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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-second derogation)
(72/486/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;

Whereas the European Communities made an offer within the framework of the UNCTAD concerning the granting of tariff preferences for manufactures and semi-manufactures from developing countries; whereas the preferential treatment envisaged by this offer extends, as a general rule, to all industrial manufactures and semi-manufactures in Chapters 25 to 99 of the Brussels Nomenclature originating in developing countries; whereas the preference takes the form of exemption from customs duties; 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 country or 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 c.i.f. imports in 1968 from countries benefiting from the system, other than those already accorded preferential treatment by the Communities, plus

5% of the value of c.i.f. imports from other countries, including those already enjoying such treatment;

Whereas the European Communities decided to apply these tariff preferences from 1 July 1971;

Whereas they were applied from 1 July 1971 to 31 December 1972 in the manner described above and should continue to be applied during 1973;

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 No 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 to allow duty-free importation of iron and steel products originating in the third countries concerned within the limits of the quotas and ceilings defined in Article 1 of this Decision;

Whereas, to this end, the import opportunities offered by the Communities should be allocated among 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 these import opportunities have been exhausted;

Whereas time would be needed to calculate the allocations plus a reserve; whereas this 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 to allocate import opportunities 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 single allocation of import opportunities among the Member States;

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

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the obligations arising under Article 1 of High Authority Recommendation No 1/64 of 15 January 1964, the Member States are hereby authorized to take, by common agreement the necessary steps to apply to imports of the iron and steel products listed below, originating in the countries and territories set out in Annex A:

1. Tariff quotas with a nil rate of duty for the following products:

CCT heading No	Description of goods	Quota attributed to Member States (in u.a.)	
73.08	Iron or steel coils for re-rolling	Germany	3 349 500
		Benelux	1 348 732
		France	2 420 572
		Italy	1 813 196
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:	Germany	1 639 125
		Benelux	660 021
		France	1 184 541
		Italy	887 313
	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		
73.11	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:	Germany	1 226 250
		Benelux	493 770
		France	886 170
		Italy	663 810
	A. Angles, shapes and sections:		
	I. Not further worked than hot-rolled or extruded		
	IV. Clad or surface-worked (for example polished, coated):		
	(a) Not further worked than clad:		
	1. Hot-rolled or extruded		
	B. Sheet piling		
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled:	Germany	5 470 125
		Benelux	2 202 637
		France	3 953 077
		Italy	2 961 161
	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, copperplated, 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		

2. Nil rates of duty to the following products:

CCT heading No	Description of goods
73.07*	Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel: A. Blooms and billets: I. Rolled B. Slabs and sheet bars (including tinplate bars): I. Rolled
73.09	Universal plates of iron or steel
73.12	Hoop and strip, of iron or steel, hot-rolled or cold-rolled: A. Not further worked than hot-rolled B. Not further worked than cold-rolled I. In coils for the manufacture of tinplate C. Clad, coated or otherwise surface-treated: III. Tinned: (a) Tinplate V. Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed): (a) Not further worked than clad: 1. Hot-rolled
73.15	Alloy steel and high carbon steel in the forms mentioned in headings Nos 73.06 to 73.14: A. High carbon steel: I. Ingots, blooms, billets, slabs and sheet bars: (b) Other 2. Blooms, billets, slabs and sheet bars III. Coils for re-rolling IV. Universal plates V. Bars and rods (including wire rods) and hollow mining drill steel, angles, shapes and sections: (b) Not further worked than hot-rolled or extruded (d) Clad or surface-worked (for example, polished, coated): 1. Not further worked than clad: (aa) Hot-rolled or extruded VI. Hoop and strip: (a) Not further worked than hot-rolled (c) Clad, coated or otherwise surface-treated: 1. Not further worked than clad: (aa) Hot-rolled VII. Sheets and plates: (a) Not further worked than hot-rolled (b) Not further worked than cold-rolled, of a thickness of: 2. Less than 3 mm (c) Polished, clad, coated or otherwise surface-treated (c) Otherwise shaped or worked: 1. Cut into shapes other than rectangular shapes, but not further worked

* By way of derogation from the rule contained in the second paragraph of Article 1, a flat-rate ceiling of 5 000 000 units of account has been fixed for products falling within heading No 73.07.

CCT heading No	Description of goods
73.15 (cont'd)	B. Alloy steel: I. Ingots, blooms, billets, slabs and sheet bars: (b) Other 2. Blooms, billets, slabs and sheet bars III. Coils for re-rolling IV. Universal plates V. Bars and rods (including wire rod) and hollow mining drill steel, angles, shapes and sections: (b) Not further worked than hot-rolled or extruded (d) Clad or surface-worked (for example, polished, coated): 1. Not further worked than clad: (aa) Hot-rolled or extruded VI. Hoop and strip: (a) Not further worked than hot-rolled (c) Clad, coated or otherwise surface-treated: 1. Not further worked than clad: (aa) Hot-rolled 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 track 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

Once imports into the Community as a whole of products originating in beneficiary countries and territories have reached the ceiling defined below, the Member States may, by common agreement, re-introduce the levying of 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 c.i.f. imports of the products in question into the Community in 1968 from the abovementioned countries and territories, other than those already accorded preferential tariff treatment by the Member States of the European

Coal and Steel Community, plus 5% of the value of c.i.f. imports in 1970 from other countries, including those already enjoying such preferential treatment. Imports already exempt from customs duty under such preferential arrangements shall not be set against this ceiling.

Article 2

The Member States shall be required to ensure, in liaison with the Commission, that total imports into the Community under the tariff

preferences provided for in Article 1 are limited for each of these countries and territories to a fraction of the import opportunities offered by the Community as a whole.

This fraction is hereby fixed at 50% for all products with the exception of those of heading No 73.13; for these the fraction is hereby fixed at 30%.

Article 3

The Member States shall notify the Commission at regular intervals of the imports actually set against 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 maximum of one of the quotas or ceilings fixed in Article 1,

- if imports of products originating in one of the beneficiary countries or territories reach the percentage, specified in Article 2, of the maximum of one of the quotas or ceilings referred to in Article 1.

Article 4

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 31 December 1973.

Done at Brussels, 29 December 1973.

For the Commission

The President

S. L. MANSHOLT

ANNEX A

LIST OF DEVELOPING COUNTRIES AND TERRITORIES ENJOYING GENERALISED PREFERENCES

Independent countries

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

COUNTRIES AND TERRITORIES

which are dependencies, under administration or for whose external relations Member States of the Community or third countries are either wholly or partly responsible

Angola (including Cabinda)

Bahamas

Bermuda

British Honduras

British Indian Ocean Territory (Chagos Archipelago, Desroches Islands)

Brunei

Cape Verde Islands

Cayman Islands and dependencies

Comoro Islands

Cook Islands

Falkland Islands and dependencies

French Polynesia

French Southern and Antarctic Territories

Gibraltar

Hong Kong

Macao

Mozambique

Netherlands Antilles

New Caledonia and dependencies

New Zealand dependencies (Niue Island, Tokelau Islands)

Pacific islands administered by the US or under US trusteeship¹

Portuguese Guinea

Portuguese Timor

Saint Helena (including Ascension, Diego Alvarez or Gough Island, Tristan da Cunha)

Saint Pierre and Miquelon

Sao Tomé and Príncipe Islands

Seychelles (including the Amirantes)

Sikkim

Spanish Territories in Africa

Surinam

Territories under the jurisdiction of the (British) High Commissioner for the Western Pacific²

Territory of Papua New Guinea

Territory of the Afars and Issas

Turks and Caicos Islands

Virgin Islands of the United States (St. Croix, St. Thomas, St. John, etc.)

Wallis and Futuna Islands

West Indies³

Note: These lists may be amended at a later stage to take account of changes in the international status of countries or territories.

¹ Pacific islands administered by the US: Guam, American Samoa (including Swains Island), Midway, Johnston and Sand Islands, Wake Island. Islands under US trusteeship: the Caroline, Mariana and Marshall Islands.

² Gilbert and Ellice Islands Colony, the British Solomon Islands Protectorate, the Condominium of the New Hebrides, Canton and Enderbury Islands and Pitcairn Island.

³ Leeward Islands (Antigua, Montserrat, Saint Kitts, Nevis, Anguilla, British Virgin Islands); Windward Islands (Dominica, Grenada, Saint Lucia).