

COMMISSION DECISION

of 17 December 1975

derogating from High Authority recommendation 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community**(seventy-third derogation)**

(76/30/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2 to 5, 8, 71 and 74 thereof,

Having regard to High Authority recommendation 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, and in particular Article 3 thereof,

Whereas the European Communities have made an offer within the framework of UNCTAD concerning the granting of tariff preferences for manufactures and semi-manufactures from developing countries; whereas the preferential treatment envisaged by this offer extends in principle to all industrial manufactures and semi-manufactures in Chapters 25 to 99 of the Brussels Nomenclature originating in developing countries; whereas preferential treatment is accorded to imports up to a ceiling calculated in terms of value for each product on a uniform basis for all products; whereas, with a view to limiting the preference given to the more competitive developing countries and reserving a substantial share for the less competitive, preferential imports from any one developing country may not, as a general rule, exceed 50 % of the ceiling fixed for that product;

Whereas, under the terms of the offer in question, annual ceilings are normally calculated on the basis of the value of cif imports in 1971 from countries benefiting from the system, other than those already accorded preferential treatment by the Communities, plus 5 % of the value of cif imports in 1972 from other countries, including those already enjoying such treatment;

Whereas the European Communities have applied these tariff preferences since 1 July 1971;

Whereas they have been applied from 1 July 1971 until 31 December 1975 under the above conditions and it is appropriate to continue to apply them during the year 1976;

Whereas this offer of tariff preferences extends to a number of iron and steel products which are covered by the Treaty establishing the European Coal and Steel Community and were the subject of High Authority recommendation 1/64 of 15 January 1964;

Whereas the commercial policy objectives of this offer justify the authorization of a derogation from the obligations arising under Article 1 of the abovementioned recommendation so as to allow the duty-free importation, within the limits of the quotas and ceilings specified in Article 1 of this Decision, of iron and steel products originating in the third countries concerned;

Whereas to this end the preferential import possibilities offered by the Communities should be allocated among the Member States in such a way as to ensure equal and continuous access for all Community importers and the uninterrupted application of the preferential rates envisaged to all the imports in question in all Member States until such time as those import possibilities have been exhausted;

Whereas the time which would be needed to calculate the allocations plus a reserve cannot be reconciled with the necessary continuity in the application of the tariff preferences in question; whereas under these circumstances recourse must again be had to the standard scale which was used for the purposes of allocation among the Member States in respect of products covered by the Treaty establishing the European Economic Community; whereas for this new period it should once more be possible to make provision for a single allocation of preferential imports among the Member States;

Whereas the Governments of the Member States have been consulted on the derogation provided for by this Decision,

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

HAS ADOPTED THIS DECISION :

15 January 1964, the Member States are hereby authorized to take by agreement the necessary steps to apply in respect of imports of the iron and steel products hereinafter set out originating in the countries and territories set out in the Annex hereto :

Article 1

By way of derogation from the obligations under Article 1 of High Authority recommendation 1/64 of

1. For the following products, tariff quotas with a nil rate of duty :

CCT heading No	Description of goods	Quota attributed to Member States (in u.a.)
73.08	Iron and steel coils for re-rolling	Germany 3 325 245 Benelux 1 269 640 France 2 297 440 Italy 1 813 770 Denmark 604 590 Ireland 120 920 United Kingdom 2 660 195
73.10	Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made) ; hollow mining drill steel : A. Not further worked than hot-rolled or extruded D. Clad or surface-worked (for example, polished, coated) : I. Not further worked than clad : a) Hot-rolled or extruded	Germany 2 060 810 Benelux 786 860 France 1 423 840 Italy 1 124 090 Denmark 374 700 Ireland 74 940 United Kingdom 1 648 660
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled : A. 'Electrical' sheets and plates B. Other sheets and plates : I. Not further worked than hot-rolled II. Not further worked than cold-rolled, of a thickness of : b) More than 1 mm but less than 3 mm c) 1 mm or less III. Not further worked than burnished, polished or glazed IV. Clad, coated or otherwise surface-treated : b) Tinned c) Zinc-coated or lead-coated d) Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed) V. Otherwise shaped or worked : a) Cut into shapes other than rectangular shapes, but not further worked : 2. Other	Germany 6 446 055 Benelux 2 461 220 France 4 453 640 Italy 3 516 030 Denmark 1 172 010 Ireland 234 400 United Kingdom 5 156 845

Imports originating in countries and territories already enjoying various preferential regimes granted by the nine ECSC Member States are not to be charged against the above tariff quotas.

2. For the following products, nil rates of duty :

CCT heading No	Description of goods
73.07	<p>Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel ; pieces roughly shaped by forging, of iron or steel :</p> <p>A. Blooms and billets :</p> <p style="padding-left: 20px;">I. Rolled</p> <p>B. Slabs and sheet bars (including tinplate bars) :</p> <p style="padding-left: 20px;">I. Rolled</p>
73.09	Universal plates of iron or steel
73.11 ⁽¹⁾	<p>Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished ; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements :</p> <p>A. Angles, shapes and sections :</p> <p style="padding-left: 20px;">I. Not further worked than hot-rolled or extruded</p> <p style="padding-left: 20px;">IV. Clad or surface-worked (for example, polished, coated) :</p> <p style="padding-left: 40px;">a) Not further worked than clad :</p> <p style="padding-left: 60px;">1. Hot-rolled or extruded</p> <p>B. Sheet piling</p>
73.12	<p>Hoop and strip, of iron or steel, hot-rolled or cold-rolled :</p> <p>A. Not further worked than hot-rolled</p> <p>B. Not further worked than cold-rolled :</p> <p style="padding-left: 20px;">I. In coils for the manufacture of tinplate</p> <p>C. Clad, coated or otherwise surface-treated :</p> <p style="padding-left: 20px;">III. Tinned :</p> <p style="padding-left: 40px;">a) Tinplate</p> <p style="padding-left: 20px;">V. Other (for example, copper-plated, artificially oxidized), lacquered, nickel-plated, varnished, clad, parkerized, printed):</p> <p style="padding-left: 40px;">a) Not further worked than clad :</p> <p style="padding-left: 60px;">1. Hot-rolled</p>
73.15	<p>Alloy steel and high carbon steel in the forms mentioned in heading Nos 73.06 to 73.14 :</p> <p>A. High carbon steel :</p> <p style="padding-left: 20px;">I. Ingots, blooms, billets, slabs and sheet bars :</p> <p style="padding-left: 40px;">b) Other :</p> <p style="padding-left: 60px;">2. Blooms, billets, slabs and sheet bars</p> <p style="padding-left: 20px;">III. Coils for re-rolling</p> <p style="padding-left: 20px;">IV. Universal plates</p>

CCT heading No	Description of goods
73.15 (cont'd)	<p>A. V. Bars and rods (including wire rod) and hollow mining drill steel ; angles, shapes and sections :</p> <p>b) Not further worked than hot-rolled or extruded</p> <p>d) Clad or surface-worked (for example, polished, coated) :</p> <p>1. Not further worked than clad :</p> <p>aa) Hot-rolled or extruded</p> <p>VI. Hoop and strip :</p> <p>a) Not further worked than hot-rolled</p> <p>c) Clad, coated or otherwise surface-treated :</p> <p>1. Not further worked than clad :</p> <p>aa) Hot-rolled</p> <p>VII. Sheets and plates :</p> <p>a) Not further worked than hot-rolled</p> <p>b) Not further worked than cold-rolled, of a thickness of :</p> <p>2. Less than 3 mm</p> <p>c) Polished, clad, coated or otherwise surface-treated</p> <p>d) Otherwise shaped or worked :</p> <p>1. Cut into shapes other than rectangular shapes, but not further worked</p> <p>B. Alloy steel :</p> <p>I. Ingots, blooms, billets, slabs and sheet bars :</p> <p>b) Other :</p> <p>2. Blooms, billets, slabs and sheet bars</p> <p>III. Coils for re-rolling</p> <p>IV. Universal plates</p> <p>V. Bars and rods (including wire rod) and hollow mining drill steel ; angles, shapes and sections :</p> <p>b) Not further worked than hot-rolled or extruded</p> <p>d) Clad or surface-worked (for example, polished, coated) :</p> <p>1. Not further worked than clad :</p> <p>aa) Hot-rolled or extruded</p> <p>VI. Hoop and strip :</p> <p>a) Not further worked than hot-rolled</p> <p>c) Clad, coated or otherwise surface-treated :</p> <p>1. Not further worked than clad :</p> <p>aa) Hot-rolled</p>

CCT heading No	Description of goods
73.15 (cont'd)	B. VII. Sheets and plates a) 'Electrical' sheets and plates b) Other sheets and plates : 1. Not further worked than hot-rolled 2. Not further worked than cold-rolled, of a thickness of : bb) Less than 3 mm 3. Polished, clad, coated or otherwise surface-treated 4. Otherwise shaped or worked : aa) Cut into shapes other than rectangular shapes, but not further worked
73.16	Railway and tramway construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for joining or fixing rails : A. Rails : II. Other B. Check-rails C. Sleepers D. Fish-plates and sole plates : I. Rolled

(*) For products falling within this tariff heading, the maximum amount pursuant to Article 2 may in the case of Yugoslavia not exceed 529 800 units of account.

Once imports into the Community as a whole of products originating in beneficiary countries and territories have reached the following ceiling, the Member States may agree to restore duties throughout the Community.

The ceiling shall be equal to a figure representing, for each category of product, the value in units of account of cif imports of the products in question into the Community in 1971 from the abovementioned countries and territories, other than those already accorded preferential tariff treatment by the nine Member States of the European Coal and Steel Community, plus 5 % of the value of cif imports in 1972 from other countries and from those already enjoying such preferential treatment, this total to be increased by a flat percentage of 5 %.

Imports already exempt from customs duty under such preferential arrangements shall not be charged against this ceiling.

Article 2

The Member States, acting in liaison with the Commission, shall see to it that imports into the Community under the tariff preferences provided for in Article 1 from any one of the countries and territories concerned do not exceed a specified fraction of the total quantity which may be imported into the Community under those preferences.

This fraction shall be 50 % for all products with the exception of those of heading No 73.08 for which it shall be 40 %, and heading No 73.13, for which it shall be 30 %.

Article 3

The Member States shall notify the Commission at regular intervals of the quantities imported under the tariff quotas and ceilings provided for in Article 1.

Each Member State shall immediately inform the Commission and the other Member States :

- if imports of a product reach the full amount of the quota or ceiling specified in Article 1 in respect of that product,
- if imports of products originating in one of the beneficiary countries or territories reach the percentage as specified in Article 2 of the amount of the quota or ceiling specified in Article 1.

Article 4

This Decision shall remain in force until 31 December 1976.

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1975.

For the Commission

Finn GUNDELACH

Member of the Commission

ANNEX A

List of developing countries and territories enjoying generalized tariff preferences

INDEPENDENT COUNTRIES

Afghanistan	Haiti	Qatar
Algeria	Honduras	Rwanda
Angolia	India	Sao Tomé and Príncipe
Argentina	Indonesia	Saudi Arabia
Bahamas	Iran	Senegal
Bahrain	Iraq	Sierra Leone
Bangladesh	Ivory Coast	Singapore
Barbados	Jamaica	Somalia
Bhutan	Jordan	Sri Lanka
Bolivia	Kenya	Sudan
Botswana	Khmer Republic	Surinam
Brazil	Korea (South)	Swaziland
Burma	Kuwait	Syria
Burundi	Laos	Tanzania
Cameroon	Lebanon	Thailand
Cape Verde Islands	Lesotho	Togo
Central African Republic	Liberia	Tonga
Chad	Libya	Trinidad and Tobago
Chile	Malagasy Republic	Tunisia
Colombia	Malawi	Uganda
Congo, People's Republic of	Malaysia	United Arab Emirates :
Costa Rica	Maldives Islands	Abu Dhabi
Cuba	Mali	Dubai
Cyprus	Mauritania	Ras al Khaimah
Dahomey	Mauritius	Fujairah
Dominican Republic	Mexico	Ajman
Ecuador	Morocco	Sharjah
Egypt, Arab Republic of	Mozambique	Ummal Qaiwain
El Salvador	Nauru	Upper Volta
Equatorial Guinea	Nepal	Uruguay
Ethiopia	Nicaragua	Venezuela
Fiji	Niger	Vietnam, Republic of
Gabon	Nigeria	Western Samoa
Gambia	Oman	Yemen, People's Democratic
Ghana	Pakistan	Republic of
Grenada	Panama	Yemen Arab Republic
Guatemala	Papua New Guinea	Yugoslavia
Guinea	Paraguay	Zaire
Guinea Bissau	Peru	Zambia
Guyana	Philippines	

COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

Afars and Issas (Territory of the)
 Australian Antarctic Territory
 Belize
 Bermuda
 British Antarctic Territory
 British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Des Roches)
 British Pacific Ocean (1)
 Brunei
 Cayman Islands and Dependencies
 Christmas Island
 Cocos (Keeling) Islands
 Comoro Archipelago
 Corn Islands and Swan Islands
 Falkland Islands and Dependencies
 French Polynesia
 French Southern and Antarctic Territories
 Gibraltar
 Heard Island and MacDonald Islands
 Hong Kong
 Leeward Islands (2)
 Macao
 Netherlands Antilles
 New Caledonia and Dependencies
 Norfolk Islands
 Pacific Islands administered by the United States of America or under United States trusteeship (3)
 Portuguese Timor
 St Helena (including Ascension, Gough Island, and Tristan da Cunha)
 Saint Pierre and Miquelon
 Seychelles (including Amirantes)
 Sikkim
 Spanish territories in Africa
 Territories for which New Zealand is responsible (Cook Islands, Niue Island, Tokelau Islands and Ross Dependency)
 Turks and Caicos Islands
 Virgin Islands of the United States (St Croix, St Thomas, St John, etc.)
 Wallis and Futuna Islands
 Windward Islands (4)

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

(1) Gilbert Islands, Tuvalu, British Solomon Islands, New Hebrides Condominium, and Pitcairn Islands.

(2) Antigua, Montserrat, St Kitts-Nevis-Anguilla, British Virgin Islands.

(3) The Pacific Islands administered by the United States of America include: Guam, American Samoa (including Swain's Island), Midway Islands, Johnston and Sand Islands, Wake Island and the Trust Territory of the Pacific Islands (the Caroline, Marianas and Marshall Islands).

(4) Dominica, St Lucia, St Vincent.