COMMISSION RECOMMENDATION No 1399/82/ECSC

of 1 June 1982

on Community surveillance in respect of the importation of certain iron and steel products covered by the ECSC Treaty and originating in certain non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas imports of certain ECSC iron and steel products originating in non-member countries are subject to Community surveillance under recommendation No 587/80/ECSC (1), as last amended by recommendation No 1997/81/ECSC (2);

Whereas, bearing in mind recent trends in the conditions under which certain of the products concerned have been imported, it is advisable to amend and supplement the terms of that recommendation and set it out in consolidated form,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The importation into the Community of the iron and steel products covered by the ECSC Treaty, listed in Annex III A or III B and originating in non-member countries shall be subject to the issue of an import licence.

2. The abovementioned products shall be considered as being of first-choice quality until proof to the contrary is supplied by the importer.

3. Such licence shall be issued or endorsed by the Member States, free of charge and for any quantities requested, within not more than five working days from the submission of the completed application and presentation of a photocopy of the relevant purchase contract or contracts, or, where the licence-issuing authority requires, the originals of these documents. If the products in question are declared as being seconds or of substandard quality, the import licence shall state the characteristics put forward in this context by the importer.

4. The application of paragraph 1 shall be without prejudice to the maintenance of existing quantitative restrictions imposed by certain Member States on certain iron and steel products in respect of certain non-member countries.

5. The period of validity of the import licence is hereby fixed at two months, without prejudice to possible changes in the import arrangements in force.

6. Completely used import licences shall be returned immediately to the issuing office. Licences not, or incompletely, utilized two months after their date of issue shall be returned to the issuing office within five working days of their date of expiry.

Article 2

1. The importer's application must state for goods listed in Annex III A or III B of whatever origin:

(a) the country of origin and the country of consignment;

(b) the Common Customs Tariff subheading and the NIMEXE code;

(c) the quantity of the goods in tonnes, including tonnage of individual losses;

(d) the characteristics establishing any claim that the goods are seconds or of substandard quality;

(e) the name, address, telephone number and telex number of the importer;

(f) the name, address, telephone number and telex number of the vendor;

(g) the proposed date and place (customs office) of importation;

(h) the point of delivery;

(i) the date of the contract for the purchase of the goods and the contract number of any other reference given by the vendor by which the delivery in question may be identified;

(j) where applicable, that the goods in question are intended for processing under contract and subsequent re-export outside the Community (country of re-export to be specified).

2. The following additional information shall also be supplied when a licence to import goods listed in Annex III A is applied for:

A. For goods originating in and consigned directly from one of the countries listed in Annex II (direct importation):

(a) a full commercial description of the goods, including exact specifications, sufficient to permit calculation of the delivered price according to the published price lists selected;

(1) OJ No L 65, 11. 3. 1980, p. 5.
(2) OJ No L 194, 17. 7. 1981, p. 20.

(b) the delivered price per tonne, including customs duties, transport costs to point of delivery and all extras, rebates and any other factors relevant to calculation of the delivered price ;

(c) details of :

(i) the Community producer's price lists chosen for calculating the delivered price, stating the date of the chosen lists ; or

(ii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, giving details sufficient to identify the offer, including its date ; or

(iii) where appropriate, other price (to be justified) ;

(d) the date and reference of the bill of lading, if available.

B. — For goods originating in one of the countries listed in Annex II but consigned from a non-member country other than the country of origin (indirect importation),

— for products originating in Brazil, other than pig and cast iron under heading 73.01 of the Common Customs Tariff,

— and for goods originating in a non-member country not listed in Annexes I or II :

(a) a complete description corresponding to that appearing in the list of products subject to basic prices (1) ;

(b) the price free-at-Community-frontier, cif, duty-paid and unloaded, per tonne, in the currency of the contract ;

C. For goods originating in one of the countries listed in Annex I, at the option of the importer :

either :

(a) a full description of the goods corresponding to that appearing in the list of products subject to basic prices (1) ;

(b) the price free-at-Community-frontier, cif, duty-paid and unloaded, per tonne, in the currency of the contract ;

or :

(a) a full commercial description of the goods, including exact specifications, sufficient to permit calculation of the delivered price according to the published price list selected ;

(b) the delivered price per tonne, including customs duties, transport costs to point of delivery and all extras, rebates and any other factors relevant to calculation of the delivered price ;

(c) details of :

(i) the Community producer's price list chosen for calculating the delivered price, stating the date of the chosen lists ; or

(ii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, giving details sufficient to identify the offer, including its date ; or

(iii) any other appropriate price (to be justified) ;

(d) if available, the date of reference of the bill of lading.

3. In addition, the importer shall declare that no rebate will be granted that is not mentioned in the purchase contract or contracts.

4. The importer shall certify that his application for an import document is accurate.

5. The importer shall state whether his application is a repeat of a previous application concerning the same delivery.

Article 3

1. The Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference between the basic price plus any extras, as published in the *Official Journal of the European Communities,* and the price free-at-Community-frontier, cif, duty-paid and unloaded, in European units of account per tonne, for the following goods :

(i) goods originating in one of the countries listed in Annex II, but consigned from a non-member country other than the country of origin ;

(ii) goods originating in non-member countries, other than those listed in Annexes I and II ;

(iii) goods originating in Brazil, other than pig and cast iron falling under heading No 73.01 of the Common Customs Tariff.

2. Within the first 10 days of each month, Member States shall notify the Commission of the tonnage and amounts (calculated on the basis of the basic cif prices) for which import documents were issued during the preceding month.

(1) OJ No L 372, 29. 12. 1981, p. 1.

3. The information supplied by Member States shall include :

(a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code) ;

(b) a breakdown by country of origin ;

(c) within the total of any one product originating in any one country, the quantities not imported directly from that country and, where appropriate, a breakdown by country or countries of consignment ;

(d) the quantities of each product re-exported outside the Community after inward processing.

4. Within the first 10 days of each month, Member States shall communicate to the Commission the tonnage and the amounts (calculated on the basis of cif price) for which import licences have expired during the preceding month without having been used by importers.

Article 4

For the purposes of this recommendation, the country of consignment is deemed to be the last intermediate non-member country in which the product in question was the subject of 'entrepôt' operations or legal transactions not connected with its transportation.

Article 5

Recommendation No 587/80/ECSC is hereby repealed.

Article 6

This recommendation shall enter into force for each Member State on the day of its publication in the *Official Journal of the European Communities.*

It shall apply until 31 December 1982.

Done at Brussels, 1 June 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

Australia	Japan
Brazil (1)	Poland
Bulgaria	Romania
Czechoslovakia	Korea
Hungary	Spain

(1) Only for pig and cast iron falling under heading No 73.01 of the Common Customs Tariff.

ANNEX III A

List of products the importation of which is subject to the issue of an import document (quantity and price surveillance)

CCT heading No	NIMEXE code	Description
73.01 B	73.01-21 ; 23 ; 25 ; 27	Haematite pig iron and cast iron
73.01 C	73.01-31 ; 35	Phosphoric pig iron and cast iron
73.01 D	73.01-41 ; 49	Pig iron and cast iron other than spiegeleisen, haematite and phosphoric pig iron and cast iron
73.02 A I	73.02-01 ; 09	Ferro-manganese containing more than 2 % by weight of carbon (high carbon ferro-manganese)
73.07 A I	73.07-12	Blooms and billets, of iron or steel, rolled (1)
73.07 B I	73.07-21 ; 24	Slabs and sheets bars, of iron or steel, rolled (1)
73.08	73.08-01 ; 03 ; 05 ; 07 ; 21 ; 25 ; 29 ; 41 ; 45 ; 49	Iron or steel coils for re-rolling
73.10 A I	73.10-11	Wire rod of iron or steel
73.10 A II	73.10-73	Concrete reinforcing bars of iron or steel with minor identations, flanges, grooves or other deformations produced during the rolling process, whether or not twisted after rolling
	73.10-16	Concrete reinforcing bars of iron or steel other than those with minor identations, flanges, grooves or other deformations produced during the rolling process
		Bars and rods of iron or steel, not further worked than hot-rolled or extruded other than concrete reinforcing bars
73.11 A I	73.11-11 ; 12 ; 14 ; 16 ; 19	Angles, shapes and sections of iron or steel, not further worked than hot-rolled or extruded
73.12 A II	73.12-19	Hoop and strip of iron or steel, other than electrical, not further worked than hot-rolled
73.13 A II	73.13-16	'Electrical' sheets and plates of iron or steel, other than with a watt-loss, regardless of thickness, of 0·75 watt or less
73.13 B I a)	73.13-17 ; 19 ; 21 ; 23 ; 26	Sheets and plates, other than 'electrical', not further worked than hot-rolled, of a thickness of 2 mm or more
73.13 B II b)	73.13-43 ; 45	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of more than 1 mm but less than 3 mm
73.13 B II c)	73.13-47 ; 49	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 1 mm or less
73.13 B IV c) 1 + 2	73.13-67 ; 68 ; 72	Sheets and plates, other than 'electrical', zinc-coated
73.15 B I b) 2 (aa)	73.71-53	Blooms, billets, slabs, sheet bars, other than forged (1) : — Stainless or heat-resisting steel
73.15 B V b) 1 (aa)	73.73-23	Wire rod : — Stainless or heat-resisting steel
73.15 B V b) 1 (cc)	73.73-25	Wire-rod : — S, Pb and P steels
73.15 B V b) 1 (dd)	73.73-26	Wire rod : — Mangano-silicon
73.15 B V b) 1 (ee)	73.73-29	Wire rod : — Other (excluding high-speed)
73.15 B V b) 2 (aa)	73.73-33	Hot-rolled or extruded bars, rods, angles, shapes and sections : — Stainless or heat-resisting steel
73.15 B V b) 2 (cc)	73.73-35	Hot-rolled or extruded bars, rods, angles, shapes and sections : — S, Pb and P steels
73.15 B V b) 2 (dd)	73.73-36	Hot-rolled or extruded bars, rods, angles, shapes and sections : — Mangano-silicon

(1) Includes products of the same form in continuous casting.

CCT heading No	NIMEXE code	Description
73.15 B V b) 2 (ee)	73.73-39	Hot-rolled or extruded bars, rods, angles, shapes and sections : — Other alloy (excluding high-speed)
73.15 B VII a) 2	73.75-19	Electrical sheet and plate in alloy steel with a watt-loss, regardless of thickness of greater than 0·75 watt
73.15 B VII b) 1 (aa) 11	73.75-23	Hot-rolled sheets and plates of a thickness more than 4·75 mm : — Stainless or heat-resisting
73.15 B VII b) 1 (bb) 11	73.75-33	Hot-rolled sheets and plates of a thickness not less than 3 mm but not more than 4·75 mm : — Stainless or heat-resisting
73.15 B VII b) 1 (cc) 11	73.75-43	Hot-rolled sheets and plates of a thickness less than 3 mm : — Stainless or heat-resisting
73.15 B VII b) 2 (bb) 11	73.75-63	Cold-rolled sheet of a thickness less than 3 mm : — Stainless or heat-resisting

ANNEX III B

List of products for which import is subject to the issue of an import document (quantity monitoring)

CCT heading No	NIMEXE code	Description
73.15 A I b) 2	73.61-50	Blooms, billets, slabs and sheet bars of high carbon steel, other than forged (1) :
73.15 A V b) 1	73.63-21	Wire rod of high carbon steel
73.15 B I b) 2 (bb)	73.71-54	Blooms, billets, slabs and sheet bars : — High-speed steel (1)
73.15 B I b) 2 (cc)	73.71-55	Blooms, billets, slabs and sheet bars : — S, Pb and P steels (1)
73.15 B I b) 2 (dd)	73.71-56	Blooms, billets, slabs and sheet bars : — Mangano-silicon steel (1)
73.15 B I b) 2 (ee)	73.71-59	Blooms, billets, slabs and sheet bars : — Other alloy steel (1)
73.15 B V b) 1 (bb)	73.73-24	Wire rod of high-speed steel
73.15 B V b) 2 (bb)	73.73-34	Hot-rolled or extruded bar, rod, angles, shapes and sections of high-speed steel
73.15 B VII b) 1 (aa) 22	73.75-24	Hot-rolled plate and sheet of a thickness more than 4·75 mm : — High-speed steel
73.15 B VII b) 1 (aa) 33	73.75-29	Hot-rolled plate and sheet of a thickness more than 4·75 mm : — Other alloy (excluding stainless)
73.15 B VII b) 1 (bb) 22	73.75-34	Hot-rolled plate and sheet of a thickness not less than 3 mm but not more than 4·75 mm : — High-speed steel
73.15 B VII b) 1 (bb) 33	73.75-39	Hot-rolled plate and sheet of a thickness not less than 3 mm but not more than 4·75 mm : — Other alloy (excluding stainless)
73.15 B VII b) 1 (cc) 22	73.75-44	Hot-rolled sheet of a thickness less than 3 mm : — High-speed steel
73.15 B VII b) 1 (cc) 33	73.75-49	Hot-rolled sheet of a thickness less than 3 mm : — Other alloy (excluding stainless)
73.15 B VII b) 2 (bb) 22	73.75-64	Cold-rolled sheet of a thickness less than 3 mm : — High-speed steel
73.15 B VII b) 2 (bb) 33	73.75-69	Cold-rolled sheet of a thickness less than 3 mm : — Other alloy (excluding stainless)

(1) Includes products of the same form in continuous casting.