

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 207 final.

Brussels, 13 May 1976.

Draft

## COMMISSION DECISION ECSC

amending Decision 2/52 of 23 December 1952 determining  
the mode of assessment and collection of the levies provided for  
in Article 49 and 50 of the Treaty

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COM(76) 207 final.

## Explanatory Memorandum

The purpose of the draft decision appended hereto is to empower the Commission, insofar as it exercises the powers conferred on the High Authority by the ECSC Treaty, to adopt figures lower than those actually recorded when it determines the average values on which the calculation of the scale of ECSC levies is based.

This power is conferred on the Commission by Article 3 of Decision N° 2/52, as amended by Decision n° 2691/72/ECSC of 18 December 1972.

The text reads as follows :

" However, the High Authority, in the light of changes in market conditions, can restrict modifications made to the scale in comparison with the previous scale in such a way that they do not exceed 15% of the values previously recorded".

In the price-inflation situation of the past few years, this provision has denied the Commission any possibility of exercising the power of restriction in question. Inflation itself has sometimes led to price increases of the same order as the 15% ceiling.

To enable the Commission to take account of major changes in trends when it determines the average values used to fix the scale, Article 3 of Decision N° 2/52 should be amended and the restrictive ceiling abolished.

This is the purpose of the attached draft decision.

The draft decision is submitted to the Council for consultation under to Article 50 (2) of the Paris Treaty.

Draft

COMMISSION DECISION ECSC

amending Decision 2/52 of 23 December 1952 determining  
the mode of assessment and collection of the levies provided for  
in Articles 49 and 50 of the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Articles 49 and 50 of the Treaty establishing the European  
Coal and Steel Community, and in particular Articles 49 and 50 thereof,

Having consulted the Council,

Whereas, in order to enable the Commission to take into account major changes  
in the average values used to fix the scale, Article 3 of Decision 2/52 should  
be amended,

HAS ADOPTED THIS DECISION :

Article 1

Article 3 of Decision 2/52 determining the mode of assessment and collection  
of the levies provided for in Articles 49 and 50 of the Treaty<sup>(1)</sup>, as last  
amended by Decision 2691/72/ECSC<sup>(2)</sup>, is hereby amended to read as follows :

" Article 3

The High Authority shall fix the scale annually, taking into  
account variations in the average value of the products in com-  
parison with the values previously recorded.

However, the High Authority may restrict an increase in the  
scale for one financial year if current market trends point  
to a sharp fall in average values for the following financial  
year. "

Article 2

This Decision shall apply to the fixing of average values for the purpose  
of calculating the levies to be charged on coal and steel products as from  
1 January 1977.

Done at Brussels,.....

1976

1) OJ No.1, 30.12.1952, p.3.  
2) OJ No. L 286, 23.12.1972, p.3

For the Commission  
The President

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