

Official Journal

of the European Communities

ISSN 0378-6978

L 342

Volume 42

31 December 1999

English edition

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2743/1999**of 17 December 1999**

on administering the double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan⁽¹⁾ (the 'Parties') signed on 23 January 1995 entered into force on 1 July 1999;
- (2) The situation relating to imports of certain steel products from the Republic of Kazakhstan into the Community has been the subject of thorough examination and, on the basis of relevant information supplied to them, the Parties have concluded an Agreement in the form of an Exchange of Letters⁽²⁾ which establishes a double-checking system without quantitative limits for the period between the date of entry into force of this Regulation and 31 December 2001, unless both Parties agree to terminate the system earlier;
- (3) The measures necessary for the implementation of this instrument should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period running from the date on which this Regulation enters into force until 31 December 2001, in

accordance with the provisions of the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community, imports into the Community of certain iron and steel products covered by the EC and ECSC Treaties originating in the Republic of Kazakhstan, as listed in Appendix I, shall be subject to the presentation of a surveillance document conforming to the model in Appendix II issued by the authorities in the Community.

2. For the period running from the date on which this Regulation enters into force to 31 December 2001, imports into the Community of the iron and steel products originating in the Republic of Kazakhstan and listed in Appendix I shall, in addition, be subject to the issue of an export document issued by the competent Kazakh authorities. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.

3. An export document will not be required for goods originating in the Republic of Kazakhstan already shipped before the date on which this Regulation enters into force, provided that the destination of such products is not changed from a non-Community destination and that those products which, under the prior surveillance regime applicable in 1997, could be imported only on presentation of a surveillance document are in fact accompanied by such a document.

4. Shipment is considered to have taken place on the date of loading on to the exporting means of transport.

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

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

⁽²⁾ See page 38 of this Official Journal.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

6. The competent authorities of the Community undertake to inform the Republic of Kazakhstan of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.

Article 2

1. The surveillance document referred to in Article 1 shall be issued automatically by the competent authority in the Member States, without charge for any quantities requested, within five working days of presentation of an application by any Community importer, wherever established in the Community. This application shall be deemed to have been received by the competent national authority no later than three working days after submission, unless it is proven otherwise.

2. A surveillance document issued by one of the competent national authorities listed in Appendix IV shall be valid throughout the Community.

3. The importer's application for a surveillance document shall include the following elements:

- (a) the name and full address of the applicant (including telephone and telefax numbers, and possible identification number used by the competent national authorities) and VAT registration number, if subject to VAT;
- (b) if applicable, the name and full address of the declarant or representative of the applicant (including telephone and fax numbers);
- (c) the full name and address of the exporter;
- (d) the exact description of the goods, including their trade name,
 - the Combined Nomenclature (CN) code(s),
 - the country of origin,
 - the country of consignment;
- (e) the net weight, expressed in kg and also quantity in the unit prescribed where other than net weight, by Combined Nomenclature heading;
- (f) the cif value of the goods in euro at the Community frontier by Combined Nomenclature heading;
- (g) whether the products concerned are seconds or of substandard quality⁽¹⁾;

⁽¹⁾ Under the criteria given in the Commission communication concerning identification criteria of non-prime steel products from third countries applied by customs services of Member States (OJ C 180, 11.7.1991, p. 4).

- (h) the proposed period and place of customs clearance;
- (i) whether the application is a repeat of a previous application concerning the same contract;
- (j) the following declaration, dated and signed by the applicant with the transcription of his name 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 Community.'

The importer shall also submit a copy of the contract of sale or purchase, the pro forma invoice and/or, in cases where the goods are not directly purchased in the country of production, a certificate of production issued by the producing steel mill.

4. Surveillance documents may be used only for such time as arrangements for liberalisation of imports remain in force in respect of the transactions concerned. Without prejudice to possible changes in the import regulations in force or decisions taken in the framework of an agreement or the management of a quota:

- the period of validity of the surveillance document is hereby fixed at four months,
- unused or partly-used surveillance documents may be renewed for an equal period.

5. The importer shall return surveillance documents to the issuing authority at the end of their period of validity.

Article 3

1. A finding that the unit price at which the transaction is effected exceeds that indicated in the import 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 import document by less than 5 % shall not preclude the release for free circulation of the products in question.

2. Applications for import documents and the documents themselves shall be confidential. They shall be restricted to the competent authorities and the applicant.

Article 4

1. Within the first 10 days of each month, the Member States shall communicate to the Commission:

- (a) details of the quantities and values (calculated in euro) for which import documents were issued during the preceding month;

(b) details of imports during the month preceding the month referred to in subparagraph (a).

The information provided by Member States shall be broken down by product, CN code and by country.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant an import document.

Article 5

Any notices to be given hereunder shall be given to the Commission of the European Communities and 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.

Article 6

Management committee

1. The Commission shall be assisted by a committee (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 7

Final provisions

Amendments to the Appendices which may be necessary to take into account modifications to the Annex or appendices attached to the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Kazakhstan, or amendments made to Community rules on statistics, customs arrangements, common rules for imports or import surveillance, shall be adopted in accordance with the procedure laid down in Article 6(2).

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

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

APPENDIX I

List of products subject to double-checking without quantitative limits

KAZAKHSTAN

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

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

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

Extension pages to be attached hereto.

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, adress and telephone No)	
	Copy for the issuing authority	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 and category
11. Quantity in kilograms (net mass) or in additional units			
12. Value in euro, cif at Community frontier			
13. Additional remarks			
14. Competent authority's endorsement			
Date: Signature: Stamp:			

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

Extension pages to be attached hereto.

1 Exporter (name, full address, country)	ORIGINAL		2 No	
	3 Year		4 Product group	
5 Consignee (name, full address, country)	EXPORT DOCUMENT (ECSC and EC steel products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer	11 CN code	12 Quantity ⁽¹⁾	13 FOB value ⁽²⁾	
	14 CERTIFICATION BY THE COMPETENT AUTHORITY			
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.

(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.

1 Exporter (name, full address, country)	COPY		2 No	
	3 Year		4 Product group	
5 Consignee (name, full address, country)	EXPORT DOCUMENT (ECSC and EC steel products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer	11 CN code	12 Quantity (¹)	13 FOB value (²)	
14 CERTIFICATION BY THE COMPETENT AUTHORITY				
15 Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

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AANHANGSEL IV — APÊNDICE IV — LISÄYS IV — TILLÄGG IV

**LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
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
LIST OF THE COMPETENT NATIONAL AUTHORITIES**

BELGIQUE/BELGIË

Ministère des affaires économiques
Administration des relations économiques
Services licences
Rue Général Leman, 60
B-1040 Bruxelles
Fax: (32-2) 230 83 22

Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax: (32-2) 230 83 22

DANMARK

Erhvervsfremmestyrelsen
Søndergade 25
DK-8600 Silkeborg
Fax: (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
Postfach 5171
D-65762 Eschborn 1
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Γενική Γραμματεία Δ.Ο.Σ.
Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου
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GR-105 63 Αθήνα
Fax: (30-1) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Economía y Hacienda
Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Fax: (34) 915 63 18 23/913 49 38 31

FRANCE

Service des industries manufacturières
3-5, rue Barbet-de-Jouy
F-75357 Paris 07 SP
Fax: (33) 143 19 43 69

IRELAND

Licensing Unit
Department of Enterprise, Trade and Employment
Kildare Street
Ireland-Dublin 2
Fax: (353-1) 631 28 26

ITALIA

Ministero del Commercio con l'Estero
Direzione generale per la politica commerciale e per la gestione del
regime degli scambi
Viale America 341
I-00144 Roma
Fax: (39-6) 59 93 22 35 / 59 93 26 36

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Téléfax: (352) 46 61 38

NEDERLAND

Centrale Dienst voor In- en Uitvoer
Postbus 30003, Engelse Kamp 2
Nederland-9700 RD Groningen
Fax: (31-50) 526 06 98

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Bundesministerium für wirtschaftliche Angelegenheiten
Aussenwirtschaftsadministration
Landstrasser Hauptstrasse 55-57
A-1030 Wien
Fax: (43-1) 715 83 47

PORTUGAL

Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
Avenida da República, 79
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Box 6803
S-11386 Stockholm
Fax: (46-8) 30 67 59

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Tullihallitus/Tullsqtyrelsen
PL/PB 512
FIN-00101 Helsinki/Helsingfors
Telekopio/Fax: (358-9) 614 28 52

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House — West Precinct
Billingham, Cleveland
United Kingdom TS23 2NF
Fax: (44) 1642 533 557

COMMISSION DECISION No 2744/1999/ECSC**of 15 December 1999****on administering certain restrictions on imports of certain steel products from Kazakhstan**

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,

- (1) Whereas for the years 1997, 1998 and 1999 trade in certain products covered by the Treaty establishing the European Coal and Steel Treaty with the Republic of Kazakhstan was the subject of a system of autonomous quota, which was renewed on a half-year basis ⁽¹⁾;
- (2) Whereas this agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 2000 to 2001 and provides a framework for the removal of quantitative restrictions provided that certain conditions are met and in particular when compatible disciplines in respect of competition, State aid and environmental protection have been established in respect of the steel products covered by the Agreement;
- (3) Whereas it is necessary to provide the means to administer this agreement within the Community, taking into account the experience gained during the previous system of autonomous quota;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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;

- (8) Whereas the agreement provides for a system of cooperation between the Republic of Kazakhstan 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 the Republic of Kazakhstan 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,

HAS DECIDED AS FOLLOWS:

Article 1**Scope**

1. This Decision applies to imports of the steel products listed in Annex I, originating in the Republic of Kazakhstan.
2. For the purposes of paragraph 1, the steel products shall be classified in product groups as set out in Annex I.
3. The classification of products listed in Annex I shall be based on the Combined Nomenclature (CN). 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 the Republic of Kazakhstan 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

⁽¹⁾ Last renewal OJ L 164, 30.6.1999, p. 79.

the Republic of Kazakhstan shall be subject to the presentation of an import authorisation issued by the Member States' authorities in accordance with the provisions of Article 4.

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

2. In order to ensure that quantities for which import authorisations are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities shall issue import authorisations 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. 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 authorisations, shall notify the Commission of the amounts of the requests for import authorisations, 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 group of products. Moreover, the Commission shall contact the Kazakh 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 authorisation. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

6. The import authorisations 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 authorisations or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent Kazakh authorities. However, if the Commission or the competent authorities of a Member State have been informed by the competent Kazakh 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 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 the Republic of Kazakhstan 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 the Republic of Kazakhstan 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 is exhausted, where there is clear evidence of circumvention.

3. If the Community and the Republic of Kazakhstan fail to arrive at a satisfactory solution and if the Commission notes that there is clear evidence of circumvention, it shall deduct from the quantitative limits an equivalent volume of products originating in the Republic of Kazakhstan.

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

Done at Brussels, 15 December 1999.

*Article 7***Final provisions**

Amendments to the Annexes which may be necessary to take into account the conclusion, amendment or expiry of agreements with the Republic of Kazakhstan, adjustments to the quantitative limits made in accordance with the provisions contained in Article 2(6) or Article 3(4) of the ECSC steel agreement with the Republic of Kazakhstan, 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 for the adoption of the present Decision.

Article 8

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 the Republic of Kazakhstan and which, in all cases of conflict, shall prevail.

Article 9

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 January 2000.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX I

KAZAKHSTAN

SA. Flat-rolled products	SA2. Heavy Plate	7209 26 90	7212 40 10
		7209 27 10	7212 40 91
	7208 40 10	7209 27 90	7212 50 31
SA1. Coils	7208 51 10	7209 28 10	7212 50 51
	7208 51 30	7209 28 90	7212 60 11
7208 10 00	7208 51 50	7209 90 10	7212 60 91
7208 25 00	7208 51 91		
7208 26 00	7208 51 99	7210 11 10	7219 21 10
7208 27 00	7208 52 10	7210 12 11	7219 21 90
7208 36 00	7208 52 91	7210 12 19	7219 22 10
7208 37 90	7208 52 99	7210 20 10	7219 22 90
7208 38 90	7208 53 10	7210 30 10	7219 23 00
7208 39 90		7210 41 10	7219 24 00
	7211 13 00	7210 49 10	7219 31 00
7211 14 10		7210 50 10	7219 32 10
7211 19 20		7210 61 10	7219 32 90
	SA3. Other flat-rolled products	7210 69 10	7219 33 10
7219 11 00		7210 70 31	7219 33 90
7219 12 10		7210 70 39	7219 34 10
7219 12 90	7208 40 90	7210 90 31	7219 34 90
7219 13 10	7208 53 90	7210 90 33	7219 35 10
7219 13 90	7208 54 10	7210 90 38	7219 35 90
7219 14 10	7208 54 90		
7219 14 90	7208 90 10	7211 14 90	7225 40 80
		7211 19 90	
7225 20 20	7209 15 00	7211 23 10	
7225 30 00	7209 16 10	7211 23 51	
	7209 16 90	7211 29 20	
	7209 17 10	7211 90 11	
SA1a. Hot-rolled coils for re-rolling	7209 17 90		
	7209 18 10		
	7209 18 91	7212 10 10	
7208 37 10	7209 18 99	7212 10 91	
7208 38 10	7209 25 00	7212 20 11	
7208 39 10	7209 26 10	7212 30 11	

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 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 the Republic of Kazakhstan 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 Kazakh 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 authorisation for steel products subject to a Community quantitative limit laid down in Annex IV following reclassification 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 Kazakh authorities, the Commission, if necessary, shall enter into consultations with the Republic of Kazakhstan, 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 the Republic of Kazakhstan, 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 L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

PART II

DOUBLE-CHECKING SYSTEM

(for administering quantitative limits)

Article 11

1. The competent Kazakh 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 authorisation referred to in Article 14.

Article 12

1. The export licence for quantitative limits shall conform to the specimen set out in Appendix I to 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 authorisation 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 authorisations 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 authorisations 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 authorisations shall be drawn up in the form set out in Appendix II to 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 authorisation 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 to 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 substandard quality,
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract,
- (k) date and number of the export licence,
- (l) any internal code used for administrative purposes,
- (m) date and signature of importer.

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

Article 15

The validity of import authorisations 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 Kazakh authorities on the basis of which the import authorisations have been issued.

Article 16

Import authorisations 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 the Republic of Kazakhstan 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 authorisations. In this event, consultations shall be initiated forthwith by the Commission.

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

PART III

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 standardised serial number, whether or not printed, by which it can be identified.

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

— two letters identifying the exporting country as follows:

KZ = Republic of Kazakhstan,

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

BE = Belgium

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. '0' for 2000,

— 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'.

Article 20

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 authorisations referred to in Article 14 shall conform to the specimen of the import licence set out in Appendix II 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. EUR 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.

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

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			
Holder's copy	9. Description of goods		10. CN code
1			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			
1			
2			

Extension pages to be attached hereto.

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Quota period	
		4. Authority responsible for issue (name, adress 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			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

Extension pages to be attached hereto.

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΛΙΣΤΗ 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

Ministère des affaires économiques
Administration des relations économiques
Services Licences
Rue Général Leman 60
B-1040 Bruxelles
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Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
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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 the Republic of Kazakhstan 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 10 days of each month of the total quantities, in the appropriate units and by country of origin and group of products, for which import authorisations 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 Kazakh 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. The Community may decide that imports of the products in question to the Community shall be accompanied by a certificate of Kazakh origin referred to in Article 18(1) of Annex II.

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 Kazakhstan 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 the Republic of Kazakhstan 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 the Republic of Kazakhstan, 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.

ANNEX IV

QUANTITATIVE LIMITS

(Tonnes)		
Products	2000	2001
SA. Flat products		
SA1. Coils	34 671	35 537
SA1a. Coils for re-rolling	20 500	21 013
SA2. Heavy plate	12 608	12 923
SA3. Other flat products	10 506	10 769

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 November 1999

concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community

(1999/865/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 together with Article 300(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan⁽¹⁾ was signed on 23 January 1995 and entered into force on 1 July 1999;
- (2) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community,

Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community is hereby approved on behalf of the Community.

2. The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 3

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

HAS DECIDED AS FOLLOWS:

Done at Brussels, 29 November 1999.

Article 1

1. The Agreement in the form of an Exchange of Letters between the European Community and the Government of the

For the Council
The President
S. NIINISTÖ

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

Between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community

A. Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the recently concluded negotiations between the European Coal and Steel Community and the Government of the Republic of Kazakhstan concerning a new ECSC steel agreement, in the course of which consultations took place with regard to problems concerning certain steel products covered by the EC and ECSC Treaties which fall outside the scope of the ECSC steel Agreement.
2. Following these consultations the Parties hereby agree to establish a double-checking system, without quantitative limits, in respect of certain steel products in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.
3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.
4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, the Republic of Kazakhstan will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.
5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and the Republic of Kazakhstan, which shall enter into force on the date of your reply.

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

On behalf of the Council of the European Union



ANNEX

to the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community

- 1.1. For the period running from the date on which this Agreement is applied between the Parties to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I originating in Kazakhstan shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.
- 1.2. For the period running from the date on which this Agreement is applied to 31 December 2001, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I and which originate in Kazakhstan shall, in addition, be subject to the issue of an export document by the competent Kazakh authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.
- 1.3. An export document will not be required for goods already shipped to the Community before the date of application of this Agreement, provided that the destination of such products is not changed from a non-Community destination and that those products which, under the currently applicable prior surveillance regime, could be imported only on presentation of a surveillance document are in fact accompanied by such a document.
- 1.4. Shipment is considered to have taken place on the date of loading into the exporting means of transport.
- 1.5. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community.
- 1.6. Kazakhstan shall notify the Commission of the European Communities of the names and addresses of the appropriate Kazakh governmental authorities which are authorised to issue and to verify export documents together with specimens of the stamps and signatures they use. Kazakhstan shall also notify the Commission of any change in these particulars.
- 1.7. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.
- 1.8. The competent authorities of the Community undertake to inform Kazakhstan of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.
- 1.9. Certain technical provisions on the implementation of the double-checking system are set out in Appendix IV.
- 2.1. Kazakhstan undertakes to supply the Community with precise statistical information on the export documents issued by the Kazakh authorities pursuant to 1.2. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.
- 2.2. The Community undertakes to supply the Kazakh authorities with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by the Kazakh authorities pursuant to 1.1. Such information shall be transmitted to the Kazakh authorities by the end of the month following the month to which the statistics relate.
3. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of the Agreement. Such consultations shall be held promptly. Any consultations held under this paragraph shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.
4. Any notices to be given hereunder shall be given:
 - in respect of the Community, to the Commission of the European Communities,
 - in respect of Kazakhstan, to the Mission of the Republic of Kazakhstan to the European Communities.

APPENDIX I

List of products subject to double-checking without quantitative limits**KAZAKHSTAN**

Cold-rolled narrow strip of a width not exceeding 500 mm

7211 23 99
7211 29 50
7211 29 90
7211 90 90

Grain non-oriented electrical sheet

7211 23 91
7225 19 10
7225 19 90
7226 19 10
7226 19 30
7226 19 90

Grain-oriented electrical sheet

7226 11 90

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

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

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

Extension pages to be attached hereto.

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, adress and telephone No)	
	Copy for the issuing authority	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 and category
11. Quantity in kilograms (net mass) or in additional units			
12. Value in euro, cif at Community frontier			
13. Additional remarks			
14. Competent authority's endorsement			
Date: Signature: Stamp:			

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

Extension pages to be attached hereto.

1 Exporter (name, full address, country)	ORIGINAL		2 No	
	3 Year		4 Product group	
5 Consignee (name, full address, country)	EXPORT DOCUMENT (ECSC and EC steel products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer	11 CN code	12 Quantity ⁽¹⁾	13 Fob value ⁽²⁾	
14 CERTIFICATION BY THE COMPETENT AUTHORITY				
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.

(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.

1 Exporter (name, full address, country)	COPY		2 No	
	3 Year		4 Product group	
5 Consignee (name, full address, country)	EXPORT DOCUMENT (ECSC and EC steel products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer		11 CN code	12 Quantity (¹)	13 Fob value (²)
14 CERTIFICATION BY THE COMPETENT AUTHORITY				
15 Competent authority (name, full address, country)	At on (Signature) (Stamp)			

APPENDIX IV

KAZAKHSTAN

TECHNICAL ANNEX ON THE DOUBLE-CHECKING SYSTEM

1. The export documents shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as 'original' and other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.
2. Each document shall bear a standardised serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:
 - two letters identifying the exporting country as follows:

KZ = Kazakhstan,
 - two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium
DK = Denmark
DE = Germany
EL = Greece
ES = Spain
FR = France
IE = Ireland
IT = Italy
LU = Luxembourg
NL = Netherlands
AT = Austria
PT = Portugal
FI = Finland
SE = Sweden
GB = United Kingdom,
 - a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. '0' for 2000,
 - a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.
3. The export documents shall be valid for the calendar year during which they are issued, as shown in Box No 3 of the export document.
4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.
5. Kazakhstan need not show price information on the export document, but that information is available to the Commission authorities on request.

6. Export documents may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'issued retrospectively'.
 7. In the event of a theft, loss or destruction of an export document, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such document so issued shall bear the endorsement 'duplicate'. The duplicate shall bear the date of the original export document.
 8. The competent authorities of the Community shall be informed immediately of the withdrawal or modification of any export documents already issued and, where relevant, of the basis for such action.
-

B. Letter from the Government of the Republic of Kazakhstan

Sir,

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

1. I have the honour to refer to the recently concluded negotiations between the European Coal and Steel Community and the Government of the Republic of Kazakhstan concerning a new ECSC steel agreement, in the course of which consultations took place with regard to problems concerning certain steel products covered by the EC and ECSC Treaties which fall outside the scope of the ECSC steel Agreement.
2. Following these consultations the Parties hereby agree to establish a double-checking system, without quantitative limits, in respect of certain steel products in order to improve transparency and to avoid possible diversions of trade. The details of the double-checking system are annexed to this letter.
3. The present Exchange of Letters is without prejudice to the application of the relevant provisions of the bilateral agreements on trade and trade-related matters, in particular those relating to anti-dumping and safeguard measures.
4. Either Party may at any time propose modifications to the Annex or its appendices which shall require the mutual consent of the Parties and shall take effect as agreed by them. In the event that anti-dumping or safeguard investigations are initiated or measures introduced in the European Community concerning a product under the double-checking system, the Republic of Kazakhstan will decide whether to exclude the product in question from the double-checking system. Such a decision shall not affect the entry into free circulation of the product in question into the Community.
5. In conclusion, I have the honour to propose that if this letter, its annex and appendices are acceptable to your Government, this letter and your confirmation shall together constitute an agreement between the European Community and the Republic of Kazakhstan, which shall enter into force on the date of your reply.'

I have the honour to confirm that the above is acceptable to my Government and that your letter, this reply and the attached annex and appendices together constitute an agreement, in accordance with your proposal.

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

For the Government of the Republic of Kazakhstan.

Q. 1000

COMMISSION

COMMISSION DECISION

of 15 December 1999

on the conclusion of agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products

[notified under document number C(1999) 4493]

(1999/866/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having consulted the consultative committee and with the unanimous assent of the Council,

- (1) Whereas, following the Council Decision of 7 October 1996, the Commission opened negotiations with the Republic of Kazakhstan, culminating in an agreement concerning trade in certain steel products covered by the European Coal and Steel Community;
- (2) Whereas the Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 2000 to 2001, within a framework of progressive liberalisation and the development of competitive conditions in the Republic of Kazakhstan which justify the complete removal of quantitative restrictions,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement with the Republic of Kazakhstan concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.
2. The text of the Agreement⁽¹⁾ is annexed to this Decision.

Article 2

The President of the Commission is hereby authorised to designate the persons empowered to sign the Agreement referred to in Article 1 in order to bind the European Coal and Steel Community.

Done at Brussels, 15 December 1999.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ See page 55 of this Official Journal.

AGREEMENT**between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products**

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

of the other part,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of the Republic of Kazakhstan (hereinafter referred to as 'Kazakhstan') are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community and Kazakhstan;

Whereas the Partnership and Cooperation Agreement between the Parties signed on 23 January 1995 has entered into force on 1 July 1999;

Whereas the Parties consider that an arrangement should be concluded to provide stability in respect of trade in such steel products;

Whereas such an agreement is foreseen by Article 17(1) of the Partnership and Cooperation Agreement; whereas that Article provides that trade in ECSC products is governed by Title III of the Partnership and Cooperation Agreement, save for Article 11 thereof;

Whereas Article 43(4) of the Partnership and Cooperation Agreement provides that the Parties will examine ways to apply their respective competition laws on a concerted basis in such cases where trade between them is affected;

Whereas for 1996, trade in certain products covered by the Treaty establishing the European Coal and Steel Community was the subject of an agreement between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

Whereas this Agreement is designed to provide a framework permitting the removal of quantitative restrictions on trade in certain products covered by the Treaty establishing the European Coal and Steel Community, provided that certain conditions are met and in particular when proper competitive conditions have been established in respect of the steel products covered by the Agreement;

Whereas this Agreement should be complemented by the cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC contact group as foreseen in Article 17(2) of the Partnership and Cooperation Agreement,

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries:

THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement.

2. Trade in the steel products covered by the ECSC Treaty but not set out in Annex I shall not be subject to quantitative limits without prejudice to the application of the relevant provisions of the agreements on trade and trade-related matters in force between the Parties, in particular those relating to anti-dumping procedures and safeguard measures.

Article 2

1. Kazakhstan agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community of the steel products in accordance with Annex II. Such exports shall be subject to a double-checking system as specified in Protocol A.

2. The Parties reiterate their commitment to achieve complete liberalisation of trade in respect of the steel products covered by this Agreement provided that the competitive conditions envisaged in Protocol B have been established.

3. At the request of either Party, the Parties shall consult to determine whether the competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary. The consultations foreseen by paragraph 3 may be requested at any time during the application of this Agreement.

4. Without prejudice to the provisions of paragraph 3, the Parties will effect a review of progress in the development of competitive conditions beginning not later than 18 months following the entry into force of this Agreement. The Parties will in any event meet to review the operation of this Agreement and to determine whether competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary, not later than six months prior to the expiry of this Agreement.

5. For the purposes of the consultations and evaluations foreseen in paragraphs 3 and 4, the Parties shall take account in particular of the implementation by Kazakhstan of the provisions of Protocol B concerning competition, public aid and environmental protection in respect of the products covered by the Agreement; the future development of the relationship between the Parties as foreseen by the Partnership and Cooperation Agreement; and developments in the economies of the Parties.

6. Without prejudice to paragraph 3 either Party may, at any time, request consultations concerning:

— the levels of the quantitative limits set out in Annex II, where the conditions in respect of the products covered by the Agreement have substantially deteriorated or improved,

— the possibility of transferring unused amounts from underutilised product groups to other groups.

7. The operation of this Agreement shall, in any event, be reviewed prior to Kazakhstan becoming a member of the World Trade Organisation.

Article 3

1. Imports into the customs territory of the Community for free circulation of steel products covered by this Agreement shall be subject to the production of an export licence issued by the authorities of Kazakhstan and to a certificate of origin in accordance with the provisions of Protocol A.

2. Imports into the customs territory of the Community of steel products covered by this Agreement shall not be subject to the quantitative limits set out in Annex II provided they are declared to be for re-export outside the Community in the same state or after processing, within the administrative system of control which exists within the Community.

3. Carry-over to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorised up to 7% of the relevant quantitative limit for the year in which it was not used. Kazakhstan shall notify the Community no later than 1 March of the following year if it intends to make use of this provision.

4. The quantitative limit for a given product group can be adjusted once in the course of a calendar year, subject to the consent of both Parties. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex II, without prejudice to the provisions of paragraph 3 above. Kazakhstan shall notify the Community no later than 30 June if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to minimise the possibilities for abuse and circumvention:

— the Kazakh authorities shall inform the Community authorities by the 28th of each month of the export licences issued during the preceding month,

— the Community authorities shall inform the Kazakh authorities by the 28th of each month of the import authorisations issued during the preceding month.

In the event of any significant discrepancy taking account of the time factors involved in respect of such information, either Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administrative action against circumvention by transshipment, rerouting, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities description or classification of merchandise and by whatever other means. Accordingly, the Parties agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such circumvention, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

3. Should either Party believe on the basis of information available that this Agreement is being circumvented, it may request consultations with the other Party which shall be held immediately.

4. Pending the results of the consultations referred to in paragraph 3, and if requested by the Community and on provision of sufficient evidence, Kazakhstan shall ensure that any adjustments of the quantitative limits which may result from such consultations, are carried out for the calendar year in which the request for consultations under paragraph 3 was made, or for the following year, if the limit for that calendar year is exhausted.

5. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where there is sufficient evidence that products covered by this Agreement originating in Kazakhstan have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.

6. Should the Parties be unable in the course of the consultations referred to in paragraph 3 to reach a mutually satisfactory solution, the Community shall have the right, where sufficient evidence shows false declaration concerning quantities description or where classification has occurred, to refuse to import the products in question.

7. The Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

1. The quantitative limits established under this Agreement on imports of ECSC steel products into the Community shall not be broken down by the Community into regional shares.

2. The Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows into the Community. Should a sudden and prejudicial change in traditional trade flows arise (including regional concentration or the loss of traditional supplies), the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

3. Kazakhstan shall endeavour to ensure that exports into the Community of products subject to quantitative limits are spaced out as evenly as possible over the year. Should a sudden and prejudicial surge of imports arise, the Community will be entitled to request consultations in order to find a satisfactory solution to the problem. Such consultations shall be held immediately.

4. In addition to the obligation contained in paragraph 3, and without prejudice to the consultations foreseen by Article 2(5), where licences issued by the Kazakh authorities have reached 90% of the quantitative limits for the calendar year in question, either Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Kazakh authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex II.

Article 6

1. Where any product covered by this Agreement is being imported into the Community from Kazakhstan under such conditions as to cause or threaten to cause substantial injury to Community producers of like products, the Community shall supply Kazakhstan with all relevant information with a view to seeking a solution acceptable to both Parties. The Parties shall commence consultations immediately.

2. Should the consultations referred to in paragraph 1 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the relevant agreements on trade and trade-related matters in force between the Parties.

3. The utilisation of the right to consultations under paragraph 1 shall not preclude action concerning anti-dumping procedures pursuant to the provisions of the relevant agreements on trade and trade-related matters in force between the Parties, notwithstanding the quantitative limits set out in Annex II.

Article 7

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN') and any amendments thereof. Any amendment to the Combined Nomenclature (CN) made in accordance with the procedures in force in the Community concerning the products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing the quantitative limits of this Agreement.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community. Any amendment to these rules of origin shall be communicated to Kazakhstan and shall not have the effect of reducing the quantitative limits of this Agreement. The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorisations pursuant to Article 4(1), the Parties agree to exchange full statistical information relating to the products subject to the quantitative limits set out in Annex II at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorisations issued pursuant to Article 3, import and export statistics in respect of the products in question.

2. Either Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

1. Without prejudice to provisions concerning consultations foreseen in respect of specific circumstances in preceding Articles, consultations shall be held on any problems arising from the application of this Agreement at the request of either of the Parties. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

2. Where this Agreement provides that consultations shall be held immediately, the Contracting Parties undertake to use all reasonable means to ensure that this is achieved.

3. All other consultations shall be governed by the following provisions:

- any request for consultations shall be notified in writing to the other Party,
- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,

— consultations shall begin within one month from the date of the request,

— consultations shall arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.

4. Specific additional consultations may also be held by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2001 subject to any modifications agreed by the Parties following consultations pursuant to Article 2(3) and unless it is denounced in accordance with the provisions of paragraph 3 of this Article or terminated following the reviews foreseen in Article 2(3),(4) and (7).

2. Either Party may at any time propose modifications to this Agreement which at the request of either Party shall be the subject of consultations.

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the quantitative limits in the Community established in Annex 2 to this Agreement shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

4. The Community reserves the right at all times to take all appropriate measures including, where the Parties are unable to reach a mutually satisfactory solution in the consultations foreseen in paragraph 1 or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from Kazakhstan of the products set out in Annex I to this Agreement.

5. The Annexes and Protocols attached to this Agreement shall form an integral part thereof.

6. In respect of the products covered by this Agreement, the provisions of this Agreement shall prevail over provisions relating to the same subject matter contained in other bilateral agreements between the Parties.

Article 11

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish, Kazakh and Russian languages, each of these texts being equally authentic.

Hecho en Bruselas, el quince de diciembre de mil novecientos noventa y nueve.

Udfærdiget i Bruxelles den femtende december nitten hundrede og nioghalvfems.

Geschehen zu Brüssel am fünfzehnten Dezember neunzehnhundertneunundneunzig.

Έγινε στις Βρυξέλλες, στις δέκαπέντε Δεκεμβρίου χίλια εννιακόσια ενενήντα εννέα.

Done at Brussels on the fifteenth day of December in the year one thousand nine hundred and ninety-nine.

Fait à Bruxelles, le quinze décembre mil neuf cent quatre-vingt-dix-neuf.

Fatto a Bruxelles, addì quindici dicembre millenovecentonovantanove.

Gedaan te Brussel, de vijftiende december negentienhonderd negenennegentig.

Feito em Bruxelas, em quinze de Dezembro de mil novecentos e noventa e nove.

Tehty Brysselissä viidentenätoista päivänä joulukuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

Som skedde i Bryssel den femtonde december nittonhundranittionio.

Бір мын, тогыз жуэ токсан тогізінці жыллын, желтоксан айынын, он бесінці куні Брюссель каласынла жасалган.

Совершено в городе Брюсселе пятнадцатого декабря одна тысяча девятьсот девяносто девятого года.

Por la Comisión de las Comunidades Europeas

For Kommissionen for De Europæiske Fællesskaber

Für die Kommission der Europäischen Gemeinschaften

Για την Επιτροπή των Ευρωπαϊκών Κοινοτήτων

For the Commission of the European Communities

Pour la Commission des Communautés européennes

Per la Commissione delle Comunità europee

Voor de Commissie van de Europese Gemeenschappen

Pela Comissão das Comunidades Europeias

Euroopan yhteisöjen komission puolesta

På Europeiska gemenskapernas kommissions vägnar

Еуропалык Кауымластыктын Комиссиясы үшін

За Комиссию Европейского Сообщества

A handwritten signature in black ink, consisting of a stylized, cursive script. It appears to be a signature of an official, possibly a member of the Commission, with a horizontal line drawn underneath the main part of the signature.

Por el Gobierno de la República de Kazajistán

For regeringen for Republikken Kasakhstan

Für die Regierung der Republik Kasachstan

Για την Κυβέρνηση της Δημοκρατίας του Καζακστάν

For the Government of the Republic of Kazakhstan

Pour le gouvernement de la République du Kazakhstan

Per il governo della Repubblica del Kazakistan

Voor de regering van de Republiek Kazachstan

Pelo Governo da República do Cazaquistão

Kazakstanin tasavallan hallituksen puolesta

På Republiken Kazakstans regerings vägnar

Қазақстан Республикасының Укіметі үшін

За Правительство Республики Казахстан

A handwritten signature in black ink, appearing to be 'D. Smol.', is centered on the page. Below the signature is a short horizontal line.

ANNEX I

KAZAKHSTAN

SA. Flat-rolled products	SA2. Heavy Plate	7209 26 90	7212 40 10
		7209 27 10	7212 40 91
	7208 40 10	7209 27 90	7212 50 31
SA1. Coils	7208 51 10	7209 28 10	7212 50 51
	7208 51 30	7209 28 90	7212 60 11
7208 10 00	7208 51 50	7209 90 10	7212 60 91
7208 25 00	7208 51 91		
7208 26 00	7208 51 99	7210 11 10	7219 21 10
7208 27 00	7208 52 10	7210 12 11	7219 21 90
7208 36 00	7208 52 91	7210 12 19	7219 22 10
7208 37 90	7208 52 99	7210 20 10	7219 22 90
7208 38 90	7208 53 10	7210 30 10	7219 23 00
7208 39 90		7210 41 10	7219 24 00
	7211 13 00	7210 49 10	7219 31 00
7211 14 10		7210 50 10	7219 32 10
7211 19 20		7210 61 10	7219 32 90
	SA3. Other flat-rolled products	7210 69 10	7219 33 10
7219 11 00		7210 70 31	7219 33 90
7219 12 10		7210 70 39	7219 34 10
7219 12 90	7208 40 90	7210 90 31	7219 34 90
7219 13 10	7208 53 90	7210 90 33	7219 35 10
7219 13 90	7208 54 10	7210 90 38	7219 35 90
7219 14 10	7208 54 90		
7219 14 90	7208 90 10	7211 14 90	7225 40 80
		7211 19 90	
7225 20 20	7209 15 00	7211 23 10	
7225 30 00	7209 16 10	7211 23 51	
	7209 16 90	7211 29 20	
	7209 17 10	7211 90 11	
SA1a. Hot-rolled coils for re-rolling	7209 17 90		
	7209 18 10		
	7209 18 91	7212 10 10	
7208 37 10	7209 18 99	7212 10 91	
7208 38 10	7209 25 00	7212 20 11	
7208 39 10	7209 26 10	7212 30 11	

ANNEX II

QUANTITATIVE LIMITS

(Tonnes)		
Products	2000	2001
SA. Flat products		
SA1. Coils	34 671	35 537
SA1a. Coils for re-rolling	20 500	21 013
SA2. Heavy plate	12 608	12 923
SA3. Other flat products	10 506	10 769
<i>Note:</i> The quantitative limits for 2000-2001 will be reviewed in relation to the implementation of Protocol B, as explained in Article 2 of the Agreement.		

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products signed in Brussels, on 15 December 1999, the Parties agree that:

- in pursuance of the exchange of information foreseen in Article 4(1) concerning export licences and import authorisations the Parties will supply that information by reference to the Member States in addition to the Community as a whole,
- pending the satisfactory outcome of the consultations foreseen by Article 5(2), Kazakhstan will cooperate, if so requested by the Community, by not issuing export licences that would further aggravate the problems resulting from sudden and prejudicial changes in traditional trade flows, and
- Kazakhstan will take due account of the sensitive nature of small regional markets within the Community both as regards their traditional needs for supplies and the avoidance of regional concentrations.

Por la Comisión de las Comunidades Europeas
For Kommissionen for De Europæiske Fællesskaber
Für die Kommission der Europäischen Gemeinschaften
Για την Επιτροπή των Ευρωπαϊκών Κοινοτήτων
For the Commission of the European Communities
Pour la Commission des Communautés européennes
Per la Commissione delle Comunità europee
Voor de Commissie van de Europese Gemeenschappen
Pela Comissão das Comunidades Europeias
Euroopan yhteisöjen komission puolesta
På Europeiska gemenskapernas kommissions vägnar
Еуропалық Қауымластықтың Комиссиясы үшін
За Комиссию Европейского Сообщества



Por el Gobierno de la República de Kazajistán
For regeringen for Republikken Kasakhstan
Für die Regierung der Republik Kasachstan
Για την Κυβέρνηση της Δημοκρατίας του Καζακστάν
For the Government of the Republic of Kazakhstan
Pour le gouvernement de la République du Kazakhstan
Per il governo della Repubblica del Kazakistan
Voor de regering van de Republiek Kazachstan
Pelo Governo da República do Cazaquistão
Kazakstanin tasavallan hallituksen puolesta
På Republiken Kazakstans regerings vägnar
Казакстан Республикасының Укіметі үшін
За Правительство Республики Казахстан



Declaration No 1

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products signed in Brussels, on 15 December 1999, and more particularly Article 2 thereof, in conjunction with Article 7 of Protocol B, the Parties agree that technical assistance to support the implementation of Protocol B shall be provided through the Tacis programme.

The first phase of this technical assistance, starting when the Agreement enters into force, shall assess the degree to which Kazakhstan already applies Protocol B and shall recommend the further steps necessary to complete the process. The outputs from this phase shall be a report and an action plan, which shall be reviewed and agreed by the Parties. If the report confirms that competitive conditions in the steel sector in Kazakhstan already comply substantially with Protocol B and if Kazakhstan commits itself to implement the remaining steps in accordance with the agreed action plan, the Parties agree to establish without delay substantially increased quantitative limits.

The second phase of technical assistance shall provide support to the Parties for the implementation of the agreed action plan (adaptation of Kazakh legislation, advice on the development of appropriate institutions and training).

Both Parties confirm their intention to liberalise the trade in ECSC steel products as soon as the commitments set out in Protocol B are implemented.

Declaration No 2

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products signed in Brussels, on 15 December 1999, the Parties agree that they shall not apply with respect to the other Party quantitative restrictions, customs duties, charges or any measures having equivalent effect on the export of ferrous waste and scrap under the Combined Nomenclature heading 7204.

Declaration No 3

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products signed in Brussels, on 15 December 1999, and more particularly Article 2 thereof, the Contracting Parties agree that they will use their best endeavours to bring the Agreement into force on 1 January 2000.

If it does not prove possible to bring the Agreement into force on 1 January 2000, autonomous Community quotas will be renewed until the Agreement does enter into force and the quantities available to Kazakhstan from the date of entry into force until 31 December 2000 will be those set out in Annex II to the Agreement minus the corresponding amounts already counted against the autonomous Community quotas.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform Kazakhstan of any changes in the combined nomenclature (CN) in respect of products covered by the Agreement before the date of their entry into force in the Community.
2. The competent authorities of the Community undertake to inform the competent authorities of Kazakhstan of any decisions relating to the classification of products covered by the Agreement within one month of their adoption at the latest.

Such a description shall include:
 - (a) a description of the products concerned;
 - (b) the relevant CN codes;
 - (c) the reasons which have led to the decision.
3. Where a Decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the Decision is put into effect. Products shipped before the date of entry into effect of the Decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days' notice of that date.
4. Where a Community Decision on classification resulting in a change of classification practice of any product covered by the Agreement affects a category subject to quantitative limits, the Parties agree to enter into consultations in accordance with the procedures described in Article 9(3) of the Agreement with a view to honouring the obligation contained in Article 7(1) of the Agreement.
5. In case of divergent opinions between the competent authorities of Kazakhstan and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II

ORIGIN

Article 2

1. Products originating in Kazakhstan according to the Community Regulations in force for export to the Community in accordance with the arrangements established by the Agreement shall be accompanied by a certificate of Kazakh origin conforming to the model annexed to this Protocol.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorised representative. The Kazakh organisations authorised for such purposes under Kazakh legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

2. The certificate of origin shall be certified by the Kazakh organisations authorised for such purposes under Kazakh legislation as to whether the products in question can be considered as products originating in Kazakhstan.

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* cast doubt upon the statements in the certificate.

TITLE III**DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS****SECTION I****Exportation***Article 5*

1. The appropriate Kazakh governmental authorities shall issue an export licence in respect of all consignments from Kazakhstan of steel products covered by the Agreement up to the quantitative limits set out in Annex II to the Agreement.

Article 6

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory of the Community.

2. Each export licence must certify, *inter alia*, that the quantity of the product in question has been set off against the relevant quantitative limit established for the product concerned in Annex II to the Agreement.

Article 7

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 8

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of goods has been effected even if the export licence is issued after such shipment.

2. For the purposes of applying paragraph 1, shipment of goods is considered to have taken place on the date of their loading onto the exporting transport.

Article 9

The presentation of an export licence, in application of Article 11, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

SECTION II**Importation***Article 10*

The release for free circulation into the Community of steel products subject to quantitative limits shall be subject to the presentation of an import authorisation.

Article 11

1. The competent authorities of the Community shall issue the import authorisation referred to in Article 8 above, within 10 working days of the presentation by the importer of the original of the corresponding export licence. A list of the competent authorities is annexed to this Protocol.

2. The import authorisations shall be valid for four months from the date of their issue for imports throughout the customs territory of the Community.

3. The competent authorities of the Community shall cancel the import authorisation already issued whenever the corresponding export licence has been withdrawn. However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the release for free circulation of the products into the Community, the relevant quantities shall be set off against the limits established for the product.

Article 12

If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of Kazakhstan exceed the relevant quantitative limit established for products covered by Annex II of the Agreement the Community authorities shall suspend the further issue of import authorisations in respect of products covered by the quantitative limit in question. In this event, the competent authorities of the Community shall immediately inform the authorities of Kazakhstan and immediate consultations pursuant to Article 9(2) of the Agreement shall be initiated.

TITLE IV**FORM AND PRODUCTION OF EXPORT LICENCES AND CERTIFICATES OF ORIGIN, AND COMMON PROVISIONS CONCERNING EXPORTS TO THE COMMUNITY***Article 13*

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script.

These documents shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

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

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows:
KZ = Kazakhstan,
- two letters identifying the intended Member State of customs clearance as follows:
BE = Belgium
DK = Denmark
DE = Germany
EL = Greece
ES = Spain
FR = France
IE = Ireland
IT = Italy
LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom,

- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '0' for 2000,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 14

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 must bear the endorsement 'issued retrospectively'.

Article 15

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Kazakh governmental authorities competent to issue licences or to the Kazakh organisations authorised to issue certificates of origin under Kazakh legislation, respectively, for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate'.

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

TITLE V**ADMINISTRATIVE COOPERATION***Article 16*

The Parties shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

*Article 18**Article 17*

In order to ensure the correct application of this Protocol, the Parties shall offer mutual assistance for the checking of the

Kazakhstan shall send the Commission of the European Communities the names and addresses of the competent Kazakh authorities which are authorised to issue and to verify export licences and certificates of origin together with

specimens of the stamps and signatures they use. Kazakhstan shall also notify the Commission of any change in this information.

Article 19

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

2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the appropriate Kazakh authorities giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.

3. The provisions of paragraph 1 above shall also apply to subsequent verifications of the certificates of origin provided for in Article 2 of this Protocol.

4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above 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 these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.

Should such verifications reveal systematic irregularities in the use of certificates of origin, the Community may subject imports of the products in question to the provisions of Article 2(1) of this Protocol.

5. 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 by the appropriate Kazakh authorities for at least one year following the end of the Agreement.

6. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for free circulation of the products in question.

Article 20

1. Where the verification procedure referred to in Article 19 or where information available to the competent authorities of the Community or of Kazakhstan indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.

2. To this end, the appropriate Kazakh authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. Kazakhstan shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.

3. By agreement between the Parties, officials designated by the Community may be present at the inquiries referred to in paragraph 2 above.

4. In pursuance of the cooperation referred to in paragraph 1 above, the competent authorities of the Community and Kazakhstan shall exchange any information considered by either Party to be of use in preventing circumvention or infringement of the provisions of the Agreement. These exchanges may include information on the trade in the type of products covered by the Agreement between Kazakhstan and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Kazakhstan prior to their importation into the Community. This information may include at the request of the Community copies of all relevant documentation, where available.

5. Where sufficient evidence shows that the provisions of this Protocol have been circumvented or infringed, the competent authorities of Kazakhstan and the Community may agree to take any measures as are necessary to prevent a recurrence of such circumvention or infringement.

(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.

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 limits 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.

1 Exporter (name, full address, country)	COPY		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 limits 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.

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.

1 Exporter (name, full address, country)	COPY		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)			

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΛΙΣΤΗ 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**

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PROTOCOL B

Competition, public aid and environmental protection in respect of the products covered by this Agreement

TITLE 1

OBJECTIVES

Article 1

The aims of this Protocol shall be:

- to facilitate the achievement of appropriate market conditions for liberalisation of trade in steel products through the progressive application of equivalent disciplines in respect of competition, public aid and environmental protection, and
- to establish a framework for measuring progress towards the removal of restrictions on competition by enterprises or caused by State intervention in so far as they may affect the trade between the Parties in the steel products covered by the Agreement.

TITLE 2

COMPETITION AND PUBLIC AID

Article 2

The following practices are incompatible with the proper functioning of the Agreement, in so far as they may affect trade between the Community and Kazakhstan:

- (i) all agreements of cooperative or concentrative nature between undertakings, decisions by association of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (ii) abuse by one or more undertakings of a dominant position in the territories of the Community or of Kazakhstan as a whole or in a substantial part thereof;
- (iii) public aid in any form whatsoever and regardless whether granted by federal, State, regional or local authorities except aid for research and development, environmental protection or for the closure of plant or for appropriately defined measures in respect of social support.

Public aid shall include, *inter alia*, acquisitions of shareholdings or provisions of capital or similar financing which cannot be regarded as a genuine provision of risk capital according to usual investment practice in a market economy.

Article 3

1. Within 12 months of the entry into force of the Agreement, the Parties will agree the necessary rules for the implementation of Article 2 in respect of the products covered by this Agreement by means of an Agreement in the form of an Exchange of Letters.
2. The Parties agree to take full account of current or future international commitments accepted by the Community and Kazakhstan concerning public aid to the steel industry.
3. No later than six months before the expiry of the Agreement, the Parties shall apply equivalent disciplines in respect of competition, public aid and environmental protection, in so far as they may affect trade between the Community and Kazakhstan.

Article 4

1. The Parties shall ensure transparency in the area of public aid within their respective territories, *inter alia*, by provision of relevant information to the coal and steel contact group established under Article 17(2) of the Partnership and Cooperation Agreement. Either of the Parties may raise in the coal and steel contact group any matter relating to aid which it considers to be incompatible with this Agreement.
2. In the implementation of the provisions foreseen by Articles 2 and 3, the Parties agree to cooperate closely and to keep each other fully informed of all legislative proposals prior to their coming into force.

Article 5

1. The Parties recognise that during a transitional period expiring two years after the entry into force of this Agreement, and by way of derogation from Article 2(iii) of this Protocol, Kazakhstan may grant public aid on an exceptional basis for restructuring purposes for individual steel firms, provided that:
 - transparency is ensured by a full and continuous exchange of information concerning the implementation of the restructuring programme, such information shall include details of the amount, intensity and purposes of the aid as well as the detailed restructuring plan providing all the relevant technical and economical data concerning the restructuring, and
 - the restructuring programme leads to rationalisation and to a reduction of capacity in crude steel and hot-rolled production, and
 - the aid leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, and
 - the amount of aid granted is not out of proportion to its objectives and is strictly limited, in amount and intensity, to what is absolutely necessary to bring about or restore viability.
2. Kazakhstan shall inform the Community in sufficient time of any aid proposed to be granted under this Article and will provide the Community with all the necessary information which is required in order to assess whether the aid and the restructuring meet the criteria above.

TITLE 3**ENVIRONMENTAL PROTECTION***Article 6*

1. The Parties agree to cooperate in order to combat the deterioration of the environment, in particular through improvement of laws and through compliance with the precautionary principle.
2. The Parties agree to keep each other fully informed of major environmental problems in the steel sector within their respective territories by way of providing the relevant information to the coal and steel contact group.
3. The Parties undertake to comply with the relevant international environmental agreements which they have ratified and which apply, *inter alia*, to activities in the steel sector. The Parties undertake to ratify and to implement such agreements as soon as possible. These agreements include, in particular, the 1979 Convention on long range transboundary air pollution and its Protocols, the 1991 Convention on environmental impact assessment in a transboundary context, the 1992 Convention on the protection and use of transboundary watercourses and international lakes, the 1992 Convention on transboundary effects of industrial accidents, and the 1992 Framework Convention on climate change.

TITLE 4**TECHNICAL COOPERATION***Article 7*

The Community will provide within available resources technical assistance to Kazakhstan for the implementation of this Protocol, in particular for the development of rules on competition and public aid and elaboration of the necessary implementation mechanisms.

Declaration by the European Coal and Steel Community on Article 3 of Protocol B

The Community declares that, until the entry into force of the rules on fair competition referred to in Article 3(1) of Protocol B, it will measure any practices relating to Article 2 on the basis of the criteria resulting from the rules contained in Articles 81, 82 and 87 of the Treaty establishing the European Community, Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community and the Community rules on State aids, including secondary legislation.
