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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 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
►M4	Commission Regulation (EC) No 469/2005 of 23 March 2005	L 78	12	24.3.2005
►M5	Commission Regulation (EC) No 1915/2006 of 18 December 2006	L 365	76	21.12.2006
►M6	Commission Regulation (EU) No 1241/2009 of 16 December 2009	L 332	54	17.12.2009

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)

▼B

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

([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

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.

(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.

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

▼B

(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

▼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.

▼M5

3. Imports whose net weight does not exceed 2 500 kilograms are excluded from the application of this Regulation.

▼B

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

([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).

▼B

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 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.

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

▼B

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.

▼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.

▼B

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 ►M6 31 December 2012 ◄.

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

(*) Products regulated by the EC Treaty.

▼**M1**

7209 27 90

7209 28 10

7209 28 90

7209 90 10

7209 90 90

7210 11 10

7210 11 90 (*)

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 (*)

(*) Products regulated by the EC Treaty.

▼**M1**

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

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

(*) Products regulated by the EC Treaty.

▼**M1**

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

7216 33 90

7216 40 10

7216 40 90

7216 50 10

7216 50 91

7216 50 99

7216 99 10

▼**M6**

7219 11 00

7219 12 10

7219 12 90

7219 13 10

7219 13 90

7219 14 10

7219 14 90

7219 21 10

7219 21 90

7219 22 10

7219 22 90

7219 23 00

7219 24 00

7219 31 00

▼**M6**

7219 32 10

7219 32 90

7219 33 10

7219 33 90

7219 34 10

7219 34 90

7219 35 10

7219 35 90

7219 90 20

7219 90 80

7220 11 00

7220 12 00

7220 20 21

7220 20 29

7220 20 41

7220 20 49

7220 20 81

7220 20 89

7220 90 20

7220 90 80

▼**M1**

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 (*)

(*) Products regulated by the EC Treaty.

(*) Products regulated by the EC Treaty.

▼**M1**

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

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

(*) Products regulated by the EC Treaty.

▼M1

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

▼M6

7228 50 20

▼M1

7228 60 10

7228 70 10

7228 70 31

7228 80 10

7228 80 90

7301 10 00 (*)

Complete CN heading 7304 (*)

▼M6

Complete CN heading 7305

▼M1

Complete CN heading 7306 (*)

7307 91 00 (*)

7307 93 11 (*)

7307 93 19 (*)

7307 99 30 (*)

7307 99 90 (*)

▼M6

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES

СПИСЪК НА КОМПЕТЕНТНИТЕ НАЦИОНАЛНИ ОРГАНИ

SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ

LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER

LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN

PÄDEVATE RIIKLIKE 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 IESTAŽU SARAKSTS

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LISTA TAL-AWTORITAJIET KOMPETENTI NAZZJONALI

LIJST VAN BEVOEGDE NATIONALE INSTANTIES

LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH

LISTA DAS AUTORIDADES NACIONAIS COMPETENTES

LISTA AUTORITĂȚILOR NAȚIONALE COMPETENTE

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▼M6

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