COMMISSION DECISION

of 4 July 1975

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

(sixty-ninth derogation)

(75/427/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community;

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 by Decision of 24 June 1975 the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council acting in agreement with the Commission decided to suspend autonomously, for a period starting on 1 July 1975 and continuing until 29 February 1976 at the latest, the import duties or the levying thereof on products covered by the Treaty originating in the African, Caribbean and Pacific States or in the overseas countries and territories associated with the Community, respectively designated hereinafter as 'ACP States' and 'OCT';

Whereas the purpose of that Decision was to implement, with effect from the date originally envisaged, the suspension of tariffs pursuant to the Agreement signed on 28 February 1975 between the ACP States of the one part and the Member States of the Community of the other part; whereas notification of completion of the procedures required to bring that Agreement into force has in fact not yet been made;

Whereas it was at the same time necessary to provide for the supervision of duties on imports into the European Coal and Steel Community of ECSC products originating in the OCT, since the interim arrangements between those countries and territories and the Community did not include the products covered by the Treaty;

Whereas the products affected include pig-iron, high carbon ferro-manganese and the iron and steel products falling within Chapter 73 of the Common Customs Tariff, for which minimum duties were established by High Authority recommendation No 1/64 and by the instruments amending it; whereas, however, in respect of special cases, such as where commercial policy or customs procedure so requires, Article 3 of the recommendation makes provision for derogations from the minimum rates, such derogations to be made by Commission Decision; whereas such a special commercial policy situation arises from the conclusion of trade agreements or from the adoption of autonomous decisions implementing on the prescribed date the provisions thereof relating to tariffs,

HAS ADOPTED THIS DECISION:

Article 1

The Member States are authorized to derogate from the obligations arising under High Authority recommendation No 1/64 to the extent necessary for the application of the suspension pursuant to the Decision of 24 June 1975 of the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council, of duties or of the levying thereof, on imported iron and steel products originating in the ACP States or in the OCT.

Article 2

This Decision shall apply until the Agreement comes in force, but in any event not beyond 29 February 1976.

This Decision is addressed to the Member States.

Done at Brussels, 4 July 1975.

For the Commission

The President

François-Xavier ORTOLI

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