



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.03.1999
COM(1999) 119 final

99/0069 (ACC)

Proposal for a

COUNCIL DECISION

on the position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, which entered into force on 1 February 1994, concerning the export of certain steel products from the Republic of Poland to the European Commun

(presented by the Commission)

EXPLANATORY MEMORANDUM

Following a request from Poland to establish a double-checking system without quantitative restrictions in order to improve transparency and avoid possible diversions of trade, the ECSC Contact Group agreed at its meeting on 29 January 1999, to recommend that the Association Council should establish such a system for the period between 1 April and 31 December 1999. The double-checking system is founded on the provision in the EC-Poland Europe Agreement¹ which allows either Party to introduce an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows. Similar double-checking systems are already in place with certain other CEECs.

The attached proposal consequently seeks to establish the double-checking system for the period between 1 April and 31 December 1999.

¹ OJ N° L 348, 31.12.93, p. 2.

Proposal for a

COUNCIL DECISION/EC

on the position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, which entered into force on 1 February 1994, concerning the export of certain steel products from the Republic of Poland to the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 together with Article 228, para 2, first sentence,

Having regard to the proposal from the Commission,

Having regard to the Decision of the Council and the Commission of 13 December 1993 on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in particular Article 2(1) thereof,

Whereas the Contact Group referred to in Article 10 of Protocol 2 of the Europe Agreement between the European Communities and their Member States of the one part and the Republic of Poland, of the other part, which entered into force on 1 February 1994¹, met on 29 January 1999 to discuss trends in imports of ECSC steel products from Poland into the Community and recognised the need to find appropriate solutions in the framework of Article 33.1 of the Agreement in order to ensure that the attainment of the objectives of the Agreement will not be jeopardised;

Whereas the Contact Group therefore agreed to recommend to the Association Council established under Article 102 of the Agreement that a double-checking system without quantitative restrictions should be established for the period between 1 April and 31 December 1999;

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the Community and Poland;

¹ OJ N° L 348, 31.12.93, p.2

Whereas the Association Council, having been supplied with all relevant information, has determined that the solution acceptable to the two parties which least disturbs the functioning of the Agreement is the establishment of a double-checking system, without quantitative limits, for the import into the Community of certain steel products covered by the ECSC Treaty between 1 April and 31 December 1999,

HAS DECIDED AS FOLLOWS:

The position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, concerning the export of certain steel products from Poland to the European Community, and in particular the establishment of a double-checking system, shall be based on the draft decision of the Association Council annexed to this Decision.

Done at Brussels,

For the Council
The President

Draft Decision N°/99 of the Association Council

**Established under the Europe Agreement between the European Communities
and their Member States, of the one part, and the Republic of Poland, of the
other part**

of 1999

**establishing a double-checking system for exports of certain ECSC steel products
from the Republic of Poland to the European Community for the period 1 April
to 31 December 1999**

(99/...../ECSC)

THE ASSOCIATION COUNCIL,

Whereas the Contact Group referred to in Article 10 of Protocol 2 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland (hereinafter referred to as 'Poland'), of the other part, which entered into force on 1 February 1994, met on 29 January 1999 and agreed to recommend to the Association Council established under Article 102 of the Agreement that a double-checking system without quantitative restrictions should be established for the period between 1 April and 31 December 1999;

Whereas the Association Council, having been supplied with all relevant information, has agreed with this recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

1. For the period 1 April to 31 December 1999, imports into the Community of the products listed in Annex I originating in Poland shall be subject to the presentation of a surveillance document conforming to the model shown at Annex II¹ issued by the authorities in the Community.

2. The classification of the products covered by this Decision is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Decision shall be determined in accordance with the rules in force in the Community.

¹ taking into account the provisions of Article 2 of Council Regulation (EC) N° 1103/97 concerning the substitution of "euro" for "ecu".

3. For the period 1 April to 31 December 1999, imports into the Community of the iron and steel products listed in Annex I and which originate in Poland shall, in addition, be subject to the issue of an export document by the competent Polish authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped. Shipment is considered to have taken place on the data of loading onto the exporting means of transport.

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

5. An export document will not be required for goods already shipped to the Community before the date of application of this agreement, provided that their destination has not changed from a non-Community to a Community destination and provided that those goods which, under the prior surveillance regime applicable in 1999, could be imported only on presentation of a surveillance document are in fact accompanied by such a document.

6. Poland shall notify the Community of the names and addresses of the appropriate Polish governmental authorities which are authorized to issue and to verify export documents together with specimens of the stamps and signatures they use. Poland shall also notify the Community of any change in these particulars.

7. Certain technical provisions on the implementation of the double-checking system are set out in Annex IV.

Article 2

1. Poland undertakes to supply the Community with precise statistical information on the export documents issued by the Polish authorities pursuant to Article 1. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.

2. The Community undertakes to supply Poland with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by Poland pursuant to Article 1. Such information shall be transmitted to the Polish authorities by the end of the month following the month to which the statistics relate.

Article 3

If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of this Decision. Such consultations shall be held promptly. Any consultations held under this Article shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.

Article 4

Any notices to be given hereunder shall be given:

- in respect of the Community, to the Commission of the European Communities (DG I.D.2 and DG III.C.1),

- in respect of Poland, to the Mission of Poland to the European Communities; and the Ministry of Economy of Poland.

Article 5

This Decision shall be binding on both the Community and Poland which shall take the measures necessary to implement it.

Article 6

This Decision shall enter into force on the date of signature.

It shall apply with effect from 1 April 1999.

Done at Brussels,

*For the Association Council
The President*

ANNEX I

POLAND

List of products subject to double control (1999)

Angles, shapes and sections of iron or non-alloy steel:

U Sections

7216 31 11

7216 31 19

7216 31 91

7216 31 99

I Sections

7216 32 11

7216 32 19

7216 32 91

7216 32 99

H Sections

7216 33 10

7216 33 90

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

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

15. ATTRIBUTIONS

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

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

Extension pages to be attached hereto.

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

15. ATTRIBUTIONS

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

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17. In figures	18. In words for the quantity attributed		
1			
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2			

Extension pages to be attached hereto.

ANNEX III

1 Eksporter (nazwa, pełny adres, kraj) / Exporter (name, full address, country)	ORYGINAL/ ORIGINAL		2 Nr / No
	3 Rok /Year	4 Grupa wyrobów / Product group	
5 Odbiorca (nazwa, pełny adres, kraj) / Consignee (name, full address, country)	DOKUMENT WYWOZOWY / EXPORT DOCUMENT (wyroby stalowe EWWiS i WE) / (ECSC and EC steel products)		
	6 Kraj pochodzenia / Country of origin	7. Kraj przeznaczenia / Country of destination	
8 Miejsce i data wysyłki - Środek transportu / Place and date of shipment - Means of transport	9 Dodatkowe informacje / Supplementary details		
10 Opis towarów - Producent / Description of goods - Manufacturer	11 Kod CN / CN code	12 Ilość ⁽¹⁾ / Quantity	13 Wartość FOB ⁽²⁾ / FOB value
14 POŚWIADCZENIE PRZEZ WŁAŚCIWE WŁADZE / CERTIFICATION BY COMPETENT AUTHORITY			
15 Władze właściwe (nazwa, pełny adres kraj) / Competent authority (name, full address, country)		Miejscowość / Place date / Date /	
		(Podpis) / Signature / (Pieczęć) / Stamp	

(¹) Waga netto (w kg) oraz ilość w załączonych jednostkach, w przypadku wagi innej niż netto. / State net weight (kg) and also quantity in the unit prescribed when other than net weight.
 (²) W walucie określonej w umowie sprzedaży. / In the currency of the sales contract.

(1) Waga netto (w kg) oraz ilość w zalecanych jednostkach, w przypadku wagi innej niż netto. / State net weight (kg) and also quantity in the unit prescribed when other than net weight.
 (2) W walucie określonej w umowie sprzedaży. / In the currency of the sale contract.

1 Eksporter (nazwa, pełny adres, kraj) / Exporter (name, full address, country)	KOPIA / COPY		2 Nr / No
	3 Rok / Year	4 Grupa wyrobów / Product group	
5 Odbiorca (nazwa, pełny adres, kraj) / Consignee (name, full address, country)	DOKUMENT WYWOZOWY / EXPORT DOCUMENT (wyroby stalowe EWWIS i WE) / (ECSC and EC steel products)		
	6 Kraj pochodzenia / Country of origin	7. Kraj przeznaczenia / Country of destination	
8 Miejsce i data wysyłki - Środek transportu / Place and date of shipment - Means of transport	9 Dodatkowe informacje / Supplementary details		
10 Opis towarów - Producent / Description of goods - Manufacturer	11 Kod CN / CN code	12 Ilość (1) / Quantity	13 Wartość FOB (2) / FOB value
14 POŚWIADCZENIE PRZEZ WŁAŚCIWE WŁADZE / CERTIFICATION BY COMPETENT AUTHORITY			
15 Władze właściwe (nazwa, pełny adres kraj) / Competent authority (name, full address, country)		Miejscowość / Place data / Date /	
		(Podpis) / Signature / (Pieczęć) / Stamp	

ANNEX IV

POLAND

TECHNICAL ANNEX ON THE DOUBLE-CHECKING SYSTEM

1. The export documents shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as 'original' and other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.

2. Each 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: PL,

- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom.

- a one-digit number identifying the year, corresponding to the last figure in the respective year, e. g. 9 for 1999,

- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,

- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

3. Products shall be shipped during the calendar year appearing in Box N° 3 of the export document.

4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.

5. Poland need not show price information on the export document if there is a genuine need to protect commercial confidentiality. In such cases, box 9 of the export document should indicate the reason for not showing the price information and that it is available to the competent authorities of the Community on request.

6. Export documents may exceptionally be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'issued retrospectively'.

7. In the event of a theft, loss or destruction of an export document, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such document so issued shall bear the endorsement 'duplicate'. The duplicate shall bear the date of the original export document.

8. The competent authorities of the Community shall be informed immediately of the withdrawal or modification of any export documents already issued and, where relevant, of the basis for such action.

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DOCUMENTS

EN

11 01 10 02

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Office for Official Publications of the European Communities

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