

## COMMISSION DECISION

of 23 December 1975

**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-fourth derogation)

(Only the German text is authentic)

(76/69/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<sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to the request made on 27 November 1975 by the Federal Republic of Germany for authorization to receive a quota of 200 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 1 300 metric tons of the same product granted by the Commission Decision of 17 July 1975<sup>(2)</sup>,

Having regard to the approval of this request given on 15 December 1975 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 require increased supplies of the product in question; whereas the quota of 1 300 metric tons already granted by the Commission Decision of 17 July 1975 has now been exhausted; whereas the manufacturers of this product in the Community is still at the experimental stage; whereas the additional supplies can therefore be secured only through imports from third countries;

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 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 1/64;

Whereas provision should be made to ensure that the quota granted will be used solely to supply the needs of industries in the importing country and that re-exportation in the unaltered state to other Member States of imported iron and steel products will be prevented;

Whereas the Federal Republic of Germany should accordingly 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 Government 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 in respect of this product :

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

<sup>(2)</sup> OJ No L 212, 9. 8. 1975, p. 29.

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 watts or less per kg for a thickness of 0.30 mm, or of 1.26 watts or less per kg for a thickness of 0.35 mm, measured at 17 000 gauss and 50 Hz	200	0

*Article 2*

1. The Federal Republic of Germany shall ensure, in liaison with the Commission, that such a tariff quota is apportioned among third countries on a non-discriminatory basis.
2. It shall take all necessary steps to preclude the possibility of iron and steel products imported under said tariff quota being re-exported to other Member States in the same state as that in which they were imported.

*Article 3*

This Decision shall remain in force until 31 December 1975.

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 December 1975.

*For the Commission*

Finn GUNDELACH

*Member of the Commission*