Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (codification)

CHAPTER IV

SURVEILLANCE

Article 10

1 Where the trend in imports of a product originating in a third country covered by this Regulation threatens to cause injury to Union producers, and where the interests of the Union so require, import of that product may be subject, as appropriate, to:

a retrospective Union surveillance carried out in accordance with the provisions laid down in the decision referred to in paragraph 2;

b prior Union surveillance carried out in accordance with Article 11.

2 The decision to impose surveillance shall be taken by the Commission by means of implementing acts in accordance with the advisory procedure referred to in Article 3(2).

3 The surveillance measures shall have a limited period of validity. Unless otherwise provided, they shall cease to be valid at the end of the second 6-month period following the 6 months in which the measures were introduced.

Article 11

1 Products under prior Union surveillance may be put into free circulation only on production of a surveillance document. Such document shall be issued by the competent authority designated by Member States, free of charge, for any quantity requested and within a maximum of 5 working days of receipt by the national competent authority of an application by any Union importer, regardless of his place of business in the Union. This application shall be deemed to have been received by the national competent authority no later than 3 working days after submission, unless it is proved otherwise.

2 The surveillance document shall be made out on a form corresponding to the model in Annex I.

Except where the decision to impose surveillance provides otherwise, the importer's application for surveillance documents shall contain only the following:

a the full name and address of the applicant (including telephone and fax numbers and any number identifying the applicant to the competent national authority), plus the applicant's VAT registration number if he is liable for VAT;

b where appropriate, the full name and address of the declarant or of any representative appointed by the applicant (including telephone and fax numbers);

c a description of the goods giving their:

— trade name,

— combined nomenclature code,

— place of origin and place of consignment;

d the quantity declared, in kilograms and, where appropriate, any other additional unit (pairs, items, etc.);

e the value of the goods, cif at Union frontier, in euro;

f the following statement, dated and signed by the applicant, with the applicant's name spelt out in capital letters:

I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Union.

3 The surveillance document shall be valid throughout the Union, regardless of the Member State of issue.

4 A finding that the unit price at which the transaction is effected exceeds that indicated in the surveillance document by less than 5 % or that the total value or quantity of the products presented for import exceeds the value or quantity given in the surveillance document by less than 5 % shall not preclude the release for free circulation of the product in question. The Commission, having heard the opinions expressed in the Committee and taking account of the nature of the products and other special features of the transactions concerned, may fix a different percentage, which, however, should not normally exceed 10 %.

5 Surveillance documents may be used only for such time as arrangements for liberalisation of imports remain in force in respect of the transactions concerned. Such surveillance documents may not in any event be used beyond the expiry of a period which shall be laid down at the same time and by means of the same procedure as the imposition of surveillance, and shall take account of the nature of the products and other special features of the transactions.

6 Where the decision taken pursuant to Article 10 so requires, the origin of products under Union surveillance must be proved by a certificate of origin. This paragraph shall not affect other provisions concerning the production of any such certificate.

7 Where the product under prior Union surveillance is subject to regional safeguard measures in a Member State, the import authorisation granted by that Member State may replace the surveillance document.

8 Surveillance document 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 competent authority’ and bearing the number 2, to be kept by the authority issuing the document. For administrative purposes the competent authority may add supplementary copies to form 2.

9 Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 g and 65 g per square metre. Their size shall be 210 mm × 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 surveillance document itself, shall in addition have a yellow printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

10 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 indication of the printer's name and address or a mark enabling the printer to be identified.

Article 12

Where the import of a product has not been made subject to prior Union surveillance, the Commission, in accordance with Article 17, may introduce surveillance confined

to imports into one or more regions of the Union. The Commission shall provide information to the Member States once it decides to introduce surveillance.

Article 13

1 Products under regional surveillance may be put into free circulation in the region concerned only on production of a surveillance document. Such document shall be issued by the competent authority designated by the Member State(s) concerned, free of charge, for any quantity requested and within a maximum of 5 working days of receipt by the national competent authority of an application by any Union importer, regardless of his place of business in the Union. This application shall be deemed to have been received by the national competent authority no later than 3 working days after submission, unless it is proved otherwise. Surveillance documents may be used only for such time as arrangements for imports remain liberalised in respect of the transactions concerned.

2 Article 11(2) shall apply.

Article 14

1 Member States shall communicate to the Commission within the first 10 days of each month in the case of Union or regional surveillance:

a in the case of prior surveillance, details of the sums of money (calculated on the basis of cif prices) and quantities of goods in respect of which surveillance documents were issued during the preceding period;

b in every case, details of imports during the period preceding the period referred to in point (a).

The information supplied by Member States shall be broken down by product and by country.

Different provisions may be laid down at the same time and by the same procedure as the surveillance arrangements.

2 Where the nature of the products or special circumstances so require, the Commission may, at the request of a Member State or on its own initiative, amend the timetables for submitting this information.

3 The Commission shall inform the Member States accordingly.

Changes to legislation:
There are currently no known outstanding effects for the Regulation (EU) 2015/478 of the European Parliament and of the Council, CHAPTER IV.