

**COMMISSION REGULATION (EC) No 2914/95**  
of 18 December 1995

**introducing prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties originating in certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94<sup>(1)</sup>, and in particular Article 11 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83<sup>(2)</sup>, as last amended by Regulation (EC) No 839/95<sup>(3)</sup>, and in particular Article 9 thereof,

Having regard to the Committees set up under the Regulations referred to above,

Whereas by Commission recommendation No 3118/94/ECSC<sup>(4)</sup>, as last amended by Regulation (EC) No 393/95<sup>(5)</sup>, imports in to the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community were subject to *a priori* Community surveillance;

Whereas in accordance with the provisions of Regulations (EC) No 3285/94 and (EC) No 519/94 products covered by the Treaty establishing the European Coal and Steel Community are subject to the common rules for imports and it is therefore necessary that the arrangements for Community surveillance measures in respect of ECSC products be adopted in accordance with the provisions of those Regulations;

Whereas the Community industry producing similar or competing products, represented in all Member States, has pointed out that its situation is forecast to deteriorate in 1996, as the following trends in the economic indicators show:

— in 1995, production of crude steel in the Community is expected to be 3,0 % above the 152 million tonnes

produced in 1994, but this rate of annual growth conceals a slowing down of activity in the second semester of 1995. Initial estimates for 1996 suggest that growth in production will continue to be slow,

- imports into the Community from all third countries are expected to rise by an average of 30-35 % in 1995 compared to 11,6 million tonnes in 1994, and to increase by a further 10 % in 1996,
- Community exports are estimated to decrease by 15-20 % in 1995 compared with 28,0 million tonnes in 1994, and to fall by a further 6 % in 1996,
- the prices at which certain ECSC products have been imported into the Community are generally substantially below those of Community products,
- there are similar trends in relation to certain steel products covered by the EC Treaty. In the case of steel tubes and butt-welding fittings, Community production is expected to rise by 2 % in 1995 compared to 11,3 million tonnes in 1994, and to fall by 3 % in 1996; exports are expected to fall by 5 % in 1995 compared to 5,3 million tonnes in 1994, and to fall by a further 3 % in 1996; imports in 1995 are expected to increase by 25 % in 1995 compared to 4,4 million tonnes in 1994 (imports from certain third countries increasing in 1995 by between 36 % and 370 %) and, according to initial estimates, will rise by a further 10 % in 1996; prices of products from certain countries are 30-50 % below those of Community producers;

Whereas, therefore, the trend in imports of certain ECSC and EC products originating in third countries covered by this Regulation threatens to cause injury to Community producers and the interests of the Community require that imports of these products should be subject to prior Community surveillance in order to provide statistical information permitting rapid analysis of import trends;

Whereas the completion of the internal market requires that the formalities to be accomplished by Community importers be identical wherever the goods may be cleared;

Whereas release for free circulation of the products covered by this Regulation should be made subject to presentation of a surveillance document meeting uniform criteria;

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 53.

<sup>(2)</sup> OJ No L 67, 10. 3. 1994, p. 89.

<sup>(3)</sup> OJ No L 85, 19. 4. 1995, p. 9.

<sup>(4)</sup> OJ No L 330, 21. 12. 1994, p. 6.

<sup>(5)</sup> OJ No L 43, 25. 2. 1995, p. 23.

Whereas that document should on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import; the document should therefore be valid only during such period as the import rules remain unchanged;

Whereas the surveillance documents issued for the purposes of Community surveillance must be valid throughout the Community, regardless of the Member State of issue;

Whereas the Member States and the Commission should exchange the information resulting from Community surveillance as fully as possible;

Whereas the issue of surveillance documents, while subject to standard conditions at Community level, is to be the responsibility of the national authorities;

Whereas it should be recalled that the import of certain iron and steel products from certain third countries is subject not only to a surveillance document but also to an export document to be granted in accordance with arrangements established within the framework of an agreement with those third countries and the application of this Regulation is without prejudice to those arrangements,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January 1996, the release for free circulation in the Community of iron and steel products covered by the ECSC and EC Treaties listed in Annex I, originating in non-member countries other than the countries of the European Free Trade Association (EFTA) or the countries which are parties to the Agreement on the European Economic Area (EEA), shall be subject to prior Community surveillance in accordance with Articles 11 and 12 of Regulation (EC) No 3285/94 and Articles 9 and 10 of Regulation (EC) No 519/94.

2. The classification of the products covered by this Regulation is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Regulation shall be determined in accordance with the rules in force in the Community.

#### Article 2

1. The release for free circulation of the products referred to in Article 1 in the Community shall be subject to presentation of a surveillance document issued by the relevant authorities of a Member State.

2. The surveillance document referred to in paragraph 1 shall be issued automatically by the competent

authority in the Member States, without charge for any quantities requested, within five working days of presentation of an application by any Community importer, wherever established in the Community. This application shall be deemed to have been received by the competent national authority no later than three working days after submission, unless it is proven otherwise.

3. A surveillance document issued by one of the authorities listed in Annex II shall be valid throughout the Community.

4. The surveillance document shall be made out on a form corresponding to the model at Annex III. The importer's application shall include the following elements:

- (a) the name and full address of the applicant (including telephone and telefax numbers, and possible identification number used by the competent national authorities) and VAT registration number, if subject to VAT;
- (b) if applicable, the name and full address of the declarant or representative of the applicant (including telephone and telefax numbers);
- (c) the full name and address of the exporter;
- (d) the exact description of the goods, including
  - their trade name,
  - the combined nomenclature (CN) code(s),
  - the country of origin,
  - the country of consignment;
- (e) the net weight, expressed in kg and also quantity in the unit prescribed where other than net weight, by combined nomenclature heading;
- (f) the cif value of the goods in ECU at the Community frontier by combined nomenclature heading;
- (g) whether the products concerned are seconds or of substandard quality<sup>(1)</sup>;
- (h) the proposed period and place of customs clearance;
- (i) whether the application is a repeat of a previous application concerning the same contract;
- (j) the following declaration, dated and signed by the applicant with the transcription of his name in capital letters:

'I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Community'.

The importer shall also submit a copy of the contract of sale or purchase, the *pro forma* invoice and/or, in cases where the goods are not directly purchased in the country of production, a certificate of production issued by the producing steel mill.

<sup>(1)</sup> Under the criteria given in OJ No C 180, 11. 7. 1991, p. 4.

5. Surveillance documents may be used only for such time as arrangements for liberalization of imports remain in force in respect of the transactions concerned. Without prejudice to possible changes in the import regulations in force or decisions taken in the framework of an agreement or the management of a quota :

- the period of validity of the surveillance document is hereby fixed at four months,
- unused or partly used surveillance documents may be renewed for an equal period.

#### *Article 3*

1. A finding that the unit price at which the transaction is effected exceeds that indicated in the surveillance document by less than 5 % or that the total value or quantity of the products presented for import exceeds the value or quantity given in the surveillance document by less than 5 % shall not preclude the release for free circulation of the products in question.

2. Applications for surveillance documents and the documents themselves shall be confidential. They shall be restricted to the competent authorities and the applicant.

#### *Article 4*

1. Within the first 10 days of each month, the Member States shall communicate to the Commission :

- (a) details of the quantities and values (calculated in ecus) for which surveillance documents were issued during the preceding month ;
- (b) details of imports during the month preceding the month referred to in subparagraph (a).

The information provided by Member States shall be broken down by product, CN code and by country. It shall be communicated electronically in the form agreed for this purpose.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant a surveillance document.

#### *Article 5*

Any notices to be given hereunder shall be given to the Commission of the European Communities (DGI/D/2 and DG III/C/2).

#### *Article 6*

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

This Regulation shall apply from 1 January to 31 December 1996.

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

Done at Brussels, 18 December 1995.

*For the Commission*

Leon BRITTAN

*Vice-President*

## ANNEX I

## PRIOR SURVEILLANCE 1996

7202 11 20	7210 11 10	7214 99 31	7219 90 10	7228 10 10
7202 11 80	7210 12 11	7214 99 39		7228 10 30
7202 99 11	7210 12 19	7214 99 50	7220 11 00	7228 20 11
	7210 20 10	7214 99 61	7220 12 00	7228 20 19
7203 90 00	7210 30 10	7214 99 69	7220 20 10	7228 20 30
	7210 41 10	7214 99 80	7220 90 11	7228 30 20
7206 10 00	7210 49 10	7214 99 90	7220 90 31	7228 30 41
7206 90 00	7210 50 10			7228 30 49
	7210 61 10	7215 90 10	7221 00 10	7228 30 61
7208 10 00	7210 69 10		7221 00 90	7228 30 69
7208 25 00	7210 70 31	7216 10 00		7228 30 70
7208 26 00	7210 70 39	7216 21 00	7222 11 11	7228 30 89
7208 27 00	7210 90 31	7216 22 00	7222 11 19	7228 60 10
7208 36 00	7210 90 33	7216 31 11	7222 11 21	7228 70 10
7208 37 10	7210 90 38	7216 31 19	7222 11 29	7228 70 31
7208 37 90		7216 31 91	7222 11 91	7228 80 10
7208 38 10	7211 13 00	7216 31 99	7222 11 99	7228 80 90
7208 38 90	7211 14 10	7216 32 11	7222 19 10	
7208 39 10	7211 14 90	7216 32 19	7222 19 90	7301 10 00
7208 39 90	7211 19 20	7216 32 91	7222 30 10	
7208 40 10	7211 19 90	7216 32 99	7222 40 10	Complete CN
7208 40 90	7211 23 10	7216 33 10	7222 40 30	heading 7304
7208 51 10	7211 23 51	7216 33 90		
7208 51 30	7211 29 20	7216 40 10	7225 11 00	Complete CN
7208 51 50	7211 90 11	7216 40 90	7225 19 10	heading 7305
7208 51 91		7216 50 10	7225 19 90	
7208 51 99	7212 10 10	7216 50 91	7225 20 20	Complete CN
7208 52 10	7212 10 91	7216 50 99	7225 30 00	heading 7306
7208 52 91	7212 20 11	7216 99 10	7225 40 20	
7208 52 99	7212 30 11		7225 40 50	7307 23 10
7208 53 10	7212 40 10	7219 11 00	7225 40 80	7307 23 90
7208 53 90	7212 40 91	7219 12 10	7225 50 00	7307 93 11
7208 54 10	7212 50 31	7219 12 90	7225 91 10	7307 93 19
7208 54 90	7212 50 51	7219 13 10	7225 92 10	7307 93 91
7208 90 10	7212 60 11	7219 13 90	7225 99 10	7307 93 99
	7212 60 91	7219 14 10		7307 99 30
7209 15 00		7219 14 90	7226 11 10	7307 99 90
7209 16 10	7213 10 00	7219 21 10	7226 19 10	
7209 16 90	7213 20 00	7219 21 90	7226 19 30	
7209 17 10	7213 91 10	7219 22 10	7226 20 20	
7209 17 90	7213 91 20	7219 22 90	7226 91 10	
7209 18 10	7213 91 41	7219 23 00	7226 91 90	
7209 18 91	7213 91 49	7219 24 00	7226 92 10	
7209 18 99	7213 91 70	7219 31 00	7226 93 20	
7209 25 00	7213 99 10	7219 32 10	7226 94 20	
7209 26 10	7213 99 90	7219 32 90	7226 99 20	
7209 26 90		7219 33 10		
7209 27 10	7214 20 00	7219 33 90	7227 10 00	
7209 27 90	7214 30 00	7219 34 10	7227 20 00	
7209 28 10	7214 91 10	7219 34 90	7227 90 10	
7209 28 90	7214 91 90	7219 35 10	7227 90 50	
7209 90 10	7214 99 10	7219 35 90	7227 90 95	

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II  
— ANEXO II — LIITE II — BILAGA II

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES  
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER  
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN  
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ  
LIST OF THE COMPETENT NATIONAL AUTHORITIES  
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES  
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI  
LIJST VAN BEVOEGDE NATIONALE INSTANTIES  
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES  
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA  
LISTA ÖVER KOMPETENTA NATIONELLA MYNDIGHETER

## BELGIQUE/BELGIË

Ministère des affaires économiques  
Administration des relations économiques  
Quatrième division : Mise en œuvre des politiques commerciales  
internationales — Services des licences  
Rue Général Leman 60  
B-1040 Bruxelles  
Télécopieur : (32 2) 230 83 22

Ministerie van Economische Zaken  
Bestuur van de Economische Betrekingen  
Vierde Afdeling : Toepassing van het Internationaal Handelsbe-  
leid — Dienst Vergunningen  
Generaal Lemanstraat 60  
B-1040 Brussel  
Fax : (32 2) 230 83 22

## DANMARK

Erhvervsfremme Styrelsen  
Søndergade 25  
DK-8600 Silkeborg  
Fax : (45) 87 20 40 77

## DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01  
Postfach 5171  
D-65762 Eschborn 1  
Fax : 49 (61 96) 40 42 12

## ΕΛΛΑΔΑ

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Γενική Γραμματεία Δ.Ο.Σ  
Διεύθυνση Διαδικασιών Εξωτερικού  
Εμπορίου  
Κορνάρου 1  
GR-105 63 Αθήνα  
Τέλεφαξ: (301)328 60 29/328 60 59/328 60 39

## ESPAÑA

Ministerio de Comercio y Turismo  
Dirección General de Comercio Exterior  
Paseo de la Castellana 162  
E-28046 Madrid  
Fax : (341) 563 18 23/349 38 31

## FRANCE

SERIBE  
3-5, rue Barbet-de-Jouy  
F-75357 Paris 07 SP  
Télécopieur : (33 1) 43 19 43 69

## IRELAND

Licensing Unit  
Department of Tourism and Trade  
Kildare Street  
IRL-Dublin 2  
Fax : (353 1) 676 61 54

## ITALIA

Ministero per il Commercio estero  
D.G. Import-export, Divisione V  
Viale Boston  
I-00144 Roma  
Telefax : 39 6-59 93 26 36 / 59 93 26 37

## LUXEMBOURG

Ministère des affaires étrangères  
Office des licences  
BP 113  
L-2011 Luxembourg  
Télécopieur : (352) 46 61 38

## NEDERLAND

Centrale Dienst voor In- en Uitvoer  
Postbus 30003, Engelse Kamp 2  
NL-9700 RD Groningen  
Fax (31-50) 526 06 98

## ÖSTERREICH

Bundesministerium für wirtschaftliche  
Angelegenheiten  
Außenwirtschaftsadministration  
Landstraßer Hauptstraße 55-57  
A-1030 Wien  
Fax : 43-1-715 83 47

## PORTUGAL

Direcção-Geral do Comércio  
Avenida da República, 79  
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Telekopio : + 358 0 614 2852

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Fax : + 46-8-20 03 24

## UNITED KINGDOM

Department of Trade and Industry  
Import Licensing Branch  
Queensway House - West Precinct  
Billingham, Cleveland  
UK-TS23 2NF  
Fax : (44 1642) 533 557

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## EUROPEAN COMMUNITY

## SURVEILLANCE DOCUMENT

<b>Original &amp; Copy</b>	<b>1</b>	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	<b>1</b>	9. Description of goods	10. CN code and category
			11. Quantity in kilograms (net mass) or in additional units
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature:		Stamp	

**15. ATTRIBUTIONS**

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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<b>Copy for the issuing authority</b>	<b>2</b>	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	<b>2</b>	9. Description of goods	10. CN code and category
			11. Quantity in kilograms (net mass) or in additional units
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature:		Stamp	

**15. ATTRIBUTIONS**

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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Extension pages to be attached herein