

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 577 final.

Brussels, 6 November 1978

Proposal for a

COUNCIL REGULATION (EEC)

on the opening, allocating and administration of a Community tariff quota for ferro-silicon falling within subheading No 73.02C of the Common Customs Tariff (1979)

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Proposal for a

COUNCIL REGULATION (EEC)

on the opening, allocating and administration of a Community tariff quota for ferro-silicon-manganese falling within subheading No 73.02D of the Common Customs Tariff (1979)

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Proposal for a

COUNCIL REGULATION (EEC)

on the opening, allocating and administration of a Community tariff quota for ferro-chromium containing not more than 0.10% by weight of carbon and more than 30%, but not more than 90%, by weight of chromium (super-refined ferro-chromium) falling within subheading No ex 73.02 E I of the Common Customs Tariff (1979)

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(submitted to the Council by the Commission)

COM(78) 577 final.



EXPLANATORY MEMORANDUM

1. As part of the multinational negotiations within GATT the Community undertook to open the Community duty-free tariff quotas each year for the three following ferro-alloys:

73.02 C	ferro-silicon	20 000 tonnes
73.02 D	ferro-silico-manganese	50 000 tonnes
ex 73.02 E I	overrefined ferro-chromium	3 000 tonnes

However, since 1 July 1977, these ferro-alloys can be imported from Portugal duty free in pursuance of the agreement concluded with this country. The ferro-silicon quota of 20 000 tonnes must therefore be reduced by 4%, this representing the Portuguese share in Community imports. The volume of this quota is thus reduced to 19 200 tonnes for 1979.

2. The Commission's proposals regarding these three ferro-alloys draw extensively upon those put forward for the same products in previous years, in that the allotting of the share continues to be in line with the rules habitually adhered to (calculation based on past figures

and on prospects for 1979). The management conditions proposed differ from those adopted for 1978 as regards the volume assigned to Community reserves, which in this case accounts for 5% of the quota volume for each of the three ferro-alloys.

3. The proposals for regulations annexed hereto therefore relate to the opening, the distribution and type of management of the following

Community tariff quotas for 1979:

	Description of product	Quota volume	Quota duty	Volume of reserve	Volume of initial tranche
Annex A	ferro-silicon	19 200 t	0%	960 t	18 240 t
Annex B	ferro-silico-manganese	50 000 t	0%	2 500 t	47 500 t
Annex C	overrefined ferro-chromium	3 000 t	0%	150 t	2 850 t

Proposal for a  
COUNCIL REGULATION (EEC)

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 (1979)

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 this should however be reduced to 19 200 tonnes to take account of the traditional imports from Portugal which, since 1 July 1977, have been free of customs duty under the Agreement concluded with that country; whereas, the tariff quota concerned should therefore be opened on 1 January 1979 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 year in question;

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

	1975	1976	1977
Benelux	17.47	17.91	16.35
Denmark	0.54	0.60	0.09
Germany	53.03	53.88	58.10
France	1.22	1.58	2.85
Ireland	0.25	0.22	0.08
Italy	13.82	13.83	14.21
United Kingdom	13.67	11.98	8.32

Whereas, in view of these factors and of market forecasts for ferro-silicon for 1979, the initial percentage shares in the quota volume can be expressed roughly as follows:

Benelux	17.22
Denmark	0.38
Germany	55.05
France	1.92
Ireland	0.16
Italy	13.98
United Kingdom	11.29;

Whereas, to take account of future import trends for the product 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 used up 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 in this case could be 95% of the amount of the quota;

Whereas initial shares may be used up 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 used up 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 that that Member State should return a significant proportion thereof to the reserve in order to prevent a part of the Community tariff quota from remaining unused in one Member State when 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 1979, a Community tariff quota of 19 200 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 arrangements.
3. Within this tariff quota, the 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 18 240 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 1 January until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	3 140
Denmark	70
Germany	10 040
France	350
Ireland	30
Italy	2 550
United Kingdom	2 060

3. The second tranche of 960 tonnes shall constitute the reserve.

Article 3

1. If 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. If 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. If 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.

This process shall apply until the reserve is used up.

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 1979.

Article 5

Member States shall, not later than 1 October 1979, return to the reserve the unused portion of their initial share which, on 15 September 1979 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 1979, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1979 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

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 1979, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve 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 imports 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 imports 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 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 1 January 1979.

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

Done at

*For the Council*  
*The President*

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Proposal for a  
COUNCIL REGULATION (EEC)

on the opening, allocation and administration of a Community tariff quota for ferro-silico-manganese falling within subheading 73.02 D of the Common Customs Tariff (1979)

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 73.02 D, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 50 000 tonnes; whereas the tariff quota in question should therefore be opened on 1 January 1979 and allocated among the Member States;

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 until the quota is used up; whereas in the light of the principles outlined above, 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 actual market trends 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 statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota year in question;

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

	1975	1976	1977
Benelux	11.00	15.29	12.67
Denmark	0	0	0
Germany	71.52	66.16	63.40
France	0.58	1.68	1.88
Ireland	0.04	0	0
Italy	14.04	13.92	18.56
United Kingdom	2.82	2.95	3.49

Whereas, in view of these factors and of market forecasts for ferro-silico-manganese for 1979 the initial

percentage shares in the quota volume may be expressed roughly as follows:

Benelux	12.99
Denmark	0.10
Germany	66.91
France	1.39
Ireland	0.10
Italy	15.50
United Kingdom	3.01

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two tranches, the first being allocated and the second forming a reserve intended to cover any subsequent requirements of Member States which have used up their initial share; whereas, in order to ensure a certain degree of security for importers, the first tranche of the Community tariff quota should be set at a high level, which in this case might be 95 % of the volume of the quota;

Whereas Member States may use up their initial shares at different rates; whereas to provide for this eventuality and to avoid disruption of supplies, 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 used up, 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 Member States and the Commission, which latter must, in particular, be able to keep a record 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 that that Member State should return a significant proportion to the reserve so as to avoid a part of the Community tariff quota remaining unused in one Member State when 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. For the period 1 January to 31 December 1979, a Community tariff quota of 50 000 tonnes shall be opened in the Community for ferro-silico-manganese falling within subheading 73.02 D 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 arrangements.
3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.

*Article 2*

1. A first tranche of 47 500 tonnes of this Community tariff quota shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1979, shall be as follows:

	<i>(tonnes)</i>
Benelux	6 170
Denmark	50
Germany	31 780
France	660
Ireland	50
Italy	7 360
United Kingdom	1 430

2. The second tranche of 2 500 tonnes shall constitute the reserve.

*Article 3*

1. If 90 % or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve where Article 5 has been applied, has been used up, that Member State 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. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, 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. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall forthwith,

in accordance with the same conditions, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified therein if there are grounds for believing that those specified may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

*Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1979.

*Article 5*

Member States shall return to the reserve, not later than 1 October 1979, the unused portions of their initial shares which, on 15 September 1979, are in excess of 20 % of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used up.

Member States shall notify the Commission, not later than 1 October 1979, of the total quantities of the product in question imported up to and including 15 September 1979 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

*Article 6*

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

*Article 7*

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

It shall inform the Member States, not later than 5 October 1979, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve 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. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that

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imports may be charged without interruption against their aggregate shares of the Community quota.

2. 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. Member States shall charge imports of the product in question against their 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 share shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 9*

At the Commission's request, 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 1 January 1979.

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

Done at

*For the Council*

*The President*

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Proposal for a  
COUNCIL REGULATION (EEC)

on the opening, allocation and administration of a Community tariff quota for ferro-chromium containing not more than 0.10 % by weight of carbon and more than 30 % but not more than 90%, by weight of chromium (super-refined ferro-chromium) falling within subheading ex 73.02 E I of the Common Customs Tariff (1979)

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 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, the European Economic Community has undertaken to open an annual nil duty tariff quota of 3 000 tonnes; whereas the tariff quota concerned should therefore be opened on 1 January 1979 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 year in question;

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

	1975	1976	1977
Benelux	10.27	9.58	19.37
Denmark	0.15	0.02	0.02
Germany	48.52	32.31	24.93
France	0.30	3.74	8.23
Ireland	0.01	0	0.02
Italy	17.40	31.17	40.75
United Kingdom	23.35	23.18	6.68

Whereas, in view of these factors and of market forecasts for ferro-chromium for 1979 the initial

percentage shares in the quota volume can be expressed roughly as follows:

Benelux	12.86
Denmark	0.07
Germany	34.28
France	4.24
Ireland	0.03
Italy	30.55
United Kingdom	17.97;

Whereas, to take account of future import trends for the product 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 used up 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 in this case could be 95% of the amount of the quota;

Whereas initial shares may be used up 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 used up 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 that that Member State should return a significant proportion thereof to the reserve to prevent a part of the Community tariff quota from remaining unused in one Member State when 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 1979, a Community tariff quota of 3 000 tonnes shall be opened in the Community in respect of 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. 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 arrangements.
3. Within this tariff quota, the Common Customs Tariff duty shall be totally suspended.

#### Article 2

1. A first tranche of 2 850 tonnes of this Community tariff quota shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1979, shall be as follows:

	(tonnes)
Benelux	367
Denmark	2
Germany	977
France	121
Ireland	1
Italy	870
United Kingdom	512

2. The second tranche of 150 tonnes shall constitute the reserve.

#### Article 3

1. If 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 5 % of its initial share rounded up as necessary to the next whole number.
2. If 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 2.5% of its initial share rounded up as necessary to the next whole number.

3. If 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.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 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 1979.

#### Article 5

Member States shall, not later than 1 October 1979, return to the reserve the unused portion of their initial share which, on 15 September 1979, 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 1979, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1979 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

#### Article 6

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

#### 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 1979, inform the Member States of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve 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 imports 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 imports 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 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 1 January 1979.

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

Done at

*For the Council*

*The President*

