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(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 July 1996

on the conclusion of an Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products

(96/548/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

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

Whereas, following the Council Decision of 13 June 1994, the Commission opened negotiations with Kazakhstan, 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 1996,

Article 1

1. The Agreement with Kazakhstan concerning trade in certain steel products is hereby approved on behalf of the European Coal and Steel Community.
2. The text of the Agreement 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, 22 July 1996.

For the Commission

The President

Jacques SANTER

⁽¹⁾ See page 2 of this Official Journal.

AGREEMENT

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

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

of the other part,

being the Contracting Parties to this Agreement,

Whereas the European Coal and Steel Community (hereinafter referred to as 'the Community') and the Government of the Republic of Kazakhstan (hereinafter referred to as 'Kazakhstan') are 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 Kazakhstan;

Whereas the Contracting Parties consider that this Agreement will create favourable conditions for the progress of Kazakhstan 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 Kazakhstan signed on 23 January 1995 (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 Kazakhstan 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 the Partnership and Cooperation Agreement;

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. Trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the 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

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

Article 3

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

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

3. 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. Kazakhstan 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 Kazakh authorities shall inform the Community authorities by the 28th of each month of the export licences issued during the preceding month

— the Community authorities shall inform the Kazakh authorities by the 28th of each month of the import 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 Kazakhstan which shall be held immediately.

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

5. Should the 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 Kazakhstan have been imported in circumvention of this Agreement, to set off the relevant quantities against the quantitative limits established under the Agreement.

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

4. In addition to the obligation contained in paragraph 3, where licences issued by the Kazakh 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 Kazakh authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex II.

Article 6

1. Should the Community consider that steel products covered by this Agreement are being imported into the Community from Kazakhstan 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, Kazakhstan 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 Kazakhstan 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, Kazakhstan 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 Kazakhstan and shall not have the effect of reducing the quantitative limits of this Agreement.

The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import 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 II at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import 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⁽¹⁾. 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 II 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 Kazakhstan 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 Kazakhstan of the products set out in Annex I.

6. The Annexes, Protocol and Declaration attached to this Agreement, shall form an integral part thereof.

Article 11

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

Done at Brussels on the twenty-fifth day of July one thousand nine hundred and ninety-six.

For the Commission
of the
European Communities

For the Government
of the
Republic of Kazakhstan

⁽¹⁾ The date of the Agreement's entry into force shall be notified in the *Official Journal of the European Communities*.

ANNEX I

(1996)

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

ANNEX II

QUANTITATIVE LIMITS

		(tonnes)
Product		1996
SA. <i>Flat products</i>		
1. Coils		25 332
2. Heavy plate		8 871
3. Other flat products		5 367
SB. <i>Long products</i>		
1. Beams		176
2. Wire rod		181
3. Other long products		1 444

Declaration

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products initialled in Brussels on 1 April 1996, and more particularly Article 2 thereof, the Contracting Parties agree that they will use their best endeavours to bring the Agreement into force on 1 July 1996. The quantitative limits available to Kazakhstan in the period 1 July to 31 December 1996 will be those set out in Annex II of the Agreement minus the corresponding amounts already counted against the autonomous Community quotas for the period 1 January to 30 June 1996, as established by the Decision of the Representatives of the Governments of the Member States meeting within the Council 96/138/ECSC.

If it does not prove possible to bring the Agreement into force on 1 July 1996, autonomous Community quotas will be renewed until the Agreement does enter into force and the quantities available to Kazakhstan from the date of entry into force until 31 December 1996 will be those set out in Annex II of the Agreement minus the corresponding amounts already counted against the autonomous Community quotas.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

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

2. The competent authorities of the Community undertake to inform the competent authorities of Kazakhstan of any decisions relating to the classification of products covered by the Agreement within one month of their adoption at the latest.

Such a description shall include:

- (a) a description of the products concerned;
- (b) the relevant CN codes;
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 day's 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 Kazakhstan and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II

ORIGIN

Article 2

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

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

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 Kazakh organizations authorized for such purposes under Kazakh legislation shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

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

TITLE III

DOUBLE-CHECKING SYSTEM FOR PRODUCTS SUBJECT TO QUANTITATIVE LIMITS

SECTION I

Exportation

Article 5

1. The appropriate Kazakh governmental authorities shall issue an export licence in respect of all consignments from Kazakhstan of steel products covered by the Agreement up to the quantitative limits set out in Annex II 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 II 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, 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 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 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 Kazakhstan exceed the relevant quantitative limit established for products covered by Annex II of the Agreement the Community authorities shall suspend the further issue of import 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 Kazakhstan and immediate consultations pursuant to Article 9 (2) of the Agreement shall be initiated.

TITLE IV

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

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

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

2. Each document shall bear a 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: KZ,
- 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. 6 for 1996,
- 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 a theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Kazakh governmental authorities competent to issue licences or to the Kazakh organizations authorized to issue certificates of origin under Kazakh legislation, respectively, for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate'.

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

TITLE V

ADMINISTRATIVE COOPERATION

Article 16

The 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

Kazakhstan shall send the Commission of the European Communities the names and addresses of the competent Kazakh 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. Kazakhstan shall also notify the Commission of any change in this information.

Article 19

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

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

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

4. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 above shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.

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

5. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept by the appropriate Kazakh authorities for at least one year following the end of the Agreement.

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

Article 20

1. Where the verification procedure referred to in Article 19 or where information available to the competent authorities of the Community or of Kazakhstan indicates or appears to indicate that the provisions of the Agreement are being circumvented or infringed, the two 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 Kazakh authorities shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of this Protocol. Kazakhstan shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods to be determined.

3. By agreement between the 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 Kazakhstan 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 Kazakhstan and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of Kazakhstan prior to their importation into the Community. This information may include at the request of the Community copies of all relevant documentation, where available.

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

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

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

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