

## COMMISSION RECOMMENDATION No 556/91/ECSC

of 7 March 1991

## 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 3979/89/ECSC <sup>(1)</sup>, the Commission subjected to a Community monitoring system the imports into the Community of certain iron and steel products covered by the ECSC Treaty;

Whereas the reasons which originally led the Commission to introduce this measure continue to apply and the said surveillance system should therefore be continued so as to provide more detailed information on foreseeable imports and the terms and conditions of such imports;

Whereas an abnormal increase in imports of seconds and products of substandard quality has recently been observed, and these imports should be monitored more closely,

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 II and originating in non-member countries other than EFTA, 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 the importer provides proof to the contrary.

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 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, telefax and telex numbers of the importer;
- (b) the description of the goods and the CN code <sup>(2)</sup>;
- (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 the products concerned are seconds or of substandard quality, the precise characteristics establishing that this is the case, in accordance with the instructions given by the Commission in its communication on distinguishing criteria.

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) the commercial description of the goods, including exact specifications, whether they are for use in shipbuilding, details of the exporter and place of delivery;
- (b) the delivered price per tonne, exclusive of VAT, including details of all the items figuring in the calculation of the delivered price, particularly extras, rebates and transport costs to the point of delivery;
- (c) particulars of:
  - (i) the Community producer's price list chosen for calculating the delivered price, including the date of the chosen list; 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 the date;

<sup>(1)</sup> OJ No L 380, 29. 12. 1989, p. 17.

<sup>(2)</sup> OJ No L 247, 10. 9. 1990, p. 1.

- (d) for goods falling within CN code 7201, the name and address of the final purchaser, where known.
- B. For goods originating in one of the countries listed in Annex I 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:
- (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 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.

If abnormally high levels of imports of seconds or substandard goods are observed, the Commission shall in addition request that Member States provide, for a period that it shall determine, proof as to the nature of these

products, in accordance with the criteria referred to in Article 2 (1) (h). This shall apply to imports in which the proportion of seconds or substandard goods exceeds 10 % of the total delivery specified in the contract, and where their quantity exceeds 50 tonnes.

2. When an import document is granted for goods:

- originating in non-member countries other than those listed in Annex I,
- originating in a country listed in Annex I, 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.

If abnormally high levels of imports of seconds or substandard goods are observed, the Commission shall in addition request that the Member States provide, for a period that it shall determine, proof as to the nature of these products, in accordance with the criteria referred to in Article 2 (1) (h). This shall apply to imports in which the proportion of seconds or substandard goods exceeds 10 % of the total delivery specified in the contract, and where their quantity exceeds 50 tonnes.

3. Within the first 10 days of each month, the 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 the 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, an indication of the country of consignment;
- (e) full details of each case detected by customs of fraud relating to a large quantity (in accordance with the standard set out under paragraphs 1 and 2) of products declared as being seconds or of substandard quality.

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*

The recommendation is addressed to the Member States.

*Article 5*

This recommendation shall take effect on the day of its publication in the *Official Journal of the European Communities*.

It shall apply until 31 December 1991.

Done at Brussels, 7 March 1991.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX I*

Brazil	Poland
Bulgaria	Romania
Czechoslovakia	Hungary

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## ANNEX II

7201 10 11	7208 22 95	7209 31 00	7212 21 11	7218 90 19	7224 90 09
7201 10 19	7208 22 98	7209 32 10	7212 29 11	7218 90 50	7224 90 15
7201 10 30	7208 23 10	7209 32 90	7212 30 11		7224 90 30
7201 10 90	7208 23 91	7209 33 10	7212 40 10	7219 11 10	
7201 20 00	7208 23 95	7209 33 90	7212 40 91	7219 11 90	
7201 30 10	7208 23 98	7209 34 10	7212 50 31	7219 12 10	7225 10 10
7201 30 90	7208 24 10	7209 34 90	7212 50 51	7219 12 90	7225 10 91
7201 40 00	7208 24 91	7209 41 00	7212 60 11	7219 13 10	7225 10 99
	7208 24 99	7209 42 10	7212 60 91	7219 13 90	7225 20 10
7202 11 20	7208 31 00	7209 42 90		7219 14 10	7225 20 30
7202 11 80	7208 32 10	7209 43 10	7213 10 00	7219 14 90	7225 30 00
7202 99 11	7208 32 30	7209 43 90	7213 20 00	7219 21 11	7225 40 10
	7208 32 51	7209 44 10	7213 31 00	7219 21 19	7225 40 30
7203 90 00	7208 32 59	7209 44 90	7213 39 00	7219 21 90	7225 40 50
	7208 32 91	7209 90 10	7213 41 00	7219 22 10	7225 40 70
7204 50 10	7208 32 99		7213 49 00	7219 22 90	7225 40 90
7204 50 90	7208 33 10	7210 11 10	7213 50 10	7219 23 10	7225 50 10
	7208 33 91	7210 12 11	7213 50 90	7219 23 90	7225 50 90
7206 10 00	7208 33 99	7210 12 19		7219 24 10	7225 90 10
7206 90 00	7208 34 10	7210 20 10	7214 20 00	7219 24 90	
	7208 34 90	7210 31 10	7214 30 00	7219 31 10	7226 10 10
7207 11 11	7208 35 10	7210 39 10	7214 40 10	7219 31 90	7226 10 30
7207 11 19	7208 41 00	7210 41 10	7214 40 91	7219 32 10	7226 20 10
7207 12 11	7208 42 10	7210 49 10	7214 40 99	7219 32 90	7226 20 31
7207 12 19	7208 42 30	7210 50 10	7214 50 10	7219 33 10	7226 20 51
7207 19 11	7208 42 51	7210 60 11	7214 50 91	7219 33 90	7226 20 71
7207 19 15	7208 42 59	7210 60 19	7214 50 99	7219 34 10	7226 91 10
7207 19 31	7208 42 91	7210 70 21	7214 60 00	7219 34 90	7226 91 90
7207 20 11	7208 42 99	7210 70 29		7219 35 10	7226 92 10
7207 20 15	7208 43 10	7210 90 31	7215 90 10	7219 35 90	7226 99 11
7207 20 17	7208 43 91	7210 90 33		7219 90 11	7226 99 31
7207 20 31	7208 43 99	7210 90 35	7216 10 00	7219 90 19	
7207 20 33	7208 44 10	7210 90 39	7216 21 00		7227 10 00
7207 20 51	7208 44 90		7216 22 00	7220 11 00	7227 20 00
7207 20 55	7208 45 10	7211 11 00	7216 31 11	7220 12 00	7227 90 10
7207 20 57	7208 90 10	7211 12 10	7216 31 19	7220 20 10	7227 90 30
7207 20 71		7211 12 90	7216 31 91	7220 90 11	7227 90 80
		7211 19 10	7216 31 99	7220 90 31	
7208 11 00		7211 19 91	7216 32 11		7228 10 10
7208 12 10	7209 11 00	7211 19 99	7216 32 19	7221 00 10	7228 10 30
7208 12 91	7209 12 10	7211 21 00	7216 32 91	7221 00 90	7228 20 11
7208 12 95	7209 12 90	7211 22 10	7216 32 99		7228 20 19
7208 12 98	7209 13 10	7211 22 90	7216 33 10	7222 10 11	7228 20 30
7208 13 10	7209 13 90	7211 29 10	7216 33 90	7222 10 19	7228 30 10
7208 13 91	7209 14 10	7211 29 91	7216 40 10	7222 10 51	7228 30 30
7208 13 95	7209 14 90	7211 29 99	7216 40 90	7222 10 59	7228 30 80
7208 13 98	7209 21 00	7211 30 10	7216 50 10	7222 10 99	7228 60 10
7208 14 10	7209 22 10	7211 41 10	7216 50 90	7222 30 10	7228 70 10
7208 14 91	7209 22 90	7211 41 91	7216 90 10	7222 40 11	7228 70 31
7208 14 99	7209 23 10	7211 49 10		7222 40 19	7228 80 10
7208 21 10	7209 23 90	7211 90 11	7218 10 00	7222 40 30	7228 80 90
7208 21 90	7209 24 10		7218 90 11		
7208 22 10	7209 24 91	7212 10 10	7218 90 13	7224 10 00	
7208 22 91	7209 24 99	7212 10 91	7218 90 15	7224 90 01	7301 10 00