It emerges that

- a) the quantities of the said tariff quotas have to be increased with the following amounts:

- Ferro-chromium 6% of carbon:	+ 30 000 T
- Ferro-phosphores :	+ 15 000 T
- Magnesium:	+ 800 T
- Mixed Isomers:	+ 2 000 T
- Ferro-chromium 4% of carbon:	+ 5 000 T

- b) the definition of the tariff quota for Ferrochromium 4% of carbon must be modified, in order to permit its full utilisation.

Such is the purpose of this proposal.

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (fourth series 1994), and amending the Council Regulations (EC) Nos. 3466/93 and 3672/93
opening and providing for the administration of Community tariff quotas for certain agricultural, chemical 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 meet 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 volumes for a period from 1 July 1994 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 Regulations (EC) No 3466/93⁽¹⁾ and 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), diisopropyl-naphthalene (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 of 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 authorising 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. From 1 July 1994 until 31 December 1994, the duties applicable to imports of the following products shall be suspended at the levels and up to 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	Description of goods	Amount of quota	Quota duty (%)
09.2781	ex7226 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 determined by the Epstein method with a current of 50 cycles and one induction of 0,7 tesla	300 T	0
09.2875	ex0601 10 90	Tuberous roots of the species "Rumohra adiantiformis", dormant, for the manufacture of ornamental plants (a)	5 000 000 pieces	0

(1) See Taric codes in the annex.

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

Order No	CN-code	Description of goods	Amount of quota (T)	Quota duty (%)
09.2711	ex7202 41 91 ex7202 41 99	Ferro-chromium containing by weight more than 6% of carbon	580 000	0
09.2717	ex7202 99 19	Ferro-phosphorus containing by weight 15% or more of phosphorus, intended for the manufacture of refined phosphoric iron or steel (a)	30 000	0
09.2857	ex2902 90 90	diisopropylnaphthalene, mixed isomers	9 000	0
09.2799	ex7202 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

Nevertheless, with respect to the order number 09.2799, the modification of the description shall be affective as of the entering into force of this Regulation.

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

Order No	CN-code	Description of goods	Amount of quota (T)	Quota duty (%)
09.2741	ex8104 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

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 continuous 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 Luxembourg,

For the Council
The President

ANNEX

7

Taric codes

<u>Order No</u>	<u>CN codes</u>	<u>Taric codes</u>
09.2781	ex 7226 10 91	* 20
09.2875	ex 0601 10 90	* 10

FINANCIAL RECORD

8

1. Budget line concerned : Chap. 12 Art. 120
2. Legal basis : Art. 28 of the Treaty
3. Title of the tariff measure concerned : Proposal for a Council Regulation opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (fourth series 1994), and amending the Council Regulations Nos. 3466/93 and 3672/93 opening and providing for the administration of Community tariff quotas for certain agricultural, chemical and industrial products.
4. Objective : To ensure an adequate supply for Community user-industries
5. Method of calculation :

Description of the products	Quantities	Price ECU/unit	Normal rate (%)	Quota duty (%)	Duty-loss (ECU)
Ferro-chromium 6% of carbon	30 000 T	1 408	8	0	3 379 200
Ferro-phosphorus	15 000 T	234	5	0	175 500
Magnesium	800 T	7 182	5,3	0	304 516
Flat-rolled products	300 T	2 250	6	0	40 500
Ferro-chromium 4% of carbon	5 000 T	1 349	8	0	539 600
Mixed isomers	2 000 T	1 050	6,3	0	132 300
Tuberous roots	5 000 000 pieces	0,7	8	0	280 000

Additional duty-loss for 1994 : 4 851 616 ECU.

9
ISSN 0254-1475

COM(94) 350 final

DOCUMENTS

EN

11 03 02

Catalogue number : CB-CO-94-361-EN-C

ISBN 92-77-72057-3

Office for Official Publications of the European Communities
L-2985 Luxembourg