

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 14th September 1982

DRAFT COMMISSION DECISION ECSC

concerning the conclusion of an arrangement with the United States of America relating to steel

PROPOSAL FOR A COUNCIL REGULATION (EEC)

concerning the conclusion of an arrangement with the United States of America relating to steel

DRAFT COMMISSION DECISION ECSC

on the monitoring by the Community of exports of certain steel products to the United States of America

DRAFT COMMISSION REGULATION (EEC)

on the monitoring by the Community of exports of certain steel products to the United States of America

DRAFT COMMISSION DECISION

concerning the restriction of exports of certain steel products to the United States of America

PROPOSAL FOR A COUNCIL REGULATION

concerning the restriction of exports of certain steel products to the United States of America

(presented by the Commission to the Council)

Draft

COMMISSION DECISION /ECSC CONCERNING
THE CONCLUSION OF AN ARRANGEMENT WITH THE UNITED STATES OF AMERICA RELATING
TO STEEL

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,
and in particular Articles 58 and 95,

Whereas the Community has adopted a series of common internal rules intended to help the steel industry to restructure in socially acceptable conditions, and in particular for certain products a system of production quotas based on Article 58 of the ECSC Treaty, the tightening-up of the rules relating to non-discriminatory practices and prices and their extension to include certain dealers pursuant to Articles 60, 63 and 95 of the ECSC Treaty and establishment of Community rules on aid pursuant to Article 95;

Whereas

the United States has taken a series of measures relating to imports of steel products from the Community; whereas these measures are liable to affect the smooth functioning of the abovementioned common rules; whereas the imposition of anti-dumping duties, countervailing duties and other measures relating to imports are such as to divert considerable quantities from their traditional American markets to other markets, including the Community market; whereas this would have an adverse effect on the common rules and in particular the quota system, would disturb the balance achieved with difficulty in trade with third countries and would affect the smooth functioning of the other Community measures taken to improve the situation in the Community steel industry;

Whereas the Commission therefore opened negotiations with the United States of America following the Council Decision of 24 July 1982, culminating on 6 August 1982 in the text of an arrangement whereby the petitions of the American industry would be withdrawn and the measures taken by the United States Administration would be terminated in return for the restriction of Community exports, and the text of an exchange of letters which the parties agreed to recommend that their respective authorities approve; whereas the Community should therefore conclude such an arrangement with the United States;

Whereas, moreover, in order to attain, in the context of the functioning of the common market for steel, the objectives of the Treaty and in particular those set out in the second paragraph of Article 2 and in Article 3, and in particular in Article 3(f) in the light of the economic situation and of the measures relating to Community exports to the United States market, it would appear to be necessary for the Community to conclude and implement the abovementioned arrangement;

Whereas the Treaty, and in particular Article 73 thereof, did not make provision for an integrated system of export restrictions and internal quotas such as that arising from the conclusion of this arrangement by the Community; whereas in any event Article 73, which relates only to the administration of licences, simply envisages the coordination of national measures, and this would appear to be insufficient to ensure the proper implementation of the arrangement;

Having consulted the Consultative Committee and with the unanimous assent of the Council.

HAS ADOPTED THIS DECISION:

Article 1

1. The arrangement between the European Coal and Steel Community and the United States of America relating to trade in certain steel products to be concluded in the form of an exchange of letters is hereby approved on behalf of the European Coal and Steel Community.
2. The texts of the arrangement and of the exchange of letters are annexed to this Decision.

Article 2

The Commission shall designate the member of the Commission empowered to carry out the exchange of letters for the purpose of binding the European Coal and Steel Community.

Done at Brussels,

For the Commission

PROPOSAL FOR A COUNCIL REGULATION (EEC)

CONCERNING THE CONCLUSION OF AN ARRANGEMENT WITH THE UNITED STATES OF AMERICA
RELATING TO STEEL

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the United States has taken a series of measures relating to imports
of steel products from the Community;

Whereas the Commission opened negotiations with the United States of America
following the Council Decision of 24 July 1982, culminating on 6 August 1982
in the text of an arrangement whereby the petitions of the American industry
would be withdrawn and the measures taken by the United States Administration
would be terminated in return for the restriction of Community exports, and
the text of an exchange of letters which the parties agreed to recommend that
their respective authorities approve;

Whereas the Commission Decision pursuant to the ECSC Treaty concerning the
conclusion of the arrangement has received the assent of the Council in
accordance with that Treaty;

Whereas the arrangement also relates to certain steel products covered by the
EEC Treaty which are also the subject of the abovementioned petitions and
measures;

Whereas the arrangement will make it possible to safeguard the essential export interests of the Community steel industry on the United States market, will constitute a definite improvement compared with the uncertain situation arising from the various proceedings initiated by the American industry and should help to improve the strained commercial relations with the United States,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangement with the United States of America relating to trade in certain steel products to be concluded in the form of an exchange of letters is hereby approved on behalf of the European Economic Community to the extent that this arrangement relates to products covered by the EEC Treaty.

2. The texts of the arrangement and of the exchange of letters are annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to carry out the exchange of letters for the purpose of binding the European Economic Community.

Article 3

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

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

Done at Brussels,

1982

For the Council

The President

D R A F T

COMMISSION DECISION

ECSC

on the monitoring by the Community of exports of
certain steel products to the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Decision No./82/ECSC of 1982 establishing quotas for the export of ECSC steel products to the United States of America, and in particular Article 5(6) thereof ;

Whereas :

1. The putting into force of the Arrangement particularly as regards the distribution of exports over time makes it necessary to provide for fixed periods during which licences may be issued ;
2. To allow for optimum utilisation of all the export possibilities provided for in the Arrangement, the licensing system should be drawn up so as to monitor the development of exports as closely as possible ;
3. It is necessary to authorize the competent authorities of Member States to take the appropriate measures in cases of loss, theft or destruction of a licence or certificate,

HAS ADOPTED THIS DECISION :

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ARTICLE 1

1. For each of the categories of products originating in the Community, such categories being defined in Annex I, export licences provided for in Article 5 of Decision No./82(ECSC) shall be issued free of charge by the competent authorities in the Member States, hereinafter referred to as the "issuing authorities" subject to the conditions provided for by the said Article 5. Licences shall be made out on forms conforming to the specimen set out in Annex II and respecting the provisions in Annex IV.

For each export of the abovementioned products, the exporter must make out a certificate on a form conforming to the specimen set out in Annex III and respecting the provisions in Annex IV.

2. A licence shall be issued within 15 working days of the day of the receipt of the exporter's application.

A licence may be issued only until the end of the second month of each calendar quarter. The licence shall be valid for three months from the date of issue. However export licences shall only be valid for exports to be carried out during the initial period defined in Article 1 of Decision No. 82/ECSC or during the year of 1984 or 1985 to which it refers.

Nevertheless, where the Commission decides to apply Article 2(3) of Decision No/.. :

.../...

- in cases of anticipated use of licences, exports may be carried out during the months of December 1983 and December 1984 ; the endorsement "ANTICIPATED ISSUE" shall be stamped on the certificates corresponding to these licences,
- in the case of carry over of licences, the period of validity of licences expiring on 31 December 1983 and 31 December 1984, may be prolonged by two months by the authority which issued them,
- where supplementary allocations are made in cases of shortages, licences valid for a period of 6 months may be issued ; the endorsement "SPECIAL ISSUE" shall be stamped on the certificates corresponding to these licences.

ARTICLE 2

At the request of the titular holder of the export licence and upon production of the licence, the competent authorities of Member States may issue one or several extracts from the export licence. These extracts shall be made out on forms conforming to the specimen set out at Annex II and respecting the provisions of Annex IV. Extracts may not be used as the basis for issuing further extracts.

At the time the extracts are issued, the quantities of products covered by the said extracts shall be deducted from the quantities indicated on the licence from which it has been issued.

Extracts shall have the same legal effects as the export licences from which they have been issued and to which they refer.

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ARTICLE 3

1. Export licences may be transferred in whole or in part by their titular holder (hereafter referred to as transferer), to other steel undertakings or distribution undertakings (hereafter referred to as transferees) subject to the conditions laid down in Article 5(3) of decision/82/ECSC.
2. The authority which issued the licence must be informed of such transfer by both the transferer and transferee. That authority shall without delay certify the transfer on the export licence or on the extract and inform the Commission. Transfer shall take effect from the date of this certification.
3. In cases where only a part of an export licence is transferred, an extract from the export licence should be issued in respect of this part.
4. Where a licence has been transferred to a transferee in a Member State other than that which issued the licence, the authority which certified the transfer shall without delay inform the competent authority of the Member State in which the transferee is situated.
5. A licence, once transferred may not be transferred back to the transferer.

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ARTICLE 4

Licences, extracts from licences and certificates issued by the authorities of a Member State as well as declarations and certifications accompanied by the stamp of these authorities shall have the same legal value in each of the other Member States as such documents issued by the authorities of these Member States as well as declarations and certifications accompanied by the stamp of these authorities.

ARTICLE 5

1. Fully used licences shall be returned at the latest on the 8th working day of their fully used to the competent authority in the Member State which issued them.
2. Unused or partially used licences shall be returned at the latest on the 8th working day of expiry of their period of validity to the authority in the Member State which issued them.

ARTICLE 6

The original of the export licence and certificate must be presented in support of the export declaration to the customs office in the Community in which formalities regarding exports of steel products to the United States of America are completed.

This office shall :

- a) deduct the quantity to be exported from the original of the licence

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- b) stamp the original and copies of the certificate, return the original to the titular holder of the licence or to his representative so that it may be presented to the Customs authorities of the United States of America on importation, keep their own copy and forward the copies destined for the issuing authority of the export licence and the Commission.

Member States may provide for the forwarding of copies to the Commission to take place through a central organisation appointed for this purpose.

The copies of the certificates should be forwarded to the Commission within three working days following the week in which the abovementioned customs office stamped them.

ARTICLE 7

1. The licence application must include the following information :

- a description of the products, specifying the category and the Nimex code in accordance with Annex I
- the quantity of products, in metric tons
- the exporter's name or trade name, address and telephone and telex numbers
- the consignee's name or trade name and address
- scheduled date(s) of export
- where appropriate, an indication of whether the products are intended for temporary importation into the United States of America and re-export in the same state or without having been subject to substantial transformation.

2. The exporter must declare that the goods are of Community origin and that the information on his licence application is accurate.

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ARTICLE 8

In the case of loss, theft or destruction of the original of an export licence or certificate, the competent authorities which issued or stamped the said documents may issue or stamp a duplicate.

Licences so issued and certificates so stamped should bear the endorsement "DUPLICATA" in red.

ARTICLE 9

1. Within the first ten days of each month the Member States shall notify the Commission of :

(a) the tonnages in respect of which licences were issued during the preceding month ;

(b) the tonnages exported in the month preceding that referred to in paragraph (a) above.

2. The notifications from the Member States shall include :

(a) a breakdown of the products by category in accordance with in Annex I and in respect of the information referred to in paragraph 1(b), moreover by Nimexe code ;

(b) a breakdown by licence-holder ;

(c) an indication in tons for each product destined to be temporarily imported into the United States of America for reexport in the same state or without having been subject to substantial transformation there.

.../...

3. Within the first fifteen days of each month the Member States shall inform the Commission of the tonnages in respect of which licences expired in the preceding month.
4. The Member States shall forward to the Commission without delay a copy of each licence and extract once it has been issued.
5. At the same time as they submit the monthly notifications provided for in paragraph 1, the Member States shall send the Commission all relevant information concerning infringements of Decision No./82/ECSC and of this Decision and any penalties imposed.

ARTICLE 10

This Decision shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.
It shall apply from 1 October 1982.

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

Done at Brussels,1982

For the Commission

CATEGORY 1 : HOT ROLLED

SHEET AND STRIP

CCT	Nimex	Product description	T.S. USA	T.S. USA Product Description
		<u>Iron or Steel Coils for Re-rolling</u> Less than 1.50 m in width intended for re-rolling :		
		Other than for "electrical" sheets and plates of a thickness of :		
73.08.AII.a	73.08.03	- More than 4.75 mm		Plates, sheets and strip of iron and steel not cut, not pressed and not stamped to non-rectangular shape (except as provided in item 609.17). Other than alloy iron or steel Not coated or plated with metal and not clad.
.b	73.08.05	- Not less than 3 mm but not more than 4.75 mm		
.c	73.08.07	- Less than 3 mm.		
		Less than 1.50 m in width, not intended for re-rolling of a thickness of :		
B I.a	73.08.21	- More than 4.75 mm	607.66-10	Plates in coils
.b	73.08.25	- Not less than 3 mm but not more than 4.75 mm	607.67-00	Sheets
.c	73.08.29	- Less than 3 mm	607-83-42	Sheets, pickled but not cold-rolled.
		1.50 m or more in width, of a thickness of :		
B II.a	73.08.41	- More than 4.75 mm	608.19-20	Hot rolled strip less than 0.01 inch in thickness.
.b	73.08.45	- Not less than 3 mm but not more than 4.75 mm	608.21-20	Hot rolled strip between 0.01 and 0.05 inches in thickness
.c	73.08.49	- Less than 3 mm.	608.23-20	Hot rolled strip over 0.05 inches in thickness.

CATEGORY 1 : HOT ROLLED

SHEET AND STRIP (continued)

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
		Sheets and Plates of Iron or Steel, Hot Rolled or Cold Rolled : Non Electrical Sheets and Plates, not further worked than hot rolled of a thickness of 2 mm or more : Not less than 3 mm but not more than 4.75 mm :		
73.13.B1.a2.aa	73.13.21	- With raised or indented patterns		
a2.bb	73.13.23	- Other		
a3	73.13.26	- Not less than 2 mm but not more than 4.75 mm		
		Less than 2 mm :		
.b1	73.13.32	- More than 1 mm but less than 2 mm		
.b2	73.13.34	- Not less than 0.5 mm but not more than 1 mm.		
.b3	73.13.36	- Less than 0.5 mm		

CATEGORY 2 : COLD ROLLED

SHEET

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
		Sheets and Plates, of Iron or Steel, Cold Rolled		
		Non-Electrical Sheets and Plates, not further worked than cold rolled of a thickness of more than 1 mm but less than 3 mm :		
73.13.B II. b1	73.13.43	- Not less than 2 mm but less than 3 mm		
b2	73.13.45	- More than 1 mm but less than 2 mm - 1 mm or less	607.83-20 607.83-44	Plates, pickled or cold rolled Sheets, cold-rolled
c1	73.13.47	- Not less than 0.5 mm but not more than 1.0 mm		
c2	73.13.49	- Less than 0.5 mm		

CATEGORY 3 : HOT ROLLED PLATE

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
		<p>Sheets and plates, of iron or steel, hot rolled</p> <p>Other than "Electrical" sheets and plates.</p> <p>Not further worked than hot-rolled, of a thickness of more than 4.75 mm</p>		
73.13.B I.a 1 aa	73.13.17	- with raised or indented patterns	607.66-15	Plates (other than coils) (not coated or plated with metal and not clad).
a 1 bb	73.13.19	- Other	607.94-00	Clad
73.13.BIV.d.2.aa	73.13.78	- Other (for example, copper-plated, originally oxidised, lacquered, nickel plated, varnished, clad, parkerised, printed)	608.07-10	Plates : valued not over 10 ct. per pound (coated or plated with metal)
			608.11-00	Plates : valued over 10 ct. per pound (coated or plated with metal)

CATEGORY 4 : STRUCTURAL SHAPES

CCT	Nimex	Product description	T.S. USA	T.S. USA Product Description
<p>73.11.A I. a 2 aa</p> <p>a2bb11</p> <p>a2bb22</p> <p>.b</p>	<p>73.11.12</p> <p>73.11.14</p> <p>73.11.16</p> <p>73.11.19</p>	<p>Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet-piling of iron or steel, whether or not drilled, punched or made from assembled elements :</p> <p>Angles, shapes and sections not further worked than hot-rolled or extruded.</p> <p>U, I, or H sections of a height of 80 mm or more</p> <p>- H Sections (broad flanged beams)</p> <p>U or I sections :</p> <p>- with parallel flange faces</p> <p>- Other</p> <p>- other angles shapes and sections</p>	<p>609.80-05</p> <p>609.80-15</p>	<p>Angles, Shapes and Sections Hot Rolled, or cold formed and weighing over 0.29 pounds per linear foot.</p> <p>Not drilled, not punched and not otherwise advanced.</p> <p>Other than alloy iron or steel</p> <p>Having a maximum cross sectional dimension of 3 inches or more.</p> <p>Wide Flange Shapes or Sections</p> <p>H Piles</p> <p>Other</p>
<p>73.11.A III.a</p> <p>.b</p>	<p>73.11.31</p> <p>73.11.39</p>	<p>Not further worked than cold-formed or cold-finished</p> <p>- From coils for re-rolling, universal plates, hoop, strip, sheets or plates.</p> <p>- Other.</p>	<p>609.80-45</p>	<p>Other</p>

CATEGORY 5 :: WIRE ROD

CCT	Minex	Product description	T.S. USA	T.S. USA Product Description
73.10 A I	73.10-11	Wire rod	607 17-00	Not tempered, not treated, and not partly manufactured, valued over 4 cents per pound

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
73.10.A II. b	73.10.16	- Hot Rolled Bars and Rods other than concrete reinforcing bars	606.83-10 606.83-30 606.83-50	Bars (other than concrete reinforcing bars). Other than alloy steel. Not cold formed. Not coated or plated with metal. Flats Rounds Others.

CATEGORY 7 COATED SHEET

CCT	Nimexe	Product description	T.S. USA	T.S. USA Product Description
		<u>Sheets and Plates</u>		
		<u>Clad or coated or otherwise surface treated :</u>		
73.13.BIV.c1	73.13.67	- Electrolytically zinc coated (electro-galvanised)		Sheets coated or plated with metal. Other than Alloy Iron or Steel
73.13.BIV.c2aa	73.13.68	<u>Otherwise zinc coated (including hot dipped galvanised) :</u>		
c2bb	73.13.72	- Corrugated	608.07.-30	<u>Sheets</u> valued at not over 10 ct. per pound.
d3aa	73.13.82	- Other		
		- of a thickness of less than 0,50 mm, electrolytically coated with chrome oxides or with chrome and chrome oxides the thickness of the coating not exceeding 0,05 micrometre whether or not varnished, lacquered and/ or printed.	608.13-00	Sheets valued at over 10 ct. per pound.
d3bb11	73.13.84	- Copper plated		
22	73.13.86	- Nickel-plated or chrome-plated		
33	73.13.87	- Aluminium coated		
73.13.BIVd2bb				
d3bb44	73.13.88	- lacquered, varnished, painted or plastic coated.		

CATEGORY 2: TINPLATE (not including backplate)

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
		<p>Sheets and Plates, clad coated or otherwise surface treated.</p> <p>Tinned :</p> <p>- Tinplate</p> <p>- Other</p>	<p>607.96-00</p> <p>607.97-00</p> <p>607.99-00</p>	<p><u>Tinplate and Tin coated sheets</u></p> <p>Imported for use in manufacture of maple sap evaporators.</p> <p>Other valued not over 10 ct. per pound</p> <p>Other valued over 10 ct. per pound.</p>

CATEGORY 9: RAILS

CCT	Ninexe	Product description	T.S. USA	T.S. USA Product Description
		<p>Railway and tramway track construction material of iron or steel, the following : rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails:</p> <p>Rails, other than current conducting with parts of non-ferrous metal.</p> <p>New</p>		<p>Rails, joint bars, and tie plates, all the fore-going of steel</p> <p>Other than alloy steel :</p>
73.16.A II. a 1	73.16.14	- with a weight per m of not less than 20 kg	610.20-10	- Standard tee rails over 60 pounds per yard
.a 2	73.16.16	- with a weight per m of less than 20 kg	610.20-20	- Other
.b	73.16.17	- Used	610.21-00	- Alloy Steel
73.16. B	73.16.20	- Check-Rails		

EGORY 10 : STAINLESS STEEL, SHEET AND STRIP

CCT	Nirexe	Product description	T.S. USA	T.S. USA Product Description
73.15.BVI.a2	73.74.23	Hot rolled hoop and strip Sheets and plates other than "ELECTRICAL".	607.76-10	Not Coated or plated with metal and not clad Stainless Steel Sheet (not pickled and not cold-rolled)
73.15.BVII.b1bb11	73.75.33	Stainless or Heat resisting Hot Rolled : - of a thickness of not less than 3 mm but not more than 4.75 mm	607.90-10	Stainless Steel Sheets (pickled but not cold rolled)
73.15.BVII.b1cc11	73.75.43	- of a thickness of less than 3 mm		Other Stainless Steel Sheets:
73.15.B.VII.2bb.11	73.75.63	Cold Rolled : less than 3 mm.	607.90-20	Stainless Steel not over 0.01 inch in thickness
			608.29-00	Other.
			608.43-00	Stainless steel over 0.01 inch but over 0.05 inch in thickness
			608.57-00	Stainless steel over 0.05 inch in thickness

<p>1 Exporter (full name and address)</p>	<p style="text-align: center;">EXPORT LICENCE EXPORT OF STEEL PRODUCTS TO THE UNITED STATES OF AMERICA</p> <p>No. 88/000000 ORIGINAL</p>	
<p>2 EXTRACT of export licence No. /</p>	<p>3 Period of validity</p> <p>_____</p>	<p>4 Customs year</p>
<p>5 Licence transferred to</p> <p>with effect from</p> <p>_____</p>	<p>6 AGENCY ISSUING THE LICENCE OR THE EXTRACT</p>	
<p>NOTE</p> <p>This document and a certificate for the export of steel products must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.</p>	<p>7 Place of issue :</p> <p>Date of issue : _____ Stamp of issuing agency :</p> <p>Signature : _____</p>	
<p>8 Detailed description of steel products (Category and)</p>	<p>9 Nomenclature codes</p>	<p>10 Quantity</p>

<p>ATTRIBUTIONS</p>		
<p>10 Quantities</p>	<p>11 Customs export document (type, number and date) or extract no. and date</p>	<p>12 Name, Member State, stamp and signature of attributing authority</p>
<p>Available</p>		
<p>Attributed</p>		
<p>Available</p>		
<p>Attributed</p>		

1 Exporter (full name and address)	C E R T I F I C A T E FOR THE EXPORT OF STEEL PRODUCTS TO THE UNITED STATES OF AMERICA No 000000 ORIGINAL
2 Consignee (full name and address)	3 Export licence No / Issued in
	4 Extract No / Issued in of export licence No / Issued in

NOTES

- A. This certificate must be completed on typewriter
- B. This certificate and the export licence or the extract thereof to which it refers must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.
- C. This certificate, duly endorsed by the Customs office shown in box no 7, must be produced to the competent authorities in the United States of America at the time of importation.

5 Marks and numbers - Number and kind of packages - <u>Description of steel products</u> Category and	6 Quantity

7 ENDORSEMENT BY THE COMPETENT CUSTOMS OFFICE IN THE EUROPEAN COMMUNITY

The net mass (weight) of steel products shown in box no 6 has been attributed to the export licence shown in box no 3 to the extract shown in box no 4 (1)

Customs export document : ^o
 type : _____ Signature : _____ Stamp : _____
 number : _____
 date : _____

Customs office : _____
 Member state : _____

(1) The appropriate box to be indicated like this :

PROVISIONS RELATING TO THE EXPORT LICENCES, EXTRACTS THEREOF, AND
CERTIFICATE FORMS

A. TECHNICAL PROVISIONS

1. Licences and extracts thereof forms shall be made up in sets containing at least one original, a copy for the issuing authority and a copy for the Commission. Certificate forms shall be made up in sets containing at least one original, a copy for the customs, a copy for the authority issuing the export licence or the extract thereof and a copy for the Commission.
2. Forms referred to in point 1 shall be printed on white paper dressed for writing and weighing at least 40 grams per square metre. Their size shall be 210 x 297 mm.
3. The Member States shall be responsible for having the forms referred to in point 1 printed. These may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified and an individual serial number.

The number shall be preceded by the following letters according to the country in which the forms are utilized : BE for Belgium, DK for Denmark, DE for the Federal Republic of Germany, FR for France, GR for Greece, IR for Ireland, IT for Italy, LU for Luxembourg, NL for the Netherlands and GB for the United Kingdom.

4. Licences and extracts thereof forms shall be printed in one of the official languages of the Community, as specified by the competent authorities of the issuing Member State.

Certificates shall be printed in English.

B. OTHER PROVISIONS

1. Licences, extracts thereof and certificates forms shall be completed in typescript.
2. The stamps of issuing agencies and attributing or vising authorities shall be applied by means of a metal stamp, preferably made of steel.

D R A F T

COMMISSION REGULATION (EEC)

**on the monitoring by the Community of exports of
certain steel products to the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Commission

**Having regard to regulation (EEC) nr. 1982 establishing quotas
for the export of ECSC steel products to the United States of America, and
in particular Article 5(6) thereof ;**

Whereas :

- 1. The putting into force of the Arrangement particularly as regards the
distribution of exports over time makes it necessary to provide for fixed
periods during which licences may be issued ;**
- 2. To allow for optimum utilisation of all the export possibilities provided for
in the Arrangement, the licensing system should be drawn up so as to monitor the
development of exports as closely as possible ;**
- 3. It is necessary to authorize the competent authorities of Member States to
take the appropriate measures in cases of loss, theft or destruction of a
licence or certificate,**

HAS ADOPTED THIS REGULATION:

.../...

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ARTICLE 1

1. For each of the categories of products originating in the Community, such categories being defined in Annex I, export licences provided for in Article 5 of Regulation (EEC) nr. shall be issued free of charge by the competent authorities in the Member States, hereinafter referred to as the "issuing authorities" subject to the conditions provided for by the said Article 5. Licences shall be made out on forms conforming to the specimen set out in Annex II and respecting the provisions in Annex IV.

For each export of the abovementioned products, the exporter must make out a certificate on a form conforming to the specimen set out in Annex III and respecting the provisions in Annex IV.

2. A licence shall be issued within 15 working days of the day of the receipt of the exporter's application.

A licence may be issued only until the end of the second month of each calendar quarter. The licence shall be valid for three months from the date of issue. However export licences shall only be valid for exports to be carried out during the initial period defined in Article 1 of regulation (EEC) nr. or during the year of 1984 or 1985 to which it refers.

Nevertheless, where the Commission decides to apply Article 2(3) of regulation (EEC) nr. /82:

.../...

- in cases of anticipated use of licences, exports may be carried out during the months of December 1983 and December 1984 ; the endorsement "ANTICIPATED ISSUE" shall be stamped on the certificates corresponding to these licences,
- in the case of carry over of licences, the period of validity of licences expiring on 31 December 1983 and 31 December 1984, may be prolonged by two months by the authority which issued them,
- where supplementary allocations are made in cases of shortages, licences valid for a period of 6 months may be issued ; the endorsement "SPECIAL ISSUE" shall be stamped on the certificates corresponding to these licences.

ARTICLE 2

At the request of the titular holder of the export licence and upon production of the licence, the competent authorities of Member States may issue one or several extracts from the export licence. These extracts shall be made out on forms conforming to the specimen set out at Annex II and respecting the provisions of Annex IV. Extracts may not be used as the basis for issuing further extracts.

At the time the extracts are issued, the quantities of products covered by the said extracts shall be deducted from the quantities indicated on the licence from which it has been issued.

Extracts shall have the same legal effects as the export licences from which they have been issued and to which they refer.

.../...

ARTICLE 3

1. Export licences may be transferred in whole or in part by their titular holder (hereafter referred to as transferer). to other steel undertakings or distribution undertakings (hereafter referred to as transferees) subject to the conditions laid down in Article 5(3) of Regulation (EEC) nr.
2. The authority which issued the licence must be informed of such transfer by both the transferer and transferee. That authority shall without delay certify the transfer on the export licence or on the extract and inform the Commission. Transfer shall take effect from the date of this certification.
3. In cases where only a part of an export licence is transferred, an extract from the export licence should be issued in respect of this part.
4. Where a licence has been transferred to a transferee in a Member State other than that which issued the licence, the authority which certified the transfer shall without delay inform the competent authority of the Member State in which the transferee is situated.
5. A licence, once transferred may not be transferred back to the transferer.

.../...

ARTICLE 4

Licences, extracts from licences and certificates issued by the authorities of a Member State as well as declarations and certifications accompanied by the stamp of these authorities shall have the same legal value in each of the other Member States as such documents issued by the authorities of these Member States as well as declarations and certifications accompanied by the stamp of these authorities.

ARTICLE 5

1. Fully used licences shall be returned at the latest on the 8th working day of their fully used to the competent authority in the Member State which issued them.
2. Unused or partially used licences shall be returned at the latest on the 8th working day of expiry of their period of validity to the authority in the Member State which issued them.

ARTICLE 6

The original of the export licence and certificate must be presented in support of the export declaration to the customs office in the Community in which formalities regarding exports of steel products to the United States of America are completed.

This office shall :

- a) deduct the quantity to be exported from the original of the licence

.../...

- b) stamp the original and copies of the certificate, return the original to the titular holder of the licence or to his representative so that it may be presented to the Customs authorities of the United States of America on importation, keep their own copy and forward the copies destined for the issuing authority of the export licence and the Commission.

Member States may provide for the forwarding of copies to the Commission to take place through a central organisation appointed for this purpose.

The copies of the certificates should be forwarded to the Commission within three working days following the week in which the abovementioned customs office stamped them.

ARTICLE 7

1. The licence application must include the following information :

- a description of the products, specifying the category and the Nimexa code in accordance with Annex I
- the quantity of products, in metric tons
- the exporter's name or trade name, address and telephone and telex numbers
- the consignee's name or trade name and address
- scheduled date(s) of export
- where appropriate, an indication of whether the products are intended for temporary importation into the United States of America and re-export in the same state or without having been subject to substantial transformation.

2. The exporter must declare that the goods are of Community origin and that the information on his licence application is accurate.

.../...

ARTICLE 8

In the case of loss, theft or destruction of the original of an export licence or certificate, the competent authorities which issued or stamped the said documents may issue or stamp a duplicate.

Licences so issued and certificates so stamped should bear the endorsement "DUPLICATA" in red.

ARTICLE 9

1. Within the first ten days of each month the Member States shall notify the Commission of :

- (a) the tonnages in respect of which licences were issued during the preceding month ;
- (b) the tonnages exported in the month preceding that referred to in paragraph (a) above.

2. The notifications from the Member States shall include :

- (a) a breakdown of the products by category in accordance with in Annex I and in respect of the information referred to in paragraph 1(b), moreover by Nimex code ;
- (b) a breakdown by licence-holder ;
- (c) an indication in tons for each product destined to be temporarily imported into the United States of America for reexport in the same state or without having been subject to substantial transformation there.

.../...

3. Within the first fifteen days of each month the Member States shall inform the Commission of the tonnages in respect of which licences expired in the preceding month.
4. The Member States shall forward to the Commission without delay a copy of each licence and extract once it has been issued.
5. At the same time as they submit the monthly notifications provided for in paragraph 1, the Member States shall send the Commission all relevant information concerning infringements of Regulation (EEC) nr. and of this Decision and any penalties imposed.

ARTICLE 10

This regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities. It shall apply from 1 October 1982.

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

Done at Brussels,1982

For the Commission

Cold rolled carbon steel sheet

TDC	NIMEXE	Product description	TSUSA	TSUSA Product description
73.13 B II a	73.13-41	Sheets and plates, of iron or steel, hot rolled or cold rolled Non-electrical sheets and plates, not further worked than cold rolled, of a thickness of 3 mm or more	607.83-20 607.83-44	Plates, pickled or cold rolled Sheets, cold-rolled

Carbon steel, structural shapes

TDC	NIMEXE	Product description	TSUSA	TSUSA Product description
		Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet-piling or iron or steel, whether or not drilled, punched or made from assembled elements:		Angles, shapes and sections, hot-rolled, <u>or</u> cold-formed and weighing over 0.29 pounds per linear foot. Not drilled, not punched and not otherwise advanced.
73.11 A II	73.11-20	Angles, shapes and sections: Not further worked than forged		Other than alloy iron or steel.
III a	73.11-31	Not further worked than cold-formed or cold-finished: From coils for re-rolling, universal plates, hoop, strip, sheets or plates		Having a maximum cross sectional dimension of 3 inches or more.
III b	73.11-39	Other than from coils for re-rolling, universal plates, hoop, strip, sheets or plates	609.80-05	<u>Wide flange shapes or sections</u> H Piles
IV a 2	73.11-43	Clad or surface-worked (for example, polished, coated): Not further worked than clad: Cold-formed or cold-finished	609.80-15 609.80-45	Other Other
IV b	73.11-49	Other than not further worked than clad		

Rails

TDC	NIMEXE	Product description	TSUSA	TSUSA Product description
73.16 A I	73.16-11	Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossing (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails: Rails current-conducting, with parts of non-ferrous metal.	610.20-10 610.20-20 610.21-00	Rails, joint bars, and tie plates, all the foregoing of steel Other than alloy steel: - Standard tee rails over 60 pounds per yard - Other - Alloy steel

2

Stainless steel, sheet and strip

TDC	NIMEXE	Product description	TSUSA	TSUSA Product description
73.15 B VI b 2	73.74-53	Alloy steel hoop and strip, not further worked than cold-rolled: Stainless or heat-resisting	607.76-10	Not coated or plated with metal and not clad Stainless steel sheet (not pickled and not cold-rolled)
73.15 B VII b2aa11	73.75-53	Sheets and plates: Other than "electrical" Not further worked than cold-rolled, of a thickness of 3 mm or more: Stainless or heat-resisting	607.90-10 607.90-20 608.29-00 608.43-00 608.57-00	Stainless steel sheets (pickled but not cold rolled) <u>Other stainless steel sheets:</u> Stainless steel not over 0.01 inch in thickness Other Stainless steel over 0.01 inch but over 0.05 inch in thickness Stainless steel over 0.05 inch in thickness

EUROPEAN COMMUNITY

Annex 77

1 Exporter (full name and address)		EXPORT LICENCE EXPORT OF STEEL PRODUCTS TO THE UNITED STATES OF AMERICA No. 68/000000 ORIGINAL	
2 EXTRACT of export licence No. /	3 Period of validity []	4 Expiry year	
5 Licence transferred to with effect from []	6 AGENCY ISSUING THE LICENCE OR THE EXTRACT		
NOTE This document and a certificate for the export of steel products must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.	7 Place of issue : Date of issue : [] Signature :	Stamp of issuing agency :	
8 Detailed description of steel products (Category and)	Nomenclature codes	9 Quantity	

ATTRIBUTIONS

10 Quantities	11 Customs export document (type, number and date) or extract no. and date	12 Name, Member State, stamp and signature of attributing authority
Available		
Attributed		
Available		

ANNEX IV

PROVISIONS RELATING TO THE EXPORT LICENCES, EXTRACTS THEREOF, AND CERTIFICATES FORMS

A. TECHNICAL PROVISIONS

1. Licences and extracts thereof forms shall be made up in sets containing at least one original, a copy for the issuing authority and a copy for the Commission. Certificate forms shall be made up in sets containing at least one original, a copy for the customs, a copy for the authority issuing the export licence or the extract thereof and a copy for the Commission.

2. Forms referred to in point 1 shall be printed on white paper dressed for writing and weighing at least 40 grams per square metre. Their size shall be 210 x 297 mm.

3. The Member States shall be responsible for having the forms referred to in point 1 printed. These may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified and an individual serial number.

The number shall be preceded by the following letters according to the country in which the forms are utilized : BE for Belgium, DK for Denmark, DE for the Federal Republic of Germany, FR for France, GR for Greece, IR for Ireland, IT for Italy, LU for Luxembourg, NL for the Netherlands and GB for the United Kingdom.

4. Licences and extracts thereof forms shall be printed in one of the official languages of the Community, as specified by the competent authorities of the issuing Member State.

Certificates shall be printed in English.

B. OTHER PROVISIONS

1. Licences, extracts thereof and certificates forms shall be completed in typescript.
2. The stamps of issuing agencies and attributing or vising authorities shall be applied by means of a metal stamp, preferably made of steel.

Draft Commission Decision

Concerning the restriction of exports of certain steel products to the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 58, and 95 first and second paragraphs thereof;

Whereas:

- 1. The Community has concluded an arrangement with the United States of America under which certain anti-dumping, countervailing duty and other investigations are to be terminated and the amount of exports to the U.S.A. of certain steel products originating in the Community are to be limited to certain levels over a certain period ("the Arrangement"); the conclusion of such an arrangement helps to ensure the success of the various other measures taken by the Community with regard to the Community industry in the framework of the Community steel policy; whereas it is necessary, pursuant to this arrangement, to introduce in the Community measures to restrict the amount of these steel products exported to the U.S.A.;**

- 2. Although the Treaty makes no express provision for the imposition by the Community of a limitation of exports of this nature, such a limitation is necessary for the attainment, in the functioning of the Common market in steel and in conformity with Article 5 of the Treaty, of objectives of the Community set out in Articles 2, 3 and 4; whereas in particular the taking of this decision will help to avoid fundamental disturbances in Member States' economies; in addition the objectives set out in Article 3, and in particular in its paragraph (f), seen in the light of the economic situation and the US measures taken against Community exports, also necessitate the taking of this decision;**

3. Under present market conditions orderly trade relations with the U.S.A. with respect to certain steel products can best be maintained, and a contribution made to the success of the various other measures of the Community steel policy to restore the Community steel industry to a sound basis, by the introduction of restrictions on the amount of those products exported to the U.S. market;
4. In accordance with the Arrangement, the export restrictions cover steel products originating in the Community; the origin of these products is determined in accordance with applicable community legislation, that is to say Council Regulation (EEC) n° 802/68 of 27th June 1968 on the common definition of the concept of the origin of goods (1) as last amended by Regulation 1318/71 (2);
5. For practical and management reasons, the quantitative export limits agreed by the Community must be allocated between the Member States; in order to do so, an allocation method must be established which ; thereafter the Member States must share out the amounts allocated to them between undertakings in accordance with the objective criteria ;
6. A utilisation of the Community limits based on allocations between Member States made in this way would seem to be in accordance with the Community nature of these limits, considering that in addition a Community reserve is to be established.

(1) O.J. n° L 148 of 28th June 1968, p. 1.

(2) O.J. n° L 139 of 25th June 1971, p. 6.

7. A Community reserve will allow certain effects of the allocation method to be corrected and ensure a maximum use of the export possibilities;
8. As foreseen in the Arrangement, measures must be taken to avoid abnormal concentrations at certain times in the exports to the USA;
9. The Community steel policy aims in particular to allow the Community steel industry to adapt to the conditions of international competition; considering, on the one hand, the links between the industry's restructuring efforts and the needs to which the Arrangement responds, and on the other hand that the Arrangement is limited to products originating in the Community, it is necessary to restrict the issue of export licences to steel producing undertakings only; in order to take account of the interests of distributive undertakings it must be possible for these licences to be transferred not only to production undertakings but also to distributive undertakings, in particular where the production undertakings decide to sell their products to such distributive undertakings;
10. It appears necessary, and for the moment sufficient, that the Member States ensure the respect of the various provisions of the regime by applying the various penalties provided for in their laws;
11. This decision does not prejudice any changes which may be made to the regime which it establishes in cases where the application of the same leads to unforeseen difficulties.

After consultation of the Consultative Committee and with the unanimous assent of the Council

HAS ADOPTED THIS DECISION

Article 1

1. Community export limits are established for the period 1st October 1982 to 31st December 1983 ("the Initial Period") and thereafter for the years 1984 and 1985 for exports effected after 1st October 1982 from the Community to, or destined for consumption in, the United States of America ("USA") of the steel products originating in the Community which are listed and described in Annex I (hereinafter called "the quantitative export limits").

For the purposes of hereof, USA shall comprise US Custom Territory and US foreign Trade Zones as described in Annex II.

2. The origin of the products covered by this decision shall be determined in accordance with the rules in force in the Community.

Article 2

1. Community export limits per product category shall be calculated by the Commission for the Initial Period and for the years 1984 and 1985 by application to the US Apparent Consumption within the meaning of article 5 of the Arrangement of the following percentages:

<u>Product categories</u>	<u>Percentage</u>
1. Hot-rolled sheet and strip	7.43 %
2. Cold-rolled sheet	5.15
3. Plate	5.98
4. Structural	10.90
5. Wire rods	4.29
6. Hot-rolled bars	3.01
7. Coated sheet	3.32
8. Tin plate	2.20
9. Rails	8.90
10. Stainless steel sheet and strip and stainless steel plate	4.08

2. The Community export limits calculated pursuant to paragraph 1 shall be adjusted by the Commission to take account of revisions of the said US Apparent Consumption.

3. These limits may also be adjusted by the Commission, after consultation of the Steel Liaison Committee,

- for advance use or carry-over of licences,
- to enable transfers between product categories,
- for additional quotas in case of short-supply,
- to take account of possible aberrations from seasonal trade patterns in exports effected between 1st August and 30th September 1982

under the conditions foreseen in the Arrangement.

Article 3

1. The Community quantitative export limits established and calculated pursuant to Article 2 shall be allocated for the Initial Period and for 1984 and for 1985 by the Commission in accordance with Annex III.
2. The Member States shall return to the Community reserve foreseen in Annex III within the first eight days of the third month of every quarter such portion of the amount of their allocation communicated to the Community pursuant to Article 5 (1) for which licences have not been delivered by them.

Article 4

The Community reserve shall be allocated by the Commission, after consultation of the Steel Liaison Committee, to one or more Member States to the extent to which an adjustment of the allocations are necessary to improve the utilization of the quantitative exports limits or to take account of difficulties in the administration of the system.

The Commission may establish the technical conditions upon which licences are to be issued by the Member States in respect of such additional allocation or allocations.

Article 5

1. Community exports described in Article 1 effected between 1st October 1982 and 31 December 1985 shall be subject to the production to the competent customs office in the Community of an export licence to be delivered by the relevant authorities of each Member States within the limits of the amounts allocated to it pursuant to Article 3 and, where relevant, Article 4 and of an export certificate.

Member States shall fix the tonnages for which they anticipate that licences will be issued, in each quarter for each product category: They shall inform the Commission thereof in the first fifteen days of the relevant quarter. In doing so, they shall make sure that the export licence issues for each quarter ensures an adequate spread of exports over the whole year, taking into account the seasonal variations in trade of the product category in question.

However, Member States shall not, without the prior authorisation of the Commission, issue in any two consecutive quarters licences for amounts which exceed 55 % of their allocation in the Initial Period or 65 % of their allocation in 1984 and 1985.

Member States may, subject to the second paragraph hereof, issue further licences in the Initial Period, 1984 and 1985 respectively in respect of the unutilized part of licences issued which have been returned to the authorities of such Member-State in the Initial Period, 1984 and 1985 respectively.

2. The licence shall be delivered to undertakings engaged in the production of steel within the Community and established in the issuing Member State in accordance with the following criteria:

3. Transfers of export licences between undertakings or to distributive undertakings may take place provided that they concern the same product category and after prior notification to the authorities of the Member States in which the transfers or undertaking is established. Such transfers may take place between undertakings established in different Member States.
4. Licences delivered in one Member State of the Community are valid throughout the Community.
5. Member States shall ensure that appropriate sanctions are applied in respect of all exports effected without production of the licence requires hereunder and in respect of any other breaches of the provisions relating to such licences. Member States shall keep the Commission informed of all breaches of such measures and of all sanctions imposed in respect thereof, at intervals to be specified by the Commission.
6. The Commission may lay down detailed rules for the implementation of this Article and specify the information to be provided to the Commission concerning the licences and exports.

Article 6

1. Member States shall charge the amounts set out on the licences issued by them against their respective allocations made pursuant to Article 3 and, where relevant, Article 4, including all licences subsequently transferred to an undertaking in another Member State.
2. Member States shall keep records of the exports of the products. The products shall be deemed to be so exported as at the date of acceptance by the customs authorities of the Member State of export from the Community of the export declaration or of the document provided for in Article 18 of Council Directive no. 81/177/EEC of 24 February 1981 (1) on the harmonization of procedures for the export of Community goods.
3. The extent to which a Member State has used up its allocation shall be determined on the basis of licences delivered in accordance with Article 5.

..!..

(1) O.J. No L 83 of 30.3.1981, p. 40

Article 7

- 1. Temporary exports to the U.S.A. of products which are to be re-exported from the USA in the same form or without having been subject to substantial transformation shall be charged against the allocation of the Member State whose authorities delivered the licence. Upon production to the authorities of such Member State proof of such re-exportation from the USA, then the allocation of that Member State for the period when such proof is presented shall be increased by the same amount.
- 2. The Commission may lay down detailed rules for the implementation of this Article.

Article 8

This Decision shall enter into force three days after its publication in the Official Journal of the European Communities. The system of quantitative export limits shall apply from 1st October 1982.

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

1982

For the Commission

Member of the Commission

Description of products

<u>DESCRIPTION</u>	<u>NIMEXE NO.</u>	<u>TSUSA NUMBERS</u>	
Hot Rolled Carbon Steel Sheet and Strip	73.08-03		
	73.08-05		
	73.08-07		
	73.08-21	607.66-10	
	73.08-25		
	73.08-29		
	73.08-41		
	73.08-45	607.67-00	
	73.09-49		
			607.83-42
		73.13-21	
		73.13-23	
		73.13-26	
		73.13-32	
		73.13-34	
		73.13-36	
		73.12-19	608.19-20
			608.21-20
			608.23-20
Cold Rolled Carbon Steel Sheet	73.13-43	607.83-20	
	73.13-45	607.83-44	
	73.13-47		
	73.13-49		

NOTE: Subject to further verification by experts on both sides.

<u>DESCRIPTION</u>	<u>NIMEKE NO.</u>	<u>TCUSA NUMBER</u>
Hot Rolled Carbon Steel Plate	73.13-17	607.66-10
	73.13-19	607.9
	73.13-78	608.07-10
		608.11-00
<hr/>		
Coated Sheet (Galvanized Carbon Steel Sheet and Other Coated Sheet)	73.13-67	
	73.13-68	608.07-30
	73.13-72	608.13-00
	73.13-82	
	73.13-84	
	73.13-86	
	73.13-87	
	73.13-88	
<hr/>		
Tinplate (not including blackplate)		607.96-00
	73.13-64	607.97-00
	73.13-65	607.99-00
<hr/>		
Carbon Steel Structural Shapes	73.11-12	609.80-05
	73.11-14	609.80-15
	73.11-16	609.80-35
	73.11-19	609.80-41
	73.11-20	609.80-45
	73.11-41	
	73.11-43	
	73.11-49	

E: Subject to further verification by experts on both sides.

<u>DESCRIPTION</u>	<u>NIMEXE NO.</u>	<u>TSUSA NUM.</u>
Wire Rod	73.10-11	607.17-00
Hot Rolled Carbon Steel		606.83-10
Bars		606.83-30
	73.10-16	606.83-50
Rails		610.20-10
	73.16-11	
	73.16-14	610.20-20
	73.16-16	610-21-00
	73.16-17	
	73.16-20	
Stainless Steel Sheet		
	73.74-23	607.76-10
	73.75-33	607.90-20
	73.75-43	
	73.75-53	608.29-00
	73.75-63	608.43-00
		608.57-00
Stainless Steel Plate		607.76-05
	73.75-23	607.90-05

NOTE: Subject to further verification by experts on both sides.

US Customs Territory and US Foreign Trade Zones

Allocation among Member States

<u>NIMEXE CODE</u>	<u>DESCRIPTION</u>	<u>MEMBER STATE</u>	<u>PERCENTAGE</u>
	Hot-rolled carbon steel sheet and strip	Germany France Italy Benelux (*) United Kingdom Denmark Ireland Greece Community reserve	<hr/> 100
	Cold-rolled carbon steel sheet	Germany France Italy Benelux (*) United Kingdom Denmark Ireland Greece Community reserve	<hr/> 100

Insert eight other products

(*) Belgique -- %
Luxembourg -- %
Pays-Bas -- 0

Proposal for a
COUNCIL REGULATION CONCERNING THE RESTRICTION OF EXPORTS
OF CERTAIN STEEL PRODUCTS TO THE UNITED STATES OF AMERICA

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Whereas :

1. The Community has concluded an arrangement with the United States of America under which certain anti-dumping, countervailing duty and other investigations are to be terminated and the amount of exports to the U.S.A. of certain steel products originating in the Community are to be limited to certain levels over a certain period ("the Arrangement"); the conclusion of such an arrangement helps to ensure the success of the various other measures taken by the Community with regard to the Community industry in the framework of the Community steel policy; whereas it is necessary, pursuant to this arrangement, to introduce in the Community measures to restrict the amount of these steel products exported to the U.S.A.;

2. Under present market conditions orderly trade relations with the U.S.A. with respect to certain steel products can best be maintained, and a contribution made to the success of the various other measures of the Community steel policy to restore the Community steel industry to a sound basis, by the introduction of restrictions on the amount of those products exported to the U.S. market;

3. In accordance with the Arrangement, the export restrictions cover steel products originating in the Community; the origin of these products is determined in accordance with applicable community legislation, that is to say Council Regulation (EEC) n° 802/68 of 27th June 1968 on the common definition of the concept of the origin of goods (1) as last amended by Regulation 1318/71 (2);
4. For practical and management reasons, the quantitative export limits agreed by the Community must be allocated between the Member States; in order to do so, an allocation method must be established which ; thereafter the Member States must share out the amounts allocated to them between undertakings in accordance with the objective criteria ;
5. A utilisation of the Community limits based on allocations between Member States made in this way would seem to be in accordance with the Community nature of these limits, considering that in addition a Community reserve is to be established.

(1) O.J. n° L 148 of 28th June 1968, p. 1.

(2) O.J. n° L 139 of 25th June 1971, p. 6.

6. A Community reserve will allow certain effects of the allocation method to be corrected and ensure a maximum use of the export possibilities;
7. As foreseen in the Arrangement, measures must be taken to avoid abnormal concentrations at certain times in the exports to the USA;
8. The Community steel policy aims in particular to allow the Community steel industry to adapt to the conditions of international competition; considering, on the one hand, the links between the industry's restructuring efforts and the needs to which the Arrangement responds, and on the other hand that the Arrangement is limited to products originating in the Community, it is necessary to restrict the issue of export licences to steel producing undertakings only; in order to take account of the interests of distributive undertakings it must be possible for these licences to be transferred not only to production undertakings but also to distributive undertakings, in particular where the production undertakings decide to sell their products to such distributive undertakings;
9. It appears necessary, and for the moment sufficient, that the Member States ensure the respect of the various provisions of the regime by applying the various penalties provided for in their laws;

10. In order to facilitate the application of the envisaged provisions, it is appropriate to set up a procedure establishing a close cooperation between the Member States and the Commission in the framework of a Committee; it is sufficient to this purpose to apply the procedure set up in Council Regulation (EEC) No 1023/70 of 20 May 1970 which established a common procedure for the administration of quantitative quotas (1).
11. This ^{regulation} does not prejudice any changes which may be made to the regime which it establishes in cases where the application of the same leads to unforeseen difficulties.

HAS ADOPTED THIS REGULATION

Article 1

1. Community export limits are established for the period 1st October 1982 to 31st December 1983 ("the Initial Period") and thereafter for the years 1984 and 1985 for exports effected after 1st October 1982 from the Community to, or destined for consumption in, the United States of America ("USA") of the steel products originating in the Community which are listed and described in Annex I (hereinafter called "the quantitative export limits").
For the purposes of hereof, USA shall comprise US Custom Territory and US foreign Trade Zones as described in Annex II.
2. The origin of the products covered by this ^{regulation} decision shall be determined in accordance with the rules in force in the Community.

(1) OJ No L 124 , 8.6.1970, p. 1

Article 2

1. Community export limits per product category shall be calculated by the Commission for the Initial Period and for the years 1984 and 1985 by application to the US Apparent Consumption within the meaning of article 5 of the Arrangement of the following percentages:

<u>Product categories</u>	<u>Percentage</u>
1. Cold-rolled sheet	5.15%
2. Structural	10.90%
3. Rails	8.90%
4. Stainless steel sheet and strip and stainless steel plate	4.08%

2. The Community export limits calculated pursuant to paragraph 1 shall be adjusted by the Commission to take account of revisions of the said US Apparent Consumption.

3. These limits may also be adjusted in line with the procedure envisaged in Article 8

- for advance use or carry-over of licences,
- to enable transfers between product categories,
- for additional quotas in case of short-supply,
- to take account of possible aberrations from seasonal trade patterns in exports effected between 1st August and 30th September 1982

under the condition foreseen in the Arrangement.

Article 3

1. The Community quantitative export limits established and calculated pursuant to Article 2 shall be allocated for the Initial Period and for 1984 and for 1985 by the Commission in accordance with Annex III.
2. The Member States shall return to the Community reserve foreseen in Annex III within the first eight days of the third month of every quarter such portion of the amount of their allocation communicated to the Community pursuant to Article 5 (1) for which licences have not been delivered by them.

Article 4

The Community reserve shall be allocated in line with the procedure envisaged in Article 8 to one or more Member States to the extent to which an adjustment of the allocations are necessary to improve the utilization of the quantitative exports limits or to take account of difficulties in the administration of the system.

The Commission may establish the technical conditions upon which licences are to be issued by the Member States in respect of such additional allocation or allocations.

Article 5

1. Community exports described in Article 1 effected between 1st October 1982 and 31 December 1985 shall be subject to the production to the competent customs office in the Community of an export licence to be delivered by the relevant authorities of each Member States within the limits of the amounts allocated to it pursuant to Article 3 and, where relevant, Article 4 and of an export certificate.

Member States shall fix the tonnages for which they anticipate that licence will be issued, in each quarter for each product category: They shall inform the Commission thereof in the first fifteen days of the relevant quarter. In doing so, they shall make sure that the export licence issues for each quarter ensures an adequate spread of exports over the whole year, taking into account the seasonal variations in trade of the product category in question.

However, Member States shall not, without the prior authorisation of the Commission, issue in any two consecutive quarters licences for amounts which exceed 55 % of their allocation in the Initial Period or 65 % of their allocation in 1984 and 1985.

Member States may, subject to the second paragraph hereof, issue further licences in the Initial Period, 1984 and 1985 respectively in respect of the unutilized part of licences issued which have been returned to the authorities of such Member-State in the Initial Period, 1984 and 1985 respectively.

2. The licence shall be delivered to undertakings engaged in the production of steel within the Community and established in the issuing Member State in accordance with the following criteria:

3. Transfers of export licences between undertakings or to distributive undertakings may take place provided that they concern the same product category and after prior notification to the authorities of the Member States in which the transfers or undertaking is established. Such transfers may take place between undertakings established in different Member States.
4. Licences delivered in one Member State of the Community are valid throughout the Community.
5. Member States shall ensure that appropriate sanctions are applied in respect of all exports effected without production of the licence required hereunder and in respect of any other breaches of the provisions relating to such licences. Member States shall keep the Commission informed of all breaches of such measures and of all sanctions imposed in respect thereof, at intervals to be specified by the Commission.
6. The Commission may lay down detailed rules for the implementation of this Article and specify the information to be provided to the Commission concerning the licences and exports.

Article 6

1. Member States shall charge the amounts set out on the licences issued by them against their respective allocations made pursuant to Article 3 and, where relevant, Article 4, including all licences subsequently transferred to an undertaking in another Member State.
2. Member States shall keep records of the exports of the products. The products shall be deemed to be so exported as at the date of acceptance by the customs authorities of the Member State of export from the Community of the export declaration or of the document provided for in Article 18 of Council Directive no. 81/177/EEC of 24 February 1981 (1) on the harmonization of procedures for the export of Community goods.
3. The extent to which a Member State has used up its allocation shall be determined on the basis of licences delivered in accordance with Article 5.

(1) O.J. No L 83 of 30.3.1981, p. 40

Article 7

1. Temporary exports to the U.S.A. of products which are to be re-exported from the USA in the same form or without having been subject to substantial transformation shall be charged against the allocation of the Member State whose authorities delivered the licence. Upon production to the authorities of such Member State proof of such re-exportation from the USA, then the allocation of that Member State for the period when such proof is presented shall be increased by the same amount.
2. The Commission may lay down detailed rules for the implementation of this Article.

Article 8

In the cases where reference is made to the procedure mentioned in the present article, the provisions of Article 11 of Regulation (EEC) No 1023/70 will apply.

Article 9

This Regulation shall enter into force on the third day following the day of its publication in the Official Journal of the European Communities. It shall apply from 1st October 1982.

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

Done at Brussels,

For the Council
The President

PRODUCT COVERAGE

<u>Description</u>	<u>NIMEXE NO.</u>	<u>TSUSA Numbers</u>
Cold rolled carbon steel sheet	73.13-41	607.83-20 <u>607.83-47</u>
Carbon steel structural shapes	73.11-20	609.80-05
	73.11-31	609.80-15
	73.11-39	609.80-35
	73.11-43	609.80-41
	73.11-49	609.80-45
Rails	73.16-11	610.20-10 610.20-20 610.21-00
Stainless steel sheet	73.74-53	607.76-10
	73.75-53	607.90-10
		607.90-20
		608.29-00
		608.43-00
	608.57-00	

Note : Subject to further verification by experts on both sides

US Customs territory and US foreign trade zones

ALLOCATION AMONG MEMBER STATES

<u>Description</u>	<u>Member State</u>	<u>Percentage</u>
Cold rolled carbon steel sheet	Germany	
	France	
	Italy	
	Benelux (*)	
	United Kingdom	
	Denmark	
	Ireland	
	Greece	
	Community reserve	
		100
Carbon steel structural shapes	Germany	
	France	
	Italy	
	Benelux (*)	
	United Kingdom	
	Denmark	
	Ireland	
	Greece	
	Community reserve	
		100
Rails	Germany	
	France	
	Italy	
	Benelux (*)	
	United Kingdom	
	Denmark	
	Ireland	
	Greece	
	Community reserve	
		100
Stainless steel sheet	Germany	
	France	
	Italy	
	Benelux (*)	
	United Kingdom	
	Denmark	
	Ireland	
	Greece	
	Community reserve	
		100

(*) Netherlands -- %
 Belgium -- %
 Luxembourg --%

