



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.07.2004
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2004/0147 (ACC)

Proposal for a

COUNCIL REGULATION

**on administering of the double-checking system without quantitative limits in respect of
the export of certain steel products from the Republic of Moldova
to the European Community**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Republic of Moldova asked to conclude an Agreement setting up a double-checking system without quantitative limitations in order to monitor the exports into the European Community of certain steel product. The aim of the double-checking system is to improve transparency and to avoid possible diversions of trade. It is without prejudice to the application of the relevant provisions of the agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.

The system relies on the issuance for each transaction of an export document and of an import document.

The export document is issued by the authorities of the country of the exporting company to the exporter, upon request of the exporter and after the fulfilment of the necessary conditions imposed by those authorities, notably those conditions included in the international agreement. This export document is then given to the EU importer.

To be able to import products covered by the agreement, the EU importer must obtain from relevant EU authorities an import document. This document is released automatically, upon presentation of documents/information/evidence as required by the EU internal implementing legislation, including the original of the export document.

The double-checking system would apply for the period until 31 December 2006. It will be established by means of an Agreement in the form of an Exchange of Letters.

The Community signed the Agreement and this Regulation lays down the implementing provisions.

Proposal for a

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on administering of the double-checking system without quantitative limits in respect of the export of certain steel products from the Republic of Moldova to the European Community

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part², entered into force on 1 July 1998.
- (2) The situation relating to imports of certain steel products from the Republic of Moldova to the European Community has been the subject of thorough examination and, on the basis of relevant information supplied to them, the Parties have concluded an Agreement in the form of an Exchange of Letters³ which establishes a double-checking system without quantitative limits for the period between the date of entry into force of this Regulation and 31 December 2006, unless both Parties agree to terminate the system earlier.
- (3) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴,

¹ OJ C , , p. .

² OJ L 181, 24.6.1998, p. 3.

³ See p.of this OJ.

⁴ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period running from the date on which this Regulation enters into force to 31 December 2006, in accordance with the provisions of the above mentioned Agreement in the form of an Exchange of Letters, imports into the European Community of certain steel products originating in the Republic of Moldova, as listed in Appendix I, shall be subject to the presentation of a surveillance document conforming to the model shown in Appendix II issued by the authorities in the European Community.
2. For the period running from the date on which this Regulation enters into force to 31 December 2006, imports into the Community of the steel products originating in the Republic of Moldova and listed in Appendix I shall, in addition, be subject to the issue of an export document issued by the competent Moldovan authorities. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the European Community. In order to obtain the surveillance document referred to in paragraph 1, the importer must present the original of the export document fully completed. In any case, the importer must present the original of the export document not later than 31 March of the year following that in which the goods covered by the document were shipped.
3. The classification of the products covered by this Regulation is based on the tariff and statistical nomenclature of the European Community (hereinafter called the "CN"). The origin of the products covered by this Regulation shall be determined in accordance with the rules in force in the European Community.
4. The competent authorities of the European Community shall inform the Republic of Moldova of any changes in the CN in respect of products covered by this Regulation before their date of entry into force in the European Community.
5. Goods shipped before the entry into force of this Regulation shall be excluded from the scope of this Regulation. Shipment is considered to have taken place on the date of loading on to the exporting means of transport.

Article 2

1. The surveillance document referred to in Article 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 European Community importer, wherever established in the European 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 Appendix IV shall be valid throughout the European Community.

3. The importer's application for a surveillance document 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 declaring person or representative of the applicant (including telephone and fax numbers);
- (c) the full name and address of the exporter;
- (d) the exact description of the goods, including:
 - their trade name,
 - the 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 c.i.f. value of the goods in euros at the European Community frontier by combined nomenclature heading;
- (g) whether the products concerned are seconds or of substandard quality⁵;
- (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, daed 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 the liberalisation of imports remain in force in respect of the transactions concerned. Without prejudice to possible changes in the import regulations in force or decisions taken in the framework of an agreement or the management of a quota:

–the period of validity of the surveillance document is hereby fixed at four months,

⁵ Under the criteria given in the Commission communication concerning identification criteria of non-prime steel products from third countries applied by customs services of Member States (OJ C 180, 11.7.1991, p. 4.).

–unused or partly used surveillance documents may be renewed for an equal period.

5. The importer shall return surveillance documents to the issuing authority at the end of their period of validity.

Article 3

1. A finding that the unit price at which the transaction is effected exceeds that indicated in the import 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 import document by less than 5% shall not preclude the release for free circulation of the products in question.

2. Applications for import 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:

details of the quantities and values (calculated in euros) for which import documents were issued during the preceding month;

details of imports during the month preceding the month referred to in (a).

The information provided by Member States shall be broken down by product, CN code and by country.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant an import document.

Article 5

Any notices to be given hereunder shall be given to the Commission and shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

Article 6 *Committee*

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

The Committee shall adopt its rules of procedure.

Article 7
Final provisions

Amendments to the Appendices which may be necessary to take into account modifications to the Annex or Appendices attached to the Agreement in the Form of an Exchange of Letters between the European Community and the Republic of Moldova, or amendments made to European Community rules on statistics, customs arrangements, common rules for imports or import surveillance, shall be adopted in accordance with the procedure laid down in Article 6(2).

This Regulation shall enter into force on the 15th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Council
The President

ANNEX I

List of products subject to double-checking without quantitative limits

Moldova

7202	7301
7203	7303
7206	7304
7207	7305
7208	7306
7209	7307
7210	7312
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7212	
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7214	
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7229	

ANNEX II

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and nomenclature code)
			7. Country of consignment (and nomenclature code)
1			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 euros, cif at European 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.			
1.			
2.			

Extension pages to be attached hereto

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

Copy for the issuing authority	2	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and nomenclature code)
			7. Country of consignment (and nomenclature code)
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 euros, cif at European 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.			
1.			
2.			

Extension pages to be attached hereto

ANNEX III

(1) Show net weight (kg) and also quantity in the unit prescribed where other than net weight.

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT DOCUMENT (steel products)			
	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.

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT DOCUMENT (steel products)			
	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)		

ANNEX IV

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
PÄDEVATE RIIKLIKE ASUTUSTE NIMEKIRI
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITES NATIONALES COMPETENTES
ELENCO DELLE COMPETENTI AUTORITA NAZIONALI
VALSTU KOMPETENTO IESTAŽU SARAKSTS
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA WLAŒCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
ZOZNAM PŘÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

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