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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

(OJ L 16, 18.1.2002, p. 3)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 1337/2002 of ►C2 23 July 2002 ◄	L 195	25	24.7.2002
►M2	Commission Regulation (EC) No 2385/2002 of 30 December 2002	L 358	125	31.12.2002
►M3	Commission Regulation (EC) No 886/2004 of 4 March 2004	L 168	14	1.5.2004

Amended by:

►A1	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

Corrected by:

►C1 Corrigendum, OJ L 276, 12.10.2002, p. 68 (1337/2002)

►C2 Corrigendum, OJ L 279, 17.10.2002, p. 55 (1337/2002)

►C3 Corrigendum, OJ L 297, 31.10.2002, p. 7 (1337/2002)

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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 ([1]), as last amended by Regulation (EC) No 2474/2000 ([2]), 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 ([3]), as last amended by Regulation (EC) No 1138/98 ([4]), 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

([1]) OJ L 349, 31.12.1994, p. 53.
([2]) OJ L 286, 11.11.2000, p. 1.
([3]) OJ L 67, 10.3.1994, p. 89.
([4]) OJ L 159, 3.6.1998, p. 1.

▼B

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.

(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 ([1]), as amended by Regulation (EC) No 1669/2001 ([2]).

(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,

([1]) OJ L 229, 9.9.2000, p. 14.
([2]) OJ L 224, 21.8.2001, p. 3.

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HAS ADOPTED THIS REGULATION:

Article 1

▼M1

1. The release for free circulation in the Community of iron and steel products covered by the ECSC and the EC Treaties listed in Annex 1 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. However, 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.

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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.

▼M2

3. Imports whose net weight does not exceed 500 kilogrammes are excluded from the application of this Regulation.

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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 [1] 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:

(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;

[1] 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).

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(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 substandard quality ([1]);

(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;

([1]) Under the criteria given in OJ C 180, 11.7.1991, p. 4.

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(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.

▼M3

Article 4a

As regards release for free circulation in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia as of 1 May 2004 of the steel products covered by this Commission Regulation and shipped before 1 May 2004, a surveillance document is not required provided that the goods have been shipped before 1 May 2004. The presentation of the bill of lading or another transport document deemed to be equivalent by Community authorities proving the shipment date is required.

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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 ►M2 31 March 2005 ◄.

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

▼M1

ANNEX

List of products subject to prior surveillance

7207 11 14
7208 10 00
7208 25 00
7208 26 00
7208 27 00
7208 36 00
7208 37 10
7208 37 90
7208 38 10
7208 38 90
7208 39 10
7208 39 90
7208 40 10
7208 40 90
7208 51 10
7208 51 30
7208 51 50
7208 51 91
7208 51 99
7208 52 10
7208 52 91
7208 52 99
7208 53 10
7208 53 90
7208 54 10
7208 54 90
7208 90 10
7208 90 90 (*)
7209 15 00
7209 16 10
7209 16 90
7209 17 10
7209 17 90
7209 18 10
7209 18 91
7209 18 99
7209 25 00
7209 26 10
7209 26 90
7209 27 10
7209 27 90
7209 28 10
7209 28 90
7209 90 10
7209 90 90
7210 11 10
7210 11 90 (*)

(*) Products regulated by the EC Treaty.

▼**M1**

7210 12 11
7210 12 19
7210 12 90 (*)
7210 20 10
7210 20 90 (*)
7210 30 10
7210 30 90 (*)
7210 41 10
7210 41 90 (*)
7210 49 10
7210 49 90 (*)
7210 50 10
7210 50 90 (*)
7210 61 10
7210 61 90 (*)
7210 69 10
7210 69 90 (*)
7210 70 31
7210 70 39
7210 70 90 (*)
7210 90 31
7210 90 33
7210 90 38
7210 90 90 (*)
7211 13 00
7211 14 10
7211 14 90
7211 19 20
7211 19 90
7211 23 10
7211 23 51
7211 23 91 (*)
7211 23 99 (*)
7211 29 20
7211 29 50 (*)
7211 29 90 (*)
7211 90 11
7211 90 19 (*)
7211 90 90 (*)
7212 10 10
7212 10 91
7212 10 93 (*)
7212 10 99 (*)
7212 20 11
7212 20 19 (*)
7212 20 90 (*)
7212 30 11
7212 30 19 (*)
7212 30 90 (*)
7212 40 10
7212 40 91

(*) Products regulated by the EC Treaty.

▼**M1**

7212 40 93 (*)
7212 40 95 (*)
7212 40 98 (*)
7212 50 31
7212 50 51
7212 50 58 (*)
7212 50 75 (*)
7212 50 91 (*)
7212 50 93 (*)
7212 50 97 (*)
7212 50 99 (*)
7212 60 11
7212 60 19 (*)
7212 60 91
7212 60 93 (*)
7212 60 99 (*)
7213 10 00
7213 20 00
7213 91 10
7213 91 20
7213 91 41
7213 91 49
7213 91 70
7213 91 90
7213 99 10
7213 99 90
7214 20 00
7214 30 00
7214 91 10
7214 91 90
7214 99 10
7214 99 31
7214 99 39
7214 99 50
7214 99 61
7214 99 69
7214 99 80
7214 99 90
7215 90 10
7216 10 00
7216 21 00
7216 22 00
7216 31 11
7216 31 19
7216 31 91
7216 31 99
7216 32 11
7216 32 19
7216 32 91
7216 32 99
7216 33 10

(*) Products regulated by the EC Treaty.

▼**M1**

7216 33 90
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 99 10
7221 00 10
7221 00 90
7222 11 11
7222 11 19
7222 11 21
7222 11 29
7222 11 91
7222 11 99
7222 19 10
7222 19 90
7222 20 11 (*)
7222 20 19 (*)
7222 20 21 (*)
7222 20 29 (*)
7222 20 31 (*)
7222 20 39 (*)
7222 20 81 (*)
7222 20 89 (*)
7222 30 10
7222 30 51 (*)
7222 30 91 (*)
7222 30 98 (*)
7222 40 10
7222 40 30
7222 40 91 (*)
7222 40 93 (*)
7222 40 99 (*)
7223 00 11 (*)
7223 00 91 (*)
7223 00 19 (*)
7223 00 99 (*)
7225 11 00
7225 19 10
7225 19 90
7225 20 20
7225 20 90
7225 30 00
7225 40 20
7225 40 50
7225 40 80
7225 50 00
7225 91 10
7225 91 90 (*)
7225 92 10

(*) Products regulated by the EC Treaty.

▼**M1**

7225 92 90 (*)

7225 99 10

7225 99 90 (*)

7226 11 10

7226 11 90 (*)

7226 19 10

7226 19 30

7226 19 90 (*)

7226 91 10

7226 91 90

7226 92 10

7226 92 90 (*)

7226 93 20

7226 93 80 (*)

7226 94 20

7226 94 80 (*)

7226 99 20

7226 99 80 (*)

7227 90 10

7228 10 10

7228 10 30

7228 20 11

7228 20 19

7228 20 30

7228 30 20

7228 30 41

7228 30 49

7228 30 61

7228 30 69

7228 30 70

7228 30 89

7228 60 10

7228 70 10

7228 70 31

7228 80 10

7228 80 90

7301 10 00 (*)

Complete CN heading 7304 (*)

Complete CN heading 7306 (*)

7307 91 00 (*)

7307 93 11 (*)

7307 93 19 (*)

7307 99 30 (*)

7307 99 90 (*)

(*) Products regulated by the EC Treaty.

▼**A1**

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES

SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ

LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER

LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN

RIIKLIKE PÄDEVATE ASUTUSTE NIMEKIRI

ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ

LIST OF THE COMPETENT NATIONAL AUTHORITIES

LISTE DES AUTORITÉS NATIONALES COMPÉTENTES

ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI

VALSTU KOMPETENTO IESTĀŽU SARAKSTS

ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS

AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA

LISTA TA' L-AWTORITAJIET NAZZJONALI KOMPETENTI

LIJST VAN BEVOEGDE NATIONALE INSTANTIES

LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH

LISTA DAS AUTORIDADES NACIONAIS COMPETENTES

SEZNAM PRISTOJNIH NACIONALNIH ORGANOV

ZOZNAM PRÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV

LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA

FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

▼**M1**

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