II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 April 1976

derogating from High Authority recommendation 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(seventy-seventh derogation)

(Only the German text is authentic)

(76/404/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 1/64 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 (1), and in particular Article 3 thereof,

Having regard to the request made on 17 February 1976 by the Federal Republic of Germany for authorization to receive a quota of 550 metric tons of 'electrical' sheets and plates falling within tariff subheading ex 73.15 B VII a) 1 from third countries in addition to the right to import free of duty 950 metric tons of the same product, granted by the Commission Decision of 5 December 1975,

Having regard to the approval of this request given on 15 March 1976 by the representatives of the Governments of the Member States meeting within the Council,

Whereas the Federal Republic of Germany states that German transformer manufacturers cannot obtain on the Community market the whole tonnage which has been considered necessary since the end of 1975; whereas the original request for 950 metric tons only appeared to be sufficient provided that the Community industry could supply the additional amount required; whereas unforeseen technical difficulties are preventing the expected production of this quantity within the Community, while the original quota of 950 metric tons is practically used up;

Whereas this tariff quota is not likely to jeopardize the objectives of recommendation 1/64 concerning an increase in the protective duty at the external frontiers of the Community; whereas, furthermore, such a tariff measure helps to maintain the existing trade flow between the Member States and third countries;

Whereas these sectors constitute a special case with regard to commercial policy which justifies the granting of derogations under Article 3 of recommendation 1/64;

Whereas provision should be made to ensure that the quota granted will only be used to supply the proper

(1) OJ No 8, 22. 1. 1964, p. 99/64.

needs of German industry and that re-exportation to other Member States in an unaltered state of the imported iron and steel product will be prevented;

Whereas the Federal Republic of Germany should therefore be authorized to open a quota for the tonnage requested for which duties will be suspended;

Whereas the Governments of the Member States have been consulted on the tariff quota specified above,

HAS ADOPTED THIS DECISION:

Article 1

The Goverment of the Federal Republic of Germany is hereby authorized to derogate from the obligations arising under Article 1 of High Authority recommendation 1/64 of 15 January 1964 to the extent necessary to introduce, in respect of imports from third countries of the iron and steel product set out below, a suspension of duties up to the quantity indicated below:

CCT heading No	Description of goods	Quota (metric tons)	Duty (%)
ex 73.15 B VII a) 1	Electrical sheets and plates of allied steel, grain-oriented, highly permeable, with a watt-loss of 1·23 or less per kg for a thickness of 0·30 mm, or of 1·26 watt or less per kg for a thickness of 0·35 mm, measured at 1·7 tesla and 50 Hz	550	0

Article 2

The Federal Republic of Germany shall ensure, in liaison with the Commission, that the tariff quota is distributed on a non-discriminatory basis among third countries.

It is required to take all necessary steps to avoid the possibility of the iron and steel product imported under the tariff quota being re-exported to other Member States in the same state as that in which it was imported.

Article 3

This Decision shall be valid until 30 June 1976.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 5 April 1976.

For the Commission

Christopher SOAMES

Vice-President