

## COMMISSION DECISION

of 28 September 1972

derogating from Recommendation No 1/64 of the High Authority concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(50th derogation)

(72/341/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 Recommendation No 1/64 of the High Authority of 15 January 1964 (*Official Journal of the European Communities* No 8 of 22 January 1964, p. 99/64) 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, and in particular Article 3 thereof;

Whereas an Interim Agreement was signed on 22 July 1972 between the Member States of the European Coal and Steel Community and the Republic of Austria; whereas that Agreement enters into force on 1 October 1972 and will expire on the entry into force of the Agreement between the Member States of the European Coal and Steel Community and the Republic of Austria and not later than 1 July 1974;

Whereas, pursuant to Article 2 of the Interim Agreement, customs duties on imports of all products other than those mentioned below are reduced to 70 per cent of the basic duty, that being the duty actually in force on 1 January 1972; whereas, pursuant to Article 3 (1) and to Protocol No 1, Section A, Article 1, customs duties are reduced to 95 per cent of the basic duties for certain products falling within heading No 73.15;

Whereas the products listed in the Annex to the Interim Agreement and in the Protocol thereto include pig-iron, high carbon ferro-manganese and the iron and steel products of Chapter 73 of the Customs Tariff covered by Recommendation No 1/64 of the High Authority which prohibits Member States from applying, at the external frontiers of the Community, customs duties lower than those fixed by that Re-

commendation or by instruments amending that Recommendation; whereas, however, Article 3 of the Recommendation makes provision for derogation in special cases where commercial policy or customs procedure so requires; whereas the conclusion of the Interim Agreement constitutes a special case of commercial policy; whereas the Commission should, therefore, allow a derogation in favour of Member States so as to enable them to fulfil the obligations arising from that Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The Governments of the Member States are hereby authorized to derogate from the obligations arising from Article 1 of Recommendation No 1-64 of the High Authority of 15 January 1964, in so far as is necessary for applying to imports of products originating in the Republic of Austria the reduced duties provided for by Article 2 of the Interim Agreement between the Member States of the European Coal and Steel Community and the Republic of Austria, signed on 22 July 1972, and by Section A, Article 1 of the Protocol thereto.

*Article 2*

1. This Decision shall be notified to the Governments of the Member States and published in the *Official Journal of the European Communities*. It shall enter into force in respect of each Government by virtue of its notification.

2. This Decision shall be valid for the same period as the Interim Agreement.

Done at Brussels, 28 September 1972.

For the Commission

The President

S. L. MANSHOLT