

REGULATION (EEC) No 3589/73 OF THE COUNCIL

of 28 December 1973

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 % 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 not more than 0.10 % by weight of carbon and not less than 30 % but not more than 90 % by weight of chromium (super-refined ferro-chromium) falling within tariff subheading No ex 73.02 E I, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 3 000 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:

	<u>1972</u>	<u>1973</u>
Benelux	1.36	1.30
Denmark	1.16	0.96
Germany	68.13	69.81
France	6.13	5.23
Ireland	0.01	0.01
Italy	8.49	8.73
United Kingdom	14.72	13.96

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

Benelux	5.66
Denmark	0.34
Germany	6.17
France	0.34
Ireland	0.01
Italy	84.14
United Kingdom	3.34

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 measures concerning the administration of the shares allocated to that economic union may be carried out by one of its members,

Benelux	170 metric tons
Denmark	10 metric tons
Germany	185 metric tons
France	10 metric tons
Ireland	1 metric ton
Italy	2 524 metric tons
United Kingdom	100 metric tons

THE ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 January to 31 December 1974 a Community tariff quota of 3 000 metric tons shall be opened in the Community for ferro-chromium containing not more than 0.10 % by weight of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium) falling within subheading No ex 73.02 E I 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

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

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 the quantities 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 in order to ensure that this Regulation is observed.

Article 6

This Regulation shall enter into force on 1 January 1974.

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

Done at Brussels, 28 December 1973.

For the Council

The President

Ove GULDBERG