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DECISIÓN Nº 2871/82/CECA DE LA COMISIÓN

de 21 de octubre de 1982

relativa a la celebración de un Convenio con los Estados Unidos de América referente al acero

LA COMISIÓN DE LAS COMUNIDADES EUROPEAS,

Visto el Tratado constitutivo de la Comunidad Europea del Carbón y del Acero y, en particular, su artículo 95,

Considerando que la industria comunitaria del acero atraviesa una importante crisis, y que para favorecer su reestructuración en condiciones socialmente aceptables la Comunidad se ha visto obligada a tomar una serie de medidas y, particularmente, a adoptar, para ciertos productos, un régimen de cuotas de producción, acompañado de una determinada disciplina por lo que respecta a la comercialización en el mercado comunitario, así como a reforzar las normas en materia de prácticas y precios no discriminatorios, haciéndolas extensivas a determinados comerciantes, y a establecer normas comunitarias en materia de ayudas;

Considerando que los Estados Unidos de América han tomado una serie de medidas que afectan a la comercialización de los productos siderúrgicos comunitarios en sus mercados, y que han recurrido a los derechos antidumping, a los derechos compensatorios y a otras medidas respecto a la comercialización de la producción comunitaria en dicho mercado; que estas medidas tienen como efecto desviar cantidades importantes de productos siderúrgicos de sus mercados americanos tradicionales hacia otros mercados, incluido el mercado comunitario;

Considerando que en vista de esta situación parece necesario mantener una comercialización razonable de los productos siderúrgicos en el mercado de los Estados Unidos, primer mercado de exportación de la industria comunitaria; que con este fin, y tras la Decisión del Consejo, de 24 de julio de 1982, la Comisión inició negociaciones con los Estados Unidos de América que culminaron, el 6 de agosto de 1982, en el texto de un Convenio en el que se prevé, particularmente, que se retirarán las denuncias de la industria americana y se revocarán las medidas de las autoridades americanas como contrapartida a una limitación de las exportaciones comunitarias, así como en el texto de un canje de notas cuya aprobación será recomendada por las Partes a sus autoridades respectivas;

Considerando que la decisión de celebrar tal Convenio es necesaria para alcanzar, en el marco del funcionamiento del mercado común siderúrgico, los objetivos del Tratado tal y como están definidos, en particular, en el párrafo segundo del artículo 2 del Tratado, y que el Tratado no ha previsto todos los casos en los que la presente Decisión será aplicable; que la presente Decisión no afectará a la competencia de los Estados miembros en materia de política comercial a la que se refiere el artículo 71 del Tratado;

Previa consulta al Comité Consultivo y previo dictamen conforme del Consejo emitido por unanimidad,

HA ADOPTADO LA PRESENTE DECISIÓN:

Artículo 1

1. En nombre de la Comunidad Europea del Carbón y del Acero queda aprobado el Convenio entre la Comunidad Europea del Carbón y del Acero y los Estados Unidos de América referente a los intercambios de determinados productos siderúrgicos que se celebrará en forma de canje de notas.

2. Los textos del Convenio y del canje de notas se incorporarán como anexo a la presente Decisión.

Artículo 2

La Comisión designará, entre sus miembros, a aquél que estará facultado para proceder al canje de notas con objeto de obligar a la Comunidad Europea del Carbón y del Acero.

Artículo 3

La presente Decisión entrará en vigor el día de su publicación en el *Diario Oficial de las Comunidades Europeas.*

La presente Decisión será obligatoria en todos sus elementos y directamente aplicable en cada Estado miembro.

Hecho en Bruselas, el 21 de octubre de 1982.

Por la Comisión

El Vicepresidente

Étienne DAVIGNON

The Honorable Malcolm Baldridge,
Secretary,
Department of Commerce,
Washington DC 20230,
USA

Brussels, 21 October 1982

Dear Mr Secretary,

As we have discussed, the European Coal and Steel Community and the European Economic Community (EC) are prepared to restrain certain steel exports to the United States.

It is our understanding that, in conjunction with such action by the EC, the United States Government is prepared to undertake certain other actions *vis-à-vis* trade in these products.

The elements of our programme and a description of the complementary US actions are set forth in the enclosed text (the Arrangement).

In entering into this Arrangement, the EC does not admit to having bestowed subsidies on the manufacture, production or exportation of the products that are the subject of the countervailing duty petitions to be withdrawn or that any such subsidies have caused any material injury in the USA. Neither does it admit that its enterprises have engaged in dumping practices which are the subject of the anti-dumping duty petitions to be withdrawn or that any such practices have caused any material injury in the USA.

This Arrangement is entered into without prejudice to the rights of the US Government and of the EC under GATT.

We understand that the US Government recognizes the implications of this Arrangement *vis-à-vis* trade in certain steel products, as defined in the Arrangement with the EC, for international competitiveness, national economic and sucurity interests, and trade in capital goods, and will be fully cognizant of these implications in exercising its discretionary authority under Section 337 of the Tariff Act of 1930, Sections 201 and 301 of the Trade Act of 1974, Section 232 of the Trade Expansion Act of 1962, and Section 103 of the Revenue Act of 1971 with regard to such products and shall do so only after consultations with the EC.

The independent forecaster for the purposes of Article 5 of the Arrangement shall be Data Resources, Inc.

Consultations between the EC and the US will be held in 1985 to review the desirability of extending and possibly modifying the Arrangement.

I look forward to hearing from you at your early convenience.

Yours faithfully,

Étienne DAVIGNON
Vice President

(ENCLOSURE)

ARRANGEMENT

concerning trade in certain steel products between the European Coal and Steel Community (hereinafter referred to as 'the ECSC') and the United States (hereinafter referred to as 'the US')

1. Basis of the Arrangement

Recognizing the policy of the ECSC of restructuring its steel industry including the progressive elimination of State aids pursuant to the ECSC State Aids Code; recognizing also the process of modernization and structural change in the United States of America (hereinafter referred to as 'the USA'); recognizing the importance as concluded by the OECD of restoring the competitiveness of OECD steel industries; and recognizing, therefore, the importance of stability in trade in certain steel products between the European Economic Community (hereinafter referred to as 'the Community') and the USA.

The objective of this Arrangemenent is to give time to permit restructuring and therefore to create a period of trade stability.

To this effect the ECSC [1] shall restrain exports to or destined for consumption in the USA of products described in Article 3 (a), originating in the Community (such exports hereinafter referred to as 'the Arrangement products'), for the period 1 November 1982 to 31 December 1985.

The ECSC shall ensure that, in regard to exports effected between 1 August and 31 October 1982, aberrations from seasonal trade patterns of Arrangement products will be accommodated in the ensuing licensing period.

2. Condition — Withdrawal of petitions; new petitions

(a) The entry into effect of this Arrangement is conditional upon:

1. the withdrawal of the petitions and termination of all investigations concerning all countervailing duty and anti-dumping duty petitions listed in Appendix A at the latest by 21 October 1982; and

2. receipt by the US at the same time of an undertaking from all such petitioners not to file any petitions seeking import relief under US law, including countervailing duty, anti-dumping duty, Section 301 of the Trade Act of 1974 (other than Section 301 'Petitions relating to third-country sales by US exporters'), or Section 337 of the Tariff Act of 1930, on the Arrangement products during the period in which this Arrangement is in effect.

(b) If, during the period in which this Arrangement is in effect, any such investigations [2] or investigations under Section 201 of the Trade Act of 1974, Section 232 of the Trade Expansion Act of 1962, or Section 301 of the Trade Act of 1974 (other than Section 301 'Petitions relating to third-country sales by US exporters') are initiated or petitions filed or litigation (including anti-trust litigation) instituted with respect to the Arrangement products, and the petitioner or litigant is one of those referred to in Article 2 (a), the ECSC shall be entitled to terminate the Arrangement with respect to some or all of the Arrangement products, after consultations with the US, at the earliest 15 days after such consultation.

If such petitions are filed or litigation commenced by petitioners or litigants other than those referred to in the previous paragraph, or investigations initiated, on any of the Arrangement products, the ECSC will be entitled to terminate the Arrangement with respect to the Arrangement product which is the subject of the petition, litigation or investigation, after consultation with the US, at the earliest 15 days after such consultation. In addition, if during these consultations it is determined that the petition, litigation or investigation threatens to impair the attainment of the objectives of the Arrangement, then the ECSC shall be entitled to terminate the Arrangement, with respect to some or all Arrangement products, at the earliest 15 days after such consultations.

These consultations will take into account the nature of the petitions or litigation, the identity of the petitioner or litigant, the amount of trade involved, the scope of relief sought and other relevant factors.

(c) If, during the term of this Arrangement, any of the abovementioned proceedings or litigation is instituted in the USA against certain steel products as defined in Article 3 (b), imported from the Community,

[1] To the extent that the Arrangement products are subject to the Treaty establishing the European Economic Community (the EEC), the term 'ECSC' should be substituted by 'EEC'.

[2] With respect to any Section 337 investigation, the parties shall consult to determine the basis for the investigation.

which are not subject to this Arrangement and which substantially threaten its objective, then the ECSC and the US, before taking any other measure, shall consult to consider appropriate remedial measures.

3. Product description

(a) The products are:

— hot-rolled sheet and strip,

— cold-rolled sheet,

— plate,

— structurals,

— wire rods,

— hot-rolled bars,

— coated sheet,

— tin plate,

— rails,

— sheet piling,

as described and classified in Appendix B by reference to corresponding Tariff Schedules of the United States Annotated (TSUSA) item numbers and EC NIMEXE classification numbers.

(b) For purposes of this Arrangement, the term 'certain steel products' refers to the products described in Appendix E.

4. Export limits

(a) For the period 1 November 1982 to 31 December 1983 (hereinafter referred to as 'the initial period'), and thereafter for each of the years 1984 and 1985, export licences shall be required for the Arrangement products. Such licences shall be issued to Community exporters for each product, in quantities no greater than the following percentages, of the projected US apparent consumption (hereinafter referred to as 'export ceilings') for the relevant period:

— hot-rolled sheet and strip: 6·81 %,

— cold-rolled sheet: 5·11 %,

— plate: 5·36 %,

— structurals: 9·91 %,

— wire rods: 4·29 %,

— hot-rolled bars: 2·38 %,

— coated sheet: 3·27 %,

— tin plate: 2·20 %,

— rails: 8·90 %,

— sheet piling: 21·85 %.

For the purposes of this Arrangement, 'US apparent consumption' shall mean shipments (deliveries) minus exports plus imports, as described in Appendix D.

(b) Where Arrangement products imported into the USA are subsequently re-exported therefrom, without having been subject to substantial transformation, the export ceiling for such products for the period corresponding to the time of such re-export shall be increased by the same amount.

(c) For the purposes of this Arrangement, the USA shall comprise both the US customs territory and US foreign trade zones. In consequence, the entry into the US customs territory of Arrangement products which have already entered into a foreign trade zone shall not then be again taken into account as imports of Arrangement products.

5. Calculation and revision of US apparent consumption forecast and of export limits

The US, in agreement with ECSC, will select an independent forecaster which will provide the estimate of US apparent consumption for the purposes of this Arrangement.

For the initial period, a first projection of the US apparent consumption, by product, will be established as early as possible and in any event before 20 October 1982. A provisional export ceiling for each product will then be calculated for that period by multiplying the US apparent consumption of each product by the percentage indicated in Article 4 for that product. These figures for projected consumption will be revised, in December 1982, February, May, August and October of 1983, by the said independent forecasters, and appropriate adjustments will be made to the export ceilings for each product taking into account licences already issued under Article 4.

The same procedure will be followed to calculate and revise the US apparent consumption and export ceilings for 1984 and for 1985, the first projection being established by the independent forecasters by 1 October of 1983 and 1984 respectively.

In February of each year, as from 1984, adjustments to that year's export ceiling for each product will be made for differences between the forecasted US apparent consumption and actual US apparent consumption of that product in the previous year or (in February 1984) in the initial period.

6. **Export licences**

(a) By Decisions and Regulations to be published in the *Official Journal of the European Communities,* the ECSC will require an export licence for all Arrangement products. Such export licences will be issued in a manner that will avoid abnormal to the USA, taking into account seasonal trade patterns. The ECSC shall take such action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licences. The ECSC will inform the US of any violations concerning the export licences which come to its attention and the action taken with respect thereto.

Export licences will provide that shipment must be made within a period of three months.

Export licences will be issued against the export ceiling for the initial period or a specific calendar year, as the case may be. Export licences may be used as early as 1 December of the previous year within a limit of 8 % of the ceiling for the given year. Export licences may not be used after 31 December of the year for which they are issued, except that licences not so used may be used during limit of 8 % of the export ceiling of the previous year or of 8 % of 86 % of the export ceiling of the initial period, as the case may be.

(b) The ECSC will require that the Arrangement products shall be accompanied by a certificate, substantially in the form set out in Appendix C, endorsed in relation to such a licence. The US shall require presentation of such certificate as a condition for entry into the USA of the Arrangement products. The US shall prohibit entry of such products not accompanied by such a certificate.

7. **Technical adjustments**

(a) The specific product export ceilings provided for in Article 4 may be adjusted by the ECSC with notice to the US. Adjustments to increase the volume of one product must be offset by an equivalent volume reduction for another product for the same period. Notwithstanding the preceding sentences, no adjustment may be made under this paragraph which results in an increase or a decrease in a specific product limitation under Article 4 by more than 5 % by volume for the relevant period.

The ECSC and the US may agree to increase the above percentage limit.

(b) Normally, only one change in a specific product export ceiling in a given year or the initial period may be made by an adjustment under the preceding paragraph or use of licences in December or January/February under Article 6 (a). Accordingly, changes in a given year or the initial period by use of more than one of those three provisions may be made only upon agreement between the ECSC and the US.

8. **Short supply**

On the occasion of each quarterly consultation provided for in Article 10, the US and the ECSC will examine the supply and demand situation in the USA for each of the products listed in Appendix B. If the US in consultation with the ECSC determines that, because of abnormal supply or demand factors, the US steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods or other relevant factors), an additional tonnage shall be allowed for such product or products, by a special issue of licences, limited to 10 % of the ECSC's unadjusted export ceiling for that product or products.

In extraordinary circumstances, as determined by the US in consultation with the ECSC, the US will increase the allowable level of special licences.

Each authorized special issue export licence and certificate derived therefrom shall be so marked. Each such licence must be used within 180 days after the start of the quarter when that special issue began.

9. **Monitoring**

The ECSC will, within one month of each quarter and for the first time by 31 January 1983, supply the US with such non-confidential information on all export licences issued for Arrangement products as is required for the proper functioning of this Arrangement.

The US will collect and transmit quarterly to the ECSC all non-confidential information relating to certificates received during the preceding quarter in respect of the Arrangement products, and relating to actions taken in respect of Arrangement products for violations of customs laws.

10. **General**

Quarterly consultations shall take place between the ECSC and the US on any matter arising out of the operation of the Arrangement. Consultations shall be held at any other time at the request of either the ECSC or the US to discuss any matters, including trends in the importation of certain steel products, which impair or threaten to impair the attainment of the objectives of this Arrangement.

In particular, if imports from the ECSC of certain steel products other than Arrangement products or of alloy Arrangement products show a significant increase, indicating the possibility of diversion of trade from Arrangement products to certain steel products other than Arrangement products or from carbon to alloy within the same Arrangement product, consultations will be held between the US and the ECSC with the objective of preventing such diversion, taking into account the ECSC 1981 US market-share levels.

Should these consultations demonstrate that there has indeed been a diversion of trade which is such as to impair the attainment of the objectives of the Arrangement, then within 60 days of the request for consultations both sides will take the necessary measures for the product concerned in order to prevent such a diversion. For alloy Arrangement products, such measures will include the creation of separate products for purposes of Articles 3 and 4 at the ECSC 1981 US market-share levels. For certain steel products, other than Arrangement products, such measures may include the creation of products for purposes of Article 3 and 4.

Consultations will also be held if there are indications that imports from third countries are replacing imports from the ECSC.

11. **Scope of the Arrangement**

This Arrangement shall apply to the US customs territory (except as otherwise provided in Article 4 (c)) and to the territories to which the Treaty establishing the ECSC as presently constituted applies on the conditions laid down in that Treaty.

12. **Notices**

For all purposes hereunder, the US and the ECSC shall be represented by and all communications and notices shall be given and addressed to:

— *for the ECSC:*
The Commission of the European Communities
(Directorates General for External Relations (I) and for Internal Market and Industrial Affairs (III)),
rue de la Loi, 200,
B-1049 Brussels
(tel. 235 11 11; telex 21877 COMEU B);

— *for the US:*
US Department of Commerce,
Deputy Assistant Secretary for Import Administration,
International Trade Administration,
Washington DC 20230
(tel. 202/37 17 80; telex 892536 USDOG WSH DAS/IA/ITA).

Appendix A

List of countervailing duty (CVD) and anti-dumping duty (AD) petitions (1) to be withdrawn:

— CVD petitions, filed on 11 January 1982 by 1. United States Steel Corporation, 2. Bethlehem Steel Corporation, and 3. Republic Steel Corporation, Inland Steel Company, Jones and Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation, concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom and the European Communities.

— AD petitions, filed on 11 January 1982 by 1. United States Steel Corporation, and 2. Bethlehem Steel Corporation, concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom.

— CVD petitions, filed on 8 February 1982 by Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated, Inc., Korf Industries, Inc., Penn Dixie Steel Corporation and Raritan River Steel Company, concerning carbon steel wire rod from Belgium and France.

— CVD petitions, filed on 7 May 1982 by United States Steel Corporation, concerning carbon steel welded pipe from France, the Federal Republic of Germany and Italy.

— CVD petition, filed on 3 September 1982 by CF and 1 Steel Corporation, concerning steel rails from the European Communities.

— AD petitions, filed on 3 September 1982 by CF and 1 Steel Corporation, concerning steel rails from France, the Federal Republic of Germany and the United Kingdom.

(1) For purposes of this Arrangement, the term 'petitions' covers all matters included in the petitions filed on the dates listed, whether or not the DOC initiated investigations on the products or countries concerned.

Appendix B

Product coverage

Description	NIMEXE code (*)	TSUSA number
Hot-rolled carbon steel sheet and strip	73.08-03	607.6610
	05	607.6700
	07	607.8342
	21	608.1920
	25	608.2120
	29	608.2320
	41	
	45	
	49	
	73.12-19	
	73.13-21	
	23	
	26	
	32	
	34	
	36	
	73.62-10	
	73.64-20	
	73.65-23	
	25	
Hot-rolled alloy steel sheet and strip	73.72-19	607.8100
	73.74-29	608.3820 (1)
	73.75-34	608.5520 (1)
	39	608.6720 (1)
	44	
	49	
Cold-rolled carbon steel sheet	73.12-29 (2)	607.8320
	73.13-41	607.8344
	43	
	45	
	47	
	49	
	50	
	73.64-50 (2)	
	73.65-53	
	55	
Cold-rolled alloy steel sheet	73.74-54 (2)	607.9320
	59 (2)	
	73.75-54	
	59	
	64	
	69	

(*) Subject to further verification and amendments to be agreed upon by experts of both parties before 1 November 1982.
(1) Covered if hot-rolled.
(2) Covered if over 12 inches in width.

Description	NIMEXE code	TSUSA number
Carbon steel plate	73.09-00	607.6615 (1)
	73.13-17	607.9400
	19	608.0710
	78	608.1100
	79	
	73.62-30	
	73.64-72	
	75	
	73.65-21	
Alloy steel plate	73.72-39	607.7800 (1)
	73.75-24	607.9100
	29	608.1420
Carbon coated sheet (galvanized carbon steel sheet and other carbon coated sheet)	73.12-40 (2)	608.0730
	61 (2)	608.1300
	63 (2)	
	71 (2)	
	75 (2)	
	88 (2)	
	73.13-67	
	68	
	72	
	88	
	73.64-79 (2)	
	73.65-70	
Alloy coated sheet and terne plate and sheet	73.12-65 (2)	608.0100
	73.13-74	608.1440
	73.74-72 (2)	
	74 (2)	
	89 (2)	
	73.75-79	
Tinplate (not including blackplate)	73.12-51 (2)	607.9600
	59	607.9700
	73.13-64	607.9900
	65	
Carbon steel structural shapes	73.11-12	609.8005
	14	609.8015
	16	609.8035
	19	609.8041
	20	609.8045
	31	
	39	
	73.63-10	
	29 (3)	
	50	
Alloy steel structural shapes	73.73-14 (3)	609.8200
	19 (3)	
	34 (3)	
	35 (3)	
	36 (3)	
	39 (3)	
	49	
	54	
	55 (3)	
	59	

(1) Excluding semi-finished products, over six inches in thickness, produced by rolling on a primary (slabbing) mill.
(2) Covered if over 12 inches in width.
(3) Covered if structural shapes.

Description	NIMEXE code	TSUSA number
Carbon wire rod	73.10-11	607.1400
	16 (1)	607.1700
	73.63-21	607.2200
	29 (1)	607.2300
	73.73-25 (2)	
	35 (1) (2)	
Hot-rolled carbon steel bar	73.10-16 (3)	606.8310
	42 (4)	606.8330
	49 (5)	606.8350
	73.63-29 (6)	
	72 (4)	
	79 (5)	
	73.73-35 (2) (3)	
Hot-rolled alloy bar	73.73-34 (7)	606.9700
	35 (8)	
	36 (7)	
	39 (7)	
	72 (3)	
	89 (4)	
Carbon and alloy rails	73.16-11	610.2010
	14	610.2020
	16	610.2100
	17	
	20	
Carbon and alloy sheet piling	73.11-50	609.9600
		609.9800

(1) Covered if coiled bar from 13 to 18·8 mm in diameter
(2) Covered if contains up to 0·35 % of lead or sulphur.
(3) Excluding coiled bar from 13 to 18·8 mm in diameter.
(4) Not covered if coated, plated or clad.
(5) Excluded if cold-finished.
(6) Covered if hot-rolled bar, excluding coiled bar from 13 to 18·8 mm in diameter.
(7) Covered if hot-rolled bar.
(8) Covered if hot-rolled bar, and 0·35 % or more of lead or sulphur.

EUROPEAN COMMUNITY

1 Exporter (full name and address)

CERTIFICATE

FOR THE EXPORT OF IRON AND STEEL PRODUCTS TO THE UNITED STATES OF AMERICA

No **COPY**

2 Consignee (full name and address)

3 Export licence
No /
issued in (Member State)

4 Extract No /
issued in (Member State)
of export licence No /
issued in (Member State)

NOTES

A. This certificate must be completed on a typewriter and in English.

B. This certificate and the export licence or the extract thereof to which it refers must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.

C. This certificate, duly endorsed by the Customs office shown in box no 7, must be produced to the competent authorities in the United States of America at the time of importation.

5 Marks and numbers – Number and kind of packages – Category and detailed description of iron and steel products	**6** Quantity (metric tonnes)

7 ENDORSEMENT BY THE COMPETENT CUSTOMS OFFICE IN THE EUROPEAN COMMUNITY

The quantity (metric tonnes) of iron and steel products shown above has been attributed ☐ to the export licence shown in box no 3

☐ to the extract shown in box no 4. *)

Customs export document: Signature: Stamp:

type:

number:

date: | | | | | | | | |

Customs office:

Member State:

*) The appropriate box to be indicated like this: [X]

Appendix D

Concordance between shipment, import and export categories for selected groups of steel mill products

Description	1965 to 1982 Shipments (AISI-10 category)	1979 to 1981 Exports (Schedule B number)	1981 Imports (TSUSA number)
1. Hot-rolled carbon sheet and strip	31; 36 (carbon only)	608.8610 609.0910	607.6610 607.6700 607.8342 608.1920 608.2120 608.2320
Hot-rolled alloy sheet and strip	31; 36 (alloy only)	608.8620 609.0920	607.8100 608.3820 (1) 608.5520 (1) 608.6720 (1)
2. Cold-rolled carbon sheet	32 (carbon only)	608.9120	607.8344 607.8320
Cold-rolled alloy sheet	32 (alloy only)	608.9135	607.9320
3. Carbon plate	6 (carbon only)	608.8112	607.6615 (2) 607.9400 608.0710 608.1100
Alloy plate	6 (alloy only)	608.8121	607.7800 (2) 607.9100 608.1420
4. Carbon structural shapes	4 (carbon only)	609.8110 608.8120	609.8005 609.8015 609.8035 609.8041 609.8045
Alloy structural shapes	4 (alloy only)	609.8130	609.8200
5. Carbon wire rods	3 (carbon only)	608.7400	607.1400 607.1700 607.2200 607.2300
6. Hot-rolled carbon bar	14 (carbon only)	608.4310	606.8310 606.8330 606.8350
Hot-rolled alloy bar	14 (alloy only)	608.4340	606.9700

(1) Hot-rolled only.
(2) Excluding semi-finished products, over six inches in thickness, produced by rolling on a primary (slabbing) mill.

Description	1965 to 1982 Shipments (AISI-10 category)	1979 to 1981 Exports (Schedule B number)	1981 Imports (TSUSA number)
7. Carbon and alloy coated sheet and terne plate and sheet	33A; 33B; 34	609.1605 609.1620 609.1625 609.1615	608.0100 608.0730 608.1300 608.1440
8. Tin plate	29	609.1613 609.1610	607.9600 607.9700 607.9900
9. Carbon and alloy rails	7; 8	610.2205 610.2215	610.2010 610.2020 610.2100
10. Carbon and alloy sheet piling	5	609.9700	609.9600 609.9800

Appendix E

'Certain steel products' definition

'Certain steel products' means all products included in the 1982 AISI import categories 1 to 36, excluding categories 14 to 19 (inclusive), and also excluding the following TSUSA item numbers:

609.6920	606.9010	607.8820
607.2600	606.9510	607.9020
607.2800	606.9110	607.9315
607.3200	606.9400	608.2600
607.3405	606.9525	608.2900
607.3420	606.9540	608.3100
607.4300	609.4510	608.3405
607.4600	609.4520	608.3420
607.4800	609.4540	608.3810
607.5405	609.4550	608.4300
607.5420	609.3020	608.4700
607.7605	609.3320	608.4905
607.9005	607.7205	608.4920
606.9005	607.6900	608.5510
606.9505	607.7220	608.5700
606.9105	607.7610	608.5900
606.9300	607.9010	608.6405
606.9520	607.8805	608.6420
606.9535	607.8600	608.6710

Vicomte Étienne Davignon,
Vice-President of the Commission of
the European Communities,
rue de la Loi, 200,
B-1049 Brussels

Washington, 21 October 1982

Dear Mr Vice President,

I have received your letter of 21 October 1982 worded as follows:

'As we have discussed, the European Coal and Steel Community and the European Economic Community (EC) are prepared to restrain certain steel exports to the United States.

It is our understanding that, in conjunction with such action by the EC, the United States Government is prepared to undertake certain other actions *vis-à-vis* trade in these products.

The elements of our programme and a description of the complementary US actions are set forth in the enclosed text (the Arrangement).

In entering into this Arrangement, the EC does not admit to having bestowed subsidies on the manufacture, production or exportation of the products that are the subject of the countervailing duty petitions to be withdrawn or that any such subsidies have caused any material injury in the USA. Neither does it admit that its enterprises have engaged in dumping practices which are the subject of the anti-dumping duty petitions to be withdrawn or that any such practices have caused any material injury in the USA.

This Arrangement is entered into without prejudice to the rights of the US Government and of the EC under GATT.

We understand that the US Government recognizes the implications of this Arrangement *vis-à-vis* trade in certain steel products, as defined in the Arrangement with the EC, for international competitiveness, national economic and security interests, and trade in capital goods, and will be fully cognizant of these implications in exercising its discretionary authority under Section 337 of the Tariff Act of 1930, Sections 201 and 301 of the Trade Act of 1974, Section 232 of the Trade Expansion Act of 1962, and Section 103 of the Revenue Act of 1971 with regard to such products and shall do so only after consultations with the EC.

The independent forecaster for the purposes of Article 5 of the Arrangement shall be Data Resources, Inc.

Consultations between the EC and the US will be held in 1985 to review the desirability of extending and possibly modifying the Arrangement.

I look forward to hearing from you at your early convenience.'

I have the honour to confirm the agreement of the US Government with the contents of your letter.

Very truly yours,

Malcolm BALDRIDGE
Secretary of Commerce