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Contents

I *Acts whose publication is obligatory*

- ★ **Decision No 1400/97/EC of the European Parliament and of the Council of 30 June 1997 adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997 to 2001)** 1
- ★ **Commission declarations** 11
- ★ **Parliament declaration** 11
- ★ **Commission Decision No 1401/97/ECSC of 7 July 1997 on administering certain restrictions on imports of certain steel products from Ukraine** 12

II *Acts whose publication is not obligatory*

Commission

97/447/EC:

- ★ **Commission Decision of 16 July 1997 exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93 ⁽¹⁾** 32

⁽¹⁾ Text with EEA relevance

I

*(Acts whose publication is obligatory)***DECISION No 1400/97/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 30 June 1997****adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997 to 2001)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽⁴⁾ in the light of the joint text approved by the Conciliation Committee on 16 April 1997,

(1) Whereas, pursuant to Article 3 (o) of the Treaty, Community action must include a contribution towards the attainment of a high level of health protection; whereas Article 129 of the Treaty expressly provides for Community competence in this field in so far as the Community contributes to it by encouraging cooperation between the Member States and, if necessary, by lending support to their action;

(2) Whereas the Council, in its resolution of 27 May 1993 on future action in the field of public health ⁽⁵⁾, considered that improved collection, analysis and distribution of health data, as well as an improve-

ment in the quality and comparability of available data, are essential for the preparation of future programmes;

(3) Whereas the European Parliament, in its resolution on public health policy after Maastricht ⁽⁶⁾, stressed the importance of having sufficient and relevant information as a basis for the development of Community actions in the field of public health; whereas the European Parliament called on the Commission to collect and examine health data from Member States with a view to analysing the effects of public health policies on health status in the Community;

(4) Whereas it would be desirable to study the feasibility of establishing a permanent structure for the monitoring and evaluation of European Community health data and indicators;

(5) Whereas the Commission, in its communication of 24 November 1993 on the framework for action in the field of public health, regarded increased cooperation on standardization and collection of comparable/compatible data on health, and the promotion of systems of health monitoring and surveillance as a prerequisite for the establishment of a framework for supporting Member States' policies and programmes; whereas the area of health monitoring, including health data and indicators, has been identified as a priority area for proposals on multiannual Community programmes in the field of public health;

(6) Whereas in its resolution of 2 June 1994 on the framework for action in the field of Community health ⁽⁷⁾, the Council indicated that the collection of health data should be accorded priority and invited the Commission to present relevant proposals;

⁽¹⁾ OJ No C 338, 16. 12. 1995, p. 4, and OJ No C 214, 24. 7. 1996, p. 6.

⁽²⁾ OJ No C 174, 17. 6. 1996, p. 3.

⁽³⁾ OJ No C 129, 2. 5. 1996, p. 50.

⁽⁴⁾ Opinion of the European Parliament of 17 April 1996 (OJ No C 141, 13. 5. 1996, p. 94), Council Common Position of 18 June 1996 (OJ No C 220, 29. 7. 1996, p. 36) and Decision of the European Parliament of 23 October 1996 (OJ No C 347, 18. 11. 1996, p. 73). Decision of the Council of 5 June 1997 and Decision of the European Parliament of 10 June 1997.

⁽⁵⁾ OJ No C 174, 25. 6. 1993, p. 1.

⁽⁶⁾ OJ No C 329, 6. 12. 1993, p. 375.

⁽⁷⁾ OJ No C 165, 17. 6. 1994, p. 1.

whereas the Council considered that data and indicators used should include measures relating to the quality of life of the population, accurate assessments of health needs, estimates of the avoidable deaths from the prevention of diseases, socio-economic factors in health among different population groups, and, where appropriate and if the Member States judge it necessary, health aid, medical practices, and the impact of reforms;

- (7) Whereas health monitoring at Community level is essential for the planning, monitoring and assessment of Community actions in the field of public health, and the monitoring and assessment of the health impact of other Community policies;
- (8) Whereas, on the basis in particular of knowledge of data relating to public health in Europe obtained by setting up a Community health monitoring system, it will be possible to monitor public health trends and define public health priorities and objectives;
- (9) Whereas health monitoring, for the purposes of this Decision, encompasses the establishment of Community health indicators and the collection, dissemination and analysis of Community health data and indicators;
- (10) Whereas in Decision 93/464/EEC of 22 July 1993 on the framework programme for priority actions in the field of statistical information 1993 to 1997⁽¹⁾, the Council identified under the heading 'Health and safety statistics' the analysis of mortality and morbidity by cause as one of the fields of priority actions under the sectoral programmes for social policy, economic and social cohesion and consumer protection;
- (11) Whereas in Decision 94/913/EC of 15 December 1994 adopting a specific programme of research and technological development, including demonstration, in the field of biomedicine and health (1994 to 1998)⁽²⁾, the Council identified a specific research task of coordination and comparison of European health data, including nutritional data, from the various Member States; whereas this was taken up in the relevant research work programme;
- (12) Whereas health monitoring at Community level should enable measurements of health status, trends and determinants to be carried out, facilitate the planning, monitoring and evaluation of Community programmes and actions, and provide Member States with health information supporting the development and evaluation of their health policies;
- (13) Whereas, in order fully to meet requirements and expectations in this area, a Community health monitoring system should be set up, involving the establishment of health indicators, the collection of the data, in particular those needed ultimately to arrive at comparable health indicators, the establishment of a network for transmission and sharing of health data and indicators, and the development of a capacity for analysis and dissemination of health information;
- (14) Whereas available options and possibilities for developing the various parts of a Community health monitoring system, including those making existing provisions more stringent, should be carefully examined with respect to the desired performance, flexibility and the costs and benefits involved; whereas a flexible system is required which can incorporate features which are deemed valuable at present while adapting to new requirements and other priorities; whereas such a system should include the definition of sets of Community health indicators and the collection of the data necessary for the establishment of such indicators;
- (15) Whereas Community health data and indicators should draw from existing European data and indicators, such as those held by Member States or forwarded by them to international organizations, so as to avoid unnecessary duplication of work;
- (16) Whereas the situation with regard to the collection of data varies from one Member State to another; whereas the Community may lend support to Member States' actions, including those related to data collection in the context of a Community health monitoring system, when such support would provide Community added value;
- (17) Whereas a Community health monitoring system could benefit from the establishment of a telematics network for the collection and distribution of Community health data and indicators;

⁽¹⁾ OJ No L 219, 28. 8. 1993, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1994, p. 40.

- (18) Whereas the Community health monitoring system should be capable of producing data for the preparation of regular reports on health status in the Community and analyses of trends and health problems, and of helping to produce and disseminate health information;
- (19) Whereas the setting up of a health monitoring system at Community level necessarily presupposes compliance with provisions concerning the protection of data and the introduction of measures to guarantee the confidentiality and security thereof, such as the provisions in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁾ and in Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities⁽²⁾;
- (20) Whereas a multiannual programme must be launched within the framework for action in the field of public health, in order to permit the setting up of the future Community health monitoring system and of appropriate mechanisms for the evaluation thereof;
- (21) Whereas, in accordance with the principle of subsidiarity, action on matters not falling within the exclusive competence of the Community, such as action on health monitoring, must be undertaken by the Community only if, by reason of their scale or effects, it can be better achieved by the Community;
- (22) Whereas policies and programmes formulated and implemented at Community level, in particular those undertaken within the framework for action in the field of public health, should be compatible with the targets and objectives of Community action on health monitoring; whereas the implementation of Community actions on health monitoring should take account of relevant research activities under the Community's framework programme for research and technological development; whereas projects on telematics applications in the health field under the Community's RTD programme must be coordinated with Community actions on health monitoring; whereas actions under the Community's framework programme for statistical information, the Community projects in the field of telematic interchange of data between administrations (IDA) and G7 health-related projects must be closely coordinated with the implementation of Community actions on health monitoring; whereas the work undertaken by the specialized European agencies, such as the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and the European Environment Agency, should be taken into account;
- (23) Whereas cooperation should be strengthened with the competent international organizations, including the World Health Organization (WHO) and the Organization for Economic Cooperation and Development (OECD), and with non-member countries; whereas other bodies, such as non-governmental organizations, may also have a role to play;
- (24) Whereas, from an operational point of view, the investments made in the past in terms both of the development of Community networks and of cooperation with international organizations competent in this field should be safeguarded and developed;
- (25) Whereas it is important that the Commission should ensure implementation of this programme in close cooperation with the Member States;
- (26) Whereas a *modus vivendi*⁽³⁾ between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty was concluded on 20 December 1994;
- (27) Whereas data are insufficiently comparable at present and unnecessary duplication of effort should be avoided by the joint development of comparison and conversion definitions, methods, criteria and techniques, by the development of suitable data collection tools such as surveys, questionnaires or parts thereof, and by means of content specifications for health information to be shared using in particular a telematics network;

⁽¹⁾ OJ No L 281, 23. 11. 1995, p. 31.

⁽²⁾ OJ No L 151, 15. 6. 1990, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽³⁾ OJ No C 102, 4. 4. 1996, p. 1.

- (28) Whereas, in order to increase the value and impact of the action programme, a continuous assessment of the measures undertaken should be carried out, with particular regard to their effectiveness and the achievement of objectives at both national and Community level, and, where appropriate, the necessary adjustments should be made;
- (29) Whereas this Decision lays down, for the entire duration of this programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽¹⁾, for the budgetary authority during the annual budgetary procedure;
- (30) Whereas this programme should run for five years in order to allow sufficient time for actions to be implemented to achieve the objectives set,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of the programme

1. A programme of Community action on health monitoring, hereinafter referred to as 'the programme', shall be adopted for the period 1 January 1997 to 31 December 2001 within the framework for action in the field of public health.
2. The objective of the programme shall be to contribute to the establishment of a Community health monitoring system which makes it possible to:
 - (a) measure health status, trends and determinants throughout the Community;
 - (b) facilitate the planning, monitoring and evaluation of Community programmes and actions; and
 - (c) provide Member States with appropriate health information to make comparisons and to support their national health policies;

by encouraging cooperation between Member States and, if necessary, by supporting their action through promoting coordination of their policies and programmes in this field and encouraging cooperation with non-member countries and the competent international organizations.

3. The actions to be implemented under the programme and their specific objectives are set out in Annex I under the following headings:

- A. Establishment of Community health indicators;
- B. Development of a Community-wide network for sharing health data;
- C. Analyses and reporting.

A non-exhaustive list of areas in which health indicators may be established is set out in Annex II.

Article 2

Implementation

1. The Commission shall ensure the implementation, in close cooperation with the Member States, of the actions set out in Annex I, in accordance with Article 5.
2. The Commission shall cooperate with the institutions and organizations which are active in the field of health monitoring.

Article 3

Budget

1. The financial framework for the implementation of the programme for the period referred to in Article 1 shall be ECU 13,8 million.
2. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 4

Consistency and complementarity

The Commission shall ensure that there is consistency and complementarity between actions to be implemented under the programme and the other relevant Community programmes and initiatives, both those in the context of public-health action and, in particular, the framework programme for statistical information, projects in the field of telematic interchange of data between administrations and the framework programme for research and technological development, in particular the telematics applications of the latter.

Article 5

Committee

1. The Commission shall be assisted by a committee consisting of two members designated by each Member State and chaired by a representative of the Commission.
2. The representative of the Commission shall submit to the committee a draft of the measures to be taken concerning:
 - (a) the committee's rules of procedure;
 - (b) an annual work programme indicating the priorities for action;

⁽¹⁾ OJ No C 102, 4. 4. 1996, p. 4.

- (c) the arrangements, criteria and procedures for selecting and financing projects under the programme, including those involving cooperation with international organizations competent in the field of public health and participation of the countries referred to in Article 6 (2);
- (d) the evaluation procedure;
- (e) the arrangements for dissemination and transfer of results;
- (f) the arrangements for cooperating with the institutions and organizations referred to in Article 2 (2);
- (g) the provisions applicable to reporting of the data, conversion thereof and other methods for making the data comparable in order to achieve the objective referred to in Article 1 (2);
- (h) the provisions for the definition and selection of indicators;
- (i) the provisions for the content specifications necessary for the setting up and operation of the networks.

The committee shall deliver its opinion on the draft measures referred to above within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall forthwith be communicated by the Commission to the Council. In that event:

- the Commission shall defer application of the measures which it has decided upon for a period of two months from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit laid down in the first indent.

3. In addition, the Commission may consult the committee on any other matter concerning the implementation of the programme.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its opinion recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

4. The representative of the Commission shall keep the committee regularly informed of:

- financial assistance granted under the programme (amount, duration, breakdown and beneficiaries),
- Commission proposals or Community initiatives and the implementation of programmes in other areas which are of direct relevance to achievement of the objectives of the programme, with a view to ensuring the consistency and complementarity referred to in Article 4.

Article 6

International cooperation

1. In the course of implementing the programme, cooperation with non-member countries and with international organizations competent in the field of public health, in particular the World Health Organization (WHO), the Organization for Economic Cooperation and Development (OECD) and the International Labour Organization (ILO), and with other organizations competent in the field of health monitoring shall be encouraged and implemented in accordance with the procedure laid down in Article 5.

2. The programme shall be open to participation by the associated countries of Central and Eastern Europe (ACCEE) in accordance with the conditions laid down in the Additional Protocols to the Association Agreements relating to participation in Community programmes, to be concluded with those countries. The programme shall be open to participation by Cyprus and Malta on the basis of additional appropriations in accordance with the same rules as those applied to the European Free Trade Association (EFTA) countries, in accordance with procedures to be agreed with those countries.

Article 7

Monitoring and evaluation

1. The Commission, taking into account the reports drawn up by the Member States and with the participation, where necessary, of independent experts, shall ensure that an evaluation is made of the actions undertaken.

2. The Commission shall submit to the European Parliament and the Council an interim report by 30 June 2000 and a final report on completion of the programme, and in any case not later than 30 June 2003. The Commission shall incorporate into these reports information on Community financing in the various fields of action and on complementarity with the other programmes and initiatives referred to in Article 4, as well as the results of the evaluation referred to in paragraph 1. It shall also send the reports to the Economic and Social Committee and the Committee of the Regions.

3. On the basis of the evaluations referred to in paragraph 1, the Commission may, if appropriate, make relevant proposals with a view to the continuation of the programme.

Done at Luxembourg, 30 June 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

A. NUIS

*ANNEX I***SPECIFIC OBJECTIVES AND ACTIONS****A. ESTABLISHMENT OF COMMUNITY HEALTH INDICATORS****Objective**

To establish comparable Community health indicators by means of a critical review of existing health data and indicators, by developing methodologies for obtaining comparable health data and indicators, and by developing appropriate methods for the collection of the progressively comparable health data needed to establish these indicators.

1. Identification, review and critical analysis of existing health indicators and data at European level and at Member State level, taking as a basis data validated by the Member States in order to determine their relevance, quality and coverage with regard to the establishment of Community health indicators.
2. Identification of a set of Community health indicators, including a subset of core indicators for the monitoring of Community programmes and actions in public health and a subset of background indicators for the monitoring of other Community policies, programmes and actions, for providing Member States with common measurements for making comparisons. A non-exhaustive list of the areas in which health indicators may be established is set out in Annex II.
3. Development of and support for the routine collection of health data to be made comparable by the drawing up of data dictionaries, the establishment of appropriate conversion methods and rules, and other methods to achieve the objective referred to in Article 1 (2).
4. Contributing to the collection of comparable data by supporting the preparation of surveys, including Community-wide surveys in support of the framing of Community policies, or drawing up agreed specimen modules or questionnaires for use in existing surveys.
5. Fostering cooperation with international organizations competent in the field of Community health data and indicators and fostering networks for the exchange of health data covering specific areas in public health, in order to enhance comparability of data.
6. Encouragement and support for the assessment of the feasibility and cost-effectiveness of compiling standardized health resource statistics with the aim of including them in the Community health monitoring system to be established.
7. Support for continuation of the feasibility study in progress into the possibility of establishing a permanent structure for the monitoring and evaluation of Community health data and indicators.

B. DEVELOPMENT OF A COMMUNITY-WIDE NETWORK FOR SHARING HEALTH DATA**Objective**

To enable the establishment of an effective and reliable system for the transfer and sharing of health data and indicators using telematic interchange of data as the principal means.

8. Encouragement and support for the establishment of a network for transferring and sharing health data, mainly using telematic interchanges and a system of distributed databases, in particular by the establishment of data specifications and of procedures with regard to access, retrieval, confidentiality and security for the different types of information to be included in the system.

C. ANALYSES AND REPORTING

Objective

To develop methods and tools necessary for analysis and reporting and to support analyses and reporting on health status, trends and determinants and on the effect of policies on health.

9. Encouragement and support for the development of capacity for analyses by enhancing existing capabilities and for feasibility studies for possible new structures, comparative and predictive methodologies and tools, the testing of hypotheses and models and the evaluation of health scenarios and outcomes.
 10. Support for the analysis of the impact of Community actions and programmes in the field of public health, and for drawing up and disseminating reports evaluating that impact.
 11. Support for the preparation, drafting and dissemination of reports, analyses and other information in order to help to make comparisons on the subject of health status and trends, health determinants, and the effect of policies on health.
-

*ANNEX II***NON-EXHAUSTIVE LIST OF AREAS IN WHICH HEALTH INDICATORS MAY BE ESTABLISHED****A. Health status**

1. Life expectancy:
 - life expectancy at certain ages,
 - health expectancies.
2. Mortality:
 - overall,
 - causes of death,
 - disease-specific survival rates.
3. Morbidity:
 - disease-specific morbidity,
 - co-morbidity.
4. Functioning and quality of life:
 - self-perceived health,
 - physical disability,
 - activity limitations,
 - functional status/ability,
 - health-related work loss,
 - mental health.
5. Anthropometric characteristics.

B. Life style and health habits

1. Tobacco consumption
2. Alcohol consumption
3. Illegal drug consumption
4. Physical activities
5. Diet
6. Sex life
7. Other

C. Living and working conditions

1. Employment/unemployment:
 - occupation.
2. Work environment:
 - accidents,
 - exposure to carcinogenic and other dangerous substances,
 - occupational diseases.
3. Housing conditions.
4. Home and leisure activities:
 - accidents at home,
 - leisure.
5. Transport:
 - car accidents.
6. External environment:
 - air pollution,
 - water pollution,
 - other types of pollution,
 - radiation,
 - exposure to carcinogenic and other dangerous substances outside the work environment.

D. Health protection

1. Sources of financing.
2. Facilities/manpower:
 - health resource utilization,
 - health care personnel.
3. Cost/expenditure:
 - in-patient care,
 - out-patient care,
 - pharmaceutical products.
4. Consumption/uses:
 - in-patient care,
 - out-patient care,
 - pharmaceutical products.
5. Health promotion and disease prevention.

E. Demographic and social factors

1. Gender
2. Age
3. Marital status
4. Region of residence
5. Education
6. Income
7. Population subgroups
8. Health insurance status

F. Miscellaneous

1. Product safety
 2. Others
-

Commission declarations

When carrying out the next Community Statistical Programme (1998 to 2002) the Commission shall ensure that appropriate attention is given to the development of statistics in the area of health monitoring with a view to strengthening this programme.

Article 5 (4)

The Commission undertakes to give Parliament each year the same information on the decisions taken.

Parliament declaration

Parliament takes note of the Commission declaration and commits itself to supporting that action during the budgetary procedure.

COMMISSION DECISION No 1401/97/ECSC

of 7 July 1997

on administering certain restrictions on imports of certain steel products from Ukraine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community and in particular the first paragraph of Article 95 thereof,

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

Whereas for the years 1995, 1996 and the first six months of 1997 trade in certain products covered by the Treaty establishing the European Coal and Steel Treaty was the subject of agreements between the Parties⁽¹⁾; and whereas the Community has concluded a further agreement with Ukraine concerning trade in certain steel products covered by the European Coal and Steel Community Treaty which take account of developments in the relationship between the Parties⁽²⁾;

Whereas this agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products between 1997 to 2001 and provides a framework for the removal of quantitative restrictions provided that certain conditions are met and in particular when equivalent disciplines in respect of competition, public aid and environmental protection have been established in respect of the steel products covered by the Agreement;

Whereas it is necessary to provide the means to administer this agreement within the Community, taking into account the experience gained during the previous agreement by the application of Commission Decision No 3/96/ECSC⁽³⁾, as amended for the period 1 January to 30 June 1997 by Decision No 2510/96/ECSC⁽⁴⁾ (Ukraine);

Whereas 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;

Whereas the effective application of the agreement requires the introduction of a requirement of a Community import licence for the entry into free circulation in the Community of the products in question together with a

system for administering the grant of such Community import licences;

Whereas 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; whereas, 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 will not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question;

Whereas the agreement provides for a system of cooperation between Ukraine and the Community with the aim of preventing circumvention by means of transshipment, rerouting or other means; whereas a consultation procedure is established under which an agreement can be reached with the country concerned on an equivalent adjustment to the relevant quantitative limit when it appears that the agreement has been circumvented; whereas Ukraine also agreed to take the necessary measures to ensure that any adjustments could be rapidly applied; whereas, in the absence of agreement with a supplier country within the time limit provided, the Community may, where clear evidence of circumvention is provided, apply the equivalent adjustment;

Whereas it is necessary, in order to ensure an effective application of the Community licensing system and to ensure coherence and continuity that export licences and import authorisations issued during the period 1 January to 30 June 1997 should be counted against the limits established for 1997 in this Decision,

HAS ADOPTED THIS DECISION:

*Article 1***Scope**

1. This Decision applies to imports of the steel products listed in Annex I, originating in Ukraine.
2. For the purposes of paragraph 1, the steel products shall be classified in product groups as set out in Annex I.

⁽¹⁾ OJ No L 5, 8. 1. 1996, p. 47 and OJ No L 345, 31. 12. 1996, p. 88.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ OJ No L 5, 8. 1. 1996, p. 1.

⁽⁴⁾ OJ No L 345, 31. 12. 1996, p. 19.

3. The classification of products listed in Annex I shall be based on the combined nomenclature (CN). The procedures for the application of this paragraph are laid down in part I of Annex II.

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

5. The procedures for verification of the origin of the products referred to in paragraph 1 are laid down in Annexes II and III and in the relevant Community legislation in force.

Article 2

Quantitative limits

1. The importation into the Community of the steel products listed in Annex I originating in Ukraine shall be subject to the annual quantitative limits laid down in Annex IV. 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 an import authorization issued by the Member States' authorities in accordance with the provisions of Article 4.

The authorized imports shall be counted against the quantitative limits laid down for the year in which the products are shipped in the exporting country.

2. In order to ensure that quantities for which import authorizations are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities shall issue import authorizations 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. Imports of products after 1 January 1997, for which an export licence was required pursuant to Commission Decision No 2510/96/ECSC, shall be counted against the relevant limits for 1997 laid down in Annex IV.

4. For the purposes of this Decision, 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

Suspensive arrangements

1. The quantitative limits referred to in Annex IV 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 IV.

Article 4

Specific rules for the administration of Community quantitative limits

1. For the purpose of applying Article 2 (2), the competent authorities of the Member States, before issuing import authorizations, shall notify the Commission of the amounts of the requests for import authorizations, supported by original export licences, which they have received. By return, the Commission shall notify its confirmation that the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States have been 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 group 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. The notifications referred to in paragraphs 1 and 2 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.

4. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each product group of products. Moreover, the Commission shall contact the Ukrainian authorities immediately in cases where requests notified exceed the limits in order to seek clarification and a rapid solution.

5. 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 authorization. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

6. The import authorizations or equivalent documents shall be issued in accordance with Annex II.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import authorizations 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 shipment of products took place.

8. The Commission may, in accordance with the procedure laid down in Article 7, take any measure necessary to implement the provisions of this Article.

Article 5

Statistics

1. In respect of the steel products listed in Annex I, Member States shall notify the Commission monthly, within one month of the end of each month, of the total quantities that have entered into free circulation during that month, indicating the combined nomenclature code and using the statistical units and, where appropriate, supplementary units used in that code. Imports shall be broken down in accordance with the statistical procedures in force.

2. In order to enable market trends in the products covered by this Decision to be monitored, Member States shall communicate to the Commission, before 31 March each year, statistical data on the imports of the preceding year.

Article 6

Circumvention

1. Where, following the enquiries carried out in accordance with the procedures set out in Annex III, the Commission notes that the information in its possession constitutes proof that products listed in Annex I originating in Ukraine have been transhipped, rerouted or otherwise imported into the Community through circumvention of such quantitative limits 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 an equivalent adjustment of the corresponding quantitative limits.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask Ukraine concerned to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out for the year in which the request for consultations was lodged or for the following year, if the quantitative limits for the current year are exhausted, where there is clear evidence of circumvention.

3. If the Community and Ukraine fail to arrive at a satisfactory solution and if the Commission notes that there is clear evidence of circumvention, it shall, in accordance with the procedure laid down in Article 7, deduct from the quantitative limits an equivalent volume of products originating in Ukraine.

Article 7

Committee

1. In the implementation of this Decision the Commission shall be assisted by a Committee composed of representatives of the Member States and chaired by a representative of the Commission.

2. Where reference is made to the procedure laid down in this Article, the Chairman shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its unanimous assent on the draft measures within a period which may be fixed by the chairman in accordance with the degree of urgency of the matter.

The Commission shall adopt the measures proposed where they are in conformity with the Committee's opinion.

Where the measures proposed are not in conformity with the Committee's opinion, or where no opinion has been given, the Commission shall present them to the Council, without delay. Should the Council fail to deliver its unanimous assent within one month of the date on which the proposal was laid before it, the Commission shall adopt the proposed measures.

3. The chairman may, on his own initiative or at the request of one of the Member States' representatives, request that the Committee consider any other matter relating to the operation or application of this Decision.

Article 8

Final provisions

Amendments to the Annexes which may be necessary to take into account the conclusion, amendment or expiry of agreements with Ukraine, adjustments to the quantitative limits made in accordance with the provisions contained in Article 2 (5) or Article 3 (4) of the ECSC steel agreement with Ukraine, or amendments made to Community rules on statistics, customs arrangements or common rules for imports, shall be adopted in accordance with the procedure laid down in Article 7.

Article 9

This Decision shall not constitute in any way a derogation from the provisions of the bilateral agreements on trade in certain steel products which the Community has concluded with Ukraine and which, in all cases of conflict, shall prevail.

Article 10

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

This Decision shall apply from 1 July 1997.

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

Done at Brussels, 7 July 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

UKRAINE

A. Flat-rolled products	7209 17 90	7219 34 10	7214 91 10
	7209 18 10	7219 34 90	7214 91 90
	7209 18 91	7219 35 10	7214 99 10
1. Coils	7209 18 99	7219 35 90	7214 99 31
	7209 25 00		7214 99 39
7208 10 00	7209 26 10	7225 40 80	7214 99 50
7208 25 00	7209 26 90		7214 99 61
7208 26 00	7209 27 10	B. Longs	7214 99 69
7208 27 00	7209 27 90		7214 99 80
7208 36 00	7209 28 10	1. Beams	7214 99 90
7208 37 10	7209 28 90		
7208 37 90	7209 90 10	7207 19 31	7215 90 10
7208 38 10		7207 20 71	
7208 38 90	7210 11 10		7216 10 00
7208 39 10	7210 12 11	7216 31 11	7216 21 00
7208 39 90	7210 12 19	7216 31 19	7216 22 00
	7210 20 10	7216 31 91	7216 40 10
7211 14 10	7210 30 10	7216 31 99	7216 40 90
7211 19 20	7210 41 10	7216 32 11	7216 50 10
	7210 49 10	7216 32 19	7216 50 91
7219 11 00	7210 50 10	7216 32 91	7216 50 99
7219 12 10	7210 61 10	7216 32 99	7216 99 10
7219 12 90	7210 69 10	7216 33 10	
7219 13 10	7210 70 31	7216 33 90	7218 99 20
7219 13 90	7210 70 39		
7219 14 10	7210 90 31		7222 11 11
7219 14 90	7210 90 33	2. Wire rod	7222 11 19
	7210 90 38		7222 11 21
7225 19 10		7213 10 00	7222 11 29
7225 20 20		7213 20 00	7222 11 91
7225 30 00	7211 14 90	7213 91 10	7222 11 99
	7211 19 90	7213 91 20	7222 19 10
2. Heavy plate	7211 23 10	7213 91 41	7222 19 90
	7211 23 51	7213 91 49	7222 30 10
7208 40 10	7211 29 20	7213 91 70	7222 40 10
7208 51 10	7211 90 11	7213 91 90	7222 40 30
7208 51 30		7213 99 10	
7208 51 50	7212 10 10	7213 99 90	7224 90 31
7208 51 91	7212 10 91		7224 90 39
7208 51 99	7212 20 11	7221 00 10	
7208 52 10	7212 30 11	7221 00 90	7228 10 10
7208 52 91	7212 40 10		7228 10 30
7208 52 99	7212 40 91	7227 10 00	7228 20 11
7208 53 10	7212 50 31	7227 20 00	7228 20 19
	7212 50 51	7227 90 10	7228 20 30
7211 13 00	7212 60 11	7227 90 50	7228 30 20
	7212 60 91	7227 90 95	7228 30 41
3. Other flat-rolled products	7219 21 10		7228 30 49
	7219 21 90	3. Other longs	7228 30 61
7208 40 90	7219 22 10		7228 30 69
7208 53 90	7219 22 90	7207 19 11	7228 30 70
7208 54 10	7219 23 00	7207 19 14	7228 30 89
7208 54 90	7219 24 00	7207 19 16	7228 60 10
7208 90 10	7219 31 00	7207 20 51	7228 70 10
	7219 32 10	7207 20 55	7228 70 31
7209 15 00	7219 32 90	7207 20 57	7228 80 10
7209 16 10	7219 33 10		7228 80 90
7209 16 90	7219 33 90	7214 20 00	
7209 17 10		7214 30 00	7301 10 00

ANNEX II

PART I

CLASSIFICATION

Article 1

The classification of the steel products covered by the Decision is based on the combined nomenclature (CN).

Article 2

On the initiative of the Commission or of a Member State, the tariff and statistical nomenclature section of the Customs Code Committee, which was established by Council Regulation (EEC) No 2658/87⁽¹⁾, as amended by Article 252 of Council Regulation (EEC) No 2913/92⁽²⁾, will examine urgently, in accordance with the provisions of the aforementioned Regulations, all questions concerning the classification of products covered by this Decision within the combined nomenclature in order to classify them in the appropriate product groups.

Article 3

The Commission shall inform Ukraine of any changes in the combined nomenclature (CN) affecting products covered by this Decision on their adoption by the competent authorities of the Community.

Article 4

The Commission shall inform the competent Ukrainian authorities of any decisions adopted in accordance with the procedures in force in the Community relating to classification of products covered by this Decision, within one month at the latest of their adoption. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant product group, and the combined nomenclature code (CN code);
- (c) the reasons which have led to the decision.

Article 5

1. Where a classification decision adopted in accordance with Community procedures in force results in a change of classification practice or a change in the product group of any product covered by this Decision, the competent authorities of the Member States shall provide 30 days' notice, from the date of the Commission's notification, before the decision is put into effect.

2. Products shipped before the date of application of the decision shall remain subject to earlier classification practice, provided that the goods in question are entered to importation within 60 days of that date.

Article 6

Where a classification decision adopted in accordance with the Community procedures in force referred to in Article 5 of this

Annex involves a product group subject to a quantitative limit, the Commission shall, where necessary, initiate consultations without delay in accordance with Article 9 of this Decision, in order to reach agreement on any necessary adjustments to the corresponding quantitative limits provided for in Annex IV.

Article 7

1. Without prejudice to any other provision on this subject, where the classification indicated in the documentation necessary for importation of the products covered by this Decision differs from the classification determined by the competent authorities of the Member State into which they are to be imported, the goods in question shall be provisionally subject to the import arrangements which, in accordance with the provisions of this Decision, are applicable to them on the basis of the classification determined by the aforementioned authorities.

2. The competent authorities of the Member States shall inform the Commission of the cases referred to in paragraph 1, indicating in particular:

- the quantities of products involved,
- the product group shown on the import documentation and that retained by the competent authorities,
- the number of the export licence and the category shown.

3. The competent authorities of the Member States shall not issue a new import authorization for steel products subject to a Community quantitative limit laid down in Annex IV following re-classification until they have obtained confirmation from the Commission that the amounts to be imported are available in accordance with the procedure laid down in Article 4 of the Decision.

4. The Commission shall notify the exporting countries concerned of the cases referred to in this Article.

Article 8

In the cases referred to in Article 7, as well as in those cases of a similar nature raised by the competent Ukrainian authorities, the Commission, if necessary, shall enter into consultations with Ukraine, in order to reach agreement on the classification definitively applicable to the products involved in the divergence.

Article 9

The Commission, in agreement with the competent authorities of the importing Member State or States and of Ukraine, may, in the cases referred to in Article 8, determine the classification definitively applicable to the products involved in the divergence.

Article 10

When a case of divergence referred to in Article 7 cannot be resolved in accordance with Article 9, the Commission shall adopt, in accordance with the provisions of Article 10 of Regulation (EEC) No 2658/87, a measure establishing the classification of the goods in the Combined Nomenclature.

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 302, 19. 10. 1992, p. 1.

PART II

DOUBLE-CHECKING SYSTEM

(for administering quantitative limits)

Article 11

1. The competent Ukrainian authorities shall issue an export licence in respect of all consignments of steel products subject to the quantitative limits laid down in Annex IV 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 authorization referred to in Article 14.

Article 12

1. The export licence for quantitative limits shall conform to the specimen set out in Appendix I of this Annex 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 13

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 (5) of the Decision.

Article 14

1. To the extent that the Commission pursuant to Article 4 of the Decision 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 authorization 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 authorizations 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 of the Decision, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import authorizations 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 two months. Such extensions shall be notified to the Commission. In exceptional circumstances, an importer may request a second period of extension. These exceptional requests may be granted only by a decision taken in accordance with the procedure laid down in Article 7 of the Decision.

3. Import authorizations shall be drawn up in the form set out in Appendix 2 of this Annex 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 authorization 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 CN code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity in the appropriate unit as indicated in Annex IV of the Decision for the products in question;
- (g) the net weight by CN heading;
- (h) the cif value of the products at Community frontier by CN heading (as indicated in box 13 of the export licence);
- (i) whether the products concerned are seconds or of sub-standard 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 authorization in a single consignment.

Article 15

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

Article 16

Import authorizations or equivalent documents shall be issued by the competent authorities of the Member States in conformity 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 current rules.

Article 17

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

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

PART III

Article 20

COMMON PROVISIONS

Article 18

1. The export licence referred to in Article 11 of this Annex and the certificate of origin (specimen attached) may include additional copies duly indicated as such. They shall be made out in English.

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

3. The export licences or equivalent documents and certificates of origin 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 Decision.

5. Each export licence or equivalent document and the certificate of origin 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

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 quota year corresponding to the last figure in the year in question, e.g. '7' for 1997,

— 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 19

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases they shall bear the endorsement 'issued retrospectively'.

In the event of the theft, loss or destruction of an export licence or a certificate of origin, 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 or certificate issued in this way shall bear the endorsement 'duplicate'.

The duplicate shall bear the date of the original licence or certificate.

PART IV

COMMUNITY IMPORT LICENCE — COMMON FORM

Article 21

1. The forms to be used by the competent authorities of the Member States (list attached to this Annex) for issuing the import authorizations referred to in Article 14 shall conform to the specimen of the import licence set out in Appendix 2 to this Annex.

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 (e.g. ECU 1 000).

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.

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

Specimen of certificate of origin referred to in Article 18 (1)

1 Exporter (name, full address, country)	ORIGINAL		2 No	
	3 Year		4 Product group	
5 Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC 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.

EUROPEAN COMMUNITY

IMPORT LICENCE

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Quota period
			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. CN 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.			

EUROPEAN COMMUNITY

IMPORT LICENCE

2	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Quota period
		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. CN 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.			
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2.			
1.			
2.			
1.			
2.			

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
LISTA ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

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UNITED KINGDOM

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Fax: (44) 1642 533 557

ANNEX III

ADMINISTRATIVE COOPERATION

Article 1

The Commission shall supply the Member States' authorities with the names and addresses of authorities in Ukraine competent to issue certificates of origin and export licences together with specimens of the stamps used by these authorities.

Article 2

For the steel products subject to a double-checking system Member States shall notify the Commission within the first ten days of each month of the total quantities, in the appropriate units and by country of origin and group of products, for which import authorizations have been issued during the preceding month.

Article 3

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or whenever the competent authorities of the Community have reasonable doubt as to the authenticity of the certificate of origin or export licence or as to the accuracy of the information regarding the true origin of the products in question.

In such cases the competent authorities of the Community shall return the certificate of origin or the export licence or a copy thereof to the competent Ukrainian governmental authority, giving, where appropriate, the reasons of form or substance for an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate of origin or export licence or copy thereof. The competent authorities shall also forward any information that has been offered suggesting that the particulars given on the said certificate or the said licence are inaccurate.

2. The provisions of paragraph 1 shall also apply to subsequent verifications of declarations of origin.

3. The results of the subsequent verifications carried out in accordance with paragraph 1 shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration applies to the goods actually exported and whether the goods are eligible for export to the Community under this Decision. The competent authorities of the Community may also request copies of all documentation necessary to determine the facts fully, including, in particular, the origin of the goods⁽¹⁾.

4. Should such verifications reveal abuse or major irregularities in the use of declarations of origin, the Member State concerned

shall inform the Commission of this fact. The Commission shall pass the information on to the other Member States.

At the request of a Member State or on the initiative of the Commission, the Customs Code Committee shall, as soon as possible and in accordance with the procedure specified in Article 249 of Council Regulation (EEC) No 2913/92⁽²⁾, examine whether it is desirable to require the production of a certificate of origin in respect of the products and the exporting country concerned.

The decision shall be taken in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68⁽³⁾.

5. Random recourse to the procedure specified in this Article shall not constitute an obstacle to the release for free circulation of the products in question.

Article 4

1. Where the verification procedure referred to in Article 2 or where information available to the competent authorities of the Community indicates that the provisions of this Decision are being contravened, the said authorities shall request Ukraine to carry out appropriate enquiries or arrange for such enquiries to be carried out concerning operations which are or appear to be in contravention of the provisions of this Decision. The results of these enquiries shall be communicated to the competent authorities of the Community together with any other pertinent information enabling the true origin of the goods to be determined.

2. In pursuance of the action taken under the terms of this Annex, the competent authorities of the Community may exchange any information with the competent governmental authorities of Ukraine which is considered to be of use in preventing the contravention of the provisions of this Decision.

3. Where it is established that the provisions of this Decision have been contravened, the Commission, acting in accordance with the procedure laid down in Article 7 of the Decision, may take, with the agreement of Ukraine, such measures as are necessary to prevent recurrence of such contravention.

Article 5

The Commission shall coordinate the action undertaken by the competent authorities of the Member States under the provisions of this Annex. The competent authorities of the Member States shall inform the Commission and the other Member States of action which they have undertaken and the results obtained.

⁽¹⁾ For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept for at least two years by the competent governmental authority in each exporting country.

⁽²⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 1.

ANNEX IV

QUANTITATIVE LIMITS

Ukraine

Products	1997	1998	1999	2000	2001
<i>A. Flat products</i>					
1. Coils	29 762	31 250	32 032	32 832	33 653
2. Heavy plate	102 707	107 843	110 539	113 302	116 135
3. Other flat products	13 462	14 135	14 488	14 850	15 222
<i>B. Long products</i>					
1. Beams	8 359	8 777	8 996	9 221	9 452
2. Wire rod	22 000	23 100	23 677	24 269	24 876
3. Other long products	56 864	59 707	61 200	62 730	64 298

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 July 1997

exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93

(Text with EEA relevance)

(97/447/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

duty imposed by Council Regulation (EEC) No 2474/93⁽⁴⁾, and in particular Articles 7 and 11 thereof,

Having regard to the Treaty establishing the European Community,

After consulting the Advisory Committee,

Whereas:

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⁾, as amended by Regulation (EC) No 2331/96⁽²⁾,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered pursuant to Regulation (EC) No 703/96⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorization of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping

A. PENDING REQUESTS PURSUANT TO ARTICLE 11 OF REGULATION (EC) No 88/97

- (1) When Regulation (EC) No 71/97 entered into force, the Commission had pending a number of applications pursuant to Article 13 (4) of Regulation (EC) No 384/96 from bicycle assemblers, seeking exemption from the extension to imports of certain bicycle parts from the People's Republic of China by Council Regulation (EC) No 71/97 (hereinafter referred to as 'the extended anti-dumping duty') of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of China by Regulation (EEC) No 2474/93⁽⁴⁾. Annex I to Regulation (EC) No 88/97 listed the parties whose requests were considered admissible pursuant to Article 11 thereof.
- (2) The Commission requested and received the necessary information from those parties and verified it where necessary at the premises of the parties concerned. The examination of the merits of the

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 16, 18. 1. 1997, p. 55.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 17.

⁽⁵⁾ OJ No L 228, 9. 9. 1993, p. 1.

requests in the light of Article 13 (2) of Regulation (EC) No 384/96 showed that, for all of these parties, the value of the bicycle parts originating in the People's Republic of China used in their assembly operations was lower than 60 % of the total value of parts used. The examination also showed that for some parties the value added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.

concerned do not fall within the scope of Article 13 (2) of Regulation (EC) No 384/96. That is so because, for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations, while for some applicants the value added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.

(3) In view of these findings, pursuant to Article 7 (1) of Regulation (EC) No 88/97, the parties listed in Annex A to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.

(8) For the above reasons, and in accordance with Article 7 (1) of Regulation (EC) No 88/97, the parties listed in Annex B to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.

(4) In accordance with Article 11 (4) of Regulation (EC) No 88/97, the parties listed in Annex A to this Decision should be exempted from the extended anti-dumping duty as from 20 April 1996 and the parties' customs debt in respect of the extended anti-dumping duty shall be considered void as from that date.

(9) In accordance with Article 7 (2) of Regulation (EC) No 88/97 the parties listed in Annex B to this Decision should be exempted from the extended anti-dumping duty as from the date of receipt of their request and the parties' customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.

B. REQUESTS PURSUANT TO ARTICLE 3 OF REGULATION (EC) No 88/97

(5) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the extended anti-dumping duty. The Commission published in the *Official Journal of the European Communities* a list of applicants⁽¹⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5 (1) of that Regulation.

(10) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the 'C' series of the *Official Journal of the European Communities* in accordance with Article 16 (2) of that Regulation,

HAS ADOPTED THIS DECISION:

(6) The Commission requested and received the necessary information from the parties listed in Annex B to this Decision and found their requests admissible according to Article 4 (1) of Regulation (EC) No 88/97. The parties were duly informed of the admissibility of their requests. The information provided was examined and verified where necessary at the premises of the parties concerned.

Article 1

The parties listed respectively in Annex A and in Annex B to this Decision are hereby exempted from the extension under Regulation (EC) No 71/97, of the definitive anti-dumping duty imposed by Regulation (EC) No 2474/93 on bicycles originating in the People's Republic of China, to imports of certain bicycle parts from the People's Republic of China.

(7) The facts as finally ascertained by the Commission show that the assembly operations of the applicants

The exemption shall have effect as from 20 April 1996 for the parties listed in Annex A and as from the date shown in the column 'Date of effect' for the parties listed in Annex B.

⁽¹⁾ OJ No C 45, 13. 2. 1997, p. 3, and OJ No C 112, 10. 4. 1997, p. 9.

Article 2

This Decision is addressed to the Member States and to the parties listed in Annex A and in Annex B.

Done at Brussels, 16 July 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX A

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Dangre Cycles	F-59583 Marly	France	Article 11	20. 4. 1996	8963
Derby Cyclewerke GmbH	D-49661 Cloppenburg	Germany	Article 11	20. 4. 1996	8963
Engelbert Meyer GmbH	D-49692 Sevelten	Germany	Article 11	20. 4. 1996	8963
Fa. Alfred Fischer	D-76229 Karlsruhe	Germany	Article 11	20. 4. 1996	8963
Kynast AG	D-49692 Quakenbrück	Germany	Article 11	20. 4. 1996	8963
Monark Crescent	S-432 82 Varberg	Sweden	Article 11	20. 4. 1996	8963
Muddy Fox	UK-UB6 7RH Middlesex	United Kingdom	Article 11	20. 4. 1996	8963
Pantherwerke	D-37537 Bad Wildungen	Germany	Article 11	20. 4. 1996	8963
PRO-FIT Sportartikel	D-74076 Heilbronn	Germany	Article 11	20. 4. 1996	8963
Prophete GmbH	D-33378 Rheda-Wiedenbrück	Germany	Article 11	20. 4. 1996	8963
Quantum Cycles	F-59770 Marly	France	Article 11	20. 4. 1996	8963
TNT Cycles	E-17180 Vilablareix (Girona)	Spain	Article 11	20. 4. 1996	8963

Interested parties are advised that, following this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination will be published in the C series of the *Official Journal of the European Communities* in accordance with Article 16 (2) of that Regulation.

ANNEX B

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Biria GmbH	D-68535 Edingen	Germany	Article 7	22. 1. 1997	8062
Brennabor Fahrräder Bernard Fischer GmbH	D-32105 Bad Salzuflen	Germany	Article 7	22. 1. 1997	8062
Nikos Maniopoulos SA	G-265 00 Ag Vassilios-Patras	Greece	Article 7	22. 1. 1997	8062
Saracen Cycles Ltd	UK-CV34 6TS Warwick	United Kingdom	Article 7	22. 1. 1997	8062
Sprick Fahrräder GmbH	D-59302 Oelde Stromberg	Germany	Article 7	22. 1. 1997	8062
Vaterland Werk	D-58805 Neuenrade	Germany	Article 7	23. 1. 1997	8063
Professional Cycle Manufacturing	UK-B64 5AL Cradley Heath	United Kingdom	Article 7	24. 1. 1997	8064
Esmaltina	P-3782 Sangalhos Codex	Portugal	Article 7	27. 1. 1997	8065
Intercycles SA	F-85000 La Roche sur Yon	France	Article 7	27. 1. 1997	8065
Cicli Cinzia SRL	I-40060 Osteria Grande — (BO)	Italy	Article 7	28. 1. 1997	8066
Enik GmbH	D-57473 Wenden	Germany	Article 7	28. 1. 1997	8066
Lapierre SA	F-21005 Dijon Cedex	France	Article 7	29. 1. 1997	8067
Flli Masciaghi SRL	I-20060 Basiano	Italy	Article 7	29. 1. 1997	8067
MBM SRL	I-47023 Cesena	Italy	Article 7	29. 1. 1997	8067
Rizzato & C (Cesare Rizzato)	I-35131 Padova	Italy	Article 7	29. 1. 1997	8067
Esperia SpA	I-35028 Piove di Sacco	Italy	Article 7	30. 1. 1997	8068
KTM Fahrrad GmbH	A-5230 Mattighofen	Austria	Article 7	30. 1. 1997	8068
Montana SRL	I-12060 Magliano ALPI	Italy	Article 7	30. 1. 1997	8068
Peripoli SpA	I-36075 Montecchio Maggiore (VI)	Italy	Article 7	30. 1. 1997	8068
Cycles Messina	F-57280 Semecourt	France	Article 7	31. 1. 1997	8069
Manufacture Viennoise de Cycles	F-38780 Estrablin	France	Article 7	31. 1. 1997	8069
Orbea S. Coop Ltda	E-48269 Mallabia	Spain	Article 7	31. 1. 1997	8069
Girardengo SRL	I-15065 Frugarolo AL	Italy	Article 7	3. 2. 1997	8070
Lombardo Gaspare	I-91012 Buseto Palizzolo (TP)	Italy	Article 7	6. 2. 1997	8071
Yakari SRL	I-25028 Verolanuova	Italy	Article 7	6. 2. 1997	8071
Sprint SpA	I-75045 Castegnato (BS)	Italy	Article 7	7. 2. 1997	8072
Vicini Mario e Figli SNC	I-47023 Cesena (Forli)	Italy	Article 7	7. 2. 1997	8072
Van den Bergh NV	B-9100 Sint-Niklaas	Belgium	Article 7	11. 2. 1997	8073
Cicli Casadei SNC	I-S. Giuseppe di Comacchio (FE)	Italy	Article 7	12. 2. 1997	8074
Alpina SRL	I-47039 Savignano sul Rubicone	Italy	Article 7	13. 2. 1997	8075

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
Sparta Rijwielen-en Motorfabriek BV	NL-7300 AA Apeldoorn	The Netherlands	Article 7	16. 2. 1997	8076
Cicli Bimm SRL	I-50045 Montemurlo (PO)	Italy	Article 7	18. 2. 1997	8077
Vern Special SRL	I-20020 Lainate (MI)	Italy	Article 7	18. 2. 1997	8077
Baronia-Fahrrad GmbH	D-32369 Rahden	Germany	Article 7	19. 2. 1997	8078
Jan Janssen Fietsen v.o.f	NL-46341 SR Hoogerheide	The Netherlands	Article 7	19. 2. 1997	8078
MGI (nv Marcel Geurts Industry)	B-3630 Maasmechelen	Belgium	Article 7	19. 2. 1997	8078
FIV Edoardo Bianchi SpA	I-24047 Treviglio (BG)	Italy	Article 7	20. 2. 1997	8079
Reparto Corse Bianchi SRL	I-24047 Treviglio (BG)	Italy	Article 7	20. 2. 1997	8079
Denver SRL	I-12020 Cervasca (CN)	Italy	Article 7	28. 2. 1997	8088
Savoie	F-01470 Serrieres de Briord	France	Article 7	5. 3. 1997	8080
Scout SNC	I-20020 Grancia di Lainate (MI)	Italy	Article 7	6. 3. 1997	8081
Órbita-Bicicletas Portuguesa, Lda	P-3751 Águeda Codex	Portugal	Article 7	12. 3. 1997	8082
Éts René Valdenaire SA	F-88204 Remiremont Cedex	France	Article 7	13. 3. 1997	8083
Schiano SRL	I-80020 Frattaminore (Na)	Italy	Article 7	14. 3. 1997	8084
ADD SA	E-28820 Madrid	Spain	Article 7	3. 4. 1997	8085
Birrodas Lda	P-3780 Anadia	Portugal	Article 7	3. 4. 1997	8085
Decathlon Italia SRL	I-20124 Milano	Italy	Article 7	3. 4. 1997	8085
ASWEL	I-12025 Dronero (Cuneo)	Italy	Article 7	4. 4. 1997	8086

Interested parties are advised that, following this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination will be published in the C series of the *Official Journal of the European Communities* in accordance with Article 16 (2) of that Regulation.