

**COMMISSION REGULATION (EC) No 76/2002**

**of 17 January 2002**

**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>, as last amended by Regulation (EC) No 2474/2000 <sup>(2)</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>(3)</sup>, as last amended by Regulation (EC) No 1138/98 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Consultations having taken place within the committees set up under the Regulations referred to above,

Whereas:

- (1) In accordance with 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 those Regulations.
- (2) The situation on the steel market has worsened considerably in 2001 under the combined impact of a number of factors, chief among them being a marked downturn in the world economy evident from the outset of the year and the recession that began to affect some economies, including that of the United States, in the latter half of the year.
- (3) The steel market has also been unsettled by the uncertainty and hedging caused by the possibility of import restrictions on the US market following the US administration's 'Section 201' safeguard investigation.

(4) Should import restrictions actually be applied on the US market, they are likely to cause major fluctuations in the structure of international trade, and in particular the deflection of trade towards the Community market. Such deflection could seriously harm the Community steel industry.

(5) Available economic indicators and estimates for 2001 show the following trends:

(A) *Production.* Production of crude steel in the Community in 2001 is expected to be about 159 million tonnes. This estimate is not only 2,5 % lower than production in 2000 (163,2 million tonnes), it is also lower than the levels recorded in 1997 (159,4 million tonnes) and 1998 (159,7 million tonnes).

(B) *Imports.* Imports of ECSC iron and steel products into the Community from all third countries will remain appreciably the same as in 2000, at about 25 million tonnes. By way of comparison, Community imports of these products totalled 12,2 million tonnes in 1996. This means that steel imports into the Community have more than doubled in the past five years.

(C) *Exports.* At a probable level of about 21 million tonnes, Community exports of ECSC iron and steel products in 2001 are about 8 % down on the previous year. By way of comparison, Community imports of these products amounted to 28 million tonnes in 1996. Community exports to the US and Canada have been hit particularly hard, falling by an estimated 36 % and 32 % respectively. This trend will worsen in 2002 if restrictions are introduced on the US market. For 2001 as a whole, the Community is expected to be a net importer of iron and steel products, with a trade deficit in excess of 4 million tonnes. In 1996 the Community recorded a trade surplus of the order of 15,8 million tonnes.

(D) *Prices.* Prices for iron and steel products in 2001 were 18 % lower on average than in 2000.

<sup>(1)</sup> OJ L 349, 31.12.1994, p. 53.

<sup>(2)</sup> OJ L 286, 11.11.2000, p. 1.

<sup>(3)</sup> OJ L 67, 10.3.1994, p. 89.

<sup>(4)</sup> OJ L 159, 3.6.1998, p. 1.

- (6) Since the scope of the Section 201 safeguard investigation includes pipes and tubes, the possibility of US restrictions on these products cannot be excluded. Prior surveillance should therefore be extended to pipes and tubes.
- (7) The Community's external trade statistics are not available within the periods established by Commission Regulation (EC) No 1917/2000 <sup>(1)</sup>, as amended by Regulation (EC) No 1669/2001 <sup>(2)</sup>.
- (8) The interests of the Community require that imports of certain iron and steel products should be subject to prior Community surveillance in order to provide statistical information permitting rapid analysis of import trends.
- (9) The completion of the internal market requires that the formalities to be accomplished by Community importers be identical wherever the goods may be cleared.
- (10) Release for free circulation of the products covered by this Regulation should be made subject to presentation of a surveillance document meeting uniform criteria.
- (11) 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 as long as the import rules remain unchanged.
- (12) The surveillance documents issued for the purposes of Community surveillance must be valid throughout the Community, regardless of the Member State of issue.
- (13) The Member States and the Commission should exchange the information resulting from Community surveillance as fully as possible.
- (14) The issue of surveillance documents, while subject to standard conditions at Community level, is to be the responsibility of the national authorities.
- (15) It should be reiterated that for certain iron and steel products the issue of a surveillance document is subject to presentation of an export document in accordance with arrangements established within the framework of double-checking agreements with certain third countries, and the present Regulation does not apply to products originating in those countries which are subject to such a double-checking system,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. From 1 January 2002 the release for free circulation in the Community of iron and steel products covered by the ECSC and EC Treaties listed in Annex I 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. This applies to imports originating in all non-member countries other than the countries of the European Free Trade Association (EFTA), countries which are parties to the Agreement on the European Economic Area (EEA), and Turkey. Products which are subject to a double-checking agreement established between a non-member country and the Community shall be subject to the conditions established by that agreement and not to this Regulation.

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 in the Community of the products referred to in Article 1 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 authorities in the Member States, without charge and for any quantities requested, within five working days of presentation of an application by any Community importer, wherever it may be 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 I of Regulation (EC) No 3285/94 <sup>(3)</sup> on common rules for imports or in Annex IV to Regulation (EC) No 519/94 on common rules for imports from certain third countries. The importer's application shall include the following elements:

<sup>(3)</sup> As modified by Council Regulation (EC) 139/96 of 22 January 1996 (OJ L 21, 27.7.1996, p. 7), and taking into account the provisions of Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro (OJ L 162, 19.6.1997, p. 1).

<sup>(1)</sup> OJ L 229, 9.9.2000, p. 14.

<sup>(2)</sup> OJ L 224, 21.8.2001, p. 3.

- (a) the name and full address of the applicant (including telephone and fax 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 fax 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 the quantity in the unit prescribed where other than net weight, by combined nomenclature heading;
- (f) the cif value of the goods in euro at the Community frontier by combined nomenclature heading;
- (g) whether the products concerned are seconds or of standard 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 and of the pro forma invoice. If so requested, for example in cases where the goods are not directly purchased in the country of production, the importer shall present a certificate of production issued by the producing steel mill.

5. Surveillance documents may be used only for such time as arrangements for liberalisation 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.

6. The importer shall return surveillance documents to the issuing authority at the end of their period of validity.

7. The competent authorities may allow the submission of declarations or requests to be transmitted or printed by electronic means, under the conditions fixed by them. However, all

documents and evidence must be available to the competent authorities.

8. The surveillance document may be issued by electronic means as long as the customs offices involved have access to the document via a computer network.

#### Article 3

1. A finding that the unit price at which the transaction is effected varies from that indicated in the surveillance document by less than 5 % in either direction or that the total quantity of the products presented for import exceeds the 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. The Member States shall communicate to the Commission:

- (a) on as regular and up-to-date a basis as possible and at least by the last day of each month, details of the quantities and values (calculated in euro) for which surveillance documents have been issued;
- (b) within six weeks of the end of each month, details of imports during that month, in accordance with Article 32 of Regulation No (EC) 1917/2000.

The information provided by Member States shall be broken down by product, CN code and by country.

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 under this Regulation shall be given to the Commission of the European Communities and shall be communicated electronically via the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

#### 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 2002.

<sup>(1)</sup> Under the criteria given in OJ C 180, 11.7.1991, p. 4.

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

Done at Brussels, 17 January 2002.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

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## ANNEX

## LIST OF PRODUCTS SUBJECT TO PRIOR SURVEILLANCE (2002)

7208 10 00	7210 11 10	7213 10 00	7216 50 99
7208 25 00	7210 12 11	7213 20 00	7216 99 10
7208 26 00	7210 12 19	7213 91 10	7225 11 00
7208 27 00	7210 20 10	7213 91 20	7225 19 10
7208 36 00	7210 30 10	7213 91 41	7225 19 90
7208 37 10	7210 41 10	7213 91 49	7225 20 20
7208 37 90	7210 49 10	7213 91 70	7225 30 00
7208 38 10	7210 50 10	7213 91 90	7225 40 20
7208 38 90	7210 61 10	7213 99 10	7225 40 50
7208 39 10	7210 69 10	7213 99 90	7225 40 80
7208 39 90			7225 50 00
7208 40 10	7210 70 31		7226 11 10
7208 40 90	7210 70 39	7214 20 00	7226 11 90 (*)
7208 51 10	7210 90 31	7214 30 00	7226 19 10
7208 51 30	7210 90 33	7214 91 10	7226 19 30
7208 51 50	7210 90 38	7214 91 90	7226 19 90 (*)
7208 51 91		7214 99 10	7226 91 10
7208 51 99	7211 13 00	7214 99 31	7226 91 90
7208 52 10	7211 14 10	7214 99 39	7226 99 20
7208 52 91	7211 14 90	7214 99 50	7227 90 10
7208 52 99	7211 19 20	7214 99 61	7228 10 10
7208 53 10	7211 19 90	7214 99 69	7228 10 30
7208 53 90	7211 23 10	7214 99 80	7228 20 11
7208 54 10	7211 23 51	7214 99 90	7228 20 19
7208 54 90	7211 23 91 (*)	7215 90 10	7228 20 30
7208 90 10	7211 23 99 (*)		7228 30 20
	7211 29 20	7216 10 00	7228 30 41
7209 15 00	7211 29 50 (*)	7216 21 00	7228 30 49
7209 16 10	7211 29 90 (*)	7216 22 00	7228 30 61
7209 16 90	7211 90 11	7216 31 11	7228 30 69
7209 17 10	7211 90 90 (*)	7216 31 19	7228 30 70
7209 17 90		7216 31 91	7228 30 89
7209 18 10		7216 31 99	7228 60 10
7209 18 91	7212 10 10	7216 32 11	7228 70 10
7209 18 99	7212 10 91	7216 32 19	7228 70 31
7209 25 00	7212 20 11	7216 32 91	7228 80 10
7209 26 10	7212 30 11	7216 32 99	7228 80 90
7209 26 90	7212 40 10	7216 33 10	7301 10 00
7209 27 10	7212 40 91	7216 33 90	Complete CN Heading 7304 (*)
7209 27 90	7212 50 31	7216 40 10	Complete CN Heading 7306 (*)
7209 28 10	7212 50 51	7216 40 90	7307 93 11 (*)
7209 28 90	7212 60 11	7216 50 10	7307 93 19 (*)
7209 90 10	7212 60 91	7216 50 91	7307 99 30 (*)
			7307 99 90 (*)

(\*) Products covered by the EC Treaty.

**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**  
**FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

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