Council Regulation (EC) No 2041/2004 of 15 November 2004 on the import of certain steel products originating in the Russian Federation

COUNCIL REGULATION (EC) No 2041/2004

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on the import of certain steel products originating in the Russian Federation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 9 July 2002, the European Coal and Steel Community (ECSC) and the Government of the Russian Federation concluded an Agreement on trade in certain steel products[(1)] (hereinafter referred to as the Agreement). The necessary implementing measures have been adopted by Commission Decision 2002/602/ECSC of 8 July 2002 on administering certain restrictions on imports of certain steel products from the Russian Federation[(2)]. Following the expiry of the ECSC Treaty, the European Community took over all rights and obligations under the Agreement.

(2) Commission Decision 2002/602/ECSC sets quantitative limits on the imports into the Community.

(3) Given the important increase in the demand worldwide for certain steel products and the ensuing comparable difficulty for some Community users to source those steel products in the Community market, it is necessary to authorise more imports into the Community than originally agreed in the Agreement. The steel products in question (hot-rolled coils for re-rolling) are classified under TARIC codes 7208 37 00 10, 7208 38 00 10 and 7208 39 00 10.

(4) It is important that the additional quantities be available as soon as possible. The renegotiation of the Agreement and the subsequent implementation of it as amended would require too much time. It is therefore preferable to recur to an autonomous measure.

(5) The completion of the internal market requires that the formalities to be accomplished by Community importers be identical wherever the goods may be cleared.

(6) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.

(7) The effective application of this Regulation requires the introduction of a requirement of a Community import licence for the entry into free circulation in the Community

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of the products in question together with a system for administering the grant of such Community import licences.

(8) In order to ensure that the quantitative limits established by this Regulation are not exceeded, a procedure should be followed whereby the competent authorities of the Member States will not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to Decision 2002/602/ECSC, the importation into the Community of additional quantities of the steel products mentioned in the second subparagraph originating in the Russian Federation shall be authorised up to 200 000 tonnes.

The steel products are classified under the TARIC codes 7208 37 00 10, 7208 38 00 10 and 7208 39 00 10. The classification of the products 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 steel products set out in Article 1 originating in the Russian Federation shall be subject to the presentation of an import licence issued by the Member States' authorities in accordance with the provisions of Article 4.

2 In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits, the competent authorities of the Member States listed in Annex II shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits.

3 For the purposes of this Regulation and as from the date of its application, shipment of products shall be considered as having taken place on the date on which they were loaded on to the exporting means of transport. Shipment must take place no later than 31 December 2004.

Article 3

1 The quantitative limits referred to in Article 1 shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2 Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the quantitative limit set out in Article 1.

Article 4

1 For the purpose of applying Article 2(2), before issuing import licences, the competent authorities of the Member States listed in Annex II shall notify the Commission of the amounts of the requests for import licences which they have received. By return, the Commission shall notify whether the requested amounts of quantities are available for importation in the chronological order in which the notifications of the Member States have been received (first-

come, first-served basis). The import licence shall then be issued within five working days of the positive confirmation of the Commission.

2 The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the amounts to be imported, the quota period, the Member State in which the products are intended to be put into free circulation and the specific code to identify the products referred to in Article 1. The necessary technical modalities for the proper management of these quantitative limits shall be agreed within the Steel Liaison Committee.

3 The notifications referred to in paragraphs 1 and 2 shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

4 As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified.

5 The import licences or equivalent documents shall be issued in accordance with Annex I.

6 Import licences issued in accordance with this Regulation shall be valid throughout the customs territory of the Community. A Community importer may apply for an import licence with any of the competent authorities.

7 The importer's application shall be made no later than 31 December 2004 and 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;

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[(3)];

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 a copy of the contract of sale or purchase and of the *pro forma* invoice;

k 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.

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8 The period of validity of the import licence is hereby fixed at four months. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a period of two months.

9 The competent national 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 shall be available to the competent national authorities.

10 The import licence may be issued by electronic means, as long as the customs offices involved have access to the document via a computer network.

11 The importers shall be under no obligation to import in one consignment the total quantity mentioned in an import licence.

Article 5

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

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

Article 6

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

It shall apply until 31 December 2004.

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

Done at Brussels, 15 November 2004.

For the Council

The President

M. VAN DER HOEVEN

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ANNEX I

EUROPEAN COMMUNITY IMPORT LICENCE

1 **Holder's copy** 1	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Period
		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

9. Description of goods	10. CN code
	11. Quantity expressed in quota unit
	12. Security/guarantee (as applicable)
13. Further particulars	
14. Competent authority's endorsement Date: ..... (Signature) (Stamp)	