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Nº L 355/97

REGLAMENTO (CEE) Nº 3710/85 DEL CONSEJO**de 10 de diciembre de 1985****relativo a la celebración de un Convenio en forma de Canje de Notas con los Estados Unidos de América y que prorroga el Convenio de 10 de enero de 1985 referente a los intercambios de tubos y tuberías de acero**

EL CONSEJO DE LAS COMUNIDADES EUROPEAS,

HA ADOPTADO EL PRESENTE REGLAMENTO:

Visto el Tratado constitutivo de la Comunidad Económica Europea, y en particular su artículo 113,

Vista la propuesta de la Comisión,

Considerando que la Comisión ha emprendido negociaciones con los Estados Unidos de América como consecuencia de la Decisión del Consejo de 7 de junio de 1985, negociaciones que han llegado a un convenio sobre la prórroga del Convenio de 10 de enero de 1985, relativo a las exportaciones comunitarias de tubos y tuberías de acero aprobado por el Reglamento (CEE) nº 59/85 (1);

Considerando que el Convenio permite salvaguardar lo esencial de los intereses de los productores comunitarios interesados que exportan tubos y tuberías de acero al mercado de los Estados Unidos de América,

El presente Reglamento será obligatorio en todos sus elementos y directamente aplicable en cada Estado miembro.

Hecho en Bruselas, el 10 de diciembre de 1985.

Artículo 1

1. El Convenio en forma de Canje de Notas con los Estados Unidos de América que prorroga el Convenio del 10 de enero de 1985 con los Estados Unidos de América referente a los intercambios de tubos y tuberías de acero se aprobará en nombre de la Comunidad Económica Europea.

2. El texto del Convenio se adjuntará al presente Reglamento.

Artículo 2

El Presidente del Consejo quedará autorizado a designar a la persona habilitada para proceder al Canje de Notas con el fin de vincular a la Comunidad Económica Europea.

Artículo 3

El presente Reglamento entrará en vigor el día de su publicación en el *Diario Oficial de las Comunidades Europeas*.

Por el Consejo

El Presidente

M. FISCHBACH

(1) DO nº L 9 de 19. 1. 1985, p. 1.

ARRANGEMENT

in the form of an Exchange of Letters with the United States of America, extending the Arrangement of 7 January 1985 concerning trade in steel pipes and tubes between the European Communities and the United States of America

A. Letter from the European Communities

Dear Mr Ambassador,

In the course of the discussions between the European Economic Community (hereinafter referred to as the 'EEC') and the Government of the United States of America (hereinafter referred to as the 'USA') concerning EEC exports of pipes and tubes to the United States of America (hereinafter referred to as the 'USA') both parties have agreed to extend the Arrangement dated 10 January 1985, through 30 September 1989. For this purpose, both parties have agreed that the Arrangement dated 10 January 1985, is amended as follows:

1. The first paragraph of Section 1 is replaced by the following:

'The EEC shall restrain exports to, or destined for consumption in, the USA of steel pipes and tubes described in Annex A, originating in the Community (such exports hereinafter referred to as "pipes and tubes") to a level of 7,6 % of US apparent consumption for the following periods: calendar years 1985, 1986, 1987, 1988 and the nine months ending 30 September 1989. During these periods export licences shall be required for pipes and tubes.'

2. Section 4 is replaced by the following:

'4. The US, with the advice of the EEC, will select an independent and objective forecaster which will provide the estimate of US apparent consumption for the purposes of this Arrangement.

For 1985 a first projection of US apparent consumption will be established. These figures for projected consumption will then be revised in February, May, August and October 1985, by the said independent forecaster, and appropriate adjustments will be made to the export limits for pipes and tubes on the basis of these revisions, taking into account licences already issued. The same procedure will be followed to calculate and revise the US apparent consumption and export limits for each period after 1985, the first projection being established by the independent forecaster by 1 October of the calendar year preceding the relevant period, and subsequently revised in February, May, August and October of such period.

By March of each period, adjustments to that period's export limits will be made for differences between the forecasted US apparent consumption and actual US apparent consumption in the preceding period.'

3. Subsection (a) of Section 5 is replaced by the following:

'(a) Pipes and tubes exported to the USA after 31 December 1984 must be counted against the export limit for the relevant period, unless otherwise provided for.'

4. Subsections (a) and (c) of Section 6 are replaced by the following:

'(a) Export licences will be issued against the export limit for a period. Export licences for a given period may be used as early as 1 December of the preceding period up to 8 % of the export limit for the given period. Export licences must be used before 31 December of the period for which they are issued, except that licences not so used may be used during the first two months of the following period up to 8 % of the export limit for the previous period.'

'(c) Normally, only one change in a limit, sub-limit or ceiling may be made by an adjustment under this section. Accordingly, more than one such change in a given period may be made only upon agreement between the EEC and the US.'

I confirm the agreement of the EEC to the foregoing. I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.

Please accept, Mr Ambassador, the assurance of my highest consideration.

*On behalf of the
Council of the European Communities*

B. Letter from the United States of America

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Dear Mr Ambassador,

In the course of the discussions between the European Economic Community (hereinafter referred to as the "EEC") and the Government of the United States of America (hereinafter referred to as the "USA") both parties have agreed to extend the Arrangement dated 10 January 1985, through 30 September 1989. For this purpose, both parties have agreed that the Arrangement dated 10 January 1985, is amended as follows:

1. The first paragraph of Section 1 is replaced by the following:

"The EEC shall restrain exports to, or destined for consumption in, the USA of steel pipes and tubes described in Annex A, originating in the Community (such exports hereinafter referred to as 'pipes and tubes') to a level of 7,6 % of US apparent consumption for the following periods: calendar years 1986, 1986, 1987, 1988 and the nine months ending 30 September 1989. During these periods export licences shall be required for pipes and tubes."

2. Section 4 is replaced by the following:

"4. The US, with the advice of the EEC, will select an independent and objective forecaster which will provide the estimate of US apparent consumption for the purposes of this Arrangement.

For 1985 a first projection of US apparent consumption will be established. These figures for projected consumption will then be revised in February, May, August and October 1985, by the said independent forecaster, and appropriate adjustments will be made to the export limits for pipes and tubes on the basis of these revisions, taking into account licences already issued. The same procedure will be followed to calculate and revise the US apparent consumption and export limits for each period after 1985, the first projection being established by the independent forecaster by 1 October of the calendar year preceding the relevant period, and subsequently revised in February, May, August and October of such period.

By March of each period, adjustments to that period's export limits will be made for differences between the forecasted US apparent consumption and actual US apparent consumption in the preceding period."

3. Subsection (a) of Section 5 is replaced by the following:

"(a) Pipes and tubes exported to the USA after 31 December 1984 must be counted against the export limit for the relevant period, unless otherwise provided for."

4. Subsections (a) and (c) of Section 6 are replaced by the following:

"(a) Export licences will be issued against the export limit for a period. Export licences for a given period may be used as early as 1 December of the preceding period up to 8 % of the export limit for the given period. Export licences must be used before 31 December of the period for which they are issued, except that licences not so used may be used during the first two months of the following period up to 8 % of the export limit for the previous period."

"(c) Normally, only one change in a limit, sub-limit or ceiling may be made by an adjustment under his section. Accordingly, more than one such change in a given period may be made only upon agreement between the EEC and the US."

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the United States of America*