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I

(Acts whose publication is obligatory)

COMMISSION DECISION No 3483/82/ECSC

of 17 December 1982

concerning the requirement for Community undertakings to declare the quantities of certain steel products delivered

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 47 thereof,

Whereas the steel market continues to be seriously affected by the deterioration of the economic situation; whereas the level of demand varies from one Member State to another and contributes towards creating major price differences between the various Community markets;

Whereas this situation creates changes harmful to the pattern of deliveries; whereas these changes are a major factor in the imbalance in the market for steel products;

Whereas the statistics available do not enable the Commission to have a sufficiently exact and complete picture of the movements of the steel products within the common internal market;

Whereas, moreover, the Commission has detected relatively large differences between the undertakings' delivery figures and the customs statistics;

Whereas it is essential to maintain the unity of the Community steel market and to tighten up discipline with regard to quantities and prices;

Whereas such statistics represent an additional aid for detection of infringements of the pricing rules; whereas the information will also help to improve market forecasts and the fixing of the rates of abatement;

Whereas the steel market constitutes a whole in which dealers help to market a large proportion of the steel products; whereas, therefore, details of the deliveries which the steel undertakings make to dealers in steel products are also needed;

Whereas the Commission also needs delivery statistics for tinplate (including blackplate and TFS), electrical sheet with a silicon content of 1 % or more, permanent-way material and sheet piling;

Whereas, in order to achieve a strict correlation between the declarations made by undertakings and the customs statistics, the Commission also needs data on deliveries between works in two or more Member States,

HAS ADOPTED THIS DECISION:

Article 1

1. With effect from January 1983, undertakings shall send the Commission each month a breakdown of the deliveries which they make to the Member States of the Community.
2. For the purposes of this Decision concentrated groups of undertakings, as defined in Article 66 of the Treaty, shall be considered a single undertaking.
3. However, undertaking with works in two or more Member States shall make separate declarations for each country in which their works are sited.

Article 2

The monthly declarations referred to in Article 1 shall be modelled on the forms set out in Annexes I and II; they must reach the Commission 10 working days after the end of the month at the latest.

Article 3

1. For the purposes of this Decision, 'dealers in steel products' shall mean distributive undertakings selling ex stock the steel products listed in Annexes I and II to this Decision.

Undertakings which market such steel products after having processed them shall also be regarded as 'dealers in steel products'.

2. For the purposes of this Decision, processing shall be deemed to have taken place when the products covered by this Decision are converted:

- either into another steel product listed in Annexes I and II, by means of an operation other than rolling,
- or into a product obtained from slitting cold-rolled plate into coil 500 mm wide or over.

Article 4

Undertakings with plants in two or more Member States shall prepare a monthly register for each works, showing their deliveries of the products covered by this Decision to their own works in another Member State.

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

Done at Brussels, 17 December 1982.

Article 5

By 25 February 1983 at the latest, undertakings shall send the Commission a month-by-month breakdown of their deliveries to the Member States of the Community between July 1981 and June 1982 inclusive.

Article 6

1. The Commission shall have the power to check the validity and accuracy of the declarations and data referred to in Articles 1, 4 and 5.

The Commission may call on independent organizations or experts to assist it. Professional secrecy of undertakings shall be guaranteed.

2. The inspectors' warrant shall make reference to this Decision and shall indicate which of the declarations made by the undertaking are to be checked. Undertakings shall be required to allow the inspections to take place, without an individual decision being needed.

Article 7

Undertakings which fail to fulfil their obligations under Articles 1, 4, 5 and 6, or which provide false or incomplete information, shall be liable to fines and penalty payments, as provided for by Article 47 of the ECSC Treaty.

Article 8

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1983.

For the Commission

Étienne DAVIGNON

Vice-President

QUESTIONNAIRE 372

DELIVERIES OF CERTAIN ROLLED PRODUCTS IN ORDINARY STEEL, QUALITY, AND NON-ALLOY SPECIAL STRUCTURAL STEELS, WELDABLE 'SONDERBAUSTÄHLE' (PRIME PLUS NON-PRIME)

(tonnes)

[illegible]

Deliveries breakdown in the Community, country market included ⁽¹⁾

[illegible]

372												
Deliveries breakdown in the Community, country market included ⁽¹⁾												
Line	Products code	Federal Republic of Germany	France	Italy	Netherlands	Belgium	Luxembourg	United Kingdom	Ireland	Denmark	Greece	Community total
		01	02	03	04	05	06	07	08	09	10	11
41	14 105											
42	12 104											
43	16 105											
44	16 106											

⁽¹⁾ The determination of destination country is based on the physical deliveries of the products to the customers (final users or dealers in steel products as defined in Article 3 of this Decision).

- (a) If the steel company does not know the final user and/or does not assume directly or indirectly the responsibility of the physical transport of the goods to the final user, this delivery should be declared as having been made to a dealer.
- (b) In the case of a hire-rolling, if the hire-roller is located in another Member State than that of the order-giver and if he makes the physical delivery of the goods on the account for the order-giver, then the hire-roller should declare that delivery.

This exception to the rule of questionnaire Eurostat 2.71 *has to be applied only in reference to this Decision.*

Monthly information to be sent to the Commission of the European Communities, telex 3252 acier lu, not later than 10 working days after the end of the month. A copy should also be sent (recorded delivery) to the Commission of the European Communities, Task Force Steel (DG III), Bâtiment CAL, rue Alcide De Gasperi, L-1019 Luxembourg-Kirchberg (same deadline).

NB: The products' definition and the codes are those established in Decision No 1696/82/ECSC of 30 June 1982. For the definition of products considered at lines 41 to 44, one has to refer to questionnaire Eurostat 2.71 and more particularly:

Line 41: TINPLATE (blackplate and TFS included) — questionnaire 2.71, lines ex 142 and 143,

Line 42: ELECTRICAL SHEET with silicon content of 1 % and more — questionnaire 2.71, line ex 145,

Line 43: RAILWAY MATERIAL — questionnaire 2.71, lines 101 and 102,

Line 44: SHEET PILING — questionnaire 2.71, line 103.

ANNEX TO QUESTIONNAIRE 372

OF WHICH DELIVERIES TO DEALERS IN STEEL PRODUCTS FOR CERTAIN ROLLED PRODUCTS IN ORDINARY STEEL, QUALITY AND NON-ALLOY SPECIAL STRUCTURAL STEELS, WELDABLE 'SONDERBAUSTÄHLE' (PRIME PLUS NON-PRIME)

(tonnes)

[illegible]

	Deliveries to traders in the Community, country market included ⁽¹⁾

[illegible]

Deliveries to traders in the Community, country market included ⁽¹⁾

(a) If the steel company does not know the final user and/or does not assume directly or indirectly the responsibility of the physical transport of the goods to the final user, this delivery should be declared as having been made to a dealer.

This exception to the rule of questionnaire Eurostat 2.71 has to be applied only in reference to this Decision.

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 Line 43: RAILWAY MATERIAL — questionnaire 2.71, lines 101 and 102,
 Line 44: SHEET PILING — questionnaire 2.71, line 103.

QUESTIONNAIRE 376

(tonnes)

[illegible]

[illegible]

[illegible]

⁽¹⁾ The determination of destination country is based on the physical deliveries of the products to the customers (final users or dealers in steel products as defined in Article 3 of this Decision).

(a) If the steel company does not know the final user and/or does not assume directly or indirectly the responsibility of the physical transport of the goods to the final user, this delivery should be declared as having been made to a dealer.

(b) In the case of a hire-rolling, if the hire-roller is located in another Member State than that of the order-giver and if he makes the physical delivery of the goods on the account for the order-giver, then the hire-roller should declare that delivery.

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Line 44: SHEET PILING – questionnaire 2.71, line 103.

Deliveries to dealers in the Community, country market included ⁽¹⁾

[illegible]

377											
Line	Products code	Deliveries to dealers in the Community, country market included ⁽¹⁾									
		Federal Republic of Germany	France	Italy	Netherlands	Belgium	Luxembourg	United Kingdom	Ireland	Denmark	Greece
		01	02	03	04	05	06	07	08	09	10
41	14 105										11
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43	16 105										
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Line 43: RAILWAY MATERIAL — questionnaire 2.71, lines 101 and 102,

Line 44: SHEET PILING — questionnaire 2.71, line 103.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMUNICATION FROM THE COMMISSION

concerning the publication of guidance prices for certain steel products

The Commission of the European Communities, in the context of its continuous study of market and price trends under Article 46 of the ECSC Treaty and following the conclusions which it reached in drawing up its forward programme for steel for the first quarter of 1983, considers that the prices charged for steel products since the end of the second quarter of 1982 are still too far away from the target set by the Commission in the communication published in the Official Journal of 14 November 1981⁽¹⁾ and are impeding the attainment of the aims set out in Article 3 of the Treaty.

In particular, the Commission is of the opinion, as are the Governments of the Member States which have expressed themselves in favour of stabilization measures, that the inadequacy of the undertakings' receipt is endangering not only the requisite restructuring measures in the sector — with the risk of aggravating the social and regional consequences — but also the very survival of a number of undertakings.

The Commission therefore considers necessary that the parties concerned should be guided towards a level of prices which, while taking account of the legitimate interests of steel users, reduces this risk. The Commission has also taken into consideration the structural differences as between integrated undertakings and electric mini-mills with regard to the making of certain products.

To this end, the Commission hereby published the following guidance prices, subject to the conditions indicated below, for the steel products covered by the

provisions relating to production quotas⁽²⁾ and for other products for which there is a voluntary arrangement concerning the reduction of deliveries:

Products	Guidance price (in Ecu per tonne)
Hot-rolled wide strip	352 (*)
Narrow strip	352 (*)
Hot-rolled sheet, not including strip	352 (*)
Medium and heavy plate	369 (*)
Cold-rolled sheet (coiled)	446
Wire rod (for netting)	257
Wire rod (for drawing)	332
Ribbed concrete reinforcing bars	
42 kg/mm ² min.	236
Merchant bars: — category 1	266
— category 2	322
— free cutting steels	429
Sections and beams: — category 1	317
— category 2a	347
— category 2b	386
— category 2c	433
— category 3	446
Hot dipped galvanized sheets	502
Electro-zinc coated sheets	493

(*) After deduction of all discounts published or notified, other than merchants discount and quantity allowances.

⁽¹⁾ OJ No C 294, 14. 11. 1981, p. 3.

⁽²⁾ Decision No 1696/82/ECSC of 30 June 1982 (OJ No L 191, 1. 7. 1982, p. 1.)

These guidance prices correspond to the concept of a basic price — with possible temporary rebates deducted — and for a basic quality ex-basing point, with extras for size and quality, etc. They apply to ex-works sales and so do not include the extra charges which are appropriate for ex-stock sales. It follows that the discounts and reductions published at present, including any temporary discounts, must not be increased and that surcharges must not be reduced or withdrawn, if such alterations would adversely reduce the level of the guidance price. Where the price lists contain effective prices as a function of quality or size, the differentials between the effective prices resulting from quality and/or size differences should be regarded as extras. However, the effort to restructure the price lists, in particular as regards the extras for quality and size and the procedures relating to certain discounts, must not be hindered thereby.

The Commission requests steel industry undertakings to publish prices in their price lists in their national currency at levels which correspond to the equivalent value in ECU converted at the exchange rates of 12 June 1982 for European monetary system currencies, and for those currencies outside the EMS the average rate for the months of September, October and November should be used, it being understood that the prices thus established will be adjusted if there is a divergence in the exchange rate of plus or minus 2.25 % by comparison with these rates, including the lira and those currencies which are not in the EMS.

The Commission requests that these guidance prices should be adhered to within the price rules of Article 60 when alignment takes place on delivered prices derived from the price lists of other Community producers or on offers originating from third countries, which are not barred from the application of the alignment rules.

The Commission requests the undertakings to maintain a payment period of at most 30 days following the month of dispatch, net without discounts and interests and with interest penalties for late payment. The Commission urges that price lists should specify the applicability of prices on the day of delivery. It also stresses that deliveries of seconds and non-prime qualities should be strictly limited.

The Commission requests that these guidance prices be charged for all deliveries effected as from 1 January 1983. Should the Commission's continuous study of the market lead it to detect an improvement, it will publish new guidance prices slightly increased for some products to be effective for deliveries on or after 1 April 1983.

In order to ensure the necessary discipline with regard to the rules on prices, the Commission will tighten up its controls with regard to the checking of prices and State aid.

DEFINITION OF CATEGORIES OF PRODUCTS

Ribbed concrete reinforcing bars:

with a limit of elasticity of 420 N/mm² (42 kg/mm²) and a minimum tensile strength of 500 N/mm² (51 kg/mm²).

Merchant bars:

for quality DIN ST 33 and ST 37-2 or similar specification

— Category 1:

- rounds up to 120 mm inclusive
- squares up to 80 mm inclusive
- flats (all dimensions)
- angles up to 100 mm inclusive (the larger dimension applies in the case of unequal angles)
- T up to 100 mm inclusive
- U less than 80 mm

— Category 2:

other sections, sizes and qualities.

Sections

— Category 1:

IPN } 80 up to 220 inclusive
UPN }

— Category 2a:

IPE 80 up to 220 inclusive
H 100 up to 180 inclusive

— Category 2b:

IPN } 240 up to 300 inclusive
UPN }

IPE 240 up to 400 inclusive
H 200 up to 300 inclusive

— Category 2c:

IPN 320 up to 500 inclusive
IPE 450 up to 600 inclusive
H 320 up to 600 inclusive

— Category 3:

H 650 up to 1 000 inclusive
and all other sections.
