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COMMISSION DECISION

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

(Fifty-first derogation)

(72/485/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 No 1/64 of 15 January 1964 (*Official Journal of the European Communities* No 8, 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;

Having regard to the agreement reached on 11 December 1972 by representatives of the Member States within the Council on tariff measures to be taken for the first six months of 1973;

Whereas, for years past, representatives of the Member States met within the Council have unanimously agreed on six-monthly derogations from the harmonized Community customs duties for steel; whereas these derogations take the form of either a reduction or temporary suspension of certain customs duties or of the granting of tariff quotas at reduced or suspended rates of duty; whereas the last tariff measures of this kind were taken by the representatives of the Governments of the Member States on 11 December 1972 for the first six months of 1973;

Whereas these measures are justified by the fact that the products in question are not manufactured, or are manufactured in insufficient quantities, in the Community and that their importation on preferential terms is not injurious to iron and steel undertakings in the Community which produce directly competing products;

Whereas these reasons and circumstances, on which the six-monthly tariff measures taken by

the Member States are based, also allow, given present conditions on the common market in steel, of their application within the framework of Recommendation No 1/64 of 15 January 1964; whereas neither this suspension of duties nor these tariff quotas are likely to jeopardize the objectives of Recommendation No 1/64 concerning an increase in the protective duty at the external frontiers of the Community and whereas, furthermore, these tariff measures help to maintain existing trade flows between the Member States and third countries;

Whereas these are special cases in the commercial policy field justifying the authorization of derogations pursuant to Article 3 of Recommendation No 1/64;

Whereas there should be a guarantee that quotas granted will be used solely to supply the needs of industries in the importing countries and that re-exportation to other Member States, in the same state as that in which they were imported, of imported iron and steel products will be prevented;

Whereas the Governments of the Member States have been consulted on the tariff quotas set out below;

HAS ADOPTED THIS DECISION:

Article 1

The Governments of the Member States are hereby authorised to derogate from the obligations arising under Article 1 of High Authority Recommendation No 1/64 of 15 January 1964 to the extent necessary to introduce, in respect of imports from third countries of the iron and steel products set out below, suspension of duties or tariff quotas up to the quantities and at the levels indicated in respect of each of these products:

CCT heading No	Description of goods	Member States	Quota (t)	Customs (%)
ex 73.15 AV (b) 1	Special wire rod for the tyre industry (wire rod of high carbon steel, not further worked than hot-rolled, between 4.5 and 6 mm in diameter and of a carbon content of between 0.62 and 0.74%)	Germany Benelux France Italy	2 000 8 000 4 000 6 700	0 0 0 0
ex 73.15 AV (b) 1	Special wire rod for the tyre industry (wire rod of high carbon steel, not further worked than hot-rolled, between 4.5 and 6 mm in diameter and of a carbon content of between 0.62 and 0.85%)	Benelux	1 200	0
ex 73.15 AV (b) 1	Special wire rod for the manufacture of springs and 'piano wire', with the following characteristics: — of fine carbon steel — not further worked than hot-rolled — between 4.5 and 13 mm in diameter — containing: — 0.60 to 1.05% of carbon — not more than 0.05% of sulphur and phosphorus taken together — 0.10 to 0.25% of silicon — not more than 0.10% of all other elements (with the exception of manganese and chromium) taken together (Germany and Benelux are authorized to import—within their quotas—special wire rod of alloy steels, between 4.5 and 13 mm in diameter, for valve springs, with the following characteristics: (a) Chrome-vanadium products: 0.40–0.65% C; 0.15–0.30% Si; 0.60–0.90% Mn; 0.15–1.10% Cr; 0.15–0.30% Va; not more than 0.30% Mo P and S content of less than 0.035% each; (b) Chrome-silicon products: 0.50–0.60% C; 1.35–1.60% Si; 0.60–0.80% Mn; 0.55–0.80% Cr; P and S content of less than 0.035% each)	Germany Benelux France	8 500 1 350 1 200	0 0 0
ex 73.08 A	Iron or steel coils for re-rolling, clad with an alloy steel (not dominating as regards weight) which contains less than 0.6% carbon and more than 10% chromium by weight, other alloying elements being disregarded (stainless steel), annealed and pickled, of a width of more than 900 mm and not more than 1300 mm and of a thickness of not more than 6 mm	Benelux	600	0
ex 73.16 A II (b)	Used rails for re-rolling	France	44 000	0

Article 2

1. Member States accorded quotas under Article 1 of this Decision shall be required to ensure, in liaison with the Commission, that the quotas are distributed on a non-discriminatory basis among third countries.

2. They shall be required to take all necessary steps to rule out the possibility of iron and steel products imported under the tariff quotas being re-exported to other Member States in the same state as that in which they were imported.

Article 3

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 for each Government by virtue of its notification.

2. It shall be valid until 30 June 1972.

Done at Brussels, 29 December 1972.

For the Commission
The President
S. L. MANSHOLT