I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 405/2003
of 27 February 2003
concerning Community monitoring of imports of hard coal originating in third countries
(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 284 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Community has become increasingly dependent on its external supplies of primary energy sources. According to the Green paper 'Towards a European Union strategy for the security of energy supply', adopted by the Commission on 29 November 2000, 50 % of the Community's energy requirements are currently covered by imports, and this figure will rise to almost 70 % by 2030 on current trends.

(2) The diversification of suppliers and energy sources is a key factor in security of energy supply. It is therefore essential for the Community to have a system for monitoring imports of hard coal originating in third countries.

(3) The ECSC Treaty and its implementing measures, notably Decision 77/707/ECSC of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council of 7 November 1977, concerning Community surveillance of imports of hard coal originating in third countries [1] expired on 23 July 2002.

(4) Commission Decision No 341/94/ECSC of 8 February 1994 implementing Decision No 3632/93/ECSC establishing Community rules for State aid to the coal industry [2], which enables the Commission to determine the price of coal from third countries intended for blast furnaces and to collect essential data on purchases of coal, coking coal or coke from third countries, also expired on 23 July 2002.

(5) Information on the guide prices of coal originating in third countries, intended for electricity production and of coal intended for the steel industry, is necessary for the proper functioning of the internal market, in particular for the monitoring of State aid to the Community coal industry.

(6) It is therefore necessary to introduce a Community procedure for information and consultation on the costs of external supplies of hard coal and on guide prices for imported coal intended for the production of electricity and for coal intended for the steel industry.

(7) This procedure calls for the examination at regular intervals of aggregate information from Member States on the costs of external coal supplies and on prices of coal originating in third countries intended to be used for electricity production and for the steel industry. The information collected must make it possible to compare the development of the costs and the import prices of coal applied in the Community.

(8) In keeping with current practice, Member States should continue to transmit to the Commission the prices of coal originating in third countries. Member States may retain their current system or set up new procedures for collecting the data.

(9) The information collected and the results of the analyses carried out by the Commission must be published at Community level in order to ensure the transparency of the market, albeit in a form that does not enable specific imports or individual companies to be identified, with consultation between the Member States and the Commission.

(10) If the Commission finds any anomalies or inconsistencies in the notified figures, it must be able to obtain other information from the Member State concerned.

(11) In order to provide guidance, in line with the tasks assigned to the Community, on the course of action to be followed by all concerned and to determine its own course of action, in accordance with the provisions of the Treaty, the Commission conducts a continuous study of solid fuel market and price trends.

[1] OJ L 292, 16.11.1977, p. 11. Decision amended by Decision 85/161/ECSC (OJ L 63, 2.3.1985, p. 20).
[2] OJ L 49, 19.2.1994, p. 1.