



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.10.1996
COM(96) 490 final

96/0245 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

concerning the export of certain ECSC and EC steel products from the Former Yugoslav Republic of Macedonia to the European Community (double-checking system)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 22 December 1995, the Council authorized the Commission to open negotiations with the Former Yugoslav Republic of Macedonia with a view to concluding a Cooperation Agreement, a Protocol on Financial Cooperation and an agreement in the Field of Transport. On the basis of these negotiating directives, negotiations started on 28 March 1996.
2. On 19 June 1996, the Commission and the Former Yugoslav Republic of Macedonia reached agreement on the texts of a Cooperation Agreement (including Protocols on additional trade arrangements for certain iron and steel products, financial cooperation and rules of origin) and an Agreement in the Field of Transport.
3. The Protocol on additional trade arrangements for certain iron and steel products establishes, *inter alia*, a double-checking system without quantitative limits so as to improve transparency and to avoid possible diversions of trade. The Community already operates similar double-checking systems with Romania, Bulgaria, the Czech and Slovak Republics.
4. The Commission is submitting proposals to the Council for the conclusion of the Cooperation Agreement and its Protocols and of the Agreement in the Field of Transport. In addition, the Commission invites the Council to adopt the attached draft Council Regulation which is necessary for the Community and its Member States to implement the double-checking system for certain steel products.

COUNCIL REGULATION (EC) N° #

of

concerning the export of certain ECSC and EC steel products from the Former Yugoslav Republic of Macedonia to the European Community (double-checking system)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a Cooperation Agreement between the European Community and the Former Yugoslav Republic of Macedonia entered into force on #¹;

Whereas the Parties agreed in the protocol to the Agreement concerning additional trade arrangements for certain iron and steel products to establish a double-checking system, without quantitative limits, for the import into the Community of steel products originating in the Former Yugoslav Republic of Macedonia,

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date of entry into force of the Cooperation Agreement until further notice, in accordance with the provisions of the protocol on additional trade arrangements for certain iron and steel products, imports into the Community of certain iron and steel products covered by the ECSC and EC Treaties originating in the Former Yugoslav Republic of Macedonia, as listed in Annex I, shall be subject to the presentation of a surveillance document issued by the authorities in the Community.

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.

¹ OJ N° L

3. From the date of entry into force of the Cooperation Agreement until further notice, imports into the Community of the products originating in the Former Yugoslav Republic of Macedonia listed in Annex I shall, in addition, be subject to the issue of an export document issued by the competent authorities of the exporting country. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.

4. An export document will not be required for goods originating in the Former Yugoslav Republic of Macedonia already shipped to the Community before the date of entry into force of the Cooperation Agreement, provided that the destination of such products is not changed from a non-Community destination and that those products which, under the prior surveillance regime in force at the time, may be put into free circulation only on presentation of a surveillance document are in fact accompanied by such a document.

5. Shipment is considered to have taken place on the date of loading onto the exporting means of transport.

6. The export document shall conform to the model shown in Annex II. It shall be valid for exports throughout the customs territory of the Community.

Article 2

1. The surveillance document referred to in Article 1 (1) shall be issued automatically by the competent authority in the Member States, without charge for any quantities requested, within five working days of presentation of an application by any Community importer, wherever 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.

2. A surveillance document issued by one of the competent national authorities listed in Annex III shall be valid throughout the Community.

3. The surveillance document shall be made out on a form corresponding to the model set out in Annex IV. The importer's application shall include the following elements:

(a) the name and full address of the applicant (including telephone and telefax 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 telefax 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 also quantity in the unit prescribed where other than net weight, by combined nomenclature heading;

(f) the cif value of the goods in ECU 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, the pro forma invoice and/or, in cases where the goods are not directly purchased in the country of production, a certificate of production issued by the producing steel mill.

4. Surveillance documents may be used only for such time as arrangements for liberalization 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.

(1) Under the criteria given in Commission communication concerning identification criteria of non-prime steel products from third countries applied by customs services of Member States (OJ No C 180, 11. 7. 1991, p. 4).

Article 3

1. A finding that the unit price at which the transaction is effected exceeds that indicated in the surveillance document by less than 5 % or that the total value or quantity of the products presented for import exceeds the value or 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. Within the first 10 days of each month, the Member States shall communicate to the Commission:

(a) details of the quantities and values (calculated in ecus) for which surveillance documents were issued during the preceding month; (b) details of imports during the month preceding the month referred to in subparagraph (a).

The information provided by Member States shall be broken down by product, CN code and by country. It shall be communicated electronically in the form agreed for this purpose.

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 hereunder shall be given to the Commission of the European Communities (DG I.D.2 and DG III.C.2).

Article 6

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities. It shall apply with effect from # 1997.

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

Done at

For the Council

The President

ANNEX I

Former Yugoslav Republic of Macedonia

List of products subject to double-checking

Complete CN heading 7208

Complete CN heading 7209

Complete CN heading 7210

Complete CN heading 7211

Complete CN heading 7212

Complete CN heading 7303

Complete CN heading 7304

Complete CN heading 7305

Complete CN heading 7306

ANNEX II

Former Yugoslav Republic of Macedonia

Export Document

1. Exporter (name, full address, country)	ORIGINAL		2. No.
	3. Year		4. Product group
	EXPORT DOCUMENT (ECSC products)		
5. Consignee (name, full address, country)	6. Country of origin		7. Country of destination
	8. Place and date of shipment – Means of transport		
9. Supplementary details			
10. Description of goods – Manufacturer		11. CN code	12. Quantity (⁽¹⁾)
			13. FOB Value (⁽²⁾)
14. CERTIFICATION BY THE COMPETENT AUTHORITY			
15. Competent authority (name, full address, country)		At on (Signature) (Stamp)	

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
 (2) In the currency of the sale contract.

(¹) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
 (²) In the currency of the sale contract.

1. Exporter <i>(name, full address, country)</i>	COPY	2. No.	
	3. Year	4. Product group	
EXPORT DOCUMENT (ECSC products)			
5. Consignee <i>(name, full address, country)</i>	6. Country of origin	7. Country of destination	
8. Place and date of shipment – Means of transport	9. Supplementary details		
10. Description of goods – Manufacturer	11. CN code	12. Quantity (¹)	13. FOB Value (²)
14. CERTIFICATION BY THE COMPETENT AUTHORITY			
15. Competent authority <i>(name, full address, country)</i>	At on..... <div style="display: flex; justify-content: space-between;"> (Signature) (Stamp) </div>		

ANNEX III

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
LISTA ÖVER KOMPETENTA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Administration des relations économiques
Quatrième division: mise en œuvre des politiques commerciales
internationales — Services 'Licences'
Rue Général Leman 60
B-1040 Bruxelles
Télécopieur: (32 2) 230 83 22

Bestuur van de Economische Betrekkingen
Vierde Afdeling: Toepassing van het Internationaal Handels-
beleid — Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax: (32-2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Fax (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
Postfach 5171
D-65762 Eschborn 1
Fax: (49) (61 96) 40 42 12

ΕΛΛΑΔΑ

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία ΔΟΣ
Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου
Κορνάρου 1
GR-105 63 Αθήνα
Τέλεφαξ: (30-1) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Comercio y Turismo
Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Fax: (34 1) 563 18 23

FRANCE

SERIBE
3-5 rue Barbet-de-Jouy
F-75357 Paris 07 SP
Fax: (33 1) 43 19 43 69.

IRELAND

Licensing Unit
Department of Tourism and Trade
Kildare Street
IRL-Dublin 2
Fax: (353 1) 676 61 54

ITALIA

Ministero per il Commercio estero
D.G. Import-export, Division V
Viale Boston
I-00144 Roma
Fax: (39-6) 59 93 26 36/59 93 26 37

LUXEMBOURG

Ministère des affaires étrangères
Office des Licences
Boîte postale 113
L-2011 Luxembourg
Télécopieur: (352) 46 61 38

NEDERLAND

Centrale Dienst voor In- en Uitvoer
Postbus 30.003, Engelse Kamp 2
NL-9700 RD Groningen
Fax: (31-50) 526 06 98

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten
Außenwirtschaftsadministration
Landstrasser Hauptstraße 55—57
A-1030 Wien
Fax: (43-1) 715 83 47

PORTUGAL

Direcção-Geral do Comércio
Avenida da República, 79
P-1000 Lisboa
Telefax: (351-1) 793 22 10

SVERIGE

Kommerskollegium
Box 1209
S-111 82 Stockholm
Fax: +46 8 20 03 24

SUOMI

Tullihallitus
PL 512
FIN-00101 Helsinki
Fax: +358 0 614 2852

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House — West Precinct
Billingham, Cleveland
UK-TS23 2NF
Fax (44 1642) 533 557

ANNEX IV

Surveillance Document

EUROPEAN COMMUNITY		SURVEILLANCE DOCUMENT		
Holder's copy	1. Consignee <i>(name, full address, country, VAT number)</i>	2. Issue number		
		3. Proposed place and date of import		
		4. Authority responsible for issue <i>(name, address and telephone No)</i>		
		5. Declarant/representative as applicable <i>(name and full address)</i>	6. Country of origin <i>(and geonomenclature code)</i>	
		7. Country of consignment <i>(and geonomenclature code)</i>		
		8. Last day of validity		
	1	9. Description of goods	10. CN code and category	
			11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier		
	13. Additional remarks			
	14. Competent authority's endorsement			
	Date:			
	Signature:		Stamp:	

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

Copy for the issuing authority	2	1. Consignee <i>(name, full address, country, VAT number)</i>	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue <i>(name, address and telephone No)</i>
			5. Declarant/representative as applicable <i>(name and full address)</i>
		6. Country of origin <i>(and geonomenclature code)</i>	
		7. Country of consignment <i>(and geonomenclature code)</i>	
	2	8. Last day of validity	
	9. Description of goods		10. CN code and category
11. Quantity in kilograms (net mass) or in additional units			
12. Value in ecus, cif at Community frontier			
13. Additional remarks			
14. Competent authority's endorsement Date: Signature: Stamp:			

15. ATTRIBUTIONS Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1			
2			
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