COMMISSION DECISION No 2903/90/ECSC

of 8 October 1990

prohibiting alignment on offers of steel products originating from certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first and second paragraphs of Article 95 thereof,

Whereas :

Since 1978 the Commission has adopted a series of measures designed to combat the crisis and facilitate restructuring in the steel industry in the Community.

The governments of certain third countries have assured the Commission of their cooperation in this respect; whereas by Decision No 527/78/ECSC (1), and most recently by Decision No 1141/89/ECSC (2), the Commission withdrew the right of Community undertakings to align on offers of certain steel products originating in these third countries.

Arrangements have been concluded with certain third countries for 1990; whereas it is therefore necessary for the Commission to withdraw the right of Community undertakings to align their prices on low-priced offers from these third countries.

The Treaty, and more particularly Article 60 thereof, makes no provision for a prohibition of this nature; whereas prohibition of such alignments is necessary for the functioning of the common market in steel and, in conformity with Article 5 of the Treaty, for the attainment of one of the Community's objectives as defined in Articles 2, 3 and 4; whereas Article 2 of the Treaty calls upon the Community to pursue its objectives in harmony with the general economy of the Member States; whereas the economic and social objectives set out in Article 3 (c), (e) and (g) also necessitate the taking of this Decision.

The general principles regarding intervention by the Commission, as laid down in Article 5 of the Treaty, apply.

Cooperation with the countries in question does not cover all steel products; whereas it is therefore necessary to specify the steel products covered by the measure.

Cooperation by the countries concerned applies only for a limited period; whereas the prohibition of alignment must have a time limit.

The arrangements with the third countries may be cancelled or extended to other third countries; whereas the Commission must therefore be able to alter the list of countries involved.

It is necessary that Community undertakings continue to have the right to align on offers originating in those third countries from which the Commission has not obtained this cooperation.

Observance of the prohibition must be assured by penalties; whereas application of the penalties provided for in Article 64 of the Treaty seems appropriate for breaches of price provisions.

Having consulted the Consultative Committee, and with the unanimous assent of the Council of Ministers,

HAS ADOPTED THIS DECISION :

Article 1

Community undertakings are hereby prohibited from aligning their offers on the terms of offers of third country undertakings for products as set out in Annex 1 originating from the countries set out in Annex 2.

This prohibition on alignment shall not apply to steel used for the construction of seagoing vessels or drilling platforms.

The Commission will amend Annexes 1 and 2 if need be.

Article 2

The penalties provided for in Article 64 of the Treaty shall be applicable in the event of infringements of Article 1 of this Decision.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

It shall apply until 31 December 1990.

The Commission reserves the right to repeal this Decision in whole or in part before that date should market conditions and the interests of Community undertakings so require.

(1) OJ No L 73, 15. 3. 1978, p. 16.
(2) OJ No L 141, 25. 5. 1989, p. 11.

This Decision shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 October 1990.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX 1

LIST OF ECSC STEEL PRODUCTS UNDER ARRANGEMENT

(combined nomenclature)

7201 10 11
7201 10 19
7201 10 30
7201 10 90
7201 20 00
7201 30 10
7201 30 90
7201 40 00

7202 11 20
7202 11 80
7202 99 11

7203 90 00

7204 50 10
7204 50 90

7208 11 00
7208 12 10
7208 12 91
7208 12 99
7208 13 10
7208 13 91
7208 13 99
7208 14 10
7208 14 90
7208 21 10
7208 21 90
7208 22 10
7208 22 91
7208 22 99
7208 23 10
7208 23 91
7208 23 99
7208 24 10
7208 24 90
7208 31 00
7208 32 10
7208 32 30
7208 32 51
7208 32 59
7208 32 91
7208 32 99
7208 33 10
7208 33 91
7208 33 99
7208 34 10
7208 34 90
7208 35 10
7208 35 91
7208 35 93
7208 35 99
7208 41 00
7208 42 10
7208 42 30
7208 42 51
7208 42 59
7208 42 91
7208 42 99
7208 43 10
7208 43 91
7208 43 99
7208 44 10
7208 44 90
7208 45 10
7208 45 91
7208 45 93
7208 45 99
7208 90 10

7209 11 00
7209 12 10
7209 12 90
7209 13 10
7209 13 90
7209 14 10
7209 14 90
7209 21 00
7209 22 10
7209 22 90
7209 23 10
7209 23 90
7209 24 10
7209 24 91
7209 24 99
7209 31 00
7209 32 10
7209 32 90
7209 33 10
7209 33 90
7209 34 10
7209 34 90
7209 41 00
7209 42 10
7209 42 90
7209 43 10
7209 43 90
7209 44 10
7209 44 90
7209 90 10

7210 11 10
7210 12 11
7210 12 19
7210 20 10
7210 31 10
7210 39 10
7210 41 10
7210 49 10
7210 50 10
7210 60 11
7210 60 19
7210 70 11
7210 70 19
7210 90 31
7210 90 33
7210 90 35
7210 90 39

7211 11 00
7211 12 10
7211 12 90
7211 19 10
7211 19 91
7211 19 99
7211 21 00
7211 22 10
7211 22 90
7211 29 10
7211 29 91
7211 29 99
7211 30 10
7211 41 10
7211 41 91
7211 49 10
7211 90 11

7212 10 10
7212 10 91
7212 21 11
7212 29 11
7212 30 11
7212 40 10
7212 40 91
7212 50 31
7212 50 51
7212 60 11
7212 60 91

7213 10 00
7213 20 00
7213 31 00
7213 39 00
7213 41 00
7213 49 00

7214 20 00
7214 30 00
7214 40 10
7214 40 91
7214 40 99
7214 50 10
7214 50 91
7214 50 99
7214 60 00

7215 90 10

7216 10 00
7216 21 00
7216 22 00
7216 31 11
7216 31 19
7216 31 91
7216 31 99
7216 32 11
7216 32 19
7216 32 91
7216 32 99
7216 33 10
7216 33 90
7216 40 10
7216 40 90
7216 50 10
7216 50 90
7216 90 10

7219 11 10
7219 11 90
7219 12 10
7219 12 90
7219 13 10
7219 13 90
ex 7219 14 10
ex 7219 14 90
ex 7219 21 11
ex 7219 21 19
ex 7219 21 90
ex 7219 22 10
ex 7219 22 90
ex 7219 23 10
ex 7219 23 90
ex 7219 24 10
ex 7219 24 90
7219 31 10
7219 31 90
7219 32 10
7219 32 90
7219 33 10
7219 33 90
7219 34 10
7219 34 90
7219 35 10
7219 35 90
7219 90 11
7219 90 19

7220 11 00
7220 12 00
7220 20 10
7220 90 11
7220 90 31

7221 00 10
7221 00 90

7222 10 11
7222 10 19
7222 10 91
7222 10 99
7222 30 10
7222 40 11
7222 40 19
7222 40 30

7225 10 10
7225 10 91
7225 10 99
ex 7225 20 11
ex 7225 20 19
7225 20 30
ex 7225 30 00
ex 7225 40 10
ex 7225 40 30
ex 7225 40 50
ex 7225 50 00
7225 90 10

7226 10 10
7226 10 30
ex 7226 20 10
ex 7226 20 31
7226 20 51
7226 20 71
ex 7226 91 00
ex 7226 92 10
7226 99 11
7226 99 31

7227 20 00
7227 90 10
7227 90 90

7228 10 30
7228 20 11
7228 20 19
7228 20 30
ex 7228 30 10
ex 7228 30 30
ex 7228 30 80
7228 60 10
ex 7228 70 10
7228 70 31
ex 7228 80 10
7228 80 90

7301 10 00

Explanatory list of the 'ex' positions

ex 7219 14 10 ex 7219 14 90	Other than of a thickness of less than 1,5 mm and containing less than 12 % of chromium
ex 7219 21 11 ex 7219 21 19 ex 7219 21 90 ex 7219 22 10 ex 7219 22 90	Other than rolled on four faces or in a closed box pass and containing less than 12 % of chromium
ex 7219 23 10 ex 7219 23 90 ex 7219 24 10 ex 7219 24 90	Containing 1 % or less of carbon and 12 % or more of chromium
ex 7225 20 11	In coils and of a thickness of 1,5 mm or more or rolled on four faces or in a closed box pass
ex 7225 20 19	Of a thickness of 3 mm or more
ex 7225 30 00	Of a minimal thickness of 1,5 mm
ex 7225 40 10 ex 7225 40 30 ex 7225 40 50	Rolled on four faces or in a closed box pass
ex 7225 50 00	Of a thickness of 3 mm or more
ex 7226 20 10 ex 7226 91 00	Other than of a width exceeding 500 mm and rolled on four faces or in a closed box pass, and other than of a width of 500 mm and of a thickness of less than 1,5 mm
ex 7226 20 31 ex 7226 92 10	Of a thickness of 3 mm or more
ex 7228 70 10 ex 7228 80 10	Other than high-speed steel

ANNEX 2

BRAZIL
BULGARIA
CZECHOSLOVAKIA
HUNGARY
POLAND
ROMANIA