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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2916/78

of 12 December 1978

opening, allocating and providing for the 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 duty-free 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 period 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 products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 99% 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 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 that such 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 while 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. From 1 January until 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 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 instalments.
2. A first instalment of 19 056 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	9 600
Denmark	144
Germany	5 712
France	96
Ireland	48
Italy	816
United Kingdom	2 640

3. The second instalment of 144 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 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 importations 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 the 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 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 Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2917/78

of 12 December 1978

opening, allocating and providing for the 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 concerned 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 the 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 period 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	14.47
Denmark	0.62
Germany	76.06
France	0.20
Ireland	1.04
Italy	3.44
United Kingdom	4.17

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 96% 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 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 that such 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 while 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. From 1 January until 31 December 1979, a Community tariff quota of 50 000 tonnes shall be opened within the Community in respect of 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 quota the Common Customs Tariff duty shall be totally suspended.

Article 2

1. A first instalment of 48 000 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	6 950
Denmark	300
Germany	36 500
France	100
Ireland	500
Italy	1 650
United Kingdom	2 000

2. The second instalment of 2 000 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 10% 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 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 importations 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 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 request of the Commission, the Member States shall inform it of 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 Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2918/78

of 12 December 1978

opening, allocating and providing for the 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 73.02 E I, the European Economic Community has undertaken to open an annual duty-free 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 period 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 percentage shares in the quota volume can be expressed roughly as follows:

Benelux	16.21
Denmark	0.35
Germany	47.76
France	0.69
Ireland	0.03
Italy	3.93
United Kingdom	31.03

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 96% 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 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 that such 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 while 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 measures 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. From 1 January until 31 December 1979, a Community tariff quota of 3 000 tonnes shall be opened within 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 instalment of 2 900 tonnes 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	470
Denmark	10
Germany	1 385
France	20
Ireland	1
Italy	114
United Kingdom	900

2. The second instalment of 100 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 10% 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 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 when 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 Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2919/78

of 12 December 1978

opening, allocating and providing for the administration of a Community tariff quota for unwrought magnesium falling within subheading 77.01 A 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, in an exchange of letters dated 30 June 1967, confirmed in an exchange of letters dated 16 April 1973, the European Economic Community has undertaken, as regards unwrought magnesium falling within tariff subheading 77.01 A, to open an annual Community tariff quota for a quantity such that Community requirements for the said goods not covered by Community production may be imported duty free;

Whereas, in order to establish the volume of the Community tariff quota, an assessment must be made of the total consumption by the user industries of the Member States during the quota year and of the Community production level for the same period; whereas even a very rough assessment of total consumption and production for 1979 would be highly unreliable since it is at present impossible to estimate either the volume of unwrought magnesium used in certain Member States in the year under consideration or the likely level of Community output; whereas, in any case, it is unlikely that Community production will fully meet demand in the quota year; whereas the annual quota volume must therefore be fixed at an appropriate level, probably about 5 500 tonnes; whereas this assessment is based on conservative estimates and later adjustments are not excluded; whereas the duties to be applied by the new Member States under the said tariff quota must comply with the relevant provisions of the Act of Accession;

Whereas the markets in magnesium containing 99.95% or more by weight of pure magnesium (hereinafter called 'extra-pure magnesium'), in magnesium containing 99.8% or more but less than 99.95% by weight of pure magnesium (hereinafter called 'unwrought magnesium not in alloy') and in magnesium containing less than 99.8% by weight of pure magnesium (hereinafter called 'unwrought magnesium

in alloy') differ considerably; whereas a distinction should therefore be made between these three qualities and the quota volume under consideration should be divided between them;

Whereas, taking into account an overall, provisional quota volume of 5 500 tonnes, the following quantities may be allocated to each quality of the product in question: 600 tonnes for extra-pure magnesium, 1 325 tonnes for unwrought magnesium not in alloy and 3 575 tonnes for unwrought magnesium in alloy; whereas these figures appear justified both by the former ratios of consumption of these qualities to total consumption of magnesium and by the supply possibilities for these qualities of magnesium within the Community;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of levy 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, a Community tariff arrangement based on an allocation between 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 must 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 quota year in question;

Whereas, however, the available statistics of imports into the Member States from third countries which did not benefit from an equivalent tariff preference under any other preferential arrangements cover only unwrought magnesium in alloy and unwrought magnesium not in alloy; whereas, during the last three years for which statistics are available, such imports represented the following percentages of total imports of the said goods; whereas, from the information at present to hand, it would seem that imports of extra-pure magnesium are effected almost wholly in the United Kingdom:

	1975	1976	1977
— <i>For extra-pure unwrought magnesium not in alloy</i>			
Benelux	10.04	9.86	20.45
Denmark	0	0.06	0.06
Germany	55.00	51.63	41.81
France	18.18	10.90	14.76
Ireland	0	0	0
Italy	7.47	0.53	1.84
United Kingdom	9.31	27.02	21.08
— <i>For unwrought magnesium in alloy</i>			
Benelux	1.88	0.39	0.74
Denmark	0	0.80	1.07
Germany	96.23	90.50	97.21
France	0	0.82	0.50
Ireland	0	0.65	0.30
Italy	1.08	0.13	0.09
United Kingdom	0.81	6.71	0.09

Whereas in view of these factors and of market forecasts for these products in 1979, it is necessary in the case of extra-pure unwrought magnesium to allocate on an experimental basis the quota volume for this quality to the Community reserve and to provide for Member States which have requirements to be met to be able to draw upon this reserve in appropriate quantities; whereas it is necessary to fix for the other qualities of magnesium initial percentage shares at approximately the following levels:

— *for unwrought magnesium not in alloy*

Benelux	16.74
Denmark	0.04
Germany	67.80
France	3.34
Ireland	0.04
Italy	0.33
United Kingdom	11.71

— *for unwrought magnesium in alloy*

Benelux	2.12
Denmark	0.03
Germany	96.50
France	0.03
Ireland	0.02
Italy	0.80
United Kingdom	0.50

Whereas, in order to take more accurate account of future import trends for unwrought magnesium not in alloy and in alloy, the total quota volume for these qualities should be divided into two instalments, the first being allocated among the Member States and the

second held as a reserve to cover at a later date the requirements of Member States who have used up their initial shares; whereas, in order to guarantee importers some degree of security, the first instalments should be fixed at 1 195 tonnes of unwrought magnesium not in alloy and 3 150 tonnes of unwrought magnesium in alloy, the balances being held as the reserves;

Whereas the initial shares may be used up more or less quickly; whereas, therefore, in order to avoid disrupting supplies, any Member State which has almost used up one of its initial shares should draw a supplementary share from the relevant reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, as many times as the reserve allows; whereas the initial and supplementary shares must 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 follow the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a Member State has a considerable quantity of one of its initial shares left over, it is essential that it should return a significant proportion thereof to the relevant reserve, to prevent a part of one or other quota volume from remaining unused in one Member State while 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. From 1 January until 31 December 1979, a Community tariff quota of 5 500 tonnes shall be opened within the Community for unwrought magnesium falling within subheading 77.01 A of the Common Customs Tariff.

2. The volume of the tariff quota shall be divided as follows:

- (a) 600 tonnes for unwrought magnesium containing 99.95% or more by weight of pure magnesium ('extra-pure magnesium'), intended for the nuclear industry. Control of the use for this special purpose shall be effected pursuant to the relevant Community provisions;

(b) 1 325 tonnes for unwrought magnesium containing 99.8% or more, but less than 99.95%, by weight of pure magnesium ('unwrought magnesium not in alloy');

(c) 3 575 tonnes for unwrought magnesium containing less than 99.8% by weight of pure magnesium ('unwrought magnesium in alloy').

3. Imports of the said goods shall not be counted under the tariff quota if they are already free of customs duties under other preferential tariff treatment.

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

Article 2

1. The volume of 600 tonnes, referred to in Article 1 (2) (a), allocated to extra-pure unwrought magnesium intended for the nuclear industry, shall be allotted to the Community reserve.

2. If in a Member State a need is felt for extra-pure unwrought magnesium, that State shall draw, to the extent permitted by the amount of the reserve, a sufficient share of the reserve thus set up.

Article 3

1. A first instalment of each of the volumes provided for in Article 1 (2) (b) and (c), which amounts to 1 195 tonnes for unwrought magnesium not in alloy and 3 150 tonnes for magnesium in alloy, shall be divided among the Member States. The shares, which subject to Article 6 shall be valid until 31 December 1979, amount to the following quantities:

(a) <i>for unwrought magnesium not in alloy</i>	(tonnes)
Benelux	200
Denmark	0.5
Germany	810
France	40
Ireland	0.5
Italy	4
United Kingdom	140
(b) <i>for unwrought magnesium in alloy</i>	(tonnes)
Benelux	67
Denmark	1
Germany	3 040
France	1
Ireland	1
Italy	25
United Kingdom	15

2. The second instalment of 130 and 425 tonnes respectively shall constitute the reserves.

Article 4

1. If a Member State has used 90% or more of one of its initial shares as fixed in Article 3 (1), or of that share minus any portion returned to the relevant reserve pursuant to Article 6, 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 rounded up as necessary to the next whole number.

2. If a Member State, after exhausting one or other of its initial shares, 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, rounded up as necessary to the next whole number.

3. If a Member State, after exhausting one or other of its second shares, 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 reserves are 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 4 shall be valid until 31 December 1979.

Article 6

Member States shall, not later than 1 October 1979, return to the reserve the unused portion of their initial shares 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 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 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 6.

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 4 are opened in such a way that importations 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 the 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 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 Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2920/78
of 12 December 1978

opening, allocating and providing for the administration of a Community tariff quota for
processing work in respect of certain textile products under Community outward processing
arrangements

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 on 1 August 1969 the Community concluded an arrangement with Switzerland on processing traffic in textiles; whereas under that arrangement the Community undertook to open on 1 September of every year an annual duty-free Community tariff quota for processed goods of 1 870 000 units of account of added value, apportioned as follows:

- (a) 1 650 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 143 000 units of account for the twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns, falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 77 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

Whereas, in order that the division of the whole quota into the three categories referred to above shall correspond more exactly with the actual movement of trade during the reference year or during previous quota periods as well as with the foreseeable movement of trade during future quota periods, it has been decided to adjust the said allocation between the three categories by giving them 1 520 000, 123 000 and 227 000 units of account respectively;

Whereas, by Regulation (EEC) No 1926/78 ⁽¹⁾ the Council has already opened the tariff quota concerned

for the period 1 September to 31 December 1978 to cover four-twelfths of the annual amounts; whereas the remainder of the quota in question should therefore be opened for the period 1 January to 31 August 1979, in accordance with the detailed rules laid down in the arrangement referred to above and the amendments thereto, and in accordance with the provisions of Council Regulation (EEC) No 2779/78 of 23 November 1978 on the procedure for applying the European unit of account (EUA) to legal acts adopted in the customs sphere ⁽²⁾, and in particular Article 2 thereof; whereas on this basis the total quota volume and the amounts allocated to each category are 1 246 666, 1 013 333, 82 000 and 151 333 European units of account respectively;

Whereas the Community's commitment is annual while reimports of products after processing are seasonal, and provision should therefore be made for the unused parts of the quota opened for the period 1 September to 31 December 1978 to be carried over with a view to their possible use during the period for which this Regulation is applicable;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned with this quota and consistent application of the rate of duty prescribed for the said quota until the quota is exhausted, to all goods reimported into any of the Member States and which have received one or other of the treatments listed above; whereas in the light of these principles arrangements for the utilization of the quota based on an allocation among the Member States would seem to be consistent with the Community character of the said quota; whereas it therefore seems appropriate to make the allocation on the basis of the amount of the traffic under the previous bilateral agreements, but without precluding participation by Member States not previously involved in such traffic, among which the new Member States are included; whereas, to safeguard the Community character of the quota, provision

⁽¹⁾ OJ No L 225, 16. 8. 1978, p. 11.

⁽²⁾ OJ No L 333, 30. 11. 1978, p. 5.

should be made to meet requirements which may arise in those Member States in the future permitting them to draw adequate amounts from the Community reserve;

Whereas to take account of future trends in the traffic in question in the various Member States, the total quota volume of 1 246 666 European units of account should be divided into two instalments, the first being allocated among certain Member States and the second held as a reserve to cover the subsequent requirements of Member States when one of their initial shares has been exhausted and also requirements which may arise in certain Member States in respect of processing work for which no initial share of the quota was allocated; whereas in order to give the parties concerned in each Member State some degree of certainty it would seem appropriate to fix the first instalment of the Community quota at a relatively high level, namely 1 093 333 European units of account; whereas the total Community reserve of 153 333 European units of account shall consist of amounts drawn from the allocations in respect of each category, that is 106 666, 8 667 and 38 000 European units of account respectively;

Whereas the Member States may exhaust their initial shares 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 one of its initial shares 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 that such 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 while 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. From 1 January until 31 August 1979, a Community tariff quota of 1 246 666 European units of account (EUA) of value added shall be opened in the European Economic Community in respect of goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles. Such quota shall be apportioned as follows:

- (a) 1 013 333 EUA for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 82 000 EUA for twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 151 333 EUA for processing work on articles falling within the following headings of the Common Customs Tariff:
 - 58.04 Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05);
 - 58.05 Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06;
 - 58.07 Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like;
 - 58.08 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain;
 - 58.09 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs;
 - 60.01 Knitted or crocheted fabric, not elastic or rubberized.

2. For the purposes of this Regulation:

- (a) 'processing work' means:
 - for the purposes of paragraph 1 (a) and (c): bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,
 - for the purposes of paragraph 1 (b): twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other

work which changes the appearance, quality or finish of the goods, without however changing their nature;

- (b) 'value added' means the difference between the value for customs purposes as defined in Regulation (EEC) No 803/68 ⁽¹⁾ at the time of reimportation and the value for customs purposes as it would be if the products were reimported in the state in which they were exported.

3. Each portion as laid down in paragraph 1 shall be divided into two instalments, the first being allocated among certain Member States in accordance with Article 2 (1) and the second being used to constitute a reserve which shall be common to the three categories of processing.

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

5. Reimports of products resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

Article 2

1. A first instalment of each portion of the quota as laid down in Article 1 (1) shall be allocated among the Member States listed in the above arrangement; the shares, which subject to Article 6 shall be valid from 1 January until 31 August 1979, shall be as follows:

(a) Germany:

720 000 EUA, apportioned as follows:

- 566 666 EUA for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff,
- 66 667 EUA for twisting or throwing, cabling and texturizing (whether or not combined with other processing work), of yarns falling within Chapters 50 to 57 of the Common Customs Tariff,
- 86 667 EUA for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(b) France:

346 666 EUA, apportioned as follows:

- 333 333 EUA for processing work on fabrics falling within Chapters 50 to 57 of the Common Customs Tariff,
- 13 333 EUA for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(c) Italy:

13 334 EUA, i.e. half for twisting or throwing, cabling and texturizing (whether or not combined with other processing work), of yarns falling within Chapters 50 to 57 of the Common Customs Tariff, and half for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

(d) Benelux:

13 333 EUA for processing work on threads and woven fabrics falling within Chapters 50 to 57 or for products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff.

2. The second instalment of 153 333 EUA shall constitute the Community reserve which may be used for the three categories of processing.

To these amounts shall be added, without prejudice to Article 6, any portions of the shares allocated to Member States or of the reserve set up under Article 2 of Regulation (EEC) No 1926/78 remaining unused on 31 December 1978.

Member States shall notify the Commission, not later than 1 February 1979, of any portions of the shares allocated to them under the above Regulation remaining unused on 31 December 1978.

Article 3

In case of need, either in France in respect of the processing work referred to in Article 1 (1) (b), or in any of the new Member States in respect of any of the categories of processing work, the State concerned shall, to the extent that the reserve so permits, draw from such reserve a sufficient share of the quota.

Article 4

1. If a Member State has used 90% or more of one of its initial shares as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the relevant reserve so permits, equal to 10% 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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 1.

equal to 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 5

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

Article 6

The Member States referred to in Article 2 shall, not later than 1 July 1979, return to the reserve the unused portion of their initial share which, on 15 June 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 July 1979, notify the Commission of the total quantities of the product in question reimported up to and including 15 June 1979 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

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

Done at Luxembourg, 12 December 1978.

It shall, not later than 5 July 1979, inform the Member States of the amounts still in reserve, following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting this 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 8

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that reimportation may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that all persons established in its territory involved in the processing traffic have free access to the shares allocated to it.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the value added, as established when upon reimportation the products concerned are entered with the customs authorities for home use.

Article 9

At the request of the Commission, the Member States shall inform it of reimportations charged against their shares.

Article 10

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.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2921/78

of 12 December 1978

opening, allocating and providing for the administration of a Community tariff quota for raw silk (not thrown) falling within heading No 50.02 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 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas Community production of raw silk (not thrown) falling within heading No 50.02 of the Common Customs Tariff does not cover the needs of the user industries; whereas the supply of the latter therefore depends to a great extent on imports from non-member countries; whereas it is in the interests of the Community to suspend totally the Common Customs Tariff duty on the product in question, within the limits of a Community tariff quota, the volume of which could be set provisionally at 4 200 tonnes for 1979;

Whereas it is desirable at the present time to avoid final measures which could lead to the halting of action taken in the sector over a number of years to increase Community production; whereas, under such conditions, it is advisable to extend the tariff system in force in 1978;

Whereas Community production does not appear to have changed considerably when compared with 1978; whereas, taking account of this production and of the forecasts for 1979, the imports needed to satisfy consumption within the Community can be estimated at 4 200 tonnes; whereas the fixing of the quota amount at this level does not preclude an adjustment within the quota period;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors, the initial percentage shares in the quota volume for 1979 can be expressed approximately as follows:

Benelux	0.15
Denmark	0.15
Germany	5.90
France	29.45
Ireland	0.15
Italy	58.90
United Kingdom	5.30

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at 81% 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 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 that such 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 while 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

From 1 January until 31 December 1979, the autonomous duty of the Common Customs Tariff for raw silk (not thrown) falling within heading No 50.02 shall be totally suspended within a Community tariff quota of 4 200 tonnes.

Article 2

1. A first instalment of 3 395 tonnes of this Community tariff quota shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	5
Denmark	5
Germany	200
France	1 000
Ireland	5
Italy	2 000
United Kingdom	180

2. The second instalment of 805 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 10% 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 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 30% 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

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 7

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 importations 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 Member States shall charge against their shares imports of the product in question 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 8

At the request of the Commission, the Member States shall inform it of imports actually charged against 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 1979.

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

Done at Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2922/78
of 12 December 1978

opening, allocating and providing for the administration of a Community tariff quota for yarn, entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04 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 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas silk yarn is produced in the Community; whereas, although that production could cover all the Community requirements by reason of its overall volume, this does not apply with regard to yarn entirely spun from silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas consequently Community supply for those qualities of yarn depends to a considerable extent on imports; whereas full application of the Common Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the silk yarn in question is 7%; whereas, when fixing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community silk yarn producing industry and, on the other, that of the silk yarn processing industries with regard to their supplies on favourable terms; whereas a quota duty of 2.5% could best meet the abovementioned requirements;

Whereas the trends in imports during recent years suggest that the import requirements for the yarns in question might be in the region of 60 tonnes for 1979; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota; whereas, to represent as closely as possible the actual market trends in the product in question, the allocation should be proportionate to the requirements of the Member States calculated with reference to statistical data on imports during a representative reference period and to the economic prospects for the quota period in question;

Whereas the imports of the products falling within heading No ex 50.04 of each of the Member States concerned during the last three years for which complete statistics are available represent the following percentages of total Community imports of these products:

	1975	1976	1977
Benelux	0	0	0
Denmark	0	0.7	0
Germany	43.15	7.0	91.565
France	25.16	10.4	0
Ireland	0.05	0.4	0.332
Italy	21.58	76.0	1.236
United Kingdom	10.06	5.5	6.867

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	2.5
Denmark	2.5
Germany	25.0
France	30.0
Ireland	2.5
Italy	27.5
United Kingdom	10.0

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 67% 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 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 that such 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 while 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

From 1 January until 31 December 1979, the autonomous duty of the Common Customs Tariff for yarn entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04, shall be suspended at 2.5% within a Community tariff quota of 60 tonnes.

Article 2

1. A first instalment of 40 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	1
Denmark	1
Germany	10
France	12
Ireland	1
Italy	11
United Kingdom	4

2. The second instalment of 20 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 10% 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 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

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 7

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 importations 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 Member States shall charge against their shares imports of the product in question 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 8

At the request of the Commission, the Member States shall inform it of imports actually charged against 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 1979.

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

Done at Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN

COUNCIL REGULATION (EEC) No 2923/78
of 12 December 1978

opening, allocating and providing for the administration of a Community tariff quota for yarn, spun entirely from silk waste other than noil, not put up for retail sale, falling within subheading 50.05 A 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 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas yarn spun from waste silk is produced in the Community; whereas, although that production should cover all the Community requirements by reason of its overall volume, this does not apply with regard to yarn entirely spun from waste silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas consequently Community supplies for those qualities of yarn depend to a considerable extent on imports; whereas full application of the Common Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the yarn spun from waste silk in question is 3.5%; whereas, when fixing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community industry producing yarn spun from waste silk and, on the other, that of the industries processing yarn spun from waste silk with regard to their supplies on favourable terms; whereas a quota duty of 1% could best meet the abovementioned requirements;

Whereas the trends in imports in recent years suggest that Community import requirements for the yarns in question might be in the region of 200 tonnes for 1979; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota, based on an allocation between the Member States concerned, would, in the light of the principles outlined above, appear consistent with the Community nature of the quota; whereas, to represent as closely as possible the actual market trends in the product in question, the allocation should be proportionate to the requirements of the Member States calculated with reference to statistical data on imports during a representative reference period and to the economic prospects for the quota period in question;

Whereas the imports of the products falling within subheading 50.05 A of each of the Member States concerned during the last three years for which complete statistics are available represent the following percentages of total Community imports of these products:

	1975	1976	1977
Benelux	0	0	0
Denmark	0	0	0
Germany	56.6	1.16	52.298
France	18.5	11.54	0
Ireland	0	0	0
Italy	14.9	62.15	0.261
United Kingdom	10	25.15	47.441

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	0.613
Denmark	0.613
Germany	24.540
France	12.271
Ireland	0.613
Italy	30.675
United Kingdom	30.675

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 82% 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 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 that such 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 while 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

From 1 January until 31 December 1979, the autonomous duty of the Common Customs Tariff for yarn, spun entirely from silk waste other than noil, not put up for retail sale, falling within subheading 50.05 A, shall be suspended at 1% within a Community tariff quota of 200 tonnes.

Article 2

1. A first instalment of 163 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1979, shall be as follows:

	(tonnes)
Benelux	1
Denmark	1
Germany	40
France	20
Ireland	1
Italy	50
United Kingdom	50

2. The second instalment of 37 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 10% 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 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

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 7

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 importations 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 Member States shall charge against their shares imports of the product in question 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 8

At the request of the Commission, the Member States shall inform it of imports actually charged against 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 1979.

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

Done at Luxembourg, 12 December 1978.

For the Council

The President

M. LAHNSTEIN
