



Treaty Series No. 55 (1975)

Agreement

between the Member States of the
European Coal and Steel Community,
and the European Coal and Steel
Community, of the one part, and the
Kingdom of Norway, of the other part
(with Final Act)

Brussels, 14 May 1973

[The Agreement entered into force on 1 January 1975]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1975*

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HER MAJESTY'S STATIONERY OFFICE

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AGREEMENT
BETWEEN THE MEMBER STATES OF THE EUROPEAN COAL
AND STEEL COMMUNITY, AND THE EUROPEAN COAL AND
STEEL COMMUNITY, OF THE ONE PART, AND THE KINGDOM
OF NORWAY, OF THE OTHER PART

The Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, being members of the European Coal and Steel Community, and the European Coal and Steel Community, of the one part, and the Kingdom of Norway, of the other part,

Whereas the European Economic Community and the Kingdom of Norway are concluding an Agreement concerning the sectors covered by that Community,

Pursuing the same objectives and desiring to find like solutions for the sector covered by the European Coal and Steel Community,

Have decided, in pursuit of these objectives and considering that no provision of this Agreement may be interpreted as exempting the Contracting Parties from the obligations which are incumbent upon them under other international agreements, to conclude this Agreement:

ARTICLE 1

This Agreement shall apply to products covered by the European Coal and Steel Community which are specified in the Annex and originate in that Community or the Kingdom of Norway.

ARTICLE 2

1. No new customs duty on imports shall be introduced in trade between the Community and Norway.

2. Customs duties on imports shall be progressively abolished in accordance with the following timetable:

(a) on the date of entry into force of the Agreement each duty shall be reduced to 80% of the basic duty;

(b) four further reductions of 20% each shall be made on:

1 January 1974.

1 January 1975.

1 January 1976.

1 July 1977.

ARTICLE 3

1. The provisions concerning the progressive abolition of customs duties on imports shall also apply to customs duties of a fiscal nature.

The Contracting Parties may replace a customs duty of a fiscal nature or the fiscal element of a customs duty by an internal tax.

2. Denmark, Ireland and the United Kingdom may retain until 1 January 1976 a customs duty of a fiscal nature or the fiscal element of a customs duty in the event of implementation of Article 38 of the "Act concerning the Conditions of Accession and the Adjustments to the Treaties⁽¹⁾".

ARTICLE 4

1. The basic duty to which the successive reductions provided for in Article 2 and the Protocol are to be applied shall, for each product, be the duty actually applied on 1 January 1972.

2. The reduced duties calculated in accordance with Article 2 and the Protocol shall be applied rounded to the first decimal place.

Subject to the application by the Community of Article 39 (5) of the "Act concerning the Conditions of Accession and the Adjustments to the Treaties" as regards the specific duties or the specific part of the mixed duties in the Irish Customs Tariff, Article 2 and the Protocol shall be applied, with rounding to the fourth decimal place.

ARTICLE 5

1. No new charge having an effect equivalent to a customs duty on imports shall be introduced in trade between the Community and Norway.

2. Charges having an effect equivalent to customs duties on imports introduced on or after 1 January 1972 in trade between the Community and Norway shall be abolished upon the entry into force of the Agreement.

Any charge having an effect equivalent to a customs duty on imports, the rate of which on 31 December 1972 is higher than that actually applied on 1 January 1972, shall be reduced to the latter rate upon the entry into force of the Agreement.

3. Charges having an effect equivalent to customs duties on imports shall be progressively abolished in accordance with the following timetable:

(a) by 1 January 1974 at the latest each charge shall be reduced to 60% of the rate applied on 1 January 1972;

(b) three further reductions of 20% each shall be made on:

1 January 1975.

1 January 1976.

1 July 1977.

⁽¹⁾ Treaty Series No. 1 (1973), Cmnd. 5179-I.

ARTICLE 6

No customs duty on exports or charge having equivalent effect shall be introduced in trade between the Community and Norway.

Customs duties on exports and charges having equivalent effect shall be abolished not later than 1 January 1974.

ARTICLE 7

The Protocol lays down the tariff treatment and arrangements applicable to certain products.

ARTICLE 8

The provisions⁽²⁾ determining the rules of origin for the application of the Agreement between the European Economic Community and the Kingdom of Norway signed this same day shall also be applicable to this Agreement.

ARTICLE 9

A Contracting Party which is considering the reduction of the effective level of its duties or charges having equivalent effect applicable to third countries benefiting from most-favoured-nation treatment, or which is considering the suspension of their application, shall, as far as may be practicable, notify the Joint Committee not less than thirty days before such reduction or suspension comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which might result therefrom.

ARTICLE 10

1. No new quantitative restriction on imports or measure having equivalent effect shall be introduced in trade between the Community and Norway.

2. Quantitative restrictions on imports shall be abolished on the date of entry into force of the Agreement and any measures having an effect equivalent to quantitative restrictions on imports shall be abolished not later than 1 January 1975.

ARTICLE 11

From 1 July 1977 products originating in Norway may not enjoy more favourable treatment when imported into the Community than that applied by the Member States of the Community between themselves.

⁽²⁾ Not published as a Command Paper.

ARTICLE 12

The Agreement shall not modify the provisions of the Treaty establishing the European Coal and Steel Community⁽³⁾ or the powers and jurisdiction deriving therefrom.

ARTICLE 13

The Agreement shall not preclude the maintenance or establishment of customs unions, free trade areas or arrangements for frontier trade, except insofar as they alter the trade arrangements provided for in the Agreement, in particular the provisions concerning rules of origin.

ARTICLE 14

The Contracting Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products of one Contracting Party and like products originating in the territory of the other Contracting Party.

Products exported to the territory of one of the Contracting Parties may not benefit from repayment of internal taxation in excess of the amount of direct or indirect taxation imposed on them.

ARTICLE 15

Payments relating to trade in goods and the transfer of such payments to the Member State of the Community in which the creditor is resident or to Norway shall be free from any restrictions.

The Contracting Parties shall refrain from any exchange or administrative restriction on the grant, repayment or acceptance of short and medium-term credits covering commercial transactions in which a resident participates.

ARTICLE 16

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, law and order or public security, the protection of life and health of humans, animals or plants, the protection of national treasures of artistic, historic or archaeological value, or the protection of industrial and commercial property. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

⁽³⁾ Treaty Series No. 2 (1973), Cmnd. 5189.

ARTICLE 17

Nothing in the Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security in time of war or serious international tension.

ARTICLE 18

1. The Contracting Parties shall refrain from any measure likely to jeopardize the fulfilment of the objectives of the Agreement.

2. They shall take any general or specific measures required to fulfil their obligations under the Agreement.

If either Contracting Party considers that the other Contracting Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 19

1. The following are incompatible with the proper functioning of the Agreement in so far as they may affect trade between the Community and Norway:

- (i) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition as regards the production of or trade in goods;
- (ii) abuse by one or more undertakings of a dominant position in the territories of the Contracting Parties as a whole or in a substantial part thereof;
- (iii) any public aid which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods.

2. Should a Contracting Party consider that a given practice is incompatible with this Article, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 20

1. The Community shall extend, for products of Chapter 73 of the Brussels Nomenclature covered by the Agreement, the application of Article 60

of the Treaty establishing the European Coal and Steel Community and of the implementing decisions thereto to sales of undertakings falling within its jurisdiction to the territory of Norway while ensuring to this end adequate transparency of freight rates for deliveries to the territory of Norway.

2. In the matter of prices, Norway shall ensure for deliveries of products of Chapter 73 of the Brussels Nomenclature covered by this Agreement, by undertakings subject to its jurisdiction, both in the territory of Norway and to the Common Market:

- (a) Observance of the prohibition on unfair competition
- (b) Observance of the principle of non-discrimination
- (c) Disclosure of prices ex the chosen basing point and of conditions of sale
- (d) Observance of the rules on alignment,

while ensuring to this end adequate transparency of freight rates.

Norway shall take the measures required continually to achieve the same effects as those produced by the implementing decisions taken by the Community in this matter.

As regards deliveries to the Common Market, Norway shall also ensure observance of decisions by the Community prohibiting alignment on quotations from certain third countries, having regard to the transitional provisions concerning the accession of Denmark to the Community.

As regards deliveries to the Irish market, Norway shall furthermore ensure observance of the transitional provisions applying to the accession of Ireland to the Community and limiting the possibilities of alignment on this market.

The Community has provided Norway with a list of decisions implementing Article 60 and *ad hoc* decisions concerning the prohibition on alignment and with the text of the transitional provisions concerning the Danish and Irish markets. It will also inform Norway immediately if any change in the decisions referred to above is adopted.

3. (a) As regards point (c) in paragraph 2, Norway may, for deliveries made in the territory of Norway, authorize the iron and steel undertakings falling within its jurisdiction to charge delivery prices by destination without reference to the chosen basing point. In this case, Norway shall ensure disclosure by those undertakings of the selling prices by destination and of the conditions of sale.
- (b) In observance of the principle of non-discrimination set out under point (b) of paragraph 2, the delivery prices by destination must be compatible with and consistent with the prices ex the chosen basing point for deliveries to the territory of the European Coal and Steel Community.

4. If the offers made by Norwegian undertakings are detrimental or liable to be so to the proper functioning of the Community market or if the offers made by Community undertakings are detrimental or liable to be so to the proper functioning of the Norwegian market and if any such detriment is attributable to differential application of the rules established

under paragraphs 1, 2 and 3 or to breach of those rules by the undertakings in question, the Contracting Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 21

Where an increase in imports of a given product is or is likely to be seriously detrimental to any production activity carried on in the territory of one of the Contracting Parties and where this increase is due to:

- (i) the partial or total reduction in the importing Contracting Party, as provided for in the Agreement, of customs duties and charges having equivalent effect levied on the product in question; and
- (ii) the fact that the duties or charges having equivalent effect levied by the exporting Contracting Party on imports of raw materials or intermediate products used in the manufacture of the product in question are significantly lower than the corresponding duties or charges levied by the importing Contracting Party;

the Contracting Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 22

If one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the provisions of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 23

If serious disturbances arise in any sector of the economy or if difficulties arise which could bring about serious deterioration in the economic situation of a region, the Contracting Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 24.

ARTICLE 24

1. In the event of a Contracting Party subjecting imports of products liable to give rise to the difficulties referred to in Articles 21 and 23 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 18 to 23, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the

situation with a view to seeking a solution acceptable to the Contracting Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 19, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 19 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practice in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 20, the Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to consider an appropriate sanction for the practice in question.

In the absence of agreement within the Joint Committee or, according to the case, if no satisfactory sanction is imposed on the undertaking at fault, the Contracting Party concerned may take the measures it considers necessary to deal both with the difficulties resulting from differences in application or from infringement and with the risk of distortion of competition. These measures may in particular take the form of withdrawal of tariff concessions and release of the undertakings concerned from the commitment to comply with price rules in their dealings on the other Contracting Party's market.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within that Committee, particularly with a view to their abolition as soon as circumstances permit.

In urgent cases, the Contracting Party concerned may make a direct request to the other Contracting Party:

- (i) to put an immediate stop to the practice objected to,
- (ii) to take steps to impose a sanction on the undertaking at fault.

If the Contracting Party concerned does not consider that the matter has been settled satisfactorily, it may initiate the procedure provided for within the Joint Committee.

- (c) As regards Article 21, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within thirty days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (d) As regards Article 22, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.
- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 21, 22 and 23 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to deal with the situation.

ARTICLE 25

Where one or more Member States of the Community or Norway is in difficulties or is seriously threatened with difficulties as regards its balance of payments, the Contracting Party concerned may take the necessary safeguard measures. It shall inform the other Contracting Party forthwith.

ARTICLE 26

1. A Joint Committee is hereby established, which shall be responsible for the administration of the Agreement and shall ensure its proper implementation. For this purpose, it shall make recommendations and take decisions in the cases provided for in the Agreement. These decisions shall be put into effect by the Contracting Parties in accordance with their own rules.

2. For the purpose of the proper implementation of the Agreement the Contracting Parties shall exchange information and, at the request of either Party, shall hold consultations within the Joint Committee.

3. The Joint Committee shall adopt its own rules of procedure.

ARTICLE 27

1. The Joint Committee shall consist of representatives of the Contracting Parties.
2. The Joint Committee shall act by mutual agreement.

ARTICLE 28

1. Each Contracting Party shall preside in turn over the Joint Committee, in accordance with the arrangements to be laid down in its rules of procedure.

2. The Chairman shall convene meetings of the Joint Committee at least once a year in order to review the general functioning of the Agreement.

The Joint Committee shall, in addition, meet whenever special circumstances so require, at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

ARTICLE 29

1. Where a Contracting Party considers that it would be useful in the common interest of the Contracting Parties to develop the relations established by the Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Contracting Party.

The Contracting Parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations. These recommendations may, where appropriate, aim at the attainment of a concerted harmonization, provided that the autonomy of decision of the Contracting Parties is not impaired.

2. The agreements resulting from the negotiations referred to in paragraph 1 will be subject to ratification or approval by the Contracting Parties in accordance with their own procedures.

ARTICLE 30

The Annex and the Protocol to the Agreement shall form an integral part thereof.

ARTICLE 31

Any Contracting Party may denounce the Agreement by notifying the other Contracting Party. The Agreement shall cease to be in force twelve months after the date of such notification.

ARTICLE 32

The Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Coal and Steel Community applies upon terms laid down in that Treaty and, on the other, to the territory of the Kingdom of Norway.

ARTICLE 33

This Agreement is drawn up in duplicate, in the Danish, Dutch, English, French, German, Italian and Norwegian languages, each of these texts being equally authentic⁽⁴⁾.

This Agreement will be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 July 1973, provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

After that date this Agreement shall enter into force on the first day of the second month following such notification.⁽⁵⁾ The final date for such notification shall be 30 November 1974.

Done at Brussels on this fourteenth day of May in the year one thousand nine hundred and seventy-three.

[For signatures see page 20]

⁽⁴⁾ For texts in Danish, Dutch, French, German and Italian see Official Journal of the European Communities No. L171 of 27 June, 1973, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY—Tel. 01-928 6977, ext. 410.

⁽⁵⁾ The Agreement entered into force on 1 January, 1975.

ANNEX

LIST OF PRODUCTS REFERRED TO IN ARTICLE 1 OF THE AGREEMENT

Brussels Nomenclature Heading No.	Description
26.01	<p>Metallic ores and concentrates and roasted iron pyrites:</p> <p>A. Iron ores and concentrates and roasted iron pyrites: II. other</p> <p>B. Manganese ores and concentrates, including manganiferous iron ores and concentrates with a manganese content of 20% or more by weight</p>
26.02	<p>Slag, dross, scalings and similar waste from the manufacture of iron or steel:</p> <p>A. Blast-furnace dust</p>
27.01	Coal; briquettes, ovoids and similar solid fuels manufactured from coal
27.02	Lignite, whether or not agglomerated
27.04	<p>Coke and semi-coke of coal, of lignite or of peat:</p> <p>A. of coal: II. other</p> <p>B. of lignite</p>
73.01	Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms
73.02	<p>Ferro-alloys:</p> <p>A. Ferro-manganese: I. containing more than 2% by weight of carbon (high carbon-ferromanganese)</p>
73.03	Waste and scrapmetal of iron or steel
73.05	<p>Iron or steel powders; sponge iron or steel:</p> <p>B. Sponge iron or steel</p>
73.06	Puddled bars and pilings; ingots, blocks, lumps and similar forms, of iron or steel
73.07	<p>Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel:</p> <p>A. Blooms and billets: I. rolled</p> <p>B. Slabs and sheet bars (including tinplate bars): I. rolled</p>
73.08	Iron or steel coils for re-rolling
73.09	Universal plates of iron or steel
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:

Brussels Nomenclature Heading No.	Description
73.10 (continued)	A. not further worked than hot-rolled or extruded D. clad or surface-worked (for example, polished, coated): I. not further worked than clad: (a) hot-rolled or extruded
73.11	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 (a) 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
73.13	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: 1. Tinplate 2. other (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
73.15	Alloy steel and high carbon steel in the forms mentioned in headings Nos. 73.06 to 73.14: A. High carbon steel: I. Ingots, blooms, billets, slabs and sheet bars: (b) other

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

Brussels Nomenclature Heading No.	Description
73.15 (continued)	<p>III. Coils for re-rolling</p> <p>IV. Universal plates</p> <p>V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections: <i>(b)</i> not further worked than hot-rolled or extruded <i>(d)</i> clad or surface-worked (for example, polished, coated): 1. not further worked than clad: <i>(aa)</i> hot-rolled or extruded</p> <p>VI. Hoop and strip: <i>(a)</i> not further worked than hot-rolled <i>(c)</i> clad, coated or otherwise surface-treated: 1. not further worked than clad: <i>(aa)</i> hot-rolled</p> <p>VII. Sheets and plates: <i>(a)</i> not further worked than hot-rolled <i>(b)</i> not further worked than cold-rolled, of a thickness of: 2. less than 3 mm. <i>(c)</i> polished, clad, coated or otherwise surface-treated <i>(d)</i> otherwise shaped or worked: 1. cut into shapes other than rectangular shapes, but not further worked</p> <p>B. Alloy steel: I. Ingots, blooms, billets, slabs and sheet bars: <i>(b)</i> other</p> <p>III. Coils for re-rolling</p> <p>IV. Universal plates</p> <p>V. Bars and rods (including wire rod) and hollow mining drill steel; angles, shapes and sections: <i>(b)</i> not further worked than hot-rolled or extruded <i>(d)</i> clad or surface-worked (for example, polished, coated): 1. not further worked than clad: <i>(aa)</i> hot-rolled or extruded</p> <p>VI. Hoop and strip: <i>(a)</i> not further worked than hot-rolled <i>(c)</i> clad, coated or otherwise surface-treated: 1. not further worked than clad: <i>(aa)</i> hot-rolled</p> <p>VII. Sheets and plates: <i>(a)</i> "Electrical" sheets and plates <i>(b)</i> other sheets and plates: 1. not further worked than hot-rolled 2. not further worked than cold-rolled, of a thickness of: <i>(bb)</i> less than 3 mm. 3. polished, clad, coated or otherwise surface-treated 4. otherwise shaped or worked: <i>(aa)</i> cut into shapes other than rectangular shapes, but not further worked</p>
73.16	<p>Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for joining or fixing rails:</p> <p>A. Rails: II. other</p> <p>B. Check-rails</p> <p>C. Sleepers</p> <p>D. Fish-plates and sole plates: I. rolled</p>

**PROTOCOL
CONCERNING THE TREATMENT APPLICABLE
TO CERTAIN PRODUCTS**

ARTICLE 1

Customs duties on imports into the Community as originally constituted and into Ireland of the following product:

Common Customs Tariff Heading No.	Description
73.02	Ferro-alloys: A. Ferro-manganese: I. Containing more than 2% by weight of carbon (high carbon ferromanganese)

shall be progressively reduced to the following levels in accordance with the following timetable:

Timetable	Percentage of basic duties applicable
On the date of entry into force of the Agreement	95
1 January 1974	90
1 January 1975	85
1 January 1976	75
1 January 1977	60
1 January 1978	40
1 January 1979	20
1 January 1980	0

ARTICLE 2

1. For the product mentioned in Article 1 the Community and its Member States reserve the right to introduce an annual indicative ceiling above which the customs duties applicable in respect of third countries may be reintroduced.

2. Should such a ceiling be introduced the following provisions shall apply:

- (a) The level of the ceiling will be equal to the average amount of imports into the Community over the last four years for which statistics are available, increased by 5%; for the following years, the levels of the ceiling shall be raised annually by 5%.
- (b) Should, for two successive years, imports of the product subject to a ceiling be less than 90% of the level fixed, the Community and its Member States shall suspend the application of the ceiling.

- (c) In the event of short-term economic difficulties, the Community and its Member States reserve the right, after consultation within the Joint Committee, to maintain for a year the level fixed for the preceding year.
- (d) On 1 December each year the Community and its Member States shall notify the Joint Committee the level of the ceiling for the following year.
- (e) Notwithstanding Article 2 of the Agreement and Article 1 of this Protocol, when the ceiling fixed for imports of the product covered by this Protocol is reached, Common Customs Tariff duties on imports of the product in question may be reimposed until the end of the calendar year.

In this event, prior to 1 July 1977:

- (i) Denmark and the United Kingdom shall reimpose customs duties as follows:

Years	Percentage of Common Customs Tariff duties applicable
1974	40
1975	60
1976	80

- (ii) Ireland shall reimpose customs duties applicable to third countries.

The customs duties specified in Article 1 of this Protocol shall be reimposed on 1 January of the following year.

- (f) After 1 July 1977 the Contracting Parties shall examine within the Joint Committee the possibility of revising the percentage by which the level of the ceiling is raised, having regard to the trend of consumption and imports in the Community and to experience gained in applying this Article.
- (g) The ceiling shall be abolished at the end of the tariff dismantling periods provided for in Article 1 of this Protocol.

FINAL ACT

The representatives of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, being Member States of the European Coal and Steel Community, of the European Coal and Steel Community and of the Kingdom of Norway, assembled at Brussels on this fourteenth day of May in the year one thousand nine hundred and seventy-three, for the signature of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Kingdom of Norway, of the other part, at the time of signature of this Agreement,

—have adopted the following declaration annexed to this Act:

Interpretative declaration concerning the meaning of the expression “Contracting Parties” appearing in the Agreement,

—and have taken note of the declarations listed below and annexed to this Act:

1. Declaration by the European Coal and Steel Community concerning Article 19 (1) of the Agreement,
2. Declaration by the Government of the Federal Republic of Germany concerning the application of the Agreement to Berlin.

Done at Brussels on this fourteenth day of May in the year one thousand nine hundred and seventy-three.

[For signatures see next page]

DECLARATIONS

INTERPRETATIVE DECLARATION CONCERNING THE MEANING OF THE EXPRESSION “CONTRACTING PARTIES” APPEARING IN THE AGREEMENT

The Contracting Parties agree to interpret the Agreement in the sense that the expression “Contracting Parties” appearing in the said Agreement means, on the one hand, the Community and the Member States, or solely the Member States or the Community and, on the other hand, Norway. The meaning to be given in each case to this expression will be deduced from the provisions in question of the Agreement and from the corresponding provisions of the Treaty establishing the European Coal and Steel Community.

DECLARATION BY THE EUROPEAN COAL AND STEEL COMMUNITY
CONCERNING ARTICLE 19 (1) OF THE AGREEMENT

The European Coal and Steel Community declares that in the context of the autonomous implementation of Article 19 (1) of the Agreement it will assess any practices contrary to this Article on the basis of criteria arising from the application of the rules of Articles 4 (c), 65, and 66 (7) of the Treaty establishing the European Coal and Steel Community.

DECLARATION BY THE GOVERNMENT OF THE FEDERAL REPUBLIC
OF GERMANY CONCERNING THE APPLICATION OF THE
AGREEMENT TO BERLIN

The Agreement is also applicable to Land Berlin, in so far as the Government of the Federal Republic of Germany does not make a declaration to the contrary within three months of the entry into force of the Agreement.

SIGNATURES TO AGREEMENT AND FINAL ACT

Belgium
Denmark
France
Germany, Federal Republic of
Ireland, Republic of
Italy
Luxembourg
Netherlands
United Kingdom
Commission of the European Communities

Norway

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