

## REGULATION (EEC) No 3587/73 OF THE COUNCIL

of 28 December 1973

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

Having regard to the proposal from the Commission;

Whereas, as regards ferro-silicon falling within tariff subheading No 73.02 C, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 20 000 metric tons;

Whereas, under Article 39 of the Act of Accession the new Member States must on 1 January 1974 make the first move towards alignment of their national tariffs on the Common Customs Tariff as regards the said goods; whereas, therefore, the needs of those Member States for imports from third countries should from that date onwards be covered by the tariff quota in question during the period thereof; whereas the duties to be applied by those Member States under the said tariff quota must be in conformity with the relevant provisions of the Act of Accession;

Whereas a Community tariff arrangement based on an allocation amongst the Member States would seem to preserve the Community nature of the quota; whereas to represent as closely as possible the actual development of the market in the said goods the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and from the economic outlook for the tariff year in question;

Whereas, however, the available statistics of imports from third countries into the new Member States to which no equivalent tariff preferences were applied under any other preferential arrangements only cover the year 1972 and the first few months of 1973; whereas during the year 1972 such imports by each of the Member States represented the following percentages of total Community imports of the said

goods; whereas for the year 1973, on the basis of the most recent forecasts by the Member States, which have been confirmed by the imports statistics for the first few months, these percentages are as follows:

	1972	1973
Benelux	15.69	16.53
Denmark	2.02	1.10
Germany	49.74	47.40
France	0.31	0.35
Ireland	0.65	0.61
Italy	8.81	7.68
United Kingdom	22.78	26.33

whereas, in view of these factors and of market forecasts for ferro-silicon for 1974, the percentage shares in the quota volume can be expressed roughly as follows:

Benelux	64.75
Denmark	0.75
Germany	15.00
France	0.25
Ireland	1.25
Italy	4.25
United Kingdom	13.75

Whereas, since this tariff quota is for a relatively small quantity, it seems possible to provide for a system of use based on only one allocation and at the same time preserve the Community nature of the quota; whereas such an allocation may therefore be based on the percentage figures shown in the table above;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are 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. During the period from 1 January to 31 December 1974 a Community tariff quota of 20 000 metric tons shall be opened in the Community for ferro-silicon falling within subheading No 73.02 C of the Common Customs Tariff.

2. Imports of the said goods may not be counted under this tariff quota if they are already free of customs duties under other preferential tariff treatment applied by certain Member States in particular under free trade agreements.

3. Within this tariff quota the Common Customs Tariff duties shall be totally suspended.

4. Within this tariff quota the new Member States shall apply duties calculated in accordance with the relevant provisions of the Act of Accession.

*Article 2*

The Community tariff quota referred to in Article 1 shall be allocated amongst the Member States as follows:

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

Done at Brussels, 28 December 1973.

Benelux	12 950 metric tons
Denmark	150 metric tons
Germany	3 000 metric tons
France	50 metric tons
Ireland	250 metric tons
Italy	850 metric tons
United Kingdom	2 750 metric tons

*Article 3*

1. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.

2. The extent to which a Member State has used up its share shall be determined on the basis of imports of the said goods entered for home use.

*Article 4*

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

*Article 5*

Member States and the Commission shall cooperate closely to ensure that this Regulation is observed.

*Article 6*

This Regulation shall enter into force on 1 January 1974.

*For the Council*

*The President*

Ove GULDBERG