COMMISSION RECOMMENDATION

of 23 December 1974

to the Governments of the Member States on the movement of scrap iron and similar products within the Community

(75/97/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, in particular the second paragraph of Article 73 thereof ;

Having consulted the Council ;

Whereas the exportation to third countries of scrap iron and similar products as listed in the Annex is prohibited or subject to restriction ;

Whereas compliance with such measures implies controls to ensure that only products which have an export licence properly issued by the competent authorities of the exporting Member State are exported to third countries ;

Whereas, however, such controls must accord with the requirements of free circulation of goods within the Community ;

Whereas it is essential that the controls should not be more restrictive than the situation demands ;

Whereas Council Regulation (EEC) No 542/69 [1] of 18 March 1969 introduced a procedure for Community transit ; whereas, based on this Regulation, Commission Regulation (EEC) No 1279/71 [2] of 17 June 1971, as amended by Regulation (EEC) No 2766/71 [3] of 23 December 1971, provided for the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods ;

Whereas the application of the provisions of these Regulations to the intra-Community movement of scrap iron and similar products guarantees compliance with the prohibition of, or restrictions on, the exportation of such products to third countries and at the same time is a considerable simplification of formalities compared with the control of final destination procedure with which the products in question have until now had to comply as a result of the Decision of 19 November 1957 by the representatives of the Governments of the Members States meeting in the Council ; whereas the formalities and procedures laid down by the latter Decision should be replaced by the provisions of Regulation (EEC) No 1279/71, as amended by Regulation (EEC) No 2766/71 ;

Whereas the effectiveness of an export prohibition or restriction to third countries pre-supposes that each Member State, whichever Member State the goods come from, can impose appropriate penalties,

RECOMMENDS :

Article 1

1. Member States shall take appropriate measures, to ensure that the intra-Community movement of scrap iron and similar products as listed in the Annex to this recommendation, which are subject to prohibition or restrictions on exportation to third countries, is governed by the conditions of Commission Regulation (EEC) No 1279/71 of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures to the exportation of certain goods, as amended by Regulation (EEC) No 2766/71 of 23 December 1971.

2. Member States shall revoke the measures taken to implement the earlier Decisions taken by the representatives of the Governments of Member States meeting in the Council relating to formalities and procedures to be followed for the intra-Community of scrap iron and similar products.

Article 2

Member States shall take any general or specific measure necessary to penalize offences against provisions relating to the prohibition of, or restrictions on, the exportation of scrap iron and similar products to third countries from whichever Member State the goods come.

Article 3

Member States shall inform the Commission of any difficulties they may encounter in the implementation of the measures laid down in Articles 1 and 2.

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[1] OJ No L 71, 29. 3. 1969, p. 1.
[2] OJ No L 133, 19. 6. 1971, p. 32.
[3] OJ No L 283, 24. 12. 1971, p. 33.

The Commission shall communicate the information to the other Member States with a view to considering the steps to be taken.

Article 4

Member States, shall, not later than 1 January 1975, adopt the measures laid down in Articles 1 and 2 and inform the Commission thereof without delay.

Article 5

This recommendation is addressed to Member States.

Done at Brussels, 23 December 1974.

For the Commission

F. O. GUNDELACH

Member of the Commission

ANNEX

List of goods referred to in Article 1

1. Waste and scrap metal of iron or steel (ECSC) (including used railway rails less than 1·50 m in length) (CCT heading No 73.03).
2. Used railway rails less than 2·50 m but 1·50 m or more in length (CCT subheading ex 73.16 A II b)).
3. Waste or scrap alloy steel in ingot form (CCT subheading 73.15 B I b) 1 aa)).
4. Products for re-use regarded as scrap by virtue of the Decision of 8 October 1957 by the representatives of the Governments of the Member States meeting in the Council.