COMMISSION RECOMMENDATION No 256/89/ECSC

of 30 January 1989

on Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty and originating in 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 by Recommendation No 3451/87/ECSC [1], the Commission subjected to a Community monitoring system the imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community;

Whereas the reasons which originally led the Commission to introduce this measure, continue to apply and the said surveillance system should therefore be continued and extended so as to provide more detailed information on foreseeable imports and the terms and conditions of such imports.

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The release for free circulation in the Community of iron and steel products covered by the ECSC Treaty, listed in Annex III and originating in non-member countries, shall be subject to the issue of an import document.

2. The products referred to in paragraph 1 shall be considered as being of first-choice quality until proof to the contrary is supplied by the importer.

3. The import document shall be issued or endorsed by the Member States, free of charge and for any quantities requested, upon receipt of the application and in any case within not more than 10 working days from the submission of the completed application and presentation of two duplicates of the relevant purchase contract(s) and the vendor's order confirmation(s). The originals of these documents as well as the *pro forma* invoice must be produced if required by the licence-issuing authority.

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

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

Article 2

1. The importer's application must state:

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

(b) the description of the goods and the CN code [2];

(c) the country of origin;

(d) the country of consignment;

(e) the net weight, by individual lots;

(f) the currency and value invoiced (cif or daf);

(g) the proposed date and place of customs clearance;

(h) where necessary, the precise characteristics establishing any claim that the goods are seconds or of substandard quality.

2. The following additional information shall also be supplied by the importer:

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

(a) a full commercial description of the goods, including exact specifications and, where appropriate, declaration of the goods as seconds or of their possible use in shipbuilding, details of the exporter and place of delivery;

(b) the delivered price per tonne, exclusive of VAT, including transport costs from the basing point to point of delivery and all extras or rebates;

(c) particulars of:

(i) the price lists of the producer in the non-member country of origin, chosen for calculating the delivered price, including the date of the chosen lists;

or

(ii) the Community producer's price lists chosen calculating the delivered price, including the date of the chosen lists;

or

(iii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, in sufficient detail to identify the offer and including the date.

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

(a) a full commercial description of the products, including exact specifications and, where appropriate, declaration of the goods as seconds or of their possible use in shipbuilding, details of the exporter and place of delivery;

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

[1] OJ No L 328, 19. 11. 1987, p. 23.

[2] OJ No L 256, 7. 9. 1987, p. 1.

(c) particulars of:

(i) the Community producer's price lists chosen for calculating the delivered price, including 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, in sufficient detail to identify the offer and including its date.

(d) for goods corresponding to CN code 7201, the name and address of the final purchaser, where known.

C. For goods originating in one of the countries listed in Annexes I or II but consigned from any non-member country other than the country of origin (indirect importation), 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 the basic prices in force and details of the exporter and the place of delivery;

(b) the cif or daf price at the Community frontier, per tonne, in the currency of the contract, plus costums duties applicable and unloading costs;

(c) for goods corresponding to CN code 7201, the name and address of the final purchaser, where known.

3. The importer shall declare that neither he nor the purchaser will be granted any reduction, rebate or other form of refund not mentioned in the contract for the transaction, either at the time of the transaction or subsequently.

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. When an import document for goods originating in the countries listed in Annexes I or II is granted, the Member States shall notify the Commission of any differences between:

— the delivered price calculated on the basis of the reference price list, and

— the delivered price calculated on the basis of the contract or the *pro forma* invoice.

They shall also furnish all necessary documents, in particular the duplicates of import licence applications, purchase contracts and vendor's order confirmations, whenever the price difference noted is considerable or relates to a large quantity.

2. When an import document is granted for goods:

— originating in non-member countries other than those listed in Annexes I or II,

— originating in a country listed in Annexes I or II, but consigned from a non-member country other than the country of origin (indirect importation),

Member States shall inform the Commission of any difference, in ecus per tonne, between:

— the basic price as published in the *Official Journal of the European Communities* and

— the cif or daf price at the Community frontier, including customs duties applicable and unloading costs.

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

4. The information supplied by Member States shall include:

(a) a breakdown by country of origin;

(b) a breakdown by product (combined nomenclature) for each country of origin;

(c) for each country of origin, the quantities of products declared as being seconds or of substandard quality;

(d) within the total of any one product originating in any one country, the quantities not imported direct from that country and, in such cases, an indication of the country of consignment.

5. Within the first 10 days of each month, Member States shall notify the Commission of:

(a) the tonnage and the values (calculated on the basis of the cif or daf price) for which import documents expired during the preceding month without having been fully or partially used;

(b) the tonnage and the values (calculated on the basis of the cif or daf price) for which previously issued import documents were renewed in whole or in part in the preceding month.

Article 4

This Recommendation shall apply from 1 January 1989 to 31 December 1989.

Done at Brussels, 30 January 1989.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

Brazil
Bulgaria
Czechoslovakia
Hungary
Poland
Romania
South Korea
Venezuela

ANNEX III

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