COMMISSION RECOMMENDATION No 161/84/ECSC

of 20 January 1984

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 iron and steel products covered by the ECSC Treaty and originating in non-member countries are subject to Community surveillance under recommendation No 1399/82/ECSC [1], as renewed by recommendation No 3419/82/ECSC [2];

Whereas, bearing in mind recent trends in the conditions under which the products concerned have been imported, it is advisable to amend and supplement the present provisions and, in view of the scale of earlier amendments, to revise the terms of that recommendation;

Whereas it is appropriate that the Member States be entrusted with the task of gathering from importers the information which the Commission needs to attain the objective pursued by the surveillance system,

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 III A and III B and originating in non-member countries shall be subject to the issue of an import licence.

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 licence 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 must be produced if required by the licence-issuing authority. If the products in question are declared as being seconds or of substandard quality, the import licence shall indicate the precise characteristics which justify the said classification of the products.

4. Paragraph 1 shall apply 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, 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 for goods listed in Annexes III A and III B of whatever origin:

(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 seconds or of substandard quality;

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

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

(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;

[1] OJ No L 157, 8. 6. 1982, p. 5.
[2] OJ No L 360, 21. 12. 1982, p. 25.

(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 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 price lists 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 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 one of the countries listed in Annex II but consigned from any non-member country other than the country of origin (indirect importation), for products originating in Brazil, other than pig and cast iron falling within heading No 73.01 of the Common Customs Tariff, 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 ;

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

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 the basic prices in force ;

(b) the cif price at the Community frontier, per tonne, in the currency of the contract, and including unloading costs ;

or :

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

(b) the delivered price per tonne, including 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 price lists of the producer in the non-member country in question, chosen for calculating the delivered price, stating the date of the chosen lists ; or

(ii) the Community producer's price lists chosen for calculating the delivered price, stating 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, giving details sufficient to identify the offer, including its date ; or

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

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

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 licence 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 the non-member countries listed in Annexes I and II 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 licence applications, purchase contracts and vendor's order confirmations, whenever the price difference noted is considerable or relates to a large quantity.

2. 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 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, in ECU per tonne, for the following goods :

(i) goods originating in one of the countries listed in Annexes I and 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 within heading No 73.01 of the Common Customs Tariff.

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 licences 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 seconds or of substandard quality ;

(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.

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 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 1399/82/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 1984.

Done at Brussels, 20 January 1984.

For the Commission

Wilhelm HAFERKAMP

Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

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

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(1) Only for pig and cast iron falling within 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 sheet 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	73.10-13	Concrete reinforcing bars of iron or steel with minor indentations, 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 indentations, 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 a)	73.13-41	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 3 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 and 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 aa) 11	73.75-53	Sheets and plates, other than electrical, not further worked than cold-rolled, of a thickness of 3 mm or more, stainless or heat-resisting
73.15 B VII b) 2 aa) 22	73.75-54	Sheets and plates, other than electrical, not further worked than cold-rolled, of a thickness of 3 mm or more, high-speed steel
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 A VII b) 1	73.65-53	Sheets and plates, not further worked than cold-rolled of a thickness of 3 mm or more
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) 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) 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 (aa) 33	73.75-79	Sheets and plates, other than 'electrical', not further worked than cold-rolled, of a thickness of 3 mm or more : — Other
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.