

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 January 1974

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

(fifty-eighth derogation)

(74/535/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 ⁽¹⁾ 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, 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 bases 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 from other countries, including those already enjoying such treatment;

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

Whereas they were applied from 1 July 1971 to 31 December 1973 in the manner described above and should continue to be applied during 1974;

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;

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

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 provi-

sion 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 3 066 250 Benelux 1 170 750 France 2 118 500 Italy 1 672 000 Denmark 557 500 Ireland 111 500 United Kingdom 2 453 000
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 1 809 775 Benelux 691 005 France 1 250 390 Italy 987 150 Denmark 329 050 Ireland 65 810 United Kingdom 1 447 820
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: 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	Germany 899 250 Benelux 343 350 France 621 300 Italy 490 500 Denmark 163 500 Ireland 32 700 United Kingdom 719 400

CCT heading No	Description of goods	Quota attributed to Member States (in u.a.)
73.13	<p>Sheets and plates, of iron or steel, hot-rolled or cold-rolled :</p> <p>A. 'Electrical' sheets and plates</p> <p>B. Other sheets and plates :</p> <p> I. Not further worked than hot-rolled</p> <p> II. Not further worked than cold-rolled, of a thickness of :</p> <p> b) More than 1 mm but less than 3 mm</p> <p> c) 1 mm or less</p> <p> III. Not further worked than burnished, polished or glazed</p> <p> IV. Clad, coated or otherwise surface-treated :</p> <p> b) Tinned</p> <p> c) Zinc-coated or lead-coated</p> <p> d) Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed) :</p> <p> V. Otherwise shaped or worked :</p> <p> a) Cut into shapes other than rectangular shapes, but not further worked</p> <p> 2. Other</p>	<p>Germany 5 215 925</p> <p>Benelux 1 991 535</p> <p>France 3 603 730</p> <p>Italy 2 845 050</p> <p>Denmark 948 350</p> <p>Ireland 189 670</p> <p>United Kingdom 4 172 740</p>

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

2. Nil rates of duty to the following products

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> I. Rolled</p> <p>B. Slabs and sheet bars (including tinplate bars) :</p> <p> I. Rolled</p>
73.09	Universal plates of iron or steel
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> I. In coils for the manufacture of tinplate</p>

CCT heading No	Description of goods
73.12 (Cont'd)	<p>C. Clad, coated or otherwise surface-treated :</p> <p>III. Tinned :</p> <p>a) Tinplate</p> <p>V. Other (for example, copper-plated, artificially oxidized, lacquered, nickel-plated, varnished, clad, parkerized, printed) :</p> <p>a) Not further worked than clad :</p> <p>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>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> <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>

CCT heading No	Description of goods
73.15 (Cont'd)	<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> <p>VII. Sheets and plates :</p> <p>a) 'Electrical' sheets and plates</p> <p>b) Other sheets and plates :</p> <p>1. Not further worked than hot-rolled</p> <p>2. Not further worked than cold-rolled, of a thickness of :</p> <p>bb) Less than 3 mm</p> <p>3. Polished, clad, coated or otherwise surface-treated</p> <p>4. Otherwise shaped or worked :</p> <p>aa) Cut into shapes other than rectangular shapes, but not further worked</p>
73.16	<p>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 :</p> <p>A. Rails</p> <p>II. Other</p> <p>B. Check-rails</p> <p>C. Sleepers</p> <p>D. Fish-plates and sole plates :</p> <p>I. Rolled</p>

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 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 Member States of the European Coal and Steel Community, plus 5 % of the value of cif imports in 1971 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 1974.

Done at Brussels, 18 January 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX A

List of developing countries and territories enjoying generalized tariff preferences

INDEPENDENT COUNTRIES

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

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)
Angola (including Cabinda)
Australian Antarctic Territory
Belize
Bermuda
British Antarctic Territory
British Indian Ocean Territory (Aldabra, Farquhar, Chagos Archipelago, Des Roches)
British Pacific Ocean⁽¹⁾
Brunei
Cape Verde Islands
Cayman Islands and Dependencies
Christmas Island
Cocos (Keeling) Islands
Comoro Archipelago
Cora 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
Mozambique
Netherlands Antilles
New Caledonia and Dependencies
Norfolk Islands
Pacific Islands administered by the United States of America or under United States trusteeship⁽³⁾
Papua-New Guinea
Portuguese Guinea
Portuguese Timor
St Helena (including Ascension, Gough Island, and Tristan da Cunha)
Saint Pierre and Miquelon
Sao Tomé and Príncipe
Seychelles (including Amirantes)
Sikkim
Spanish territories in Africa
Surinam
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 and Ellice Islands, 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, Grenada, St Lucia, St Vincent.