COMMISSION RECOMMENDATION No 3979/89/ECSC

of 20 December 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 256/89/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 for 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.

[1] OJ No L 30, 1. 2. 1989, p. 49.

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

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;

(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 falling within CN code 7201, the name and address of the final purchaser, where known.

C. For goods originating in one of the countries listed in Annex 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 Annex 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 customs duties applicable and unloading costs.

(c) for goods falling within 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 Annex 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 Annex I or II,

— originating in a country listed in Annex 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, and indication of the country of consignment.

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

(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 to 31 December 1990.

Done at Brussels, 20 December 1989.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

Brazil	Poland
Bulgaria	Romania
Czechoslovakia	Hungary

ANNEX III

7201 10 11	7208 22 99	7209 23 90
7201 10 19	7208 23 10	7209 24 10
7201 10 30	7208 23 91	7209 24 91
7201 10 90	7208 23 99	7209 24 99
7201 20 00	7208 24 10	7209 31 00
7201 30 10	7208 24 90	7209 32 10
7201 30 90	7208 31 00	7209 32 90
7201 40 00	7208 32 10	7209 33 10
	7208 32 30	7209 33 90
7202 11 10	7208 32 51	7209 34 10
7202 11 90	7208 32 59	7209 34 90
7202 99 11	7208 32 91	7209 41 00
	7208 32 99	7209 42 10
7203 90 00	7208 33 10	7209 42 90
	7208 33 91	7209 43 10
7204 50 10	7208 33 99	7209 43 90
7204 50 90	7208 34 10	7209 44 10
	7208 34 90	7209 44 90
7206 10 00	7208 35 10	7209 90 10
7206 90 00	7208 35 91	
	7208 35 93	7210 11 10
7207 11 11	7208 35 99	7210 12 11
7207 11 19	7208 41 00	7210 12 19
7207 12 11	7208 42 10	7210 20 10
7207 12 19	7208 42 30	7210 31 10
7207 19 11	7208 42 51	7210 39 10
7207 19 15	7208 42 59	7210 41 10
7207 19 31	7208 42 91	7210 49 10
7207 20 11	7208 42 99	7210 50 10
7207 20 15	7208 43 10	7210 60 11
7207 20 17	7208 43 91	7210 60 19
7207 20 31	7208 43 99	7210 70 11
7207 20 33	7208 44 10	7210 70 19
7207 20 51	7208 44 90	7210 90 31
7207 20 55	7208 45 10	7210 90 33
7207 20 57	7208 45 91	7210 90 35
7207 20 71	7208 45 93	7210 90 39
	7208 45 99	
7208 11 00	7208 90 10	7211 11 00
7208 12 10		7211 12 10
7208 12 91	7209 11 00	7211 12 90
7208 12 99	7209 12 10	7211 19 10
7208 13 10	7209 12 90	7211 19 91
7208 13 91	7209 13 10	7211 19 99
7208 13 99	7209 13 90	7211 21 00
7208 14 10	7209 14 10	7211 22 10
7208 14 90	7209 14 90	7211 22 90
7208 21 10	7209 21 00	7211 29 10
7208 21 90	7209 22 10	7211 29 91
7208 22 10	7209 22 90	7211 29 99
7208 22 91	7209 23 10	7211 30 10

7211 41 10	7218 90 13	7224 10 00
7211 41 91	7218 90 15	7224 90 11
7211 49 10	7218 90 19	7224 90 30
7211 90 11	7218 90 50	
		7225 10 10
7212 10 10	7219 11 10	7225 10 91
7212 10 91	7219 11 90	7225 10 99
7212 21 11	7219 12 10	7225 20 11
7212 29 11	7219 12 90	7225 20 19
7212 30 11	7219 13 10	7225 20 30
7212 40 10	7219 13 90	7225 30 00
7212 40 91	7219 14 10	7225 40 10
7212 50 31	7219 14 90	7225 40 30
7212 50 51	7219 21 10	7225 40 50
7212 60 11	7219 21 90	7225 40 70
7212 60 91	7219 22 10	7225 40 90
	7219 22 90	7225 50 00
7213 10 00	7219 23 10	7225 90 10
7213 20 00	7219 23 90	
7213 31 00	7219 24 10	7226 10 10
7213 39 00	7219 24 90	7226 10 30
7213 41 00	7219 31 10	7226 20 10
7213 49 00	7219 31 90	7226 20 31
7213 50 00	7219 32 10	7226 20 51
	7219 32 90	7226 20 71
7214 20 00	7219 33 10	7226 91 00
7214 30 00	7219 33 90	7226 92 10
7214 40 10	7219 34 10	7226 99 11
7214 40 91	7219 34 90	7226 99 31
7214 40 99	7219 35 10	
7214 50 10	7219 35 90	7227 10 00
7214 50 91	7219 90 11	7227 20 00
7214 50 99	7219 90 19	7227 90 10
7214 60 00		7227 90 90
	7220 11 00	
7215 90 10	7220 12 00	7228 10 10
	7220 20 10	7228 10 30
7216 10 00	7220 90 11	7228 20 11
7216 21 00	7220 90 31	7228 20 19
7216 22 00		7228 20 30
7216 31 00	7221 00 10	7228 30 10
7216 32 00	7221 00 90	7228 30 90
7216 33 00		7228 60 10
7216 40 10	7222 10 11	7228 70 10
7216 40 90	7222 10 19	7228 70 31
7216 50 10	7222 10 91	7228 80 10
7216 50 90	7222 10 99	7228 80 90
7216 90 10	7222 30 10	
	7222 40 11	7301 10 00
7218 10 00	7222 40 19	
7218 90 11	7222 40 30	