II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1977

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

(92nd derogation)

(78/116/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,

Whereas the European Communities have made an offer within the framework of UNCTAD concerning the granting of tariff preferences of manufactures and semi-manufactures from developing countries; whereas the preferential treatment envisaged by this offer extends in principle to all industrial manufactures and semi-manufactures in Chapters 25 to 99 of the Brussels Nomenclature originating in developing countries; 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 countries, 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 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 in 1974 from other countries, including those already enjoying such treatment;

Whereas the European Communities have applied these tariff preferences since 1 July 1971;

Whereas they have been applied from 1 July 1971 until 31 December 1977 under the above conditions and it is appropriate to continue to apply them during the year 1978;

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

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 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 so as to allow the duty-free importation, within the limits of the quotas and ceilings specified in Article 1 of this Decision, of iron and steel products originating in the third countries concerned;

Whereas to this end the preferential import possibilities offered by the Communities should be allocated among the Member States in such a way as to ensure equal and the uninterrupted application of the preferential rates envisaged to all the imports in question in all Member States until such time as those import possibilities have been exhausted;

Whereas the time which would be needed to calculate the allocations plus a reserve 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 for the purposes of allocation 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 a single allocation of preferential imports 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 under Article 1 of High Authority recommendation 1/64 of 15 January 1964, the Member States are hereby authorized to take by agreement the necessary steps to apply in respect of imports of the iron and steel products hereinafter set out originating in the countries and territories set out in Annex A hereto:

1. For the following products, tariff quotas with a nil rate of duty

CCT heading No	Description	Quota attributed to Member States (in u.a.)	
73.08	Iron and steel coils for re-rolling	Germany Benelux France Italy Denmark Ireland United Kingdom	3 325 245 1 269 640 2 297 440 1 813 770 604 590 120 920 2 660 195
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) : 1. Not further worked than clad : a) Hot-rolled or extruded	Germany Benelux France Italy Denmark Ireland United Kingdom	2 060 810 786 860 1 423 840 1 124 090 374 700 74 940 1 648 660
73.13	Sheets and plates, of iron or steel, hot-rolled or cold-rolled : 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, copper-plated, 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	Germany Benelux France Italy Denmark Ireland United Kingdom	6 446 055 2 461 220 4 453 640 3 516 030 1 172 010 234 400 5 156 845

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

2. For the following products, nil rates of duty

CCT heading No	Description
73.07 (1)	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
73.11 (2) (3)	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
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 (4)	Alloy steel and high carbon steel in the forms mentioned in heading 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

CCT heading No	Description
73.15 *(cont'd)*	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) 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
	d) Otherwise shaped or worked :
	1. Cut into shapes other than rectangular shapes, but not further worked
	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

CCT heading No	Description
73.15 *(cont'd)*	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 construction material of iron or steel, the following : rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plate 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

(1) For products falling within this tariff heading, the ceiling pursuant to Article 1 (2) may not exceed 6 899 000 u.a.

(2) For products falling within this tariff heading, the ceiling pursuant to Article 1 (2) may not exceed 3 961 000 u.a.

(3) For products falling within this tariff heading, the maximum amount pursuant to Article 2 may in the case of Yugoslavia not exceed 594 150 u.a.

(4) For products falling within this tariff heading, the ceiling pursuant to Article 1 (2) may not exceed 12 224 000 u.a.

Once imports into the Community as a whole of products originating in beneficiary countries and territories have reached the following ceiling, the Member States may agree to restore 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 nine Member States of the European Coal and Steel Community, plus 5 % of the value of cif imports in 1974 from other countries and from those already enjoying such preferential treatment. For the particular purpose of the abovementioned calculations, the statistics referring to the year 1974, expressed in EUR, are to be considered as being expressed in units of account of the Common Customs Tariff.

Imports already exempted from customs duties under such preferential treatment shall not be counted against the said ceiling.

Article 2

Member States, acting in liaison with the Commission, shall ensure that imports into the Community under the tariff preferences provided for in Article 1 from any one of the countries and territories concerned do not exceed a specified fraction of the total quantity which may be imported into the Community under those preferences.

This fraction shall be 50 % for all products with the exception of those of heading No 73.08 for which it shall be 40 %, and heading No 73.13, for which it shall be 30 %.

Article 3

Member States shall notify the Commission at monthly intervals of the quantities imported under

the tariff quotas, and at regular intervals of the quantities imported under the 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 full amount of the quota or ceiling specified in Article 1 in respect of that product,

— if imports of products originating in one of the beneficiary countries or territories reach the percentage as specified in Article 2 of the amount of the quota or ceiling specified in Article 1.

Article 4

This Decision shall remain in force until 31 December 1978.

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President

ANNEX

List of developing countries and territories enjoying generalized tariff preferences

I. INDEPENDENT COUNTRIES

660 Afghanistan
208 Algeria
330 Angola
528 Argentina
453 Bahamas
640 Bahrain
666 Bangladesh
469 Barbados
284 Benin
675 Bhutan
516 Bolivia
391 Botswana
508 Brazil
676 Burma
328 Burundi
696 Cambodia
302 Cameroon
306 Central African Empire
244 Chad
512 Chile
480 Colombia
375 Comoros
318 Congo
436 Costa Rica
448 Cuba
600 Cyprus
456 Dominican Republic
500 Ecuador
220 Egypt
428 El Salvador
310 Equatorial Guinea
334 Ethiopia
815 Fiji
314 Gabon
252 Gambia
276 Ghana
473 Grenada
416 Guatemala
260 Guinea
257 Guinea Bissau
488 Guyana
452 Haiti
424 Honduras
664 India
700 Indonesia
616 Iran
612 Iraq
272 Ivory Coast
464 Jamaica
338 Jibuti
628 Jordan
346 Kenya
636 Kuwait
684 Laos
604 Lebanon
395 Lesotho
268 Liberia
216 Libya
370 Madagascar
386 Malawi
701 Malaysia
667 Maldives
232 Mali
228 Mauritania
373 Mauritius
412 Mexico
204 Morocco
366 Mozambique
803 Nauru
672 Nepal
432 Nicaragua
240 Niger
288 Nigeria
652 North Yemen
649 Oman
662 Pakistan
440 Panama
801 Papua New Guinea
520 Paraguay
504 Peru
708 Philippines
644 Qatar
247 Republic of Cape Verde
324 Rwanda
311 Sao Tome and Principe
632 Saudi Arabia
248 Senegal
355 Seychelles and dependencies
264 Sierra Leone
706 Singapore
342 Somalia
728 South Korea
656 South Yemen
669 Sri Lanka
224 Sudan
492 Surinam
393 Swaziland
608 Syria
352 Tanzania
680 Thailand
280 Togo
817 Tonga
472 Trinidad and Tobago
212 Tunisia
350 Uganda
647 United Arab Emirates
236 Upper Volta
524 Uruguay
484 Venezuela
690 Vietnam
819 Western Samoa
048 Yugoslavia
322 Zaire
378 Zambia

II. COUNTRIES AND TERRITORIES

dependent or administered, or for whose external relations Member States of the Community or third countries are wholly or partly responsible

808 American Oceania (1)

802 Australian Oceania

421 Belize

413 Bermuda

357 British Indian Ocean Territory

812 British Oceania

703 Brunei

202 Canary Islands

463 Cayman Islands

205 Ceuta and Melilla

529 Falkland Islands and dependencies

822 French Polynesia

044 Gibraltar

740 Hong Kong

743 Macao

377 Mayotte

476 Netherlands Antilles

809 New Caledonia and dependencies

814 New Zealand Oceania

890 Polar regions

329 St Helena and dependencies

454 Turks and Caicos Islands

457 Virgin Islands of the United States

811 Wallis and Futuna Islands

471 West Indies

Note: The above lists may be amended subsequently to take account of changes in the international status of countries or territories.

(1) 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).