COMMISSION RECOMMENDATION No 43/84/ECSC

of 4 January 1985

on Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty and originating in Spain

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 iron and steel products covered by the Treaty establishing the European Coal and Steel Community and originating in non-member countries were subjected to Community surveillance under Commission recommendation No 161/84/ECSC [1], as amended by recommendation No 902/84/ECSC [2];

Whereas, by recommendation No 902/84/ECSC, the Commission made imports originating in Spain subject to special Community surveillance;

Whereas the reasons which originally led the Commission to introduce these special arrangements are still valid,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The importation into the Community of iron and steel products covered by the ECSC Treaty, listed in Annexes I, II and III and originating in Spain, shall be subject to the issue of an import document.

2. The products referred to in paragraph 1 shall be considered to be prime-quality products 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 of the submission of the completed application and presentation of two duplicates of the relevant purchase contract or contracts and the vendor's order confirmation or confirmations. The originals of these documents must be produced if required by the issuing authority. If the products in question are declared to be non-prime products, the import document shall indicate the precise characteristics which justify the said classification of the products.

4. For the products referred to in Annex I, the issue of the import document shall be subject to the presentation of the export document (Comunicaciòn al exportador — cuota productos siderúrgicos CECA) issued by the Spanish authorities. The specifications given on the import application relating to the characteristics of the product and destination must tally with those on the export document. The country of destination shall be deemed to be that in which the goods are put into free circulation or made subject to inward processing arrangements.

5. The period of validity of the import document shall be two months, without prejudice to possible changes in the import arrangements in force.

6. Completely used import documents shall be returned immediately to the issuing office. Documents not, or incompletely, used 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:

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

(b) a description of the goods and an indication of the Common Customs Tariff subheading and the NIMEXE code;

(c) the characteristics establishing any claim that the goods are non-prime products;

(d) the quantity of the goods in tonnes, by individual lots;

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

[1] OJ No L 19, 24. 1. 1984, p. 5.
[2] OJ No L 93, 3. 4. 1984, p. 8.

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

(g) the name, address, telephone number and telex number of any final purchaser, where known ;

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

(i) the point of delivery used for the calculation of the invoiced price ;

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

(k) 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 for goods listed in Annex I or II :

A. For goods originating in and consigned directly from Spain (direct importation) :

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

(b) the delivered price per tonne, including customs duties, transport costs 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 prices (to be justified) ;

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

B. For goods originating in Spain but consigned from any non-member country (indirect importation) :

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

(b) the cif price at the Community frontier, per tonne, in the currency of the contract, plus customs duties applicable and unloading costs.

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. The Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference between :

— the delivered price calculated according to the provisions on prices applicable to Spain on the date scheduled for importation, and

— the price used on the basis of the chosen Community producer's price list pursuant to Article 2 (2) (A) (c) or justified otherwise.

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

2. For goods originating in Spain but consigned from another non-member country, the Member States shall communicate to the Commission, as soon as such information is established by the competent authorities, any difference, in ECU per tonne, between :

— the basic price as published in the *Official Journal of the European Communities,* plus any extras, and

— the cif 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 amounts (calculated on the basis of the cif prices) for which import documents were issued during the preceding month.

4. The information supplied by Member States shall include :

(a) a breakdown by product (Common Customs Tariff subheading and NIMEXE code) with separate declaration of the quantities declared as being non-prime products ;

(b) a breakdown by country of origin ;

(c) within the total of any one product, the quantities not imported directly from Spain and, in this case, breakdown by country or countries of consignment ;

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

5. 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 the cif price) for which import documents have expired during the preceding month without having been used by importers.

Article 4

For the purposes of this recommendation, the country of consignment shall be 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

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

It shall apply until 31 December 1985.

Done at Brussels, 4 January 1985.

For the Commission

Wilhelm HAFERKAMP

Vice-President

ANNEX I

List of products subject to price and quantitative surveillance requiring an import document issued on presentation of a Spanish export certificate

NIMEXE codes : 73.01-10, 73.01-21, 73.01-23, 73.01-25, 73.01-27, 73.01-31, 73.01-35, 73.01-41, 73.01-49, 73.06-10, 73.06-20, 73.06-30, 73.07-12, 73.07-21, 73.07-24, 73.08-01, 73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49, 73.09-00, 73.10-11, 73.10-12, 73.10-14, 73.10-15, 73.10-17, 73.10-18, 73.10-42, 73.11-11, 73.11-12, 73.11-14, 73.11-16, 73.11-19, 73.11-41, 73.11-50, 73.12-11, 73.12-19, 73.12-21, 73.12-51, 73.12-71, 73.13-11, 73.13-16, 73.13-17, 73.13-19, 73.13-21, 73.13-23, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, 73.13-64, 73.13-65, 73.13-67, 73.13-68, 73.13-72, 73.13-74, 73.13-76, 73.13-78, 73.13-79, 73.13-82, 73.13-84, 73.13-86, 73.13-87, 73.13-88, 73.13-89, 73.13-92, 73.61-20, 73.62-10, 73.62-30, 73.63-29, 73.63-72, 73.64-20, 73.64-72, 73.65-21, 73.65-23, 73.65-25, 73.65-53, 73.65-55, 73.65-70, 73.65-81, 73.71-21, 73.71-23, 73.71-24, 73.71-29, 73.71-53, 73.72-11, 73.72-13, 73.72-19, 73.72-33, 73.72-39, 73.73-23, 73.73-25, 73.73-26, 73.73-29, 73.73-33, 73.73-35, 73.73-36, 73.73-39, 73.73-72, 73.74-21, 73.74-23, 73.74-29, 73.74-72, 73.75-11, 73.75-19, 73.75-23, 73.75-33, 73.75-43, 73.75-53, 73.75-54, 73.75-59, 73.75-63, 73.75-73, 73.75-79, 73.75-83, 73.75-84, 73.75-89, 73.16-14, 73.16-16, 73.16-17, 73.16-20, 73.16-40, 73.16-51.

ANNEX II

List of products subject to price and quantitative surveillance and requiring an import document the issue of which is not subject to the presentation of an export certificate from the Spanish authorities

NIMEXE codes : 73.02-01, 73.02-09, 73.63-21, 73.75-29.

ANNEX III

List of products subject to quantitative surveillance and requiring an import document the issue of which is not subject to the presentation of an export certificate from the Spanish authorities

NIMEXE codes : 73.61-50, 73.71-55, 73.71-56, 73.71-59, 73.73-24, 73.73-34, 73.75-39, 73.75-49, 73.75-69.
