

Official Journal

of the European Communities

ISSN 0378-6978

L 5

Volume 39

8 January 1996

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Commission Decision No 3/96/ECSC of 21 November 1995 on administering certain restrictions on imports of certain steel products from Russia and Ukraine 1
- ★ Commission Recommendation No 4/96/ECSC of 21 November 1995 amending recommendation No 3118/94/ECSC and repealing recommendation No 73/95/ECSC 23

II *Acts whose publication is not obligatory*

Commission

96/8/ECSC:

- ★ Commission Decision of 21 November 1995 on the conclusion of agreements between the European Coal and Steel Community and the Russian Federation on trade in certain steel products 24

Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products initialled at Brussels on 3 March 1995 25

96/9/ECSC:

- ★ Commission Decision of 21 November 1995 on the conclusion of agreements between the European Coal and Steel Community and Ukraine on trade in certain steel products 47

Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products initialled at Brussels on 22 December 1994 48

Price: ECU 19,50

EN

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.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is obligatory)

COMMISSION DECISION No 3/96/ECSC

of 21 November 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Whereas the Community has concluded agreements with Russia and Ukraine concerning trade in certain steel products covered by the European Coal and Steel Community Treaty;

Whereas the agreements establish quantitative limits for the entry into free circulation in the Community of certain steel products for 1995 and 1996;

Whereas it is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end;

Whereas the effective application of the agreements requires the introduction of a requirement of a Community import licence for the entry into free circulation in the Community of the products in question together with a system for administering the grant of such Community import licences;

Whereas products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question;

Whereas, in order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States will not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question;

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

Whereas pending the conclusion and entry into force of the agreements, the requirement for an export licence for imports covered by the agreements was established by Commission Recommendation No 73/95/ECSC ⁽¹⁾; whereas with the entry into force of the agreements, together with the introduction of a requirement for a Community import licence in accordance with the rules set out in this Decision, Recommendation No 73/95/ECSC must be repealed and Commission Recommendation No 3118/94/ECSC ⁽²⁾, as last amended by Recommendation No 393/95/ECSC ⁽³⁾, on prior Community surveillance must be amended accordingly ⁽⁴⁾;

Whereas it is nonetheless necessary, in order to ensure an effective application of the Community licensing system and to ensure coherence and continuity that export licences required pursuant to Recommendation No 73/95/ECSC should be counted against the limits established in this Decision;

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

⁽¹⁾ OJ No L 13, 19. 1. 1995, p. 1.

⁽²⁾ OJ No L 330, 21. 12. 1994, p. 6.

⁽³⁾ OJ No L 43, 25. 2. 1995, p. 23.

⁽⁴⁾ See page 23 of this Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

Scope

1. This Decision applies to imports of the steel products listed in Annex I, originating in the third countries listed in Annex II with which the Community has concluded bilateral agreements (hereinafter referred to as 'exporting countries').

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 III.

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 III and IV 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 one of the exporting countries shall be subject to the annual quantitative limits laid down in Annex V.

The release for free circulation in the Community of the products set out in Annex I originating in one of the exporting countries shall be subject to the presentation of an import authorization issued by the Member States' authorities in accordance with the provisions of Article 4.

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

2. In order to ensure that quantities for which import authorizations are issued do not exceed at any moment the total quantitative limits for each product group and each exporting country, the competent authorities shall issue import authorizations only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country concerned, for which an importer or importers have submitted applications to the said authorities.

3. Imports of products after 23 January 1995, for which an export licence was required pursuant to Recommendation No 73/95/ECSC, shall be counted against the relevant limits laid down in Annex V.

4. Imports of products for which an import authorization was granted under the system of quotas applicable in 1994 shall not be counted against the relevant limits laid down in Annex V provided that they entered into free circulation prior to 31 January 1995.

5. 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.

6. From the date of entry into force of this Decision the surveillance required under Recommendation No 3118/94/ECSC shall not apply to the importation of the steel products listed in Annex I.

Article 3

Suspensive arrangements

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

Article 4

Specific rules for the administration of Community quantitative limits

1. For the purpose of applying Article 2 (2), the competent authorities of the Member States, before issuing import authorizations, shall notify the Commission of the amounts of the requests for import authorizations, supported by original export certificates, which they have received. By return, the Commission shall notify its confirmation that the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States have been received ('first come, first served basis').

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product group concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which

the products are intended to be put into free circulation.

3. The notifications referred to in paragraphs 1 and 2 shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

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

5. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import authorization. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group and each third country concerned.

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

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import authorizations or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent authorities in the exporting countries. However, if the Commission or the competent authorities of a Member State have been informed by the competent authorities of an exporting country of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which shipment of products took place.

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

Article 5

Statistics

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

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

Article 6

Circumvention

1. Where, following the enquiries carried out in accordance with the procedures set out in Annex IV, the Commission notes that the information in its possession constitutes proof that products listed in Annex I originating in an exporting country 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 exporting country concerned to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out for the year in which the request for consultations was lodged or for the following year, if the quantitative limits for the current year is exhausted, where there is clear evidence of circumvention.

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

Article 7

Committee

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

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

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

Where the measures proposed are not in conformity with the Committee's opinion, or where no opinion has been given, the Commission shall present them to the Council, without delay.

Should the Council fail to deliver its unanimous assent within one month of the date on which the proposal was laid before it, the Commission shall adopt the proposed measures.

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

Article 8

Final provisions

Amendments to the Annexes which may be necessary to take into account the conclusion, amendment or expiry

of agreements with third countries or amendments made to Community rules on statistics, customs arrangements or common rules for imports, shall be adopted in accordance with the procedure laid down in Article 7.

Article 9

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

Article 10

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

This Decision shall apply from 1 January 1996.

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

Done at Brussels, 21 November 1995.

For the Commission

The President

Jacques SANTER

ANNEX I

A. Flat-rolled products	3. Other flat-rolled products	7211 90 11	7227 90 10
1. Coils		7212 10 10	7227 90 30
7208 11 00	7208 34 10	7212 10 91	7227 90 50
7208 12 10	7208 34 90	7212 21 11	7227 90 70
7208 12 91	7208 35 10	7212 29 11	
7208 12 95	7208 35 90	7212 30 11	
7208 12 98	7208 44 10	7212 40 10	3. Other longs
7208 13 10	7208 44 90	7212 40 91	7207 19 11
7208 13 91	7208 45 10	7212 50 31	7207 19 14
7208 13 95	7208 45 90	7212 50 51	7207 19 16
7208 13 98	7208 90 10	7212 60 11	7207 20 51
7208 14 10	7209 11 00	7212 60 91	7207 20 55
7208 14 91	7209 12 10	7219 21 11	7207 20 57
7208 14 99	7209 12 90	7219 21 19	7214 20 00
7208 21 10	7209 13 10	7219 21 90	7214 30 00
7208 21 90	7209 13 90	7219 22 10	7214 40 10
7208 22 10	7209 14 10	7219 22 90	7214 40 20
7208 22 91	7209 14 90	7219 23 10	7214 40 51
7208 22 95	7209 21 00	7219 23 90	7214 40 59
7208 22 98	7209 22 10	7219 24 10	7214 40 80
7208 23 10	7209 22 90	7219 24 90	7214 50 10
7208 23 91	7209 23 10	7219 31 10	7214 50 31
7208 23 95	7209 23 90	7219 31 90	7214 50 39
7208 23 98	7209 24 10	7219 32 10	7214 50 90
7208 24 10	7209 24 91	7219 32 90	7214 60 00
7208 24 91	7209 24 99	7219 33 10	7215 90 10
7208 24 99	7209 31 00	7219 33 90	7216 10 00
7211 12 10	7209 32 10	7219 34 10	7216 21 00
7211 19 10	7209 32 90	7219 34 90	7216 22 00
7211 22 10	7209 33 10	7219 35 10	7216 40 10
7211 29 10	7209 33 90	7219 35 90	7216 40 90
7219 11 10	7209 34 10	7225 40 70	7216 50 10
7219 11 90	7209 34 90	7225 40 90	7216 50 91
7219 12 10	7209 41 00		7216 50 99
7219 12 90	7209 42 10	B. Longs	7216 90 10
7219 13 10	7209 42 90	1. Beams	7218 90 50
7219 13 90	7209 43 10	7207 19 31	7222 10 11
7219 14 10	7209 43 90	7207 20 71	7222 10 19
7219 14 90	7209 44 10	7216 31 11	7222 10 21
7225 10 10	7209 44 90	7216 31 19	7222 10 29
7225 20 20	7209 90 10	7216 31 91	7222 10 31
7225 30 00	7210 11 10	7216 31 99	7222 10 39
	7210 12 11	7216 32 11	7222 10 81
	7210 12 19	7216 32 19	7222 10 89
	7210 20 10	7216 32 91	7222 30 10
2. Heavy plates	7210 31 10	7216 32 99	7222 40 11
7208 31 00	7210 39 10	7216 33 10	7222 40 19
7208 32 10	7210 41 10	7216 33 90	7222 40 30
7208 32 30	7210 49 10		7224 90 31
7208 32 51	7210 50 10	2. Wire rod	7224 90 39
7208 32 59	7210 60 11	7213 10 00	7228 10 10
7208 32 91	7210 60 19	7213 20 00	7228 10 30
7208 32 99	7210 70 31	7213 31 20	7228 20 11
7208 33 10	7210 70 39	7213 31 81	7228 20 19
7208 33 91	7210 90 31	7213 31 89	7228 20 30
7208 33 99	7210 90 33	7213 39 10	7228 30 20
7208 41 00	7210 90 35	7213 39 90	7228 30 41
7208 42 10	7210 90 39	7213 41 00	7228 30 49
7208 42 30	7211 19 91	7213 49 00	7228 30 61
7208 42 51	7211 22 90	7213 50 20	7228 30 69
7208 42 59	7211 29 91	7213 50 81	7228 30 70
7208 42 91	7211 29 99	7213 50 89	7228 30 89
7208 42 99	7211 30 10	7221 00 10	7228 60 10
7208 43 10	7211 41 10	7221 00 90	7228 70 10
7208 43 91	7211 41 91	7227 10 00	7228 70 31
7208 43 99	7211 49 10	7227 20 00	7228 80 10
7211 11 00			7228 80 90
7211 21 00			7301 10 00

ANNEX II

Exporting countries referred to in Article 1

Russia

Ukraine.

ANNEX III

PART I

CLASSIFICATION

Article 1

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

Article 2

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

Article 3

The Commission shall inform exporting countries 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 authorities of exporting countries 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 V.

Article 7

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

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

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

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

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

Article 8

In the cases referred to in Article 7, as well as in those cases of a similar nature raised by the competent authorities of the exporting countries, the Commission, if necessary, shall enter into consultations with the exporting country or countries

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 302, 19. 10. 1992.

concerned, 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 exporting country or countries, 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.

PART II

DOUBLE-CHECKING SYSTEM

(for administering quantitative limits)

Article 11

1. The competent authorities of the exporting countries shall issue an export licence in respect of all consignments of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import authorization referred to in Article 14.

Article 12

1. The export licence for quantitative limits shall conform to the specimen set out in Appendix I of this Annex and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 13

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2 (5) of the Decision.

Article 14

1. To the extent that the Commission pursuant to Article 4 of the Decision has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import authorization within a maximum of ten working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import authorizations shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4 of the Decision, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import authorizations shall be valid for four months from the date of their issue. Upon duly motivated request by an

importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding two months. Such extensions shall be notified to the Commission. In exceptional circumstances, an importer may request a second period of extension. These exceptional requests may be granted only by a decision taken in accordance with the procedure laid down in Article 7 of the Decision.

3. Import authorizations shall be drawn up in the form set out in Appendix II of this Annex and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import authorization shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the CN code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity in the appropriate unit as indicated in Annex V of the Decision for the products in question;
- (g) the net weight by CN heading;
- (h) the cif value of the products at Community frontier by CN heading (as indicated in box 13 of the export licence);
- (i) whether the products concerned are seconds or of 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 authorization in a single consignment.

Article 15

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

Article 16

Import authorizations or equivalent documents shall be issued by the competent authorities of the Member States in conformity with Article 2 (2) and without discrimination to any importer in the Community wherever the place of his establishment may be

in the Community, without prejudice to compliance with other conditions required under current rules.

Article 17

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

2. The competent authorities of a Member State shall refuse to issue import authorizations for products originating in an exporting country which are not covered by export licenses 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 x 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Decision.

5. Each export licence or equivalent document and the certificate of origin shall bear a standardized serial number, whether or not printed, by which it can be identified.

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

— two letters identifying the exporting country as follows:

RU = Russia

UA = Ukraine

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

BE = Belgium

DK = Denmark

DE = Germany

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

LU = Luxembourg

NL = Netherlands

AT = Austria

PT = Portugal

FI = Finland

SE = Sweden

GB = United Kingdom,

— a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '5' for 1995;

— 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 authorizations 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 x 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references (e.g. ECU 1 000).

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued.

If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall so place their stamp that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

PART V

TRANSITIONAL PROVISIONS

Article 22

1. Notwithstanding the provisions of Article 21, for a transitional period ending not later than 31 December 1995 and provided that the applicant at the time of this application has not requested the issue of a Community import licence conforming to the specimen set out in Appendix II, the competent authorities of the Member States shall be authorized to use their own national forms to issue the import authorizations and any extracts thereof, instead of the forms referred to in Article 21.

2. Such forms shall give the details referred to in boxes 1 to 13 of the specimen Community import licence shown in Appendix II. Their validity shall extend solely to the territory of the Member State of issue.

Appendix I to Annex III

1 Exporter (name, full address, country)	ORIGINAL		No	
	3 Year	4 Product group		
5 Consignee (name, full address, country)	EXPORT LICENCE (ECSC products)			
	6 Country of origin	7 Country of destination		
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer	11 CN code	12 Quantity ⁽¹⁾	13 Fob value ⁽²⁾	
14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

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

1 Exporter (Name, full address, country)	ORIGINAL		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	Holder's copy	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)	
1			8. Last day of validity	
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

EUROPEAN COMMUNITY

IMPORT LICENCE

2	Copy for the issuing authority	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Quota period
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name, and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
8. Last day of validity			
2		9. Description of goods	10. CN code
			11. Quantity expressed in quota unit
			12. Security/guarantee (as applicable)
13. Further particulars			
14. Competent authority's endorsement			
Date:			
Signature: Stamp:			

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

Extension pages to be attached hereto

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 KOMPETENTA NATIONELLA MYNDIGHETER
 LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIË

Administration des relations économiques
 Quatrième division: mise en œuvre des politiques
 commerciales internationales — Services «Licences»
 Rue Général Leman 60
 B-1040 Bruxelles
 Télécopieur: (32-2) 230 83 22

Bestuur van de Economische Betrekkingen
 Vierde Afdeling: Toepassing van het International Han-
 delsbeleid — Denst Vergunningen
 Generaal Lemanstraat 60
 B-1040 Brussel
 Fax: (32-2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
 Søndergade 25
 DK-8600 Silkeborg
 Fax (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
 Postfach 5171
 D-65762 Eschborn 1
 Fax: (49) 6196/40 42 12

ΕΛΛΑΣ

Υπουργεί Εθνικής Οικονομίας
 Γεωική Γραμματεία Δ.Ο.Σ
 Διεύθυνση Διαδικασιών Εξωτερικού
 Εμπορίου
 Κορνάρου Ι
 GR-105 63 Αθήνα
 Τέλεφαξ: (301) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Comercio y Turismo
 Dirección General de Comercio Exterior
 Paseo de la Castellana, 162
 E-28046 Madrid
 Fax: (34 1) 563 18 23

FRANCE

Setice
 8, rue de la Tour des Dames
 F-75436 Paris Cedex 09
 Télécopieur: (33 1) 44 63 26 59

IRLELAND

Licensing Unit
 Department of Tourism and Trade
 Kildare Street
 IRL-Dublin 2
 Fax: (353 1) 676 61 54

ITALIA

Ministero per il Commercio estero
 DG Import-export, Division V
 Viale Boston
 I-00144 Roma
 Telefax: (39-6) 59 93 26 36/59 93 26 37

LUXEMBOURG

Ministère des affaires étrangères
 Office des licences
 Boîte postale 113
 L-2011 Luxembourg
 Télécopieur: (352) 46 61 38

NEDERLAND

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

ÖSTERREICH

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

PORTUGAL

Direcção-Geral do Comércio Externo
 Avenida da República, 79
 P-1000 Lisboa
 Telefax: (351-1) 793 22 10

SUOMI

Tullihallitus
 PL 512
 FIN-00101 Helsinki
 Telekopio: +358-0 614 2852

SVERIGE

Kommerskollegium
Birger Jarls torg 5
Box 1209
S-111 82 Stockholm
Fax: (46-8) 20 03 24

UNITED KINGDOM

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

ANNEX IV

ADMINISTRATIVE COOPERATION

Article 1

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

Article 2

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

Article 3

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

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

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

3. The results of the subsequent verifications carried out in accordance with paragraph 1 shall be communicated to the competent authorities of the Community within three months at the latest.

The information communicated shall indicate whether the disputed certificate, licence or declaration applies to the goods actually exported and whether the goods are eligible for export to the Community under this Decision. The competent authorities of the Community may also request copies of all documentation necessary to determine the facts fully, including, in particular, the origin of the goods ⁽¹⁾.

4. Should such verifications reveal abuse or major irregularities in the use of declarations of origin, the Member State concerned shall inform the Commission of this fact. The Commission shall pass the information on to the other Member States.

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

The decision shall be taken in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 ⁽²⁾.

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 the exporting country or countries concerned 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 exporting countries 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 exporting country or countries concerned, such measures as are necessary to prevent recurrence of such contravention.

Article 5

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

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

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 1.

ANNEX V

QUANTITATIVE LIMITS

<i>(tonnes)</i>		
Products	1995	1996
RUSSIA		
A. Flat products		
1. Coils	152,163	174,988
2. Heavy plate	36,455	41,923
3. Other flat products	22,343	25,695
B. Long products		
1. Beams	12,854	14,782
2. Wire rod	15,219	17,502
3. Other long products	68,652	78,950
UKRAINE		
A. Flat products		
1. Coils	35,385	40,693
2. Heavy plate	34,551	39,734
3. Other flat products	10,642	12,238
B. Long products		
1. Beams	5,738	6,599
2. Wire rod	5,885	6,767
3. Other long products	48,632	55,927

COMMISSION RECOMMENDATION No 4/96/ECSC

of 21 November 1995

amending recommendation No 3118/94/ECSC and repealing recommendation
No 73/95/ECSC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas pending the conclusion and entry into force of the agreements with Russia and Ukraine on trade in certain steel products covered by the European Coal and Steel Treaty, the requirement for an export licence for imports covered by those agreements was established by Commission recommendation No 73/95/ECSC ⁽¹⁾;

Article 1 (1) of recommendation No 3118/94/ECSC shall no longer apply in respect of the release for free circulation into the Community of those steel products covered by the ECSC Treaty originating in Russia and Ukraine which are the subject of the agreements between the European Coal and Steel Community and those countries and for which a Community import licence is required in accordance with the provisions of Decision No 3/96/ECSC.

Whereas with the entry into force of those agreements ⁽²⁾, together with the introduction of a requirement for a Community import licence in accordance with the rules set out in Commission Decision No 3/96/ECSC ⁽³⁾, it is necessary to repeal recommendation No 73/95/ECSC and, in order to avoid unnecessary duplication of procedures, to amend recommendation No 3118/94/ECSC ⁽⁴⁾, as last amended by recommendation No 393/95/ECSC ⁽⁵⁾, so as to remove the requirement for surveillance documents in respect of the products originating in Russia and Ukraine which are covered by the agreements,

Article 3

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

This recommendation shall apply from 1 January 1996.

HEREBY RECOMMENDS:

Done at Brussels, 21 November 1995.

Article 1

Recommendation No 73/95/ECSC is repealed.

For the Commission
The President
Jacques SANTER

⁽¹⁾ OJ No L 13, 19. 1. 1995, p. 1.

⁽²⁾ See page 24 and 47 of this Official Journal.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 330, 21. 12. 1994, p. 6.

⁽⁵⁾ OJ No L 43, 25. 2. 1995, p. 23.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 November 1995

on the conclusion of agreements between the European Coal and Steel Community and the Russian Federation on trade in certain steel products

(96/8/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The Agreement with the Russian Federation concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.

Whereas, following the Council Decision of 13 June 1994, the Commission opened negotiations with the Russian Federation, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Treaty;

2. The text of the Agreement is annexed to this Decision ⁽¹⁾.

Article 2

Whereas the Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for 1995 and 1996;

The President of the Commission will, on behalf of the European Coal and Steel Community, give the notification provided for in Article 10 (1) of the Agreement.

Done at Brussels, 21 November 1995.

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

For the Commission

The President

Jacques SANTER

⁽¹⁾ See page 25 of this Official Journal.

AGREEMENT

between the European Coal and Steel Community and the Russian Federation on trade in certain steel products

initialled at Brussels on 3 March 1995

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE RUSSIAN FEDERATION,

of the other part,

being the Contracting Parties to this Agreement,

Whereas the Contracting Parties are agreed on the need to take the fullest possible account of the serious economic problems at present affecting the steel industry in both importing and exporting countries;

Whereas the Contracting Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Russian Federation (hereinafter referred to as 'Russia');

Whereas, the Contracting 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 21 (1) of the Agreement on Partnership and Cooperation establishing a Partnership between the European Communities and their Member States and the Russian Federation (hereinafter referred to as the 'Partnership and Cooperation Agreement'); whereas by an exchange of letters at the time of the signing of the Partnership and Cooperation Agreement the European Community and the Government of the Russian Federation agreed on the desirability of concluding such an agreement as rapidly as possible;

Whereas Article 21 of the Partnership and Cooperation Agreement provides that trade in ECSC products shall be governed by Title III, save for Article 15 thereof, and by the provisions of this Agreement;

Whereas consultations between the Community and Russia have taken place with a view to reaching satisfactory solutions to the current problems in the field of trade in steel products;

Whereas this Agreement should be accompanied by cooperation between the Contracting Parties in respect of their steel industries, including appropriate exchanges of information, within the Contact Group on coal and steel as foreseen in Protocol 1 to 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:

THE GOVERNMENT OF THE RUSSIAN FEDERATION:

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the Treaty establishing the European Coal and Steel Community set out in Annex I originating within the Contracting Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement and to the relevant provisions of the agreements on trade and trade-related matters in force between the Parties.

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 Contracting Parties, in particular those relating to anti-dumping procedures and safeguard measures.

Article 2

Russia agrees to establish and maintain for each calendar year quantitative limits as set out in Annex II on its exports to the Community of the products covered by this Agreement. Such exports shall be subject to a double-checking system as specified in Protocol A.

Article 3

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

2. Imports into the customs territory of the Community of the 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 authorized up to 7% of the relevant quantitative limit for the year in which it was not used. Russia shall notify the Community no later than 1 February of the following year 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 minimize the possibilities for abuse and circumvention:

- the Community authorities shall inform Russia by the 28th of each month of the import authorizations issued during the preceding month;
- the Russian authorities shall inform the Community by the 28th of each month of the export licences 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 Contracting 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, the Community and Russia agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention by transshipment, re-routing, 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 Community and Russia 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 the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with Russia which shall be held immediately.

4. Pending the results of the consultations referred to in paragraph 3, Russia shall, as a precautionary measure, and if so requested by the Community, take all necessary measures to ensure that, where sufficient evidence of circumvention is provided, adjustments of the quantitative limits liable to be agreed following the consultations referred to in paragraph 3, shall be 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. In the absence of a mutually satisfactory solution, the Community shall have the right, where sufficient evidence of circumvention or false declaration exists:

- (a) to set off the quantities imported by way of circumvention against the limits established under the Agreement;
- (b) to refuse to import the products in question.

6. The Contracting 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 Contracting Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows resulting in regional concentration of direct imports into the Community. Should a sudden and prejudicial change in traditional trade flows 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.

3. Russia shall endeavour to ensure that exports into the Community of products covered by this Agreement 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, where licences issued by the Russian authorities have reached 90% of the quantitative limits for the calendar year in question, either Contracting Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Russian 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. Should the Community consider that steel products covered by this Agreement are being imported into the Community from Russia at a price lower than the normal competitive level and is for this reason causing or threatening to cause serious injury to Community producers of like products, it may request consultations which shall be opened 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, until a satisfactory solution is found, take measures to limit the imports of the products in question under the conditions referred to in paragraph 1 above or take any other appropriate measures.

3. The utilization of the right to consultations under paragraph 1 shall not preclude action concerning safeguard measures and anti-dumping procedures

pursuant to the provisions of the relevant agreements on trade and trade-related matters in force between the Contracting Parties.

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').

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 Russia 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 authorizations pursuant to Article 4 (1), the Contracting Parties agree to exchange full statistical information relating to trade in the products covered by this Agreement at appropriate intervals, taking account of the shortest periods in which the information in question is prepared, which shall cover export licences and import authorizations issued pursuant to Article 3 and import and export statistics in respect of the products in question.

2. Either Contracting 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 Contracting Party. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Contracting 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 Contracting 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 endeavour to arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 1996. At the request of either Contracting Party made not later than six months prior to 31 December 1996, the Contracting Parties shall consult on whether or not this Agreement should be extended.

2. Either Contracting Party may at any time propose modifications to this Agreement which shall require the mutual consent of the Contracting Parties and take effect as agreed by them.

3. Either Contracting 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 limits established by this Agreement shall be reduced on a *pro rata* basis up to the date on which denunciation takes effect unless the Contracting Parties decide otherwise by common agreement.

4. The operation of this Agreement shall be reviewed by the Contracting Parties prior to Russia becoming a member of the World Trade Organization.

5. The Annexes, Protocol, Agreed Minutes, Declarations and Letters exchanged and attached to this Agreement, shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in two copies in English and Russian, each of these texts being equally authentic.

Done at Brussels, on 7 December 1995.

*For the Government of
the Russian Federation*

G. V. GABUNIA

*For the Commission of
the European Communities*

Horst G. KRENZLER

ANNEX I

A. Flat-rolled products	3. Other flat-rolled products	7211 90 11	7227 90 10
1. Coils		7212 10 10	7227 90 30
7208 11 00	7208 34 10	7212 10 91	7227 90 50
7208 12 10	7208 34 90	7212 21 11	7227 90 70
7208 12 91	7208 35 10	7212 29 11	
7208 12 95	7208 35 90	7212 30 11	
7208 12 98	7208 44 10	7212 40 10	3. Other longs
7208 13 10	7208 44 90	7212 40 91	7207 19 11
7208 13 91	7208 45 10	7212 50 31	7207 19 14
7208 13 95	7208 45 90	7212 50 51	7207 19 16
7208 13 98	7208 90 10	7212 60 11	7207 20 51
7208 14 10	7209 11 00	7212 60 91	7207 20 55
7208 14 91	7209 12 10	7219 21 11	7207 20 57
7208 14 99	7209 12 90	7219 21 19	7214 20 00
7208 21 10	7209 13 10	7219 21 90	7214 30 00
7208 21 90	7209 13 90	7219 22 10	7214 40 10
7208 22 10	7209 14 10	7219 22 90	7214 40 20
7208 22 91	7209 14 90	7219 23 10	7214 40 51
7208 22 95	7209 21 00	7219 23 90	7214 40 59
7208 22 98	7209 22 10	7219 24 10	7214 40 80
7208 23 10	7209 22 90	7219 24 90	7214 50 10
7208 23 91	7209 23 10	7219 31 10	7214 50 31
7208 23 95	7209 23 90	7219 31 90	7214 50 39
7208 23 98	7209 24 10	7219 32 10	7214 50 90
7208 24 10	7209 24 91	7219 32 90	7214 60 00
7208 24 91	7209 24 99	7219 33 10	7215 90 10
7208 24 99	7209 31 00	7219 33 90	7216 10 00
7211 12 10	7209 32 10	7219 34 10	7216 21 00
7211 19 10	7209 32 90	7219 34 90	7216 22 00
7211 22 10	7209 33 10	7219 35 10	7216 40 10
7211 29 10	7209 33 90	7219 35 90	7216 40 90
7219 11 10	7209 34 10	7225 40 70	7216 50 10
7219 11 90	7209 34 90	7225 40 90	7216 50 91
7219 12 10	7209 41 00		7216 50 99
7219 12 90	7209 42 10	B. Longs	7216 90 10
7219 13 10	7209 42 90	1. Beams	7218 90 50
7219 13 90	7209 43 10		7222 10 11
7219 14 10	7209 43 90	7207 19 31	7222 10 19
7219 14 90	7209 44 10	7207 20 71	7222 10 21
7225 10 10	7209 44 90	7216 31 11	7222 10 29
7225 20 20	7209 90 10	7216 31 19	7222 10 31
7225 30 00	7210 11 10	7216 31 91	7222 10 39
	7210 12 11	7216 31 99	7222 10 81
	7210 12 19	7216 32 11	7222 10 89
	7210 20 10	7216 32 19	7222 30 10
2. Heavy plates	7210 31 10	7216 32 91	7222 40 11
7208 31 00	7210 39 10	7216 32 99	7222 40 19
7208 32 10	7210 41 10	7216 33 10	7222 40 30
7208 32 30	7210 49 10	7216 33 90	7224 90 31
7208 32 51	7210 50 10		7224 90 39
7208 32 59	7210 60 11	2. Wire rod	7228 10 10
7208 32 91	7210 60 19		7228 10 30
7208 32 99	7210 70 31	7213 10 00	7228 20 11
7208 33 10	7210 70 39	7213 20 00	7228 20 19
7208 33 91	7210 70 31	7213 31 20	7228 20 30
7208 33 99	7210 90 31	7213 31 81	7228 30 20
7208 41 00	7210 90 33	7213 31 89	7228 30 41
7208 42 10	7210 90 35	7213 39 10	7228 30 49
7208 42 30	7210 90 39	7213 39 90	7228 30 61
7208 42 51	7211 19 91	7213 41 00	7228 30 69
7208 42 59	7211 19 99	7213 49 00	7228 30 70
7208 42 91	7211 22 90	7213 50 20	7228 30 89
7208 42 99	7211 29 91	7213 50 81	7228 60 10
7208 43 10	7211 29 99	7213 50 89	7228 70 10
7208 43 91	7211 30 10	7221 00 10	7228 70 31
7208 43 99	7211 41 10	7221 00 90	7228 80 10
7211 11 00	7211 41 91	7227 10 00	7228 80 90
7211 21 00	7211 49 10	7227 20 00	7301 10 00

ANNEX II

QUANTITATIVE LIMITS

<i>(tonnes)</i>		
Products	1995	1996
A. Flat products		
1. Coils	152,163	174,988
2. Heavy plate	36,455	41,923
3. Other flat products	22,343	25,695
B. Long products		
1. Beams	12,854	14,782
2. Wire rod	15,219	17,502
3. Other long products	68,652	78,950

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 7 December 1995 the Contracting Parties agree that:

- in pursuance of the exchange of information foreseen in Article 4 (1) concerning export licences and import authorizations, the Contracting Parties will supply that information by reference to the Member States in addition to the Community as a whole,
- if the Contracting Parties are unable to reach a satisfactory solution during the consultations foreseen by Article 5 (2), Russia will cooperate, if so requested by the Community, by not issuing export licences for an intended destination where imports pursuant to such licences would aggravate problems resulting from regional concentrations of direct imports into the Community, it being understood that Russia may continue to issue licences for other Community destinations, and
- Russia 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.

*For the Government of the
Russian Federation*

*For the Commission of the
European Communities*

Declaration

In the context of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 7 December 1995, and more particularly Article 6 thereof, the Contracting Parties agree that it is understood that anti-dumping and safeguard procedures under the relevant Agreements on trade and trade-related matters in force between the Parties may be taken by the Community notwithstanding the respect by Russia of the quantitative limits set out in Annex II.

Declaration

For the purposes of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 7 December 1995, the Contracting Parties agree that the relevant agreements on trade and trade-related matters shall, depending on their applicability, be as follows:

- Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation signed on 19 December 1989 in Brussels,
 - the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and European Atomic Energy Community, of the one part, and the Russian Federation, of the other part, initialled in Moscow on 29 December 1994,
 - the Agreement on Partnership and Cooperation establishing a Partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, signed on 24 June 1994 at Corfu.
-

Declaration

In the context of the Agreement between the European Coal and Steel Community and the Russian Federation on trade in certain steel products signed in Brussels on 7 December 1995, and more particularly Article 9 thereof, the Contracting Parties agree that Russia may, following experience with the management of the Agreement, propose consultations concerning the quantitative limits in respect of the categories of products in order more appropriately to take account of the utilization of the quantitative limits.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

The competent authorities of the Community undertake to inform Russia of any changes in the combined nomenclature (CN) in respect of products covered by this Agreement before the date of their entry into force in the Community.

TITLE II

ORIGIN

Article 2

1. Products covered by this Agreement originating in Russia (as defined by the relevant Community Regulations) to be exported to the Community in accordance with the arrangements established by this Agreement shall be accompanied by a certificate of Russian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the competent Russian organizations authorized under Russian legislation as to whether the products in question can be considered as products originating in that country.

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 authorized representative. The competent Russian organizations authorized under Russian 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

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

The appropriate Russian governmental authorities shall issue an export licence in respect of all consignments from Russia of steel products covered by the Agreement up to the relevant 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 as evidenced by their bill of lading or other transport document.

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 the products covered by the Agreement shall be subject to the presentation of an import authorization.

Article 11

1. The competent authorities of the Community shall issue the import authorization referred to in Article 10 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 authorizations 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 authorization 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 Russia exceed the limits set out in Annex II to the Agreement, the Community authorities shall suspend the further issue of import authorizations. In this event, the competent authorities of the Community shall immediately inform the authorities of Russia 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 x 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 standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: RU,
- 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
 - SV = Sweden
 - GB = United Kingdom,
- a one-digit number identifying the year in question corresponding to the last figure in the year, e.g. '5' for 1995,

- 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 competent Russian authorities 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 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 Community and Russia 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 Contracting Parties.

Article 17

In order to ensure the correct application of this Protocol, the Community and Russia offer mutual assistance for the checking of the 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

Russia shall send the Commission of the European Communities the names and addresses of the appropriate Russian governmental authorities which are authorized to issue and to verify export licences and the competent Russian organizations authorized under Russian legislation to issue certificates of origin together with

specimens of the stamps and signatures they use. Russia shall also notify the Commission of any change in these particulars.

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 Russian 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 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 or licence 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.

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 competent Russian organizations 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 Russia indicates or appears to indicate that the provisions of this Agreement are being circumvented or infringed, the two Contracting Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.

2. To this end, the appropriate Russian 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. Russia 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 Community and Russia, 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 Russia shall exchange any information considered by either Contracting Party to be of use in preventing circumvention or infringement of the provisions of this Agreement. These exchanges may include information on the trade in the type of products covered by this Agreement between Russia 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 Russia 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 Russia and the Community may agree to take any measures as are necessary to prevent a recurrence of such circumvention or infringement.

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

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 KOMPETENTA NATIONELLA MYNDIGHETER
 LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIË

Administration des relations économiques
 Quatrième division: Mise en œuvre des politiques
 commerciales internationales — Services «Licences»
 Rue Général Leman 60
 B-1040 Bruxelles
 Télécopieur: (32 2) 230 83 22

Bestuur van de Economische Betrekkingen
 Vierde Afdeling: Toepassing van het International Han-
 delsbeleid — Dienst Vergunningen
 Generaal Lemanstraat 60
 B-1040 Brussel
 Fax: (32 2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
 Søndergade 25
 DK-8600 Silkeborg
 Fax (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
 Postfach 51 71
 D-65762 Eschborn 1
 Fax: (49) 6196 40 42 12

ΕΛΛΑΣ

Υπουργείο Εθνικής Οικονομίας
 Γενική Γραμματεία ΔΟΣ
 Διεύθυνση Διαδικασιών Εξωτερικού
 Εμπορίου
 Κορνάρου 1
 GR-105 63 Αθήνα
 Τέλεφαξ: (301) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Comercio y Turismo
 Dirección General de Comercio Exterior
 Paseo de la Castellana, 162
 E-28046 Madrid
 Fax: (34 1) 5 63 18 23

FRANCE

Setice
 8, rue de la Tour des Dames
 F-75436 Paris Cedex 09
 Télécopieur: (33 1) 44 63 26 59

IRELAND

Licensing Unit
 Department of Tourism and Trade
 Kildare Street
 IRL-Dublin 2
 Fax: (353 1) 676 61 54

ITALIA

Ministero per il Commercio estero
 DG Import-export, Division V
 Viale Boston
 I-00144 Roma
 Telefax: (39-6) 59 93 26 36/59 93 26 37

LUXEMBOURG

Ministère des affaires étrangères
 Office des licences
 Boîte postale 113
 L-2011 Luxembourg
 Télécopieur: (352) 46 61 38

NEDERLAND

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

ÖSTERREICH

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

PORTUGAL

Direcção-Geral do Comércio Externo
 Avenida da República, 79
 P-1000 Lisboa
 Telefax: (351-1) 793 22 10

SUOMI

Tullihallitus
 PL 512
 FIN-00101 Helsinki
 Telekopio: +358-0 614 2852

SVERIGE

Kommerskollegium
Birger Jarls torg 5
Box 1209
S-111 82 Stockholm
Fax: (46-8) 20 03 24

UNITED KINGDOM

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

COMMISSION DECISION

of 21 November 1995

on the conclusion of agreements between the European Coal and Steel Community and Ukraine
on trade in certain steel products

(96/9/ECSC)

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,

Whereas, following the Council Decision of 13 June 1994, the Commission opened negotiations with Ukraine, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Treaty;

Whereas the Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for 1995 and 1996;

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

The President of the Commission will, on behalf of the European Coal and Steel Community, give the notification provided for in Article 10 (1) of the Agreement.

Done at Brussels, 21 November 1995.

For the Commission
The President
Jacques SANTER

⁽¹⁾ See page 48 of this Official Journal.

AGREEMENT

between the European Coal and Steel Community and Ukraine on trade in certain steel products

initialled at Brussels on 22 December 1994

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF UKRAINE,

of the other part,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of Ukraine (hereinafter referred to as 'Ukraine') are agreed on the need to take the fullest possible account of the serious economic problems at present affecting the steel industry in both importing and exporting countries;

Whereas the Contracting Parties are desirous to promote the orderly and equitable development of trade in steel between the European Coal and Steel Community and Ukraine;

Whereas the Contracting Parties consider that this Agreement will create favourable conditions for the progress of Ukraine in its economic reforms and will facilitate the perspectives for a future free trade area as referred to in the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed on 14 June 1994 (hereinafter referred to as the 'Partnership and Cooperation Agreement');

Whereas the Contracting 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 consultations between the Community and Ukraine have taken place with a view to reaching satisfactory solutions to the current problems in the field of trade in steel products;

Whereas this Agreement should be complemented by the cooperation between the Contracting Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC Contact Group as foreseen in Protocol 1 to 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 UKRAINE,

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 Contracting Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement and to the relevant provisions of the agreements on trade and trade-related matters in force between the Parties.

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

Ukraine 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.

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 Ukraine 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. Carryover to the corresponding quantitative limits for the following calendar year of the amounts of quantitative limits not used during any calendar year is authorized up to 7 % of the relevant quantitative limit for the year in which it was not used. Ukraine shall notify the Community no later than 1 March of the following year 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 minimize the possibilities for abuse and circumvention:

- the Ukrainian 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 Ukrainian authorities by the 28th of each month of the import authorizations 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 Contracting 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 Contracting Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or administration action against circumvention by transshipment, re-routing, 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 Contracting 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 the Community believe on the basis of information available that this Agreement is being circumvented, the Community may request consultations with Ukraine 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, Ukraine 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 Contracting 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 Ukraine 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 Contracting 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 classification has occurred, to refuse to import the products in question.

7. The Contracting 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 Contracting Parties shall cooperate in order to prevent sudden and prejudicial changes in traditional trade flows resulting in regional concentration of direct imports into the Community. Should a sudden and prejudicial change in traditional trade flows 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.

3. Ukraine 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, where licences issued by the Ukrainian authorities have reached 90 % of the quantitative limits for the calendar year in question, either Contracting Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the Ukrainian 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 2.

Article 6

1. Should the Community consider that steel products covered by this Agreement are being imported into the Community from Ukraine at a price abnormally lower than the normal competitive level and is for this reason causing or threatening to cause substantial injury to Community producers of like products, it may request consultations which shall be opened immediately.

2. If following such consultations it is acknowledged by common accord that the situation described in paragraph 1 exists, Ukraine shall take, within the limits of its powers, the necessary steps, notably as regards the

price at which the product in question will be sold, to remedy the situation.

3. In order to determine whether the price of a steel product is lower than the normal competitive level, it may be compared, *inter alia*, with:

- the prices generally charged for like products sold under ordinary conditions by other exporting countries on the Community market;
- the prices of like Community products at a comparable marketing stage on the Community market;

4. Should the consultations referred to in paragraph 2 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may, until these consultations have produced a mutually satisfactory solution, temporarily refuse consignments of the product in question at prices under the conditions referred to in paragraph 1 above.

5. In exceptional and critical circumstances, where consignments of products covered by this Agreement are being imported from Ukraine into the Community at prices abnormally lower than the normal competitive level, such as to cause injury which it would be difficult to repair, the Community may temporarily suspend imports of the products concerned pending agreement on a solution in the course of consultations, which shall be opened immediately. The Contracting Parties shall do their utmost to reach a mutually acceptable solution within 10 working days' notice of the opening of such consultations.

6. Should the Community have recourse to the measures referred to in paragraphs 4 and 5 above, Ukraine may at any time request the opening of consultations to examine the possibility of eliminating or modifying these measures where the causes which made them necessary no longer exist.

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 Ukraine 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 authorizations pursuant to Article 4 (1), the Contracting Parties agree to exchange full statistical information relating to the products subject to the quantitative limits set out in Annex 2 at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorizations issued pursuant to Article 3, import and export statistics in respect of the products in question.

2. Either Contracting 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 Contracting Parties. Any consultations shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Contracting 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 Contracting 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 Contracting 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 first day of the month following the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 1996. At the request of either Contracting Party made not later than six months prior to 31 December 1996, the Contracting Parties shall consult on whether or not this Agreement should be extended.

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

3. Either Contracting 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 of this Agreement shall be reduced on a *pro rata* basis up to the date on which denunciation takes effect unless the Contracting Parties decide otherwise by common agreement.

4. The operation of this Agreement shall be reviewed by the Contracting Parties prior to Ukraine becoming a member of the World Trade Organization.

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

6. The Annexes, Protocols, Agreed Minute, Declarations and Letters exchanged or attached to this Agreement, shall form an integral part thereof.

Article 11

This Agreement shall be drawn up in two copies in English and Ukrainian, each of these texts being equally authentic.

Done at Brussels, on 15 December 1995.

For the Commission of
the European Communities

Salvatore SALERNO

For the Government
of Ukraine

Borys TARASYUK

ANNEX I

A. Flat-rolled products

1. Coils

7208 11 00
7208 12 10
7208 12 91
7208 12 95
7208 12 98
7208 13 10
7208 13 91
7208 13 95
7208 13 98
7208 14 10
7208 14 91
7208 14 99
7208 21 10
7208 21 90
7208 22 10
7208 22 91
7208 22 95
7208 22 98
7208 23 10
7208 23 91
7208 23 95
7208 23 98
7208 24 10
7208 24 91
7208 24 99
7211 12 10
7211 19 10
7211 22 10
7211 29 10
7219 11 10
7219 11 90
7219 12 10
7219 12 90
7219 13 10
7219 13 90
7219 14 10
7219 14 90
7225 10 10
7225 20 20
7225 30 00

2. Heavy plates

7208 31 00
7208 32 10
7208 32 30
7208 32 51
7208 32 59
7208 32 91
7208 32 99
7208 33 10
7208 33 91
7208 33 99
7208 41 00
7208 42 10
7208 42 30
7208 42 51
7208 42 59
7208 42 91
7208 42 99
7208 43 10
7208 43 91
7208 43 99
7211 11 00
7211 21 00

3. Other flat-rolled products

7208 34 10
7208 34 90
7208 35 10
7208 35 90
7208 44 10
7208 44 90
7208 45 10
7208 45 90
7208 90 10
7209 11 00
7209 12 10
7209 12 90
7209 13 10
7209 13 90
7209 14 10
7209 14 90
7209 21 00
7209 22 10
7209 22 90
7209 23 10
7209 23 90
7209 24 10
7209 24 91
7209 24 99
7209 31 00
7209 32 10
7209 32 90
7209 33 10
7209 33 90
7209 34 10
7209 34 90
7209 41 00
7209 42 10
7209 42 90
7209 43 10
7209 43 90
7209 44 10
7209 44 90
7209 90 10
7210 11 10
7210 12 11
7210 12 19
7210 20 10
7210 31 10
7210 39 10
7210 41 10
7210 49 10
7210 50 10
7210 60 11
7210 60 19
7210 70 31
7210 70 39
7210 90 31
7210 90 33
7210 90 35
7210 90 39
7211 19 91
7211 19 99
7211 22 90
7211 29 91
7211 29 99
7211 30 10
7211 41 10
7211 41 91
7211 49 10

7211 90 11
7212 10 10
7212 10 91
7212 21 11
7212 29 11
7212 30 11
7212 40 10
7212 40 91
7212 50 31
7212 50 51
7212 60 11
7212 60 91
7219 21 11
7219 21 19
7219 21 90
7219 22 10
7219 22 90
7219 23 10
7219 23 90
7219 24 10
7219 24 90
7219 31 10
7219 31 90
7219 32 10
7219 32 90
7219 33 10
7219 33 90
7219 34 10
7219 34 90
7219 35 10
7219 35 90
7225 40 70
7225 40 90

B. Longs

1. Beams

7207 19 31
7207 20 71
7216 31 11
7216 31 19
7216 31 91
7216 31 99
7216 32 11
7216 32 19
7216 32 91
7216 32 99
7216 33 10
7216 33 90

2. Wire rod

7213 10 00
7213 20 00
7213 31 20
7213 31 81
7213 31 89
7213 39 10
7213 39 90
7213 41 00
7213 49 00
7213 50 20
7213 50 81
7213 50 89
7221 00 10
7221 00 90
7227 10 00
7227 20 00

7227 90 10
7227 90 30
7227 90 50
7227 90 70

3. Other longs

7207 19 11
7207 19 14
7207 19 16
7207 20 51
7207 20 55
7207 20 57
7214 20 00
7214 30 00
7214 40 10
7214 40 20
7214 40 51
7214 40 59
7214 40 80
7214 50 10
7214 50 31
7214 50 39
7214 50 90
7214 60 00
7215 90 10
7216 10 00
7216 21 00
7216 22 00
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 90 10
7218 90 50
7222 10 11
7222 10 19
7222 10 21
7222 10 29
7222 10 31
7222 10 39
7222 10 81
7222 10 89
7222 30 10
7222 40 11
7222 40 19
7222 40 30
7224 90 31
7224 90 39
7228 10 10
7228 10 30
7228 20 11
7228 20 19
7228 20 30
7228 30 20
7228 30 41
7228 30 49
7228 30 61
7228 30 69
7228 30 70
7228 30 89
7228 60 10
7228 70 10
7228 70 31
7228 80 10
7228 80 90
7301 10 00

ANNEX II

QUANTITATIVE LIMITS

<i>(tonnes)</i>		
Products	1995	1996
A. Flat products		
1. Coils	35,385	40,693
2. Heavy plate	34,551	39,734
3. Other flat products	10,642	12,238
B. Long products		
1. Beams	5,738	6,599
2. Wire rod	5,885	6,767
3. Other long products	48,632	55,927

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995, the parties agree that:

- in pursuance of the exchange of information foreseen in Article 4 (1) concerning export licences and import authorizations 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), Ukraine will cooperate, if so requested by the Community, by not issuing export licences that would further aggravate the problems resulting from regional concentrations of direct imports into the Community; and
- Ukraine 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.

*For the Commission of
the European Communities*

*For the Government
of Ukraine*

Declaration

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 6 thereof, the Contracting Parties agree that it is the understanding of the European Community that in the event that the provisions of Article 6 are fulfilled in respect of exports from Ukraine to the Community of products covered by this Agreement, European industry has no intention of making use of any procedures in respect of anti-dumping and/or countervailing duties in respect of imports of such products to the Community.

Declaration

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 9 thereof, the Contracting Parties agree that Ukraine may, following experience with the management of the Agreement, propose consultations concerning the quantitative limits in respect of the categories of products in order more appropriately to take account of the utilization of the quantitative limits.

Declaration

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly the quantitative limits contained in Annex II thereof, the Contracting Parties agree that, without prejudice to the consultations foreseen by Article 5 (4), Ukraine may request consultations concerning the amounts of such limits in order to ascertain whether the possibility exists to adjust them, taking account of the needs and situation of the Community market.

Declaration

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995, and more particularly Article 3 thereof, the Contracting Parties confirm their understanding that this Agreement does not affect existing systems concerning the import and duties in respect of the steel products mentioned in Annex I to the Agreement which are intended for the purposes of the construction and repair of sea going vessels and off-shore structures.

Declaration

In the context of the Agreement between the European Coal and Steel Community and Ukraine on trade in certain steel products signed in Brussels on 15 December 1995 and more particularly Article 3 (3) thereof, the Contracting Parties agree that Ukraine may, in the event of exceptional circumstances relating to production of the products covered by the Agreement in Ukraine request consultations concerning the carryover of amounts to the following year.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform Ukraine 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 Ukraine 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 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 Contracting 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 Ukraine 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 Ukraine 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 Ukrainian origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the Ukrainian organizations authorized for such purposes under Ukrainian legislation as to whether the products in question can be considered as products originating in Ukraine.

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 authorized representative. The Ukrainian organizations authorized for such purposes under Ukrainian 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

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 Ukrainian governmental authorities shall issue an export licence in respect of all consignments from Ukraine of steel products covered by the Agreement up to the quantitative limits set out in Annex 2 of 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 2 of 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 authorization.

Article 11

1. The competent authorities of the Community shall issue the import authorization referred to in Article 8 above, within ten 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 authorizations 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 authorization 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 Ukraine 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 authorizations 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 Ukraine 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 x 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 standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: UA,
- 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. '5' for 1995,
- 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 Ukrainian governmental authorities competent to issue licences or to the Ukrainian organizations authorized to issue certificates of origin under Ukrainian 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 Contracting 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.

Article 17

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

Ukraine shall send the Commission of the European Communities the names and addresses of the competent Ukrainian authorities which are authorized to issue and to verify export licences and certificates of origin together with specimens of the stamps and signatures they use. Ukraine 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 Ukrainian 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 Ukrainian 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 Ukraine indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two Contracting Parties shall cooperate closely and with the appropriate urgency in order to prevent any such circumvention or infringement.

2. To this end, the appropriate Ukrainian 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. Ukraine 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 Contracting 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 Ukraine shall exchange any information considered by either Contracting 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 Ukraine 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 Ukraine 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 Ukraine 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		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		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		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		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)			

LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
 LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
 ΛΙΣΤΕΥΘΥΝΣΕΙΣ 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 KOMPETENTA NATIONELLA MYNDIGHETER
 LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIË

Administration des relations économiques
 Quatrième division: Mise en œuvre des politiques
 commerciales internationales — Services «Licences»
 Rue Général Leman 60
 B-1040 Bruxelles
 Télécopieur: (32 2) 230 83 22

Bestuur van de Economische Betrekkingen
 Vierde Afdeling: Toepassing van het International Han-
 delsbeleid — Dienst Vergunningen
 Generaal Lemanstraat 60
 B-1040 Brussel
 Fax: (32 2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
 Søndergade 25
 DK-8600 Silkeborg
 Fax (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
 Postfach 51 71
 D-65762 Eschborn 1
 Fax: (49) 6196 40 42 12

ΕΛΛΑΣ

Υπουργείο Εθνικής Οικονομίας
 Γενική Γραμματεία ΔΟΣ
 Διεύθυνση Διαδικασιών Εξωτερικού
 Εμπορίου
 Κορνάρον 1
 GR-105 63 Αθήνα
 Τέλεφαξ: (301) 328 60 29/328 60 59/328 60 39

ESPAÑA

Ministerio de Comercio y Turismo
 Dirección General de Comercio Exterior
 Paeso de la Castellana, 162
 E-28046 Madrid
 Fax: (34 1) 563 18 23

FRANCE

Setice
 8, rue de la Tour des Dames
 F-75436 Paris Cedex 09
 Télécopieur: (33 1) 44 63 26 59

IRELAND

Licensing Unit
 Department of Tourism and Trade
 Kildare Street
 IRL-Dublin 2
 Fax: (353 1) 676 61 54

ITALIA

Ministero per il Commercio estero
 DG Import-export, Division V
 Viale Boston
 I-00144 Roma
 Telefax: (39-6) 59 93 26 36/59 93 26 37

LUXEMBOURG

Ministère des affaires étrangères
 Office des licences
 Boîte postale 113
 L-2011 Luxembourg
 Télécopieur: (352) 46 61 38

NEDERLAND

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

ÖSTERREICH

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

PORTUGAL

Direcção-Geral do Comércio Externo
 Avenida da República, 79
 P-1000 Lisboa
 Telefax: (351-1) 793 22 10

SUOMI

Tullihallitus
 PL 512
 FIN-00101 Helsinki
 Telekopio: +358-0 614 2852

SVERIGE
Kommerskollegium
Birger Jarls torg 5
Box 1209
S-111 82 Stockholm
Fax: (46-8) 20 03 24

UNITED KINGDOM
Department of Trade and Industry
Import Licensing Branch
Queensway House, West Precinct
Billingham, Cleveland
UK-TS23 2NF
Fax: (44) 1642 533 557
