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EN

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2265/2004
of 20 December 2004
on trade in certain steel products between the Community and the Republic of Kazakhstan**

THE COUNCIL OF THE EUROPEAN UNION,

- (5) Pending the signature and entry into force of the new Agreement, quantitative limits for the year 2005 should be established.

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

Having regard to the proposal from the Commission,

- (6) Given that the conditions that led to the fixing of the quantitative limits for 2004 remain in place, it is appropriate to set the quantitative limits for 2005 at the same level as for 2004, albeit by taking fully into account the enlargement of the EU.

Whereas:

- (1) Article 17(1) of the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan⁽¹⁾ provides that trade in certain steel products are to be subject to a specific Agreement on quantitative arrangements.
- (2) The current bilateral Agreement between the European Coal and Steel Community (ECSC) and the Government of the Republic of Kazakhstan on trade in certain steel products⁽²⁾ concluded on 22 July 2002 will expire on 31 December 2004.
- (3) The Community has taken over the international obligations of the ECSC since the expiry of the ECSC Treaty, and measures relating to trade in steel products with third countries now fall under the competence of the Community in the field of trade policy.
- (4) Preliminary discussions between the Parties indicate that both of them intend to conclude a new Agreement for 2005 and subsequent years.
- (5) It is necessary to provide the means to administer this regime within the Community in such a way as to facilitate the implementation of the new Agreement by envisaging as far as possible similar provisions.
- (6) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (7) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (8) The effective application of this Regulation calls for the introduction of a requirement for a Community import licence for the entry into free circulation in the Community of the products in question.

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

⁽²⁾ OJ L 222, 19.8.2002, p. 19.

- (11) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States do not issue import licences before obtaining confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply from 1 January 2005 to 31 December 2005 to imports into the Community of steel products listed in Annex I originating in the Republic of Kazakhstan.

2. The steel products shall be classified in product groups as set out in Annex I.

3. The classification of products listed in Annex I shall be based on the combined nomenclature (CN) established by Regulation (EEC) No 2658/87⁽¹⁾.

4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.

Article 2

1. The importation into the Community of the steel products listed in Annex I originating in the Republic of Kazakhstan shall be subject to the quantitative limits laid down in Annex V. The release for free circulation in the Community of the products set out in Annex I originating in the Republic of Kazakhstan shall be subject to the presentation of a certificate of origin, set out in Annex II, and of an import licence issued by the Member States' authorities in accordance with the provisions of Article 4.

2. In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities listed in Annex IV shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. The authorised imports shall be counted against the quantitative limits laid down for the year in which the products are shipped in the exporting country. Shipment of products shall be considered as having taken place on the date on which they were loaded on to the exporting means of transport.

Article 3

1. The quantitative limits referred to in Annex V shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2 (2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex V.

Article 4

1. For the purpose of applying Article 2 (2), before issuing import licences, the competent authorities of the Member States listed in Annex IV shall notify the Commission of the amounts of the requests for import licences, supported by original export licences, which they have received. By return, the Commission shall notify whether the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States are received ('first come, first served basis').

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product code concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each group of products.

4. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import licence. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

5. The notifications referred to in paragraphs 1 to 4 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.

6. The import licences or equivalent documents shall be issued in accordance with Articles 12 to 16.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import licences or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent authorities of the Republic of Kazakhstan. However, if the Commission or the competent authorities of a Member State have been informed by the competent authorities of the Republic of Kazakhstan of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which the shipment of products took place.

Article 5

1. Where the Commission has indications that products listed in Annex I originating in the Republic of Kazakhstan have been transhipped, rerouted or otherwise imported into the Community through circumvention of the quantitative limits referred to in Article 2 and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on the necessary adjustment of the corresponding quantitative limits to be made.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask the Republic of Kazakhstan to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed upon following such consultations may be carried out.

3. Should the Community and the Republic of Kazakhstan fail to reach a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall deduct from the quantitative limits an equivalent volume of products originating in the Republic of Kazakhstan.

Article 6

1. An export licence (to be issued by the competent authorities of the Republic of Kazakhstan) shall be required in respect of any consignment of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import licence referred to in Article 12.

Article 7

1. The export licence for quantitative limits shall conform to the specimen set out in Annex II and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 8

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2(3).

Article 9

1. The export licence referred to in Article 6 may include additional copies duly indicated as such. The export licence and the copies thereof as well as the certificate of origin and the copies thereof shall be drawn up in English.

2. If the documents referred to in paragraph 1 are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Regulation.

5. Each export licence or equivalent document shall bear a standardised serial number, whether or not printed, by which it can be identified.

6. This number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

KZ = Republic of Kazakhstan

— two letters identifying the Member State of intended destination as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom,

— a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '4' for 2004;

— a two-digit number identifying the issuing office in the exporting country;

— a five-digit number running consecutively from 00 001 to 99 999 allocated to the specific Member State of destination.

Article 10

The export licence may be issued after the shipment of the products to which it relates. In such cases it shall bear the endorsement 'issued retrospectively'.

Article 11

In the event of the theft, loss or destruction of an export licence, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence issued in this way shall bear the endorsement 'duplicate'.

The duplicate shall bear the date of the original licence.

Article 12

1. To the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import licence within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import licences shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import licences shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding four months.

3. Import licences shall be drawn up in the form set out in Annex III and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import licence shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the TARIC code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity for the products in question;
- (g) the net weight by TARIC heading;
- (h) the c.i.f. value of the products at Community frontier by TARIC heading;
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

5. Importers shall not be obliged to import the total quantity covered by an import licence in a single consignment.

Article 13

The validity of import licences issued by the authorities of the Member States shall be subject to the validity of export licences and the quantities indicated in the export licences issued by the competent authorities of the Republic of Kazakhstan on the basis of which the import licences have been issued.

Article 14

Import licences or equivalent documents shall be issued by the competent authorities of the Member States in accordance with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under the current rules.

Article 15

1. If the Commission finds that the total quantities covered by export licences issued by the Republic of Kazakhstan for a particular product group exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately in order to suspend the further issue of import licences. In this event, consultations shall be initiated forthwith by the Commission.

2. The competent authorities of a Member State shall refuse to issue import licences for products originating in the Republic of Kazakhstan which are not covered by export licences issued in accordance with the provisions of Articles 6 to 11.

Article 16

1. The forms to be used by the competent authorities of the Member States for issuing the import licences referred to in Article 12 shall conform to the specimen of the import licence set out in Annex III.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms 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 identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued.

If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

Article 17

This Regulation shall enter into force on the day 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, 20 December 2004.

For the Council
The President
P. VAN GEEL

ANNEX I

SA Flat-rolled products*SA1. Coils**SA2. Heavy Plate**SA3. Other flat rolled products*

7208 10 00 00	7208 40 00 10	7208 40 00 90	7210 70 10 10	7219 21 10 00
7208 25 00 00	7208 51 20 10	7208 53 90 00	7210 70 80 10	7219 21 90 00
7208 26 00 00	7208 51 20 91	7208 54 00 00	7210 90 30 10	7219 22 10 00
7208 27 00 00	7208 51 20 93	7208 90 00 10	7210 90 40 10	7219 22 90 00
7208 36 00 00	7208 51 20 97	7209 15 00 00	7210 90 80 91	7219 23 00 00
7208 37 00 90	7208 51 20 98	7209 16 10 00	7211 14 00 90	7219 24 00 00
7208 38 00 90	7208 51 91 10	7209 16 90 00	7211 19 00 90	7219 31 00 00
7208 39 00 90	7208 51 91 90	7209 17 10 00	7211 23 20 10	7219 32 10 00
7211 14 00 10	7208 51 98 10	7209 17 90 00	7211 23 30 10	7219 32 90 00
7211 19 00 10	7208 51 98 91	7209 18 10 00	7211 23 30 91	7219 33 10 00
7219 11 00 00	7208 51 98 99	7209 18 91 00	7211 23 80 10	7219 33 90 00
7219 12 10 00	7208 52 91 10	7209 18 99 00	7211 23 80 91	7219 34 10 00
7219 12 90 00	7208 52 91 90	7209 25 00 00	7211 29 00 10	7219 34 90 00
7219 13 10 00	7208 52 10 00	7209 26 10 00	7211 90 00 11	7219 35 10 00
7219 13 90 00	7208 52 99 00	7209 26 90 00	7212 10 10 00	7219 35 90 00
7219 14 10 00	7208 53 10 00	7209 27 10 00	7212 10 90 11	7225 40 12 90
7219 14 90 00	7211 13 00 00	7209 27 90 00	7212 20 00 11	7225 40 90 00
7225 20 00 10		7209 28 10 00	7212 30 00 11	
7225 30 10 00		7209 28 90 00	7212 40 20 10	
7225 30 90 00		7209 90 00 10	7212 40 20 91	
		7210 11 00 10	7212 40 80 11	
		7210 12 20 10	7212 50 20 11	
		7210 12 80 10	7212 50 30 11	
		7210 20 00 10	7212 50 40 11	
		7210 30 00 10	7212 50 61 11	
		7210 41 00 10	7212 50 69 11	
		7210 49 00 10	7212 50 90 13	
		7210 50 00 10	7212 60 00 11	
		7210 61 00 10	7212 60 00 91	
		7210 69 00 10		

SA1a Hot rolled coils for re-rolling

7208 37 00 10
7208 38 00 10
7208 39 00 10

ANNEX II

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

⁽²⁾ In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain 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 I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
	CERTIFICATE OF ORIGIN (for certain steel products)			
5. Consignee (name, full address, country)				
6. Country of origin		7. Country of destination		
8. Place and date of shipment — means of transport		9. Supplementary details		
10. Description of goods — manufacturer		11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾
14. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)		At on (Signature) (Stamp)		

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

ANNEX III

European Community import licence

1 Holder's copy	1. Consignee (name, full address, country, VAT number)		2. Issue number
			3. Year
			4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)		6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
1	9. Description of goods		10. TARIC code
			11. Quantity expressed in quota unit
			12. Security/guarantee (as applicable)
13. Further particulars			
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 import licence

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Year	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods	10. TARIC code	
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
13. Further particulars			
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 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 WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
ZOZNAM PRÍSLUŠNÝCH VNÚTROŠTÁTNÝCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISSISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral économie, PME, Classes moyennes & énergie
Administration du potentiel économique
Politiques d'accès aux marchés, Services Licences
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ΕΛΛΑΣ

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ČESKÁ REPUBLIKA

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
CZ-110 15 Praha 1
Fax: +420-224 21 21 33

DANMARK

Erhvervs- og Boligstyrelsen
Økonomi- og Erhvervsministeriet
Vejlsovej 29
DK-8600 Silkeborg
Fax: +45-35-46 64 01

DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle, (BAFA)
Frankfurter Strasse 29-35
D-65760 Eschborn 1
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ITALIA

Ministero delle Attività Produttive
Direzione generale per la politica commerciale e per la gestione del
regime degli scambi
Viale America 341
I-00144 Roma
Fax: +39-6-59 93 22 35/59 93 26 36

ΚΥΠΡΟΣ

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Υπηρεσία Εμπορίου
Μονάδα Έκδοσης Αδειών Εισαγωγής/Εξαγωγής
Οδός Ανδρέα Αραούζου Αρ.6
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ESPAÑA

Ministerio de Industria, Turismo y Comercio
Secretaría General de Comercio Exterior
Subdirección General de Comercio Exterior de Productos Industriales
Paseo de la Castellana 162
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IRELAND

Department of Enterprise, Trade and Employment

Import/Export Licensing, Block C

Earlsfort Centre

Hatch Street

IE-Dublin 2

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ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit

Aussenwirtschaftsadministration

Abteilung C2/2

Stubenring 1

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Fax: +43-1-7 11 00/83 86

POLSKA

Ministerstwo Gospodarki, Pracy i Polityki

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Plac Trzech Krzyży 3/5

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Fax: +48-22-693 40 21/693 40 22

LATVIJA

Latvijas Republikas Ekonomikas ministrija

Brīvības iela 55

LV-1519 Rīga

Fax: +371-728 08 82

LIETUVA

Lietuvos Respublikos ūkio ministerija

Prekybos departamentas

Gedimino pr. 38/2

LT-01104 Vilnius

Fax: +370-5-26 23 974

LUXEMBOURG

Ministère des affaires étrangères

Office des licences

BP 113

L-2011 Luxembourg

Fax: +352-46 61 38

MAGYARORSZÁG

Magyar Kereskedelmi Engedélyezési Hivatal

Margit krt. 85.

HU-1024 Budapest

Fax: +36-1-336 73 02

MALTA

Diviżjoni għall-Kummerċ

Servizzi Kummerċjali

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MT-Valletta CMR02

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PORTUGAL

Ministério das Finanças

Direcção Geral das Alfândegas e dos Impostos

Especiais sobre o Consumo

Rua Terreiro do Trigo, Edifício da Alfândega de Lisboa

PT-1140-060 Lisboa

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SLOVENIJA

Ministrstvo za gospodarstvo

Področje ekonomskih odnosov s tujino

Kotnikova 5

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SLOVENSKÁ REPUBLIKA

Ministerstvo hospodárstva SR

Odbor licencií

Mierová 19

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SUOMI

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UNITED KINGDOM

Department of Trade and Industry

Import Licensing Branch

Queensway House — West Precinct

Billingham

UK-TS23 2NF

Fax: +44-1642-36 42 69

ANNEX V

QUANTITATIVE LIMITS

(tonnes)	
Products	Year 2005
SA. Flat products	
SA1. Coils	57 842
SA1.a. Hot-rolled coils for re-rolling	5 750
SA2. Heavy plate	1 278
SA3. Other flat products	90 873

COUNCIL REGULATION (EC) No 2266/2004**of 20 December 2004****on trade in certain steel products between the Community and Ukraine**

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 Commission,

Whereas:

- (1) Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine⁽¹⁾, provides that trade in some steel products are to be subject to a specific Agreement on quantitative arrangements.
- (2) The previous bilateral Agreement between the European Coal and Steel Community (ECSC) and the Government of Ukraine on trade in certain steel products expired on 31 December 2001.
- (3) The Community has taken over the international obligations of the ECSC since the expiry of the ECSC Treaty, and measures relating to trade in steel products with third countries now fall under the competence of the Community in the field of trade policy.
- (4) Preliminary discussions between the Parties indicate that both of them intend to conclude a new Agreement for 2005 and subsequent years.
- (5) Pending the signature and entry into force of the new Agreement, quantitative limits for the year 2005 should be established.
- (6) Given that the conditions that led to the fixing of the quantitative limits for 2004 remain in place, it is appropriate to set the quantitative limits for 2005 at the same level as for 2004, albeit by taking fully into account the EU enlargement.
- (7) It is necessary to provide the means to administer this regime within the Community in such a way as to facilitate the implementation of the new Agreement by envisaging as far as possible similar provisions.
- (8) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (9) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (10) The effective application of this Regulation calls for the introduction of a requirement for a Community import licence for the entry into free circulation in the Community of the products in question.
- (11) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States do not issue import licences before obtaining confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply from 1 January 2005 to 31 December 2005 to imports into the Community of steel products listed in Annex I originating in Ukraine.
2. The steel products shall be classified in product groups as set out in Annex I.
3. The classification of products listed in Annex I shall be based on the combined nomenclature (CN) established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾.
4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

⁽²⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

Article 2

1. The importation into the Community of the steel products listed in Annex I originating in Ukraine shall be subject to the quantitative limits laid down in Annex V. The release for free circulation in the Community of the products set out in Annex I originating in Ukraine shall be subject to the presentation of a certificate of origin set out in Annex II, and of an import licence issued by the Member States' authorities in accordance with the provisions of Article 4.

2. In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities listed in Annex IV shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. The authorised imports shall be counted against the quantitative limits laid down for the year in which the products are shipped in the exporting country. Shipment of products shall be considered as having taken place on the date on which they were loaded onto the exporting means of transport.

Article 3

1. The quantitative limits referred to in Annex V shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex V.

Article 4

1. For the purpose of applying Article 2(2), before issuing import licences, the competent authorities of the Member States listed in Annex IV shall notify the Commission of the amounts of the requests for import licences, supported by original export licences, which they have received. By return, the Commission shall notify whether the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States are received ('first come, first served basis').

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product code concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each group of products.

4. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import licence. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

5. The notifications referred to in paragraphs 1 to 4 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.

6. The import licences or equivalent documents shall be issued in accordance with Articles 12 to 16.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import licences or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent Ukrainian authorities. However, if the Commission or the competent authorities of a Member State have been informed by the competent Ukrainian authorities of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which the shipment of products took place.

Article 5

1. Where the Commission has indications that products listed in Annex I originating in Ukraine have been transhipped, rerouted or otherwise imported into the Community through circumvention of the quantitative limits referred to in Article 2 and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on the necessary adjustment of the corresponding quantitative limits to be made.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask Ukraine to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed upon following such consultations may be carried out.

3. Should the Community and Ukraine fail to reach a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall deduct from the quantitative limits an equivalent volume of products originating in Ukraine.

Article 6

1. An export licence (to be issued by the competent Ukrainian authorities) shall be required in respect of any consignment of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import licence referred to in Article 12.

Article 7

1. The export licence for quantitative limits shall conform to the specimen set out in Annex II and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 8

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2(3).

Article 9

1. The export licence referred to in Article 6 may include additional copies duly indicated as such. The export licence and the copies thereof as well as the certificate of origin and the copies thereof shall be drawn up in English.

2. If the documents referred to in paragraph 1 are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Regulation.

5. Each export licence or equivalent document shall bear a standardized serial number, whether or not printed, by which it can be identified.

6. This number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

UA = Ukraine

— two letters identifying the Member State of intended destination as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom,

- a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '4' for 2004;
- a two-digit number identifying the issuing office in the exporting country;
- a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.

Article 10

The export licence may be issued after the shipment of the products to which it relates. In such cases it shall bear the endorsement 'issued retrospectively'.

Article 11

In the event of the theft, loss or destruction of an export licence, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence issued in this way shall bear the endorsement 'duplicate'.

The duplicate shall bear the date of the original licence.

Article 12

1. To the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import licence within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import licences shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import licences shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding four months.

3. Import licences shall be drawn up in the form set out in Annex III and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import licence shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the TARIC code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity for the products in question;
- (g) the net weight by TARIC heading;
- (h) the cif value of the products at Community frontier by TARIC heading;
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

5. Importers shall not be obliged to import the total quantity covered by an import licence in a single consignment.

Article 13

The validity of import licences issued by the authorities of the Member States shall be subject to the validity of export licences and the quantities indicated in the export licences issued by the competent Ukrainian authorities on the basis of which the import licences have been issued.

Article 14

Import licences or equivalent documents shall be issued by the competent authorities of the Member States in accordance with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under the current rules.

Article 15

1. If the Commission finds that the total quantities covered by export licences issued by Ukraine for a particular product group exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately in order to suspend the further issue of import licences. In this event, consultations shall be initiated forthwith by the Commission.

2. The competent authorities of a Member State shall refuse to issue import licences for products originating in Ukraine which are not covered by export licences issued in accordance with the provisions of Articles 6 to 11.

Article 16

1. The forms to be used by the competent authorities of the Member States for issuing the import licences referred to in Article 12 shall conform to the specimen of the import licence set out in Annex III.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes, the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms 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 identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number

shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued. If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

Article 17

This Regulation shall enter into force on the day 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, 20 December 2004.

For the Council

The President

P. VAN GEEL

ANNEX I

SA Flat-rolled products*SA1. (coils)*

7208 10 00 00	7209 25 00 00
7208 25 00 00	7209 26 10 00
7208 26 00 00	7209 26 90 00
7208 27 00 00	7209 27 10 00
7208 36 00 00	7209 27 90 00
7208 37 00 10	7209 28 10 00
7208 37 00 90	7209 28 90 00
7208 38 00 10	7209 90 00 10
7208 38 00 90	7210 11 00 10
7208 39 00 10	7210 12 20 10
7208 39 00 90	7210 12 80 10
7211 14 00 10	7210 20 00 10
7211 19 00 10	7210 30 00 10
7219 11 00 00	7210 41 00 10
7219 12 10 00	7210 49 00 10
7219 12 90 00	7210 50 00 10
7219 13 10 00	7210 61 00 10
7219 13 90 00	7210 69 00 10
7219 14 10 00	7210 70 10 10
7219 14 90 00	7210 70 80 10
7225 20 00 10	7210 90 30 10
7225 30 10 00	7210 90 40 10
7225 30 90 00	7210 90 80 91

SA2. (heavy plate)

7208 40 00 10	7211 23 20 10
7208 51 20 10	7211 23 30 10
7208 51 20 91	7211 23 30 91
7208 51 20 93	7211 23 80 10
7208 51 20 97	7211 23 80 91
7208 51 20 98	7211 29 00 10
7208 51 91 10	7211 90 00 11
7208 51 91 90	7212 10 10 00
7208 51 98 10	7212 10 90 11
7208 51 98 91	7212 20 00 11
7208 51 98 99	7212 30 00 11
7208 52 91 10	7212 40 20 10
7208 52 91 90	7212 40 20 91
7208 52 10 00	7212 40 80 11
7208 52 99 00	7212 50 20 11
7208 53 10 00	7212 50 30 11
7211 13 00 00	7212 50 40 11
7225 40 12 30	7212 50 61 11
7225 40 40 00	7212 50 69 11
7225 40 60 00	7212 50 90 13
7225 99 00 10	7212 60 00 11
	7212 60 00 91
	7219 21 10 00
	7219 21 90 00
	7219 22 10 00
	7219 22 90 00
	7219 23 00 00

SA3. (other flat rolled products)

7208 40 00 90	7219 24 00 00
7208 53 90 00	7219 31 00 00
7208 54 00 00	7219 32 10 00
7208 90 00 10	7219 32 90 00
7209 15 00 00	7219 33 10 00
7209 16 10 00	7219 33 90 00
7209 16 90 00	7219 34 10 00
7209 17 10 00	7219 34 90 00
7209 17 90 00	7219 35 10 00
7209 18 10 00	7219 35 90 00
7209 18 91 00	7225 40 12 90
7209 18 99 00	7225 40 90 00

SB Longs*SB1. (beams)*

7207 19 80 10
7207 20 80 10
7216 31 10 10
7216 31 10 90
7216 31 90 00
7216 32 11 00
7216 32 19 00
7216 32 91 00
7216 32 99 00
7216 33 10 00
7216 33 90 00

SB2. (wire rod)

7213 10 00 00
7213 20 00 00
7213 91 10 00
7213 91 20 00
7213 91 41 00
7213 91 49 00
7213 91 70 00
7213 91 90 00
7213 99 10 00
7213 99 90 00
7221 00 10 00
7221 00 90 00
7227 10 00 00
7227 20 00 00
7227 90 10 00
7227 90 50 00
7227 90 95 00

SB3. (other longs)

7207 19 12 10
7207 19 12 91
7207 19 12 99
7207 20 52 00
7214 20 00 00
7214 30 00 00
7214 91 10 00
7214 91 90 00
7214 99 10 00
7214 99 31 00
7214 99 39 00
7214 99 50 00
7214 99 71 10
7214 99 71 90
7214 99 79 10
7214 99 79 90
7214 99 95 10
7214 99 95 90
7215 90 00 10
7216 10 00 00
7216 21 00 00
7216 22 00 00
7216 40 10 00
7216 40 90 00
7216 50 10 00
7216 50 91 00
7216 50 99 00
7216 99 00 10
7218 99 20 00
7222 11 11 00
7222 11 19 00
7222 11 81 10
7222 11 81 90
7222 11 89 10
7222 11 89 90
7222 19 10 00
7222 19 90 00
7222 30 97 10
7222 40 10 00
7222 40 90 10
7224 90 02 89
7224 90 31 00
7224 90 38 00
7228 10 20 00
7228 20 10 10
7228 20 10 91
7228 20 91 10
7228 20 91 90
7228 30 20 00
7228 30 41 00
7228 30 49 00
7228 30 61 00
7228 30 69 00
7228 30 70 00
7228 30 89 00
7228 60 20 10
7228 60 80 10
7228 70 10 00
7228 70 90 10
7228 80 00 10
7228 80 00 90
7301 10 00 00

ANNEX II

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

⁽²⁾ In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY				
I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain 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 I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain 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 I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

ANNEX III

European Community import licence

1 Holder's copy	1. Consignee (name, full address, country, VAT number)		2. Issue number
			3. Year
			4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)		6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
1	9. Description of goods		10. TARIC code
			11. Quantity expressed in quota unit
			12. Security/guarantee (as applicable)
13. Further particulars			
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 import licence

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Year	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods	10. TARIC code	
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
13. Further particulars			
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.			
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2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			

Extension pages to be attached hereto.

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 IESTĀŽU SARAKSTS
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
ZOZNAM PŘÍSLUŠNÝCH VNÚTROŠTÁTNÝCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral économie, PME, Classes moyennes & énergie
Administration du potentiel économique
Politiques d'accès aux marchés, Services Licences
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Direzione generale per la politica commerciale e per la gestione del
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Secretaría General de Comercio Exterior
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Margit krt. 85.
HU-1024 Budapest
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MALTA

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Servizzi Kummerċjali
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Ministério das Finanças
Direcção Geral das Alfândegas e dos Impostos
Especiais sobre o Consumo
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Ministrstvo za gospodarstvo
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Import Licensing Branch
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Billingham
UK-TS23 2NF
Fax: +44-1642-36 42 69

ANNEX V

QUANTITATIVE LIMITS

(tonnes)	
Products	Year 2005
SA. Flat products	
SA1. Coils	83 460
SA2. Heavy plate	263 434
SA3. Other flat products	96 950
SB. Long products	
SB1. Beams	17 430
SB2. Wire rod	81 790
SB3. Other long products	160 006

COUNCIL REGULATION (EC) No 2267/2004**of 20 December 2004****on trade in certain steel products between the European Community and the Russian Federation**

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 Commission,

Whereas:

- (1) The Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part⁽¹⁾, provides that trade in some steel products are to be the subject of a specific Agreement on quantitative arrangements.
- (2) The current bilateral Agreement between the European Coal and Steel Community (ECSC) and the Government of the Russian Federation on trade in certain steel products⁽²⁾ concluded on 9 July 2002 will expire on 31 December 2004.
- (3) The European Community has taken over the international obligations of the ECSC since the expiry of the ECSC Treaty, and measures relating to trade in steel products with third countries now fall under the competence of the Community in the field of trade policy.
- (4) Preliminary discussions between the Parties indicate that both of them intend to conclude a new Agreement for 2005 and subsequent years.
- (5) Pending the signature and entry into force of the new Agreement, quantitative limits for the year 2005 should be established.
- (6) Given that the conditions that led to the fixing of the quantitative limits for 2004 remain in place, it is appropriate to set the quantitative limits for 2005 at the same level as for 2004, albeit by taking fully into account the enlargement of the EU.
- (7) It is necessary to provide the means to administer this regime within the Community in such a way as to facilitate the implementation of the new Agreement by envisaging as far as possible similar provisions.

- (8) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (9) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (10) The effective application of this Regulation calls for the introduction of a requirement for a Community import licence for the entry into free circulation in the Community of the products in question.
- (11) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States do not issue import licences before obtaining confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply from 1 January 2005 to 31 December 2005 to imports into the Community of steel products listed in Annex I, originating in the Russian Federation.
2. The steel products shall be classified in product groups as set out in Annex I.
3. The classification of products listed in Annex I shall be based on the combined nomenclature (CN) established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾.
4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

⁽²⁾ OJ L 195, 24.7.2002, p. 54.

⁽³⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

Article 2

1. The importation into the Community of the steel products listed in Annex I originating in the Russian Federation shall be subject to the quantitative limits laid down in Annex V. The release for free circulation in the Community of those products shall be subject to the presentation of a certificate of origin, set out in Annex II, and of an import licence issued by the Member States' authorities in accordance with Article 4.

2. In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities listed in Annex IV shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. The authorised imports shall be counted against the quantitative limits laid down for the year in which the products are shipped in the exporting country. Shipment of products shall be considered as having taken place on the date on which they were loaded on to the exporting means of transport.

Article 3

1. The quantitative limits referred to in Annex V shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex V.

Article 4

1. For the purpose of applying Article 2(2), before issuing import licences, the competent authorities of the Member States listed in Annex IV shall notify the Commission of the amounts of the requests for import licences, supported by original export licences, which they have received. By return, the Commission shall notify whether the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States are received ('first come, first served basis').

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product code concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each group of products.

4. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import licence. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

5. The notifications referred to in paragraphs 1 to 4 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.

6. The import licences or equivalent documents shall be issued in accordance with Articles 12 to 16.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import licences or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent authorities of the Russian Federation. However, if the Commission or the competent authorities of a Member State have been informed by the competent authorities of the Russian Federation of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which the shipment of products took place.

Article 5

1. Where the Commission has indications that products listed in Annex I originating in the Russian Federation have been transhipped, rerouted or otherwise imported into the Community through circumvention of the quantitative limits referred to in Article 2 and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on the necessary adjustment of the corresponding quantitative limits to be made.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask the Russian Federation to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed upon following such consultations may be carried out.

3. Should the Community and the Russian Federation fail to reach a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall deduct from the quantitative limits an equivalent volume of products originating in the Russian Federation.

Article 6

1. An export licence (to be issued by the competent authorities of the Russian Federation) shall be required in respect of any consignment of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import licence referred to in Article 12.

Article 7

1. The export licence for quantitative limits shall conform to the specimen set out in Annex II and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 8

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2(3).

Article 9

1. The export licence referred to in Article 6 may include additional copies duly indicated as such. The export licence and the copies thereof as well as the certificate of origin and the copies thereof shall be drawn up in English.

2. If the documents referred to in paragraph 1 are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with this Regulation.

5. Each export licence or equivalent document shall bear a standardized serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

RU = Russian Federation

— two letters identifying the Member State of intended destination as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom,

- a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '4' for 2004;
- a two-digit number identifying the issuing office in the exporting country;
- a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.

Article 10

The export licence may be issued after the shipment of the products to which it relates. In such cases it shall bear the endorsement 'issued retrospectively'.

Article 11

In the event of the theft, loss or destruction of an export licence, the exporter may apply to the competent authority which issued the licence for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence issued in this way shall bear the endorsement 'duplicate'.

The duplicate shall bear the date of the original licence.

Article 12

1. To the extent that the Commission pursuant to Article 4 has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import licence within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import licences shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import licences shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding four months.

3. Import licences shall be drawn up in the form set out in Annex III and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import licence shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the TARIC code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity for the products in question;
- (g) the net weight by TARIC heading;
- (h) the c.i.f. value of the products at Community frontier by TARIC heading;
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

5. Importers shall not be obliged to import the total quantity covered by an import licence in a single consignment.

Article 13

The validity of import licences issued by the authorities of the Member States shall be subject to the validity of export licences and the quantities indicated in the export licences issued by the competent authorities of the Russian Federation on the basis of which the import licences have been issued.

Article 14

Import licences or equivalent documents shall be issued by the competent authorities of the Member States in accordance with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under the current rules.

Article 15

1. If the Commission finds that the total quantities covered by export licences issued by the Russian Federation for a particular product group exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately in order to suspend the further issue of import licences. In this event, consultations shall be initiated forthwith by the Commission.

2. The competent authorities of a Member State shall refuse to issue import licences for products originating in the Russian Federation which are not covered by export licences issued in accordance with Articles 6 to 11.

Article 16

1. The forms to be used by the competent authorities of the Member States for issuing the import licences referred to in Article 12 shall conform to the specimen of the import licence set out in Annex III.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms 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 shall appear on each form. Each form shall bear an identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number

shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued. If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

Article 17

This Regulation shall enter into force on the day 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, 20 December 2004.

For the Council
The President
P. VAN GEEL

ANNEX I

SA Flat-rolled products**SA1. Coils**

7208 10 00 00
7208 25 00 00
7208 26 00 00
7208 27 00 00
7208 36 00 00
7208 37 00 90
7208 38 00 90
7208 39 00 90
7211 14 00 10
7211 19 00 10
7219 11 00 00
7219 12 10 00
7219 12 90 00
7219 13 10 00
7219 13 90 00
7219 14 10 00
7219 14 90 00
7225 20 00 10
7225 30 10 00
7225 30 90 00

SA2. Heavy Plate

7208 40 00 10
7208 51 20 10
7208 51 20 91
7208 51 20 93
7208 51 20 97
7208 51 20 98
7208 51 91 10
7208 51 91 90
7208 51 98 10
7208 51 98 91
7208 51 98 99
7208 52 91 10
7208 52 91 90
7208 52 10 00
7208 52 99 00
7208 53 10 00
7211 13 00 00

SA3. Other flat rolled products

7208 40 00 90
7208 53 90 00
7208 54 00 00
7208 90 00 10
7209 15 00 00
7209 16 10 00
7209 16 90 00
7209 17 10 00

SA1.a. Hot rolled coils for re-rolling

7208 37 00 10
7208 38 00 10
7208 39 00 10

7209 17 90 00
7209 18 10 00
7209 18 91 00
7209 18 99 00
7209 25 00 00
7209 26 10 00
7209 26 90 00
7209 27 10 00
7209 27 90 00
7209 28 10 00
7209 28 90 00
7209 90 00 10
7210 11 00 10
7210 12 20 10
7210 12 80 10
7210 20 00 10
7210 30 00 10
7210 41 00 10
7210 49 00 10
7210 50 00 10
7210 61 00 10
7210 69 00 10
7210 70 10 10
7210 70 80 10
7210 90 30 10
7210 90 40 10
7210 90 80 91
7211 14 00 90
7211 19 00 90
7211 23 30 91
7211 23 80 91

7211 29 00 10
7211 90 00 11
7212 10 10 00
7212 10 90 11
7212 20 00 11
7212 30 00 11
7212 40 20 10
7212 40 20 91
7212 40 80 11
7212 50 20 11
7212 50 30 11
7212 50 40 11
7212 50 61 11
7212 50 69 11
7212 50 90 13
7212 60 00 11
7212 60 00 91
7219 21 10 00
7219 21 90 00
7219 22 10 00
7219 22 90 00
7219 23 00 00
7219 24 00 00
7219 31 00 00
7219 32 10 00
7219 32 90 00
7219 33 10 00
7219 33 90 00
7219 34 10 00
7219 34 90 00
7219 35 10 00

7219 35 90 00
7225 40 12 90
7225 40 90 00

SA4. Alloyed products

7226 20 00 10
7226 91 20 00
7226 91 91 00
7226 91 99 00
7226 99 00 10

SA5. Alloyed quarto plates

7225 40 12 30
7225 40 40 00
7225 40 60 00
7225 99 00 10

SA6. Alloyed cold rolled and coated sheets

7225 50 00 00
7225 91 00 10
7225 92 00 10
7226 92 00 10

SB Longs**SB1. Beams**

7207 19 80 10
7207 20 80 10
7216 31 10 10
7216 31 10 90
7216 31 90 00
7216 32 11 00
7216 32 19 00
7216 32 91 00
7216 32 99 00
7216 33 10 00
7216 33 90 00

SB2. Wire rod

7213 10 00 00
7213 20 00 00
7213 91 10 00
7213 91 20 00
7213 91 41 00
7213 91 49 00
7213 91 70 00
7213 91 90 00
7213 99 10 00
7213 99 90 00
7221 00 10 00
7221 00 90 00
7227 10 00 00
7227 20 00 00
7227 90 10 00
7227 90 50 00
7227 90 95 00

SB3. Other longs

7207 19 12 10
7207 19 12 91
7207 19 12 99
7207 20 52 00
7214 20 00 00
7214 30 00 00
7214 91 10 00
7214 91 90 00
7214 99 10 00
7214 99 31 00
7214 99 39 00
7214 99 50 00
7214 99 71 10
7214 99 71 90
7214 99 79 10
7214 99 79 90
7214 99 95 10
7214 99 95 90
7215 90 00 10
7216 10 00 00
7216 21 00 00

7216 22 00 00
7216 40 10 00
7216 40 90 00
7216 50 10 00
7216 50 91 00
7216 50 99 00
7216 99 00 10
7218 99 20 00
7222 11 11 00
7222 11 19 00
7222 11 81 10
7222 11 81 90
7222 11 89 10
7222 11 89 90
7222 19 10 00
7222 19 90 00
7222 30 97 10
7222 40 10 00
7222 40 90 10
7224 90 02 89
7224 90 31 00

7224 90 38 00
7228 10 20 00
7228 20 10 10
7228 20 10 91
7228 20 91 10
7228 20 91 90
7228 30 20 00
7228 30 41 00
7228 30 49 00
7228 30 61 00
7228 30 69 00
7228 30 70 00
7228 30 89 00
7228 60 20 10
7228 60 80 10
7228 70 10 00
7228 70 90 10
7228 80 00 10
7228 80 00 90
7301 10 00 00

ANNEX II

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

⁽²⁾ In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	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. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. CERTIFICATION BY THE COMPETENT AUTHORITY				
I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
	CERTIFICATE OF ORIGIN (for certain steel products)			
5. Consignee (name, full address, country)				
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 I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain 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 I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

ANNEX III

European Community import licence

1 Holder's copy	1. Consignee (name, full address, country, VAT number)		2. Issue number
			3. Year
			4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)		6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
1	9. Description of goods		10. TARIC code
			11. Quantity expressed in quota unit
			12. Security/guarantee (as applicable)
13. Further particulars			
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 import licence

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Year	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods	10. TARIC code	
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
13. Further particulars			
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 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 WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
ZOZNAM PRÍSLUŠNÝCH VNÚTROŠTÁTNÝCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral économie, PME, Classes moyennes & énergie
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ΚΥΠΡΟΣ

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Direcção Geral das Alfândegas e dos Impostos

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Department of Trade and Industry

Import Licensing Branch

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Billingham

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ANNEX V

QUANTITATIVE LIMITS

(tonnes)	
Products	Year 2005
SA. Flat products	
SA1. Coils	334 821
SA1.a. Hot-rolled coils for re-rolling	551 691
SA2. Heavy plate	183 961
SA3. Other flat products	330 044
SA4. Alloyed products	94 713
SA5. Alloyed quarto plates	20 962
SA6. Alloyed cold rolled and coated sheets	97 654
SB. Long products	
SB1. Beams	37 665
SB2. Wire rod	144 697
SB3. Other long products	245 002

COUNCIL REGULATION (EC) No 2268/2004**of 22 December 2004****imposing a definitive anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

('the previous review investigation'), these measures were extended for another five-year period by Regulation (EC) No 771/98 ⁽⁶⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

2. Present investigation

- (4) Following the publication of a notice of the impending expiry of the anti-dumping measures in force on imports of tungsten carbide and fused tungsten carbide originating in the PRC ⁽⁷⁾ on 9 January 2003 the Commission received a request for an expiry review from Eurometaux ('the applicant') on behalf of producers representing a major proportion, in this case more than 80 %, of the total Community production. The request was based on the grounds that the expiry of measures would be likely to result in a continuation or recurrence of dumping and injury to the Community industry.

- (5) Having determined, after consultation of the Advisory Committee, that sufficient evidence existed for the initiation of a review, the Commission initiated an investigation, pursuant to Article 11(2) of the basic Regulation ⁽⁸⁾.

A. PROCEDURE**1. Measures in force**

- (1) By Regulation (EEC) No 2737/90 ⁽²⁾ the Council imposed a definitive anti-dumping duty of 33 % on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China ('PRC'). By Decision 90/480/EEC ⁽³⁾ the Commission accepted undertakings given by two major exporters concerning the product subject to measures.
- (2) Following the withdrawal of the undertakings by the two Chinese exporters concerned, the Commission imposed by Regulation (EC) No 2286/94 ⁽⁴⁾ a provisional anti-dumping duty on imports of the product concerned.
- (3) By Regulation (EC) No 610/95 ⁽⁵⁾ the Council amended Regulation (EEC) No 2737/90 and imposed a definitive duty of 33 % on imports of tungsten carbide and fused tungsten carbide. Following a review which had been initiated pursuant to Article 11(2) of the basic Regulation

3. Request for interim review

- (6) On 25 November 2003, the Commission also received a request for an interim review from the applicant, on behalf of producers representing a major proportion of the total Community production.
- (7) The applicant alleged that a new product type had appeared on the market which shares the same basic physical and chemical characteristics and end uses as the product concerned by the measures in force on imports of tungsten carbide and fused tungsten carbide originating in the PRC. Although not subject to the measures, the applicant claimed that the new product type is in fact a part of the product concerned. The applicant claimed that, in consequence, the existing measures were no longer sufficient to counteract the dumping which is causing injury, and that the scope of the measures should therefore be amended so that the new product type falls within the product definition.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 264, 27.9.1990, p. 7. Regulation as amended by Regulation (EC) No 610/95 (OJ L 64, 22.3.1995, p. 1).

⁽³⁾ OJ L 264, 27.9.1990, p. 59.

⁽⁴⁾ OJ L 248, 23.9.1994, p. 8. Regulation as amended by Regulation (EC) No 82/95 (OJ L 14, 20.1.1995, p. 1).

⁽⁵⁾ OJ L 64, 22.3.1995, p. 1.

⁽⁶⁾ OJ L 111, 9.4.1998, p. 1.

⁽⁷⁾ Commission Regulation (EC) No 1094/2002 (OJ C 166, 12.7.2002, p. 2).

⁽⁸⁾ OJ C 84, 8.4.2003, p. 2.

- (8) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, on 31 March 2004⁽¹⁾ the Commission initiated a review in accordance with Article 11(3) of the basic Regulation, limited in scope to the definition of the product concerned. This investigation is at present still ongoing.

4. Parties concerned by the investigation

- (9) The Commission officially advised the producers, importers and users as well as exporters in the PRC of the initiation of the review.
- (10) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of Initiation.
- (11) The Commission sent questionnaires to all parties known to be concerned and received replies from the three complainant Community producers, one other Community producer, one importer that was also a user of the product concerned, seven exporters/producers, one trader based in Hong Kong, one trader/importer in Germany and one producer in the analogue country. All parties made their views known in writing and were granted a hearing when requested.
- (12) The Commission sought and verified all information it deemed necessary for the purpose of investigation, and carried out verification visits at the premises of the following companies:

(a) Community producers

- Wolfram Bergbau und Hütten-GmbH Nfg. KG, St. Peter, Austria
- H. C. Starck GmbH & Co. KG, Goslar, Germany
- Eurotungstène poudres SA, Grenoble, France

(b) Importers / users in the Community

- Harditalia SpA and F.I.L.M.S. SpA, Anzola D'ossola, Italy (related companies)

(c) Exporters in the PRC

- Nanchang Cemented Carbide Co., Ltd, Nanchang City, Jiangxi Province

— Xiamen Golden Egret Special Alloy Co., Ltd, Xiamen City, Fujian Province

— Zhuzhou Cemented Carbide Works Import & Export Company, Zhuzhou City, Hunan Province

— Zigong Cemented Carbide Corp., Ltd, Zigong City, Sichuan Province

(d) Producer in the analogue country

— Osram Sylvania Inc., Towanda, Pennsylvania, United States of America

5. Investigation period

- (13) The investigation regarding the continuation and/or recurrence of dumping and injury covered the period from 1 January 2002 to 31 December 2002 (the 'IP'). The examination of the trends relevant for the assessment of a likelihood of continuation of dumping and recurrence of injury covered the period from 1998 up to the end of the IP (the 'period considered').

6. Product concerned and like product

6.1. Product concerned

- (14) It is recalled that, following the alleged appearance of a new product type on the market which shares the same basic physical and chemical characteristics and end uses as the product covered by the measures, a partial interim review limited in scope to the definition of the product concerned was initiated on 31 March 2004 (see recitals 6 to 8).
- (15) However, the product concerned by the present review is the same as the one under consideration in Council Regulation (EEC) No 2737/90 and its subsequent amendments, i.e. tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30.
- (16) Tungsten carbide and fused tungsten carbide are compounds of carbon and tungsten produced by heat treatment (carburisation in the first case, fusion in the second). Both products are intermediate products, used as input materials in the manufacture of hard metal components such as cemented carbide cutting tools and high-wear components, in abrasion — resistant coatings, in bits for oil drilling and mining tools as well as in dies and tips for the drawing and forging of metals.

⁽¹⁾ OJ C 81, 31.3.2004, p. 8.

- (17) Some exporters argued that tungsten carbide and fused tungsten carbide were different products. This was based on the assertion that their production processes are completely different, and that their end uses are also different.
- (18) It is recalled that in recital (11) of Council Regulation (EC) No 771/98, the investigation had shown that, although their manufacturing process is different, tungsten carbide and fused tungsten carbide have the same chemical composition (both consist of approximately 92 to 94% of tungsten metal and 4 to 6% of carbon) and come from the same stage in the tungsten production chain, i.e. between tungsten metal powder and carbide tools and wear-resisting materials. Furthermore, they are put to similar end-uses in the industry, i.e. as a surface hardening component. Although for certain specific and limited applications which require higher wear and abrasive resistance only fused tungsten carbide is used, fused tungsten carbide and tungsten carbide are generally interchangeable. It was therefore concluded in the previous review investigation, that tungsten carbide and fused tungsten carbide are one single product for the purpose of the investigation.
- (19) No compelling argument was submitted which would justify a change in approach leading to a different conclusion to that reached in the previous review investigation. Moreover, there is no significant price difference on the market between fused tungsten carbide and tungsten carbide, because some additional processing for fused tungsten carbide is offset by a less refined selection of grain sizes. Therefore, tungsten carbide and fused tungsten carbide are to be considered a single product sharing the same basic characteristics for the purpose of this investigation.

6.2. *Like product*

- (20) As established in the previous investigations, this review investigation has confirmed that the products exported by the PRC and those manufactured and sold by the Community producers and by the producer in the analogue country were, because they have essentially the same physical characteristics and end uses, like products within the meaning of Article 1(4) of the basic Regulation.

B. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

1. *Preliminary remarks*

- (21) As a general background, it is recalled that imports of the product concerned from the PRC during the 9-month IP of the investigation which led to the imposition of measures in 1990 were 117 tonnes, representing a

market share of 5,3%. The dumping margin found at that time was 73,13%. In the IP of the previous review investigation, imports were 234 tonnes, representing a market share of 5%, while the dumping margin was 30,6%.

2. *Market Economy Status and Analogue country*

- (22) It is recalled that none of the exporters of the product concerned obtained market economy status ('MES') in the previous investigations. Cooperating exporters argued that the possibility of granting MES should be examined pursuant to Article 2(7)(b) of the basic Regulation, stating that there are no provisions in the basic Regulation which prevent cooperating exporters being granted MES in a review pursuant to Article 11(2) of the basic Regulation.
- (23) It is recalled that the current investigation is an expiry review, following which measures can only be repealed or maintained, but not amended. In line with the consistent practice of the Institutions, claims for MES are therefore to be addressed in the context of interim reviews because as a result of such interim review the level of measures may be changed.
- (24) The cooperating exporters also questioned the use of the United States of America as an appropriate market economy third country ('analogue country'), referring to the difference in GDP per capita between the PRC and United States of America as a reason for its inappropriateness. Instead, the cooperating exporters proposed the use of the Republic of Korea or the Czech Republic, on the grounds that the GDP per capita was more in line with the level of GDP in the PRC.
- (25) The issue of GDP per capita alone is not considered as a determinative factor in deciding upon a suitable analogue country. The United States of America was found to be an appropriate analogue country in the previous review investigation and no change of circumstances was identified which would make its use inappropriate in the current investigation. Moreover, no convincing evidence was provided showing that the Republic of Korea or the Czech Republic would be more suitable.

(26) Osram Sylvania Inc., a producer of the product concerned in the United States of America, had offered to cooperate in the investigation and it was accordingly examined whether the domestic sales of Osram Sylvania Inc. were significant in comparison to the volume of the product concerned exported from the PRC. It was found that the domestic sales by Osram Sylvania Inc. to domestic customers, and in the ordinary course of trade, were made at volumes which considerably exceeded 5 % of the exports made by the Chinese exporters to the Community, as required if normal value is to be based on domestic sale prices.

(27) Hence, pursuant to Article 2(7)(a) of the basic Regulation, it was decided to maintain the United States of America as the analogue country in the present proceeding and to use the domestic sales by Osram Sylvania Inc. as the basis for establishing the normal value.

3. Normal value

(28) It was examined whether the domestic sales of Osram Sylvania Inc. to independent customers could be considered to have been made in the ordinary course of trade, pursuant to Article 2(4) of the basic Regulation.

(29) It was found that the weighted average selling price of all sales during the IP was higher than the weighted average unit cost of production. Therefore, all domestic sales were regarded as having been made in the ordinary course of trade.

(30) In accordance with Article 2(1) of the basic Regulation, normal value was based on the prices of all Osram Sylvania Inc.'s domestic sales of tungsten carbide and fused tungsten carbide to independent customers in the United States of America during the IP.

4. Export price

(31) Five of the seven cooperating exporters accounted for almost all exports from the PRC to independent customers in the Community during the IP. The other two cooperating exporters did not export the product concerned to the Community during the IP. The export price could therefore be established in accordance with Article 2(8) of the basic Regulation (i.e. on the basis of the prices actually charged by the five cooperating exporters).

5. Comparison

(32) To achieve a fair comparison, in accordance with Article 2(10) of the basic Regulation, adjustments were made for

differences in respect of transport, packaging, insurance, credit costs, payment terms, handling and ancillary costs, which were claimed and demonstrated to affect prices and price comparability.

6. Dumping margin

(33) In accordance with Article 2(11) of the basic Regulation, the normal value was compared to the export price. Both were calculated on an ex-factory basis, and the comparison was made at the same level of trade.

(34) In order to calculate the dumping margin, the weighted average normal value was compared to the weighted average export price to the Community at ex-factory level and at the same level of trade. This comparison showed the existence of dumping at a level of around 31 % which is close to the current level of anti-dumping duty.

7. Likelihood of continuation of dumping

(35) As dumping had not stopped, it was examined whether there is a likelihood of continuation of exports of the product concerned at dumped prices. In this context, factors such as the production capacity of producers of the product concerned in the PRC and their sales prices to other third countries and on the domestic market in the PRC were taken into account.

7.1. Spare production capacity

(36) As mentioned in recital (31), there were five cooperating exporters in the PRC that exported the product concerned to the Community during the IP.

(37) Two of these exporters produced the product concerned themselves, i.e. the production and export sales occurred in the same legal entity.

(38) Two other exporters were each related to production companies, i.e. production and export sales occurred in two separate but related legal entities.

(39) The fifth exporter had no related production company; its products were instead purchased from the producers/exporters mentioned under recitals (37) and (38), and thereafter exported.

(40) The four exporters with a production facility had a combined theoretical⁽¹⁾ capacity of 9 850 tonnes during the IP and total production of 8 460 tonnes, which represented a utilisation rate of 86 %. The four producing exporters therefore have spare production capacity of 1 390 tonnes, which is equivalent to 21,5 % of the calculated consumption of the product concerned for the free market (6 461 tonnes)⁽²⁾.

(41) The two other cooperating exporters which did not export the product concerned to the Community during the IP also submitted information on their production and sales during the IP. One of these two exporters was a trader without own production, the other had its own production capacity, with a production capacity of approximately 200 tonnes and an actual production during the IP of 49 tonnes.

(42) The combined capacity of the seven exporters amounted to 10 050 tonnes. The seven exporters had spare production capacity of 1 541 tonnes during the IP, representing approximately 24 % of free market consumption in the Community as defined in recital (41) above. This spare capacity is a clear indication that Chinese exporters could opt for a substantial increase of their exports of the product concerned to the Community market if measures were repealed. It is recalled that the total exports of the cooperating exporters amounted to 239 tonnes, or close to 100 % of the total imports of the product concerned during the IP, and that the cooperating exporters therefore account for almost all exports to the Community.

7.2. Sales by PRC exporters on the domestic market and on markets of third countries

(43) Since the imposition of the existing measures, the Chinese exporters have developed their competence in downstream utilisation of the product concerned, mainly for the tool industry (derived from cemented carbides).

(44) During the IP, approximately 4 846 tonnes (57 %) of total production by the five cooperating exporters were further processed, whilst 1 557 tonnes (18 %) were sold

on the domestic market, and 2 021 tonnes (24 %) were exported through the cooperating exporters.

(45) The table below shows the average sales price by destination by the five cooperating exporters during the IP, and a comparison with the average sales price of the Community Industry:

	Average Sales Price/ kg (EUR) (CIF)	Compared with the Average Sales Price of the Community Industry in the Community
Domestic Sales	9,79	– 34 %
Export sales to Japan	11,99	– 20 %
Export sales to United States of America	12,54	– 16 %
Export sales to other countries in Southeast Asia	12,33	– 17 %
Export sales to European Community	12,59	– 16 %
Export sales to other destinations	12,30	– 18 %

(46) As seen above, Chinese exporters would have all interest in not only using their existing spare capacity to increase sales to the Community market, but also in shifting at least part of their domestic sales and sales to third countries to the Community market. Indeed, in comparison to the prices that the cooperating exporters could charge on their domestic market, the prices on the Community market would make it a very attractive market, if the existing anti-dumping measures were allowed to expire.

(47) Also in comparison with the Chinese exports to other third countries such as Japan and the United States of America, the prices on the Community market would be an attractive market, and the risk for trade diversion to the Community market, if measures were allowed to lapse, would be high.

(48) Accordingly, it was considered that should the measures be repealed, it was likely that significant quantities of the product concerned would be sold at prices which would undercut the average sales prices of the Community industry thereby causing injury to that industry.

⁽¹⁾ Production capacity was established on the basis of the maximum hourly output of the machines installed, multiplied by the annual maximum working hours, less a deduction for maintenance and other similar production interruptions. The method applied is the same as the capacity calculations made for the Community Industry.

⁽²⁾ Free market consumption is defined as the total import volumes of the product concerned plus the total verified sales volumes on the Community market of the three cooperating Community producers which produce for the free market. See also recital (60).

8. Conclusion

(49) As noted in recital (34), the Chinese exporters have continued their dumping practices. The dumping margin established during the IP was 31 %, which is at approximately the same level as the dumping margin established in the previous review investigation.

(50) The combined capacity of the five cooperating producing exporters amounted to 10 050 tonnes during the IP, which is more than the combined capacity of the Community Industry. Furthermore, the five cooperating producing exporters had spare production capacity in the IP representing approximately 24 % of free market consumption in the Community.

(51) Regarding export prices of the product concerned from the PRC during the IP, it is noted that the average sales prices to the Community market are attractively high for Chinese exporters. Therefore, it was considered that should the measures be repealed, there would be a risk of continuation of injurious dumping. Moreover, given the price differences found in the IP between the cooperating exporters' export prices of the product concerned to the Community and those to other third countries, there would also be a likelihood that dumped exports would be diverted from other markets (e.g. Japan and the United States of America) to the Community market, as the prices in the Community were higher than those found on the other main exports markets.

(52) In summary, all indicators suggest that imports to the Community from the PRC will continue at dumped prices, and were the measures repealed, in increasing quantities.

C. COMMUNITY INDUSTRY

(53) During the IP, the product concerned was manufactured by

- three complainant producers which fully cooperated with the Commission during the investigation, and which manufactured the product concerned for sale to third parties at prices determined by the market ('the free market'),
- one other producer which manufactures for the free market and supported the complaint, but did not cooperate in the investigation,
- three other producers which manufactured the product concerned for their own captive use. One of these producers cooperated and the others have neither supported nor opposed the present investigation.

(54) Regarding the producers which manufacture the product concerned for captive use, these companies' production of the product concerned is an intermediate product which is fully consumed in the production of high-value downstream products. None of their production was sold on the free market.

(55) The distinction between captive use and the free market is relevant for the analysis of the economic situation on the Community market and situation of the Community industry because products destined for captive use are not exposed to direct competition from imports. By contrast, production destined for free market sales was found to be in direct competition with imports of the product concerned from the PRC. In light of the above, it is considered that the situation is different as between the free and captive markets.

(56) The production of the three cooperating Community producers which produced for the free market and fully cooperated constituted approximately 89 % of the total Community production of the product concerned for the free market during the IP. These Community producers constitute the Community industry within the meaning of Articles 4(1) and 5(4) of the basic Regulation.

D. SITUATION ON THE COMMUNITY MARKET

1. General

1.1. Import data

(57) Eurostat information related to import volumes for CN code 2849 90 30 and verified export data from the cooperating exporters in the PRC were used as the source of the import data.

1.2. Community Industry data

(58) Community industry data were obtained from the verified questionnaire responses of the three cooperating Community producers which manufactured the product concerned for sale on the free market, and from the cooperating producer which manufactured the product concerned for its own captive use.

1.3. Community consumption

(59) Apparent consumption on the free market of the product concerned in the Community was established on the basis of:

- the total import volumes of the product concerned into the Community as reported by Eurostat, plus

— the total verified sales volumes to independent customers on the Community market of the three cooperating Community producers which produce for the free market.

- (60) Free market consumption in the Community increased by 9 % during the period considered. However, this increase followed an uneven trend. Following a decrease between 1998 and 1999, consumption increased until 2001 when it peaked at 7 949 tonnes before falling back to 6 461 tonnes in the IP.

	1998	1999	2000	2001	IP
Free market consumption (tonnes)	5 947	5 393	6 706	7 949	6 461
1998 = 100	100	91	113	134	109

- (61) The significant increase in free market consumption during 2000 and 2001 is partly explained by higher economic activity in the Community as well as on the world market, and partly by the enforcement of a new export licensing system in the PRC. The latter prompted massive purchases (stock-building by users) towards the end of 2000 and during 2001 for fear of eventual shortages of raw materials and the product concerned.

2. Imports from the PRC

2.1. Volume and market share

	1998	1999	2000	2001	IP
Volume (tonnes)	179	132	212	315	240
1998 = 100	100	73	118	175	134
Market Share	3 %	2 %	3 %	4 %	4 %

- (62) The volume of imports from the PRC shows a somewhat fluctuating trend during the period considered, ending with an increase in volume in comparison with 1998 which is reflected in a higher market share in the IP compared to 1998.

2.2. Prices and Undercutting

- (63) The average price of imports of the product concerned from the PRC during the IP was EUR 12,59/kg CIF at EC frontier. For the purpose of analysing price undercutting, the weighted average prices of the product concerned sold by the Community Industry were compared to the

weighted average prices of imports from the PRC on the Community market during the IP, duly adjusted for customs duties and post-importation costs.

- (64) The prices of the Community Industry are those reported in the responses to the questionnaires for their sales in the Community to the first unrelated customer on an ex works basis. The prices of the Chinese imports are those reported by those cooperating exporting producers which exported the product concerned during the IP.

- (65) On this basis, the price-undercutting margin, expressed as a percentage of the Community industry's prices, was found to be around 10 %. If the present level of anti-dumping duties is included in the calculation, there is no undercutting.

3. Volumes and unit prices of imports and Community Industry EU sales in the IP

Country	Volumes (tonnes)	Average Sales Price (CIF)/kg (EUR)
United States of America	824	17,0
Republic of South Korea	217	16,1
Canada	181	14,8
Israel	159	13,6
Switzerland	54	15,3
Community Industry	4 154	14,92

- (66) In comparison to imports originating in other third countries the prices of imports originating in the PRC (i.e. EUR 12,59/kg on average) were considerably lower. In these circumstances there is a clear likelihood that, were the measures repealed, imports of the product concerned originating in the PRC would gain ground at the expense of other third countries exports to the Community, and this at dumped prices.

E. SITUATION OF THE COMMUNITY INDUSTRY

- (67) In accordance with Article 3(5) of the basic Regulation, the examination of the situation of the Community industry included an evaluation of all economic factors and indices having a bearing on the state of the industry from 1998 (base year) to the IP. The Community industry data below represent the aggregated information of the three cooperating Community producers except where otherwise stated.

1. Production, capacity, capacity utilisation and stocks

- (68) Production capacity was established on the basis of the maximum hourly output of the machines installed, multiplied by the annual maximum working hours, less a deduction for maintenance and other similar production interruptions. Production capacity increased by 22 % during the period considered.

	1998	1999	2000	2001	IP
Production (tonnes)	5 494	5 150	5 606	6 528	5 554
Index	100	94	102	119	101
Production capacity (tonnes)	6 838	6 848	7 799	8 030	8 310
Index	100	100	114	117	122
Capacity utilisation in (%)	80,3	75,2	71,9	81,3	66,8
Index	100	94	90	101	83
Stocks (tonnes)	996	1 133	1 189	834	1 688
Index	100	114	119	84	169
Stocks as % of Production	18	22	21	13	30
Index	100	122	117	72	167

- (69) Production by the Community Industry increased during the period considered by 1 %. However, this modest increase followed an uneven trend. Following a decrease of 6 % in 1999, production increased between 1999 and 2001 by 27 %. Finally, in the IP, production returned to a level which was only marginally above the production level in 1998.

- (70) The reasons for the increase in production and capacity in 2000 and 2001 are explained in recital (61). The dramatic surge in worldwide demand of the product concerned, which was due to higher economic activity on the world market and to the enforcement of a new export licensing system in the PRC, triggered investments in production capacity, especially during 2000 and 2001, which resulted in an increase in capacity of 22 % in the period considered.

- (71) The decrease in the capacity utilisation rate during the IP compared to the preceding years is explained by the sudden drop in demand for the product concerned in the IP. Whilst capacity had increased based on the

assumption of continuous strong demand in the market, this was not achieved as during the IP customers reduced their purchases in order to reduce their stock levels. In consequence, production in the IP was more or less at the same level as in 1998.

- (72) Stock levels remained relatively stable in relation to production and sales up to 2000. In 2001, stocks fell due to high demand. In the IP, due to the unexpected drop in worldwide demand, the level of stocks held by the Community Industry increased, and reached a level of 30 % of production, compared to 18 % in 1998. The level of stocks which is normal for this industry is around 20 % of production.

2. Sales volume, prices, market share and sales volumes on export markets

- (73) The figures below represent the Community Industry's sales volumes and prices to independent customers in the Community, market share in the Community and sales volumes on export markets.

	1998	1999	2000	2001	IP
Sales volumes on the Community market (tonnes)	3 662	3 702	4 353	4 164	4 154
Market share on the Community market	62 %	69 %	65 %	52 %	64 %
Average Sales Price (EUR)	14,27	13,65	13,70	17,10	14,92
Sales volumes on the export market (tonnes)	1 367	1 118	1 470	1 955	1 696
Total Sales in volumes (tonnes)	5 029	4 820	5 823	6 119	5 850

- (74) Sales volumes on the Community market show a modest increase during the period considered, with quantities sold during the IP 13 % above the level in 1998. Overall, the Community Industry gained some ground at the expense of imports, with market share increasing from 62 % in 1998 to 64 % in the IP.

- (75) With the exception of 2001, the average sales price of the Community Industry has remained relatively stable, with its average sales price during the IP 5 % higher than in 1998. During 2001, the average sales price increased to EUR 17,10/tonne but subsequently fell back during the IP to EUR 14,92.

- (76) Export sales volumes also increased during the period considered. Quantities sold increased by 24 % between 1998 and the IP, having peaked in 2001. As a proportion of overall sales, export sales represented around 25-30 % of overall sales during the period considered.
- (77) Total sales volumes increased by 16 % between 1998 and the IP, having peaked in 2001 for the reasons explained in recital (61).

3. Profitability, Return on Investments (Assets) and Cash Flow

	1998	1999	2000	2001	IP
Profitability on EC Sales	7,9 %	5,9 %	3,3 %	10,9 %	1,4 %
Return on Assets	4,5 %	2,8 %	2,5 %	6,7 %	1,0 %
Cash Flow (Mio. EUR)	8 596	6 932	6 559	13 798	5 399

- (78) With the exception of 2001, which, as explained above, was an exceptional year, the economic indicators (profitability, return on investments and cashflow) show that the Community Industry has experienced some deterioration in profit margins, returns and cash flow generated from the sales on the Community market.
- (79) A contributing factor to the loss of profitability during the IP was the temporary loss of a major supply contract by one of the Community producers and a fall in sales at least partly caused by users depleting the stocks which they had built up in 2001 for fear of eventual shortages. There is also evidence that severe fluctuations in the price of the main raw material (APT), most of which originates in China, have affected the profitability of those producers in the Community which are dependent on purchasing this commodity on the open market.

4. Investments and ability to raise capital

	1998	1999	2000	2001	IP
Investments (Mio EUR)	2 685	2 395	3 081	3 062	1 264

- (80) The levels of investment were relatively stable between 1998 and 2001, with regular investments in technical

refinements to the production process and other related installations. However, during the IP, the level of investments decreased significantly due to the low level of return from sales on the Community market.

- (81) The Community industry remained able to raise capital, either from external providers of finance or parent companies during the period considered, including the IP.

5. Employment, Productivity and Wages

	1998	1999	2000	2001	IP
Number of employees	464	455	456	474	460
Employment costs (EUR 1 000)	22 223	21 563	22 591	24 188	23 928
Productivity (tonne/employee)	11,84	11,32	12,29	13,77	12,07

- (82) The number of employees decreased slightly over the period considered. The total cost of employment remained relatively stable until 2000, but then increased in 2001 and remained at a higher level in the IP. In the period considered employment costs increased by 8 %, representing normal wage increases.
- (83) Productivity increased by 2 % between 1998 and the IP in line with an increase in production. Indeed, the Community Industry was able to increase production in 2000 and 2001 without a significant increase in employment, resulting in improved productivity in those years. However, it should be noted that the level of productivity is affected not only by the level of production itself, but also by the different product mix in different years.

6. Magnitude of dumping margin and recovery from past dumping

- (84) The volume and market share of dumped imports from PRC increased during the period considered. However, they both remained small relative to the size of the free market (being only 4 % of consumption on the free market). Nevertheless, due to the magnitude of the dumping margin (31 %) as well as external factors such as fluctuations in the price of the main raw material (APT) and the temporary loss of a major supply contract, and despite broadly stable demand for the product concerned, the Community Industry experienced some fall in its level of profitability (10 %) and other financial indicators as described in recital (78).

7. Captive market

- (85) The findings concerning certain economic indicators relating to the Community industry were compared with the data provided by the cooperating Community producer which produced solely for captive use in order to provide a fuller picture of the situation of Community producers. The findings relating to this producer are as follows (on an indexed basis given that findings concern only one company):

	1998	1999	2000	2001	IP
Produktion	100	92	108	98	73
Capacity	100	116	116	116	116
Capacity utilisation	100	99	99	94	57
Stocks	100	328	360	449	331
Investments	100	2	1	75	1
Employment	100	100	97	97	87
Employment costs	100	110	110	117	109
Productivity	100	92	111	101	84

- (86) Production capacity increased by 16 % between 1998 and 1999 and subsequently remained stable. Production fell by 27 % over the period concerned, having fluctuated between index 92 and index 108. Capacity utilisation fell by 6 % between 1998 and 2001, and then by a further 39 % in the IP in line with a fall in production. Stocks have more than trebled over the period concerned, although the scale of this increase partly reflects low stocks in 1998. Major investments were undertaken in 1998 and 2001. Employment remained fairly stable until 2001, but fell by 10 % in the IP. Employment costs increased to index 117 up to 2001, but then fell to index 109 in the IP. Productivity fluctuated between index 92 and index 111 from 1998 to 2000, but fell to index 84 in the IP in line with the fall in production, and notwithstanding the fall in employment, in that year.

- (87) The product concerned was sold internally at a transfer price. Transfer prices were found not to be sufficiently closely based on actual market prices to be considered to reflect market prices. Nor would an analysis of the breakdown of the various costs associated with the production of the downstream product contribute to establishing a market value for the transferred product concerned. Therefore, analysis of profitability, return on investment and cash-flow in relation to captive use is not

considered to be a reliable indicator. As part of a larger group, the ability of the company concerned to raise capital was not seriously affected.

- (88) As imports were not found to be in direct competition with the product concerned produced for captive use, notwithstanding the magnitude of the dumping margin, those producers producing for captive use were not found to be significantly affected by the dumped imports or the measures.

- (89) Overall, developments in the captive market were similar to those in the free market, albeit in the case of production, employment and productivity they showed a more negative trend. Therefore, inclusion of the captive market would not have impacted on the overall conclusions reached in relation to the free market.

8. Conclusion on the situation of the Community industry

- (90) Although measures have been in place for some time and despite broadly stable demand for the product concerned, the Community Industry experienced some deterioration in profit margins and other financial indicators during the period considered. By limiting its price increases during the period considered, the Community industry has been able to increase sales and market share. However, this has been at the expense of profitability. During the IP, the industry was only slightly above break-even point, although this result must be balanced against that in 2001, which was an exceptional year. Whilst the unfair effect of dumping is compensated by the duty, there is evidence that severe fluctuations in the price of the main raw material (APT), most of which originates in the PRC, have affected the profitability of those producers in the Community which are dependent on purchasing this commodity on the open market.

F. LIKELIHOOD OF CONTINUATION OF INJURY

- (91) In light of the foregoing, and with special regard to recital (66) above, it is likely that the Community industry would face more pressure from increased volumes of dumped exports of the product concerned from the PRC if the measures were allowed to expire. The increased unfair competition from dumped imports would very likely lead to further deterioration in the financial situation of the Community Industry. It is therefore concluded that the repeal of the measures would in all likelihood result in continuation of injury to the Community Industry.

G. COMMUNITY INTEREST

1. General considerations

- (92) It has been examined whether compelling reasons exist which could lead to the conclusion that it is not in the Community interest to maintain the present measures. For this purpose and in accordance with Article 21(1) of the basic Regulation, the determination of Community interest was based on an appreciation of all the various interests involved, i.e. those of the Community industry, other Community producers, the importers/traders as well as the users of the product concerned. For the purpose of this analysis, information was requested from all identified interested parties.
- (93) It should be recalled that in the previous investigation the adoption of measures was considered not to be against the interest of the Community. Furthermore, the fact that the present investigation is a review of anti-dumping measures already in place allowed the assessment of any undue negative impact on the parties concerned by the current anti dumping measures.
- (94) It was examined whether, despite the conclusion on the likelihood of continuation of injurious dumping, compelling reasons existed which would lead to the conclusion that it is not in the Community interest to maintain the measures in this particular case.

2. Interest of the Community Industry

- (95) It is recalled that it has been established that there is a likelihood of continuation of dumping of the product concerned originating in the PRC and that there is a risk of continuation of injury to the Community Industry arising from such imports. It is in the interest of the Community Industry to avoid injury and continuation of the measures should help to achieve this. Therefore, it is in the interest of the Community Industry to maintain measures against dumped imports from the PRC.

3. Interest of unrelated importers and traders

- (96) No replies were received from any importers or traders. The non-cooperation of importers and traders suggests that the continued imposition of measures on imports originating in the PRC would not have any significant impact on the situation of unrelated importers and traders of the product concerned in the Community. This is also in line with the findings made in previous investigations.

4. Interest of users

- (97) Product concerned are mainly manufacturers of hard metal components which use the product concerned as a raw material. Some of the users are large international manufacturers which mainly use their own production of tungsten carbide as raw material (captive use), whilst some other users (mainly smaller manufacturers) purchase the product concerned either from exporters or from the Community Industry.
- (98) Concerning the interest of the large international manufacturers, the lack of support or opposition by these large users suggests that the continued imposition of measures on imports originating in the PRC would not have any significant impact on their situation in the Community.
- (99) One small manufacturer of tools replied to the questionnaire. Approximately 90 % of its supply of tungsten carbide is purchased from the Community Industry. It expressed concern that, should the measures be maintained, this would strengthen the position of the Community Industry in relation to the users, an industry which this user claimed to be fragmented, and make users more dependent on the Community Industry as a source of supply. However, albeit the Community Industry dominated 64 % of the EU market and is an important source of supply, it is not the only source of supply. During the IP, four producers in the EU competed for sales on the EU market. In addition, there is competition from imports from the PRC and other countries which together had 36 % of the market in the IP. Therefore, it is considered that there are a number of alternative sources of supply on the EU market and that the concerns of this user are unfounded.
- (100) Whilst the continuation of measures may help to maintain the position of the Community Industry in relation to the users, there are adequate alternative sources of supply. If the measures were terminated there is a clear risk that the Community Industry would go out of the market and users would lose an important source of supply.

5. Conclusion on Community Interest

- (101) In view of the above, the continued imposition of measures does not appear to be against the Community interest. On the contrary, insofar as it will allow the Community Industry to remain active on the Community market, it helps to maintain different sources of supply for users.

H. CONCLUSION

- (102) The investigation has shown that exporters in the PRC have continued their dumping practices during the IP. It has also been demonstrated that the Community market is an attractive market for Chinese exporters, given the level of prices charged to its domestic customers and other export markets. Therefore, if measures were repealed, it is likely that significant quantities of dumped imports would enter the Community market.
- (103) The financial situation of the Community Industry, reflected in the reduced profitability, return on investment and cashflow during the period considered, would most likely be aggravated if measures were repealed as increased volumes of dumped imports from the PRC would start to flow onto the Community market.
- (104) Regarding Community interest, it is concluded that there are no compelling reasons not to impose anti-dumping measures against imports of the product concerned originating in the PRC.
- (105) It is therefore considered appropriate to maintain the current anti-dumping measures against imports of tungsten carbide and fused tungsten carbide originating in the PRC.

I. ANTI-DUMPING MEASURES

- (106) All parties were informed of the essential facts and considerations on the basis of which it was recom-

mended that the existing measures be maintained. They were also granted a period to make representations subsequent to disclosure. No comments were received which were such as to change the above conclusions.

- (107) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of the product concerned originating in the PRC should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 and originating in the People's Republic of China.
2. The rate of the definitive anti-dumping duty applicable to the net free-at-Community-frontier price, before duty, shall be 33 %.
3. Unless otherwise specified, the provisions in force concerning custom duties shall apply.

Article 2

This Regulation shall enter into force on the 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, 22 December 2004.

For the Council
The President
C. VEERMAN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 2004

amending Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of the European Union operations having military or defence implications (ATHENA)

(2004/925/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 13(3) and Article 28(3) thereof,

Whereas:

- (1) On 23 February 2004, the Council adopted Decision 2004/197/CFSP⁽¹⁾ which provides that its first review shall take place before the end of 2004.
- (2) When adopting Joint Action 2004/570/CFSP of 12 July 2004 on the EU military operation in Bosnia-Herzegovina⁽²⁾, the Council noted the need to consider in the forthcoming review of ATHENA a number of issues.
- (3) Decision 2004/197/CFSP should therefore be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2004/197/CFSP is hereby amended as follows:

1) In Article 14:

(a) paragraph 2 shall be replaced by the following:

‘2. Furthermore, ATHENA shall bear the operational common costs listed in Annex II during the period from the approval of the Crisis Management Concept for the operation until the appointment of the operation

commander. In particular circumstances, after the Political and Security Committee has been consulted, the Special Committee may modify the period during which these costs shall be borne by ATHENA.’;

(b) the following paragraphs shall be added:

‘6. The Special Committee may decide on a case-by-case basis that, in view of particular circumstances, certain incremental costs other than those listed in Annex IIIB shall be regarded as common costs for one given operation during its active phase.

7. The Council and the Special Committee shall be informed by the Member States, through the administrator, of cost-sharing arrangements in which they take part in the context of an EU operation.’.

2) In Article 21(3), the following sentence shall be added:

‘These proposals shall be deemed approved unless the Special Committee decides otherwise by 15 March.’.

3) In Article 24(4), the following sentence shall be added:

‘However, when the operation is planned to last more than six months, the balance of contributions shall be paid in half-yearly instalments. In such a case, the first instalment shall be paid within two months of the launching of the operation; the second instalment shall be paid by a deadline to be set by the Special Committee acting on a proposal from the administrator, taking into account operational needs. The Special Committee may depart from these provisions.’.

⁽¹⁾ OJ L 63, 28.2.2004, p. 68.

⁽²⁾ OJ L 252, 28.7.2004, p. 10.

- 4) In Article 28, the existing text shall be numbered and become paragraph 1, and the following paragraph shall be added:

‘2. When payment is late by no more than ten days, no interest shall be charged. When payment is late by more than ten days, interests shall be charged for the entire delay.’

- 5) In Article 29, the following paragraph shall be added:

‘6. The Special Committee may approve rules for the implementation of common expenditure which depart from paragraph 4.’

- 6) In Article 38, the following paragraph shall be added:

‘8. Each Member State participating in an operation shall provide information by 31 March each year to the administrator, where appropriate through the Operation Commander, on the incremental costs it has incurred for the operation during the previous financial year. This information shall be broken down to show the main items of expenditure. The administrator shall compile this information in order to provide the Special Committee with an overview of the incremental costs of the operation.’

- 7) In Annex II, the first subparagraph shall be replaced by the following:

‘Incremental costs of transport and accommodation necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) by military forces with a view to a specific Union military operation.’

Article 2

This Decision shall enter into force on 1 January 2005.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 22 December 2004

For the Council

The President

C. VEERMAN

COUNCIL DECISION**of 22 December 2004****on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland**

(2004/926/EC)

THE COUNCIL OF THE EUROPEAN UNION,

2000/365/EC have been fulfilled, allowing these provisions and their later developments to be put into effect for the United Kingdom.

Having regard to the Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis⁽¹⁾, and in particular to article 6 thereof,

(7) Decision 2000/365/EC defines, in its Article 5(2), which provisions of the Schengen acquis are applicable to Gibraltar.

Whereas:

(1) The United Kingdom has expressed its intention to commence implementation of the following parts of the Schengen acquis: Judicial cooperation, Drugs co-operation, Article 26 and Article 27 of the Schengen Convention, and Police cooperation.

(2) The United Kingdom indicated to be ready to apply all provisions of the Schengen acquis referred to in Article 1 of Decision 2000/365/EC with the exception of those concerning the Schengen Information System.

(3) The United Kingdom will continue to prepare for the implementation of the relevant provisions of the Schengen Information System and for data protection.

(4) A questionnaire was forwarded to the United Kingdom, whose replies were recorded and a subsequent verification and evaluation visit was made to the United Kingdom in accordance with the procedures applicable in the area of police cooperation.

(5) As regards the application of the Schengen acquis relating to the abovementioned areas, the questionnaire and the visit demonstrated that the requirements relating to legislation, manpower levels, training, infrastructure and material resources have been satisfied.

(6) The preconditions for the implementation by the United Kingdom of those provisions of the Schengen acquis as listed in Article 1(a)(i), (b), (c)(i) and (d)(i) of Decision

(8) An Agreement has been concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen acquis which apply to these States⁽²⁾. On the basis of Article 2 of that Agreement, the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen acquis⁽³⁾, has been consulted, in accordance with Article 4 thereof, about the preparation of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions referred to in Article 1(a)(i), (b), (c)(i) and (d) (i) of Decision 2000/365/EC shall be put into effect for the United Kingdom as from 1 January 2005.

The provisions referred to in Article 5(2) of Decision 2000/365/EC shall be put into effect for Gibraltar as from 1 January 2005.

The provisions of the acts constituting developments of the Schengen acquis adopted since Decision 2000/365/EC and listed in Annex I of this Decision shall be put into effect for the United Kingdom and for Gibraltar as from 1 January 2005.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 15, 20.1.2000, p. 2.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

The provisions of the acts constituting developments of the Schengen acquis adopted since Decision 2000/365/EC and listed in Annex II of this Decision shall be put into effect for the United Kingdom as from 1 January 2005.

Article 2

Formal communications and transmission of decisions between the Gibraltar authorities, including the judicial authorities, and those of the Member States of the European Union (except the United Kingdom) for the purposes of this Decision shall be carried out in accordance with the procedure provided for in the arrangements relating to the Gibraltar authorities in the context of EU and EC instruments and related treaties (see Annex III to this Decision), concluded between Spain and the

United Kingdom on 19 April 2000 and communicated to the Member States and the institutions of the European Union.

Article 3

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels 22 December 2004.

For the Council
The President
C. VEERMAN

ANNEX I

List of developments of the Schengen acquis, which shall be put into effect for the United Kingdom of Great Britain and Northern Ireland and for Gibraltar

1. Council Act of 29 May 2000 establishing the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (provisions referred to in Article 2(1) of the Convention) (OJ C 197, 12.7.2000, p. 1). The application of the Convention to Gibraltar will enter into effect when the European Convention on Mutual Assistance in Criminal Matters is extended to Gibraltar.
 2. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187, 10.7.2001, p. 45).
 3. Council Act of 16 October 2001 establishing the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Members States of the European Union (provisions referred to in Article 15 of the Protocol) (OJ C 326, 21.11.2001, p. 1). The Protocol will apply to Gibraltar when the European Convention on Mutual Assistance in Criminal Matters enters into effect in Gibraltar in accordance with Article 26 of that Convention.
 4. Council framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1).
 5. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).
 6. Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).
 7. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).
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ANNEX II

List of developments of the Schengen acquis, which shall be applied by the United Kingdom of Great Britain and Northern Ireland:

1. Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248, 3.10.2000, p. 1).
 2. Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260, 11.10.2003, p. 37).
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*ANNEX III***COPY OF LETTER**

From: Mr. Javier SOLANA, Secretary General of the Council of the European Union

Date: 19 April 2000

To: Permanent Representatives of the Member States and to other institutions of the European Union

Subject: Gibraltar authorities in the context of E.U. and E.C. instruments and related treaties

I hereby circulate a document which contains agreed arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ('the arrangements'), together with an exchange of correspondence between the Permanent Representatives of the United Kingdom and Spain, which, in accordance with paragraph 8 of the arrangements, are notified to the Permanent Representatives of the Member States and to the other institutions of the European Union for their information and for the purposes indicated in them.



United Kingdom
Permanent Representation
To the European Union

Avenue d'Auderghem 10
1040 Brussels

Telephone: 0032 2 287 8211

Telex: 24312

Facsimile: 0032 2 287 8398

DID: 0032 2 287 8231

The Permanent Representative

19 April 2000

HE Mr Javier Elorza
Permanent Representative of Spain
to the European Union
BRUSSELS

Dear Ambassador,

I refer to the discussions which have taken place between our two Governments to resolve certain difficulties which have arisen relating to Gibraltar authorities in the context of EU and EC instruments and related treaties. I now attach to this letter arrangements, as agreed in those discussions, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ("the arrangements") in the English and the Spanish languages, both texts having equal validity, which will take effect on 1 June 2000.

If the Government of Spain confirms its agreement to the arrangements, they will form an understanding to which our two Governments are committed.

I propose that, on receipt of your reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

Yours sincerely
Stephen Wall
J S Wall



*El Embajador
Representante Permanente de España
ante la Unión Europea*

Bruselas, 19 de abril 2000

Excmo. Sr. Sir J. Stephen WALL
Embajador, Representante Permanente
del Reino Unido ante la Unión Europea
Bruselas.

Estimado Embajador

Le agradezco su carta de fecha 19 de abril de 2000 a la que se acompaña el régimen acordado en las conversaciones a las que Vd. se refiere, relativo a las autoridades de Gibraltar en el contexto de los instrumentos de la UE y de la CE y tratados conexos ("el régimen").

Le confirmo el acuerdo del Gobierno de España con dicho régimen, el cual constituirá un entendimiento con el que nuestros dos Gobiernos quedarán comprometidos.

Estoy de acuerdo en que, a la recepción de mi respuesta, cada uno de nosotros transmitamos copia de este régimen, así como de nuestro intercambio de correspondencia, al Secretario General del Consejo con el ruego de que distribuya dicho régimen, junto con ese intercambio de correspondencia, a los Representantes Permanentes de los demás Estados miembros y a las demás instituciones de la Unión Europea de conformidad con el apartado 8 de dicho régimen, para su información y a los efectos indicados en el mismo.

En su nombre

Javier ELORZA

SECRETARÍA DEL EMBAJADOR
ESPAÑA - CEE

TRADUCCION OFICIAL

Brussels, 19 April, 2000

His Excellency Sir J. Stephen WALL
Ambassador, Permanent Representative
of the United Kingdom to the European Union
BRUSSELS

Thank you for your letter dated 19 April to which are attached arrangements, as agreed in the discussions to which you refer, relating to Gibraltar authorities in the context of EU and EC instruments and related treaties ("the arrangements").

I confirm the agreement of the Government of Spain to the arrangements, which will form an understanding to which our two Governments are committed.

I agree that, on your receipt of my reply, we should each copy the arrangements, together with our exchange of correspondence, to the Secretary General of the Council with the request that he circulates the arrangements, together with this exchange of correspondence, to the Permanent Representatives of other Member States and to the other institutions of the European Union in accordance with paragraph 8 of the arrangements for their information and for the purposes indicated in them.

(signed)

Javier ELORZA

POSTBOXING ARRANGEMENTS

Agreed Arrangements relating to Gibraltar Authorities in the Context of EU and EC Instruments and Related Treaties

1. Taking account of the responsibility of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, under the terms of Article 299.4 of the Treaty establishing the European Community, when in an instrument or treaty of the type specified in paragraph 5 a provision is included whereby a body, authority or service of one Member State of the European Union may communicate directly with those of another EU Member State or may take decisions with some effect in another EU Member State, such a provision will be implemented, in respect of a body, authority or service of Gibraltar (hereinafter referred to as 'Gibraltar authorities', in accordance with the procedure in paragraph 2, and in the cases specified therein, through the authority of the United Kingdom specified in paragraph 3. The obligations of an EU Member State under the relevant instrument or treaty remain those of the United Kingdom.
2. In order to implement such a provision, formal communications and decisions to be notified which are taken by or addressed to the Gibraltar authorities will be conveyed by the authority specified in paragraph 3 under cover of a note in the form attached for illustrative purposes in Annex 1. The authority specified in paragraph 3 will also ensure an appropriate response to any related enquiries. Where decisions are to be directly enforced by a court or other enforcement authority in another EU Member State without such notification, the documents containing those decisions by the Gibraltar authority will be certified as authentic by the authority specified in paragraph 3. To this effect the Gibraltar authority will make the necessary request to the authority specified in paragraph 3. The certification will take the form of a note based in Annex 1.
3. The authority of the United Kingdom mentioned in paragraphs 1 and 2 will be The United Kingdom Government/ Gibraltar Liaison Unit for EU Affairs of the Foreign and Commonwealth Office based in London or any United Kingdom body based in London which the Government of the United Kingdom may decide to designate.
4. The designation by the United Kingdom of a Gibraltar authority in application of any instrument or treaty specified in paragraph 5 that includes a provision such as that mentioned in paragraph 1 will also contain a reference to the authority specified in paragraph 3 in the terms of Annex 2.
5. These arrangements will apply as between EU Member States to:
 - a) Any present or future European Union or Community instrument or any present or future treaty concluded within the framework of the European Union or European Community;
 - b) Any present or future treaty related to the European Union or European Community to which all or a number of EU Member States or all or a number of EU and EFTA/EEA states are the only signatories or contracting parties;
 - c) The Council of Europe Conventions mentioned in the Convention of 19 June 1990 implementing the Schengen Agreement;
 - d) The following treaties related to instruments of the European Union:
 - The convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at the Hague on 15 November 1965.
 - The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at the Hague on 18 March 1970
 - The Convention on the Civil Aspects of International Child Abduction done at the Hague on 25 October 1980 (when extended to Gibraltar).
 - e) Other treaties to which both sides agree that these arrangements should apply. Where there is no such agreement, the two sides will nevertheless seek to avoid and to resolve any problems, which may arise.

In respect of the treaties specified in sub-paragraphs (a) and (b) these arrangements will also apply as between all the contracting parties to those treaties. Paragraphs 1 and 2 of these arrangements will be constructed accordingly.

6. The spirit of these arrangements will be respected to resolve questions that may arise in the application of any provisions of the kind described in paragraph 1, bearing in mind the desire of both sides to avoid problems concerning the designation of Gibraltar authorities.
 7. These arrangements or any activity or measure taken for their implementation or as a result of them do not imply on the side of the Kingdom of Spain or on the side of the United Kingdom any change in their respective positions on the question of Gibraltar or on the limits of that territory.
 8. These arrangements will be notified to the EU institutions and Member States for their information and for the purposes indicated in them.
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*Annex 1***SPECIMEN NOTE FROM THE AUTHORITY SPECIFIED IN PARAGRAPH 3**

On behalf of the United Kingdom of Great Britain and Northern Ireland as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299 (4) of the Treaty establishing the European Community, I attach a certificate in respect of (the company), signed by the Commissioner of Insurance, the supervisory authority for Gibraltar.

In accordance with the Article 14 of the Directive 88/375/EEC, as amended by Article 34 of Directive 92/49/EEC, the (name of company) has notified to the Commissioner of Insurance in Gibraltar its intention to provide services into (name of EU Member State). The process envisaged by Article 35 of Directive 92/49/EEC is that within one month of the notification the competent authorities of the home Member State shall communicate to the host Member State or Member State within the territory of which an undertaking intends to carry on business under the freedom to provide services:

- a) A certificate attesting that the undertaking has the minimum solvency margin calculated in accordance with Article 16 and 17 of Directive 73/239/EEC;
 - b) The classes of insurance which the undertaking has been authorised to offer;
 - c) The nature of the risks which the undertaking proposes to cover in the Member State of the provision of services.
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Annex 2**FORMULA TO BE USED BY THE UNITED KINGDOM WHEN DESIGNATING A GIBRALTAR AUTHORITY**

In respect of the application of the (name of instrument) to Gibraltar, the United Kingdom, as the Member State responsible for Gibraltar, including its external relations, in accordance with Article 299 (4) of the Treaty establishing the European Community, designates (name of Gibraltar authority) as the competent authority for the purposes of (relevant provision of the instrument). In accordance with arrangements notified in Council document xxx of 2000:

1.1. One or more of the following alternatives will be used as appropriate

- any formal communications required under the relevant provisions of (name of instrument) which come from or are addressed to (name of Gibraltar authority)
- any decision taken by or addressed to (name of Gibraltar authority) which is to be notified under the relevant provisions of (name of instrument)

will be conveyed by (name of UK authority) under cover of a note. The (name of UK authority) will also ensure an appropriate response to any related enquiries.

Where decisions are to be directly enforced by a court or other enforcement authority in another Member State without the need of a formal previous notification

The documents containing such decisions of (name of Gibraltar authority) will be certified as authentic by the (name of UK authority). To this effect the (name of Gibraltar authority) will make the necessary request to the (name of UK authority). The certification will take the form of a note.
