COMMISSION DECISION

of 20 December 1973

derogating from High Authority Recommendation No 1/64 on an increase in the protective duty on iron and steel products at the external frontiers of the Community (fifty-seventh derogation)

(74/41/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 on 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 17 December 1973 by representatives of the Member States within the Council on tariff measures to be taken for the first six months of 1974;

Whereas, for past years, representatives of the Governments of the Member States, meeting 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 17 December 1973 for the first six months of 1974;

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 on 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 authorized 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:

[1] OJ No 8, 22. 1. 1964, p. 99/64.

CCT heading No	Description	Member States	Quota in metric tons	Customs (%)
ex 73.15 A V 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 Ireland	1 900 9 000 4 000 8 000 3 000	0 0 0 0 0
ex 73.15 A V 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	1 800	0
ex 73.15 A V 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 — 0·15 to 0·30 % 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 to 0·65 % C; 0·15 to 0·30 % Si; 0·60 to 0·90 % Mn; 0·15 to 1·10 % Cr; 0·15 to 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 to 0·60 % C; 1·35 to 1·60 % Si; 0·60 to 0·80 % Mn; 0·55 to 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 73.15 B VII a) 1	'Electrical' sheets and plates, grain-oriented, with a watt-loss of 0·34 watt or less per kg, measured at 10 000 gauss, regardless of thickness	Germany	1 100	0
ex 73.15 B VI a) ex 73.15 B VII a) 1	'Electrical' sheets and plates or 'electrical' hoop and strip, grain-oriented, with a watt-loss of 0·34 watt or less per kg, measured at 10 000 gauss, regardless of thickness	Netherland	1 100	0
ex 73.16 A II b)	Used rails for re-rolling	France	36 000	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 is addressed to all Member States.

2. It shall be valid until 30 June 1974.

Done at Brussels, 20 December 1973.

For the Commission
The President
François-Xavier ORTOLI