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COM (76)247

Vol. 1976/0081

Historical Archives of the European Commission

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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 247 final

Brussels, 2 June 1976

Proposal for a
COUNCIL REGULATION (EEC)

increasing the Community tariff quota opened
for 1976 by Regulation (EEC) No 126/76 for
unwrought magnesium falling within subheading
77.01 A of the Common Customs Tariff

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. By Regulation (EEC) No 126/76 of 20 January 1976¹, the Council opened and allocated among the Member States for 1976 a Community tariff quota for unwrought magnesium falling within subheading 77.01 A of the Common Customs Tariff and initially totalling 5 500 metric tons, based on estimates put forward at the end of 1975, which moreover did not preclude adjustments during the quota period.

When this Regulation was adopted by the Council, the Commission was prompted to declare its readiness to further the study of the state of the market in this product and to propose an increase in the quota volume before mid-1976 if it appeared that Community requirements as regards imports from non-member countries would exceed the quota volume under consideration.

Such is the objective of this proposal for a regulation.

2. A review of the state of the market in magnesium and of Community requirements for imports from non-member countries was carried out at the meeting of the Economic Tariff Problems Group, held on 23 March 1976, on the basis of the usual estimates for 1976 provided by the Member States in respect of the three qualities of magnesium used for the initial quota. It emerged from this discussion that :
 - (a) the effect produced by the different resumption of trade in the various sectors of the economy and, in particular, in the aluminium sector may result, fairly shortly, in an increase in the consumption of magnesium, starting from Community imports from non-member countries;
 - (b) by extending the present plants in Italy production there may, during the coming months, reach a level above 15 000 metric tons;
 - (c) the estimates put forward by the Member States set the usual factors for calculating the quota at the following approximate levels :

¹ OJ No L 14 of 23 January 1976, p. 1.

- consumption	57 136 metric tons
- production	24 729 metric tons
- inward processing traffic	3 650 metric tons
- duty-free imports carried out under other preferential tariff treatment (EFTA, associated countries, etc.)	2 032 metric tons
- exports to non-member countries	1 982 metric tons
- unusual stocks existing on 31 December 1975	2 300 metric tons

(d) on this basis and in view of the quota volume of 5 500 metric tons already opened at the beginning of the year, the Community requirements as regards imports from non-member countries until the end of the current year would be set at about 17 000 metric tons.

3. These various factors make it necessary to be more cautious when fixing quota volumes for this product, taking into account the uncertainty as to the level which Community consumption might reach during 1976.

For this reason the Commission considers it necessary, in the expectation of a further review of the situation which might be carried out in September on the basis of more specific estimates, to confine itself again to a provisional increase in the tariff quota of 4 500 metric tons.

4. As regards the splitting up of the 4 500 metric tons under consideration into the three qualities of magnesium, it should be noted that the Community requirements for imports from non-member countries of extra-pure magnesium of the order of 1 750 metric tons could be covered to a large extent by the quota opened at the beginning of the year (600 metric tons) and by Community production of about 700 metric tons. In the expectation of a subsequent review, an immediate increase of 350 metric tons allocated to this quality of magnesium should cover the short-term requirements of the Community industries.

Moreover, it is proposed that the balance, i.e. 4 150 metric tons, be split up among the other two qualities according to the same percentages as those used under the initial regulation and thus to allocate 1 120 metric tons to unwrought magnesium not in alloy and 3 030 metric tons to unwrought magnesium in alloy.

5. The supplementary volumes of 350 and 3 030 metric tons proposed for extra-pure magnesium and magnesium in alloy are allotted to the Community reserves as set up, whereas the supplementary volume allocated to unwrought magnesium not in alloy is, after deduction of the quantity allotted to the Community reserve, divided among the Member States according to the percentages originally used.

Proposal for
COUNCIL REGULATION (EEC)

increasing the Community tariff quota opened for 1976 by Regulation (EEC) No 126/76 for unwrought magnesium falling within subheading 77.01 A 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, for unwrought magnesium falling within subheading 77.01 A of the Common Customs Tariff, a Community tariff quota for 1976 totalling 5 500 metric tons has been opened by the Council and allocated among the Member States by Regulation (EEC) No 126/76⁽¹⁾;

Whereas the economic data at present available with regard to the consumption and production of unwrought magnesium do not yet permit Community requirements for imports from non-member countries to be evaluated with sufficient precision; whereas it appears that certain Member States have considerable magnesium requirements which cannot be met by Community production; whereas the quota concerned should therefore be increased by an appropriate amount, approximately 4 500 metric tons; whereas the fixing at this level of this supplementary quota does not preclude further adjustments during the quota period; whereas, in view, moreover, on the one hand of the present requirements in unwrought magnesium not in alloy with a pure magnesium content of not less than 99.95% and on the other hand of the quantities available in the Community and of the possible increase in production by Community industries based principally on unwrought magnesium not in alloy, and also the possibility of duty-free imports under agreements concluded by the Community with certain non-acceding EFTA countries, it can be estimated that short-term requirements for imports of unwrought magnesium may, within the limit of the proposed increase, reach 350 metric tons of unwrought magnesium containing 99.95% or more by weight of pure magnesium (extra-pure magnesium), 1 120 metric tons of unwrought magnesium containing 99.8% or more by weight and not

(1) OJ No L 14, 23.1.1976, p. 1.

exceeding 99.95% of pure magnesium (unwrought magnesium not in alloy), and 3 030 metric tons of unwrought magnesium containing not more than 99.8% by weight of pure magnesium (unwrought magnesium in alloy);

Whereas as far as the distribution of the above quota volumes between Member States is concerned, it is necessary to allot to the Community reserves all the supplementary volumes allocated to extra-pure magnesium and unwrought magnesium in alloy and also a relatively small part of the supplementary volume allocated to unwrought magnesium not in alloy, the balance of this volume being divided among the Member States in accordance with the percentages originally used,

HAS ADOPTED THIS REGULATION :

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 126/76 for unwrought magnesium falling within subheading 77.01 A of the Common Customs Tariff is hereby increased from 5 500 to 10 000 metric tons.

This increase of 4 500 metric tons shall be allocated as follows :

- (a) 350 metric tons of unwrought magnesium containing 99.95% or more by weight of pure magnesium (extra-pure magnesium), intended for the nuclear industry and under customs supervision or equivalent administrative supervision;
- (b) 1 120 metric tons of unwrought magnesium containing not less than 99.8% but less than 99.95% by weight of pure magnesium (unwrought magnesium not in alloy);
- (c) 3 030 metric tons of unwrought magnesium containing less than 99.8% by weight of pure magnesium (unwrought magnesium in alloy).

Article 2

The volumes of 350 metric tons and 3 030 metric tons referred to in Article 1 (a) and (c) allocated to extra-pure unwrought magnesium intended for the nuclear industry and to unwrought magnesium in alloy shall be allotted to the Community reserves set up under to Articles 2 (1) and 3 (2) of Regulation (EEC) No 126/76, which shall thus be increased from 600 to 950 metric tons and from 425 to 3 455 metre tons respectively.

Article 3

1. A first tranche of the amount referred to in Article 1 (b), of 1 000 metric tons of unwrought magnesium not in alloy, shall be allocated among the Member States as follows :

Benelux	167.4 metric tons
Denmark	0.4 metric tons
Germany	678 metric tons
France	33.4 metric tons
Ireland	0.4 metric tons
Italy	3.3 metric tons
United Kingdom	117.1 metric tons.

2. The second tranche of 120 metric tons, shall constitute the reserve.

The amount of the reserve for this type of unwrought magnesium, provided for in Article 3 (2) of Regulation (EEC) No 126/76, shall be increased from 130 to 250 metric tons.

Article 4

This Regulation shall enter into force on the seventh day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council
The President