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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1526/97

of 26 June 1997

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community⁽¹⁾ of the one part, and Ukraine, of the other part, entered into force on 1 February 1996; and whereas the Partnership and Cooperation Agreement between the European Community and their Member States, of the one part, and Ukraine, of the other part, signed in Luxembourg on 14 June 1994 will, on its entry into force, replace the Interim Agreement;

Whereas the situation relating to imports of certain steel products from Ukraine into the Community has been the subject of thorough examination and whereas on the basis of relevant information supplied to them, the Parties have concluded an Agreement in the form of an Exchange of Letters⁽²⁾ which establishes a double-checking system without quantitative limits for the period between the date of entry into force of this Regulation in 1997 and 31 December 1999, unless both Parties agree to terminate the system earlier,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period running from the date on which this Regulation enters into force to 31 December 1999, in accordance with the provisions of the said Agreement in the form of an Exchange of Letters, imports into the Community of certain steel products covered by the

EC and ECSC Treaties originating in Ukraine, as listed in Appendix I, shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.

2. For the period running from the date on which this Regulation enters into force to 31 December 1999, imports into the Community of the steel products originating in Ukraine and listed in Appendix I shall, in addition, be subject to the issue of an export document issued by the competent Ukrainian authorities. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.

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

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

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

6. The competent authorities of the Community undertake to inform Ukraine of any changes in the Combined Nomenclature (CN) in respect of products

⁽¹⁾ OJ No L 311, 23. 12. 1995, p. 2.

⁽²⁾ See page 16 of this Official Journal.

covered by this Agreement before their date of entry into force in the Community.

Article 2

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

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

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

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

⁽¹⁾ Under the criteria given in Commission communication concerning identification criteria of non-prime steel products from third countries applied by customs services of Member States (OJ No C 180, 11. 7. 1991, p. 4.).

(i) whether the application is a repeat of a previous application concerning the same contract;

(j) the following declaration, dated and signed by the applicant with the transcription of his name in capital letters:

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

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

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

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

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

Article 3

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

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

Article 4

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

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

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

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

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

Article 5

Any notices to be given hereunder shall be given to the Commission of the European Communities and shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

Article 6

Committee

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

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 7

Final provisions

Amendments to the Appendices to this Regulation which may be necessary to take into account modifications to the Annex or appendices attached to the said Agreement, or amendments made to Community rules on statistics, customs arrangements, common rules for imports or imports surveillance, shall be adopted in accordance with the procedure laid down in Article 6.

Article 8

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

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

Done at Luxembourg, 26 June 1997.

For the Council

The President

H. VAN MIERLO

ANNEX

APPENDIX I

List of products subject to double-checking without quantitative limits

UKRAINE

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

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

APPENDIX II

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

1	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, address and telephone No)	
	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			
1	9. Description of goods		10. CN code and category
11. Quantity in kilograms (net mass) or in additional units			
12. Value in ecus, cif at Community frontier			
13. Additional remarks			
14. Competent authority's endorsement			
Date: Signature: Stamp:			

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

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, 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 and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature: Stamp:			

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

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

Extension pages to be attached hereto.

APPENDIX III

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

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

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

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

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APPENDICE IV — APPENDICE IV — AANHANGSEL IV — APÉNDICE IV — LISÄYS IV —
TILLÄGG IV

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES

LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER

LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN

ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ

LIST OF THE COMPETENT NATIONAL AUTHORITIES

LISTE DES AUTORITÉS NATIONALES COMPÉTENTES

ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI

LIJST VAN BEVOEGDE NATIONALE INSTANTIES

LISTA DAS AUTORIDADES NACIONAIS COMPETENTES

LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA

LISTA ÖVER KOMPETENTA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Administration des relations économiques
Quatrième division: Mise en œuvre des politiques
commerciales internationales — Services «Licences»
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3-5 rue Barbet-de-Jony
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Bestuur van de Economische Betrekkingen
Vierde Afdeling: Toepassing van het Internationaal
Handelsbeleid — Dienst Vergunningen
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B-1040 Brussel
Fax: (32 2) 230 83 22

IRELAND

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

DANMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
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ITALIA

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

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
Postfach 51 71
D-65762 Eschborn 1
Fax: (49) 61 96-40 42 12

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
Boîte postale 113
L-2011 Luxembourg
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ΕΛΛΑΣ

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Centrale Dienst voor In- en Uitvoer
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Engelse Kamp 2
NL-9700 RD Groningen
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ESPAÑA

Ministerio de Economía y Hacienda
Dirección General de Comercio Exterior
Paseo de la Castellana, 162
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Fax: (34 1) 5 63 18 23/349 38 31

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Bundesministerium für wirtschaftliche Angelegenheiten
Außenwirtschaftsadministration
Landstrasser Hauptstraße 55-57
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Direcção-Geral do Comércio Externo
Avenida da República, 79
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Telefax: (351-1) 793 22 10

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S-113 86 Stockholm
Fax: (46 8) 30 67 59

SUOMI

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PL 512
FIN-00101 Helsinki
Telekopio: +358-9 614 2852

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 June 1997

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

(97/481/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 together with Article 228(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas Council Decision 95/541/EC⁽¹⁾ and Commission Decision 95/542/Euratom, ECSC⁽²⁾ concluded the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, which entered into force on 1 February 1996; whereas the Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and Ukraine of the other part, signed in Luxembourg on 14 June 1994 will, on its entry into force, replace the Interim Agreement;

Whereas the Commission has finalized negotiations for an Agreement in the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative

limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community;

HAS DECIDED AS FOLLOWS:

Sole Article

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from Ukraine to the European Community is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Done at Luxembourg, 26 June 1997.

For the Council

The President

H. VAN MIERLO

⁽¹⁾ OJ No L 311, 23. 12. 1995, p. 1.

⁽²⁾ OJ No L 311, 23. 12. 1995, p. 21.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

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

A. Letter from the Council of the European Union

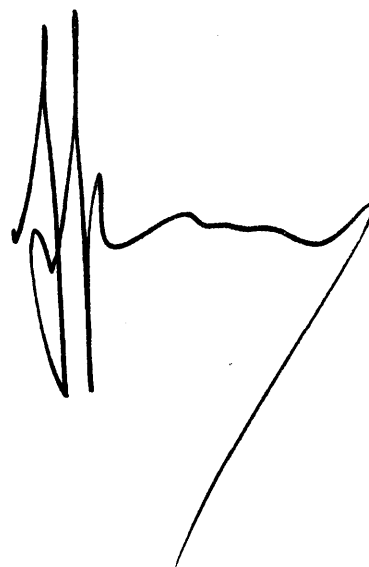
Brussels, 15 July 1997

Sir,

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

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

*On behalf of the
Council of the European Union*



B. Letter from the Government of Ukraine

Brussels, 15 July 1997

Sir,

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

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

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

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

For the Government of Ukraine



ANNEX

- 1.1. For the period running from the date on which this Agreement is applied between the Parties to 31 December 1999, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I originating in Ukraine shall be subject to the presentation of a surveillance document conforming to the model shown at Appendix II issued by the authorities in the Community.
- 1.2. For the period running from the date on which this Agreement is applied to 31 December 1999, unless both Parties agree to terminate the system earlier, imports into the Community of the products listed in Appendix I and which originate in Ukraine shall, in addition, be subject to the issue of an export document by the competent Ukraine authorities. Presentation by the importer of the original of the export document must be effected not later than 31 March of the year following that in which the goods covered by the document were shipped.
- 1.3. An export document will not be required for goods already shipped to the Community before the date of application of this Agreement, provided that the destination of such products is not changed from a non-Community destination and that those products which, under the prior surveillance regime applicable in 1997, could be imported only on presentation of a surveillance document are in fact accompanied by such a document.
- 1.4. Shipment is considered to have taken place on the date of loading into the exporting means of transport.
- 1.5. The export document shall conform to the model shown in Appendix III. It shall be valid for exports throughout the customs territory of the Community.
- 1.6. Ukraine shall notify the Commission of the European Communities of the names and addresses of the appropriate Ukraine governmental authorities which are authorised to issue and to verify export documents together with specimens of the stamps and signatures they use. Ukraine shall also notify the Commission of any change in these particulars.
- 1.7. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'Combined Nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.
- 1.8. The competent authorities of the Community undertake to inform Ukraine of any changes in the Combined Nomenclature (CN) in respect of products covered by this Agreement before their date of entry into force in the Community.
- 1.9. Certain technical provisions on the implementation of the double-checking system are set out in Appendix IV.
- 2.1. Ukraine undertakes to supply the Community with precise statistical information on the export documents issued by the Ukraine authorities pursuant to 1.2. Such information shall be transmitted to the Community by the end of the month following the month to which the statistics relate.
- 2.2. The Community undertakes to supply the Ukrainian authorities with precise statistical information on surveillance documents issued by Member States in respect of the export documents issued by the Ukrainian authorities pursuant to 1.1. Such information shall be transmitted to the Ukrainian authorities by the end of the month following the month to which the statistics relate.
3. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of the Agreement. Such consultations shall be held promptly. Any consultations held under this paragraph shall be approached by both Parties in a spirit of cooperation and with a desire to reconcile the difference between them.
4. Any notices to be given hereunder shall be given:
 - in respect of the Community, to the Commission of the European Communities (DG I.D.2 and DG III.C.1),
 - in respect of Ukraine, to the Mission of Ukraine to the European Communities.

APPENDIX I

List of products subject to double-checking without quantitative limits

UKRAINE

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

7211 23 99

7211 29 50

7211 29 90

7211 90 90

Grain non-oriented electrical sheet

7211 23 91

7225 19 10

7225 19 90

7226 19 10

7226 19 30

7226 19 90

Grain-oriented electrical sheet

7226 11 90

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

1	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, address and telephone No)	
	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			
Original & Copy	9. Description of goods	10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier	
1	13. Additional remarks		
	14. Competent authority's endorsement Date: Signature: Stamp:		

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

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

Extension pages to be attached hereto.

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

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

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

Extension pages to be attached hereto.

APPENDIX III

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

⁽¹⁾ 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 DOCUMENT (ECSC and EC steel products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — means of transport	9 Supplementary details			
10 Description of goods — manufacturer	11 CN code	12 Quantity (¹)	13 Fob value (²)	
14 CERTIFICATION BY THE COMPETENT AUTHORITY				
15 Competent authority (name, full address, country)	At on (Signature) (Stamp)			

APPENDIX IV

UKRAINE

TECHNICAL ANNEX ON THE DOUBLE-CHECKING SYSTEM

1. The export documents shall measure 210×297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be made out in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as 'original' and other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.
2. Each document shall bear a 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, corresponding to the last figure in the respective year, e.g. 7 for 1997,
 - a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.
3. The export documents shall be valid for the calendar year during which they are issued, as shown in Box No 3 of the export document.
4. Since the importer needs to present the original export document when requesting an import document, export documents should, as far as possible, be issued in respect of individual commercial transactions, not global contracts.
5. Ukraine need not show price information on the export document, but that information is available to the Commission authorities on request.

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

COMMISSION

COMMISSION DECISION

of 7 July 1997

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

(97/482/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,

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

Whereas, following the Council Decision of 7 October 1996, 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 the years 1997 to 2001, within a framework of progressive liberalization and the development of competitive conditions in Ukraine which justify the complete removal of quantitative restrictions,

HAS DECIDED AS FOLLOWS:

Sole Article

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⁾.

Done at Brussels, 7 July 1997.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ See page 32 of this Official Journal.

AGREEMENT

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

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

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

Whereas Article 49 of the Partnership and Cooperation Agreement provides the framework for the creation of proper competitive conditions in respect of competition and public aids affecting trade between the Parties;

Whereas, by virtue of Articles 14 and 17 of the Interim Agreement on trade and trade-related matters between the Parties, which entered into force on 1 February 1996⁽¹⁾, the abovementioned provisions of the Partnership and Cooperation Agreement are already being implemented between the Parties;

Whereas, for the years 1995 and 1996, trade in certain products covered by the Treaty establishing the European Coal and Steel Community was the subject of an agreement between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

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

Whereas this Agreement should be complemented by the cooperation between the Parties in respect of their steel industries, including appropriate exchanges of information, within the ECSC Contact Group as foreseen in the Partnership and Cooperation Agreement as implemented by the Interim Agreement,

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

⁽¹⁾ OJ No L 311, 23. 12. 1995, p. 1.

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 Parties (hereinafter called 'the products covered by this Agreement') shall be subject to the conditions set out in this Agreement.

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

Article 2

1. 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.

2. At the request of either Party, the Parties shall consult to determine whether the competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary. The consultations foreseen by paragraph 2 may be requested at any time during the application of this Agreement.

3. Without prejudice to the provisions of paragraph 2, the Parties will effect a review of progress in the development of competitive conditions beginning not later than 30 months following the entry into force of this Agreement. The Parties will in any event meet to review the operation of this Agreement and to determine whether competitive conditions in respect of the products covered by the Agreement are such that quantitative restrictions are no longer necessary, not later than six months prior to the expiry of this Agreement.

4. For the purposes of the consultations and evaluations foreseen in paragraphs 2 and 3, the Parties shall take account in particular of the implementation by Ukraine of the provisions of Protocol B concerning

competition, public aid and environmental protection in respect of the products covered by the Agreement; the future development of the relationship between the Parties as foreseen by the Partnership and Cooperation Agreement; and developments in the economies of the Parties.

5. Without prejudice to paragraph 2 either Party may, at any time, request consultations concerning:

- the levels of the quantitative limits set out in Annex II, where the conditions in respect of the products covered by the Agreement have substantially deteriorated or improved,
- the possibility of transferring unused amounts from under-utilized product groups to other groups.

6. The operation of this Agreement shall, in any event, be reviewed prior to Ukraine becoming a member of the World Trade Organization.

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.

4. Up to 7% of the quantitative limit for a given product group may be transferred to one or more other groups within the same product category, i.e. within SA or SB, subject to the consent of both Parties. The quantitative limit for a given product group can be reduced once in the course of a calendar year. Any adjustments to the quantitative limits resulting from transfers shall only affect the calendar year in progress. At the start of the following calendar year, the quantitative limits shall be those shown at Annex II, without prejudice to the provisions of paragraph 3 above. Ukraine shall notify the Community no later than 30 June if it intends to make use of this provision.

Article 4

1. With a view to rendering the double-checking system as effective as possible and to 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 Party may request consultations which shall be opened immediately.

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or 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 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 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 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 Parties agree to cooperate fully to prevent and to address effectively all problems arising from circumvention of this Agreement.

Article 5

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

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

3. 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, and without prejudice to the consultations foreseen by Article 2 paragraph 5, where licences issued by the Ukrainian authorities have reached 90% of the quantitative limits for the calendar year in question, either Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations the 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 are 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 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 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 Party may request consultations in the event of any significant discrepancy between the information exchanged.

Article 9

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

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

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

- any request for consultations shall be notified in writing to the other Party,

- where appropriate, the request shall be followed within a reasonable period by a report setting out the reasons for the consultations,
 - consultations shall begin within one month from the date of the request,
 - consultations shall arrive at a mutually acceptable result within one month of their commencement, unless the period is extended by agreement between the Parties.
4. Specific additional consultations may also be held by agreement between the Contracting Parties.

Article 10

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2001 subject to any modifications agreed by the Parties following consultations pursuant to paragraph 2 of Article 2 and unless it is denounced in accordance with the provisions of paragraph 3 of this Article or terminated following the reviews foreseen in paragraphs 2, 3 and 6 of Article 2.
2. Either Party may at time propose modifications to this Agreement which at the request of either Party shall be the subject of consultations.
3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the quantitative limits in the Community established in Annex 2 of this Agreement

shall be reduced on a pro rata basis up to the date on which denunciation takes effect unless the Parties decide otherwise by common agreement.

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

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

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

Article 11

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

Done at Brussels, 15 July 1997.

*For the Commission of
the European Communities*

*For the Government
of Ukraine*

ANNEX I

UKRAINE

SA Flat-rolled products	7209 17 90	7219 34 10	7214 91 10
	7209 18 10	7219 34 90	7214 91 90
<i>SA1. Coils</i>	7209 18 91	7219 35 10	7214 99 10
7208 10 00	7209 18 99	7219 35 90	7214 99 31
7208 25 00	7209 25 00		7214 99 39
7208 26 00	7209 26 10	7225 40 80	7214 99 50
7208 27 00	7209 26 90		7214 99 61
7208 36 00	7209 27 10		7214 99 69
7208 37 10	7209 27 90	SB. Longs	7214 99 80
7208 37 90	7209 28 10		7214 99 90
7208 38 10	7209 28 90	<i>SB1. Beams</i>	7215 90 10
7208 38 90	7209 30 10	7207 19 31	
7208 39 10	7210 11 10	7207 20 71	7216 10 00
7208 39 90	7210 12 11		7216 21 00
	7210 12 19	7216 31 11	7216 22 00
7211 14 10	7210 20 10	7216 31 19	7216 40 10
7211 19 20	7210 30 10	7216 31 91	7216 40 90
	7210 41 10	7216 31 99	7216 50 10
7219 11 00	7210 49 10	7216 32 11	7216 50 91
7219 12 10	7210 50 10	7216 32 19	7216 50 99
7219 12 90	7210 61 10	7216 32 91	7216 99 10
7219 13 10	7210 69 10	7216 32 99	
7219 13 90	7210 70 31	7216 33 10	7218 99 20
7219 14 10	7210 70 39	7216 33 90	
7219 14 90	7210 90 31		7222 11 11
	7210 90 33	<i>SB2. Wire rod</i>	7222 11 19
7225 19 10	7210 90 38	7213 10 00	7222 11 21
7225 20 20		7213 20 00	7222 11 29
7225 30 00	7211 14 90	7213 91 10	7222 11 91
	7211 19 90	7213 91 20	7222 11 99
<i>SA2. Heavy Plate</i>	7211 23 10	7213 91 41	7222 19 10
7208 40 10	7211 23 51	7213 91 49	7222 19 90
7208 51 10	7211 29 20	7213 91 70	7222 30 10
7208 51 30	7211 90 11	7213 91 90	7222 40 10
7208 51 50		7213 99 10	7222 40 30
7208 51 91	7212 10 10	7213 99 90	7224 90 31
7208 51 99	7212 10 91		7224 90 39
7208 52 10	7212 20 11	7221 00 10	
7208 52 91	7212 30 11	7221 00 90	7228 10 10
7208 52 99	7212 40 10		7228 10 30
7208 53 10	7212 40 91	7227 10 00	7228 20 11
	7212 50 31	7227 20 00	7228 20 19
7211 13 00	7212 50 51	7227 90 10	7228 20 30
	7212 60 11	7227 90 50	7228 30 20
<i>SA3. Other flat rolled products</i>	7212 60 91	7227 90 95	7228 30 41
7208 40 90	7219 21 10	<i>SB3. Other longs</i>	7228 30 49
7208 53 90	7219 21 90	7207 19 11	7228 30 61
7208 54 10	7219 22 10	7207 19 14	7228 30 69
7208 54 90	7219 22 90	7207 19 16	7228 30 70
7208 90 10	7219 23 00	7207 20 51	7228 30 89
	7219 24 00	7207 20 55	7228 60 10
7209 15 00	7219 31 00	7207 20 57	7228 70 10
7209 16 10	7219 32 10		7228 70 31
7209 16 90	7219 32 90	7214 20 00	7228 80 10
7209 17 10	7219 33 10	7214 30 00	7228 80 90
	7219 33 90		7301 10 00

ANNEX II

QUANTITATIVE LIMITS

(in tonnes)

Products	1997	1998	1999	2000	2001
SA. Flat products					
SA1. Coils	29 762	31 250	32 032	32 832	33 653
SA2. Heavy plate	102 707	107 843	110 539	113 302	116 135
SA3. Other flat products	13 462	14 135	14 488	14 850	15 222
SB. Long products					
SB1. Beams	8 359	8 777	8 996	9 221	9 452
SB2. Wire rod	22 000	23 100	23 677	24 269	24 876
SB3. Other long products	56 864	59 707	61 200	62 730	64 298

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 July 1997, 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 sudden and prejudicial changes in traditional trade flows; 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 No 1

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 July 1997, and more particularly Article 6 thereof, the 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 No 2

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 July 1997, and more particularly Article 9 thereof, the 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 No 3

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 July 1997, and more particularly the quantitative limits contained in Annex II thereof, the 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 No 4

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 July 1997, and more particularly Article 3 thereof, the 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 certain categories of ships, boats and other vessels and for drilling or production platforms for the purposes of their construction, repair, maintenance or conversion and in respect of goods intended for fitting to or equipping such ships, boats or other vessels.

Declaration No 5

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 July 1997 and more particularly Article 3 (3) thereof, the 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.

Declaration No 6

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 July 1997, the Parties agree that they shall not apply with respect to the other Party quantitative restrictions, customs duties, charges or any measures having equivalent effect on the export of ferrous waste and scrap under the combined nomenclature heading 7204.

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 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

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 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 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. '7' for 1997,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

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 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 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 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 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 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.

EXPORT LICENCE

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.

EXPORT LICENCE

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.

CERTIFICATE OF ORIGIN

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.

CERTIFICATE OF ORIGIN

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.

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAIKISTA
LISTA ÖVER KOMPETENTA NATIONELLA MYNDIGHETER

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Fax: (44) 1642 533 557

PROTOCOL B

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

TITLE I

OBJECTIVES

Article 1

The aims of this Protocol shall be:

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

TITLE II

COMPETITION AND PUBLIC AID

Article 2

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

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

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

Article 3

1. Within 18 months of the entry into force of the agreement, the Parties will agree the necessary rules for the implementation of Article 2 in respect of the products covered by this Agreement by means of an Agreement in the Form of an Exchange of Letters.

2. The Parties agree to take full account of current or future international commitments accepted by the Community and Ukraine concerning state aid to the steel industry.

3. No later than 6 months before the expiry of the Agreement, the Parties shall apply the same disciplines in respect of competition, public aid and environmental protection, in so far as they may affect trade between the Community and Ukraine.

Article 4

1. The Parties shall ensure transparency in the area of public aid within their respective territories, *inter alia*, by provision of relevant information to the coal and steel Contact Group established by the Interim Agreement on trade and trade-related matters between the Parties. Either of the Parties may raise in the coal and steel Contact Group any matter relating to aid which it considers to be incompatible with this Agreement.

2. In the implementation of the provisions foreseen by Articles 2 and 3, the Parties agree to cooperate closely and to keep each other fully informed of all legislative proposals prior to their coming into force.

Article 5

1. The Parties recognize that during a transitional period expiring 5 years after the entry into force of this Agreement, and by way of derogation from Article 2 (iii) of this Protocol, Ukraine may grant public aid on an exceptional basis for restructuring purposes for individual steel firms, provided that:

- transparency is ensured by a full and continuous exchange of information concerning the implementation of the restructuring programme, such information shall include details of the amount, intensity and purposes of the aid as well as the detailed restructuring plan providing all the relevant technical and economical data concerning the restructuring, and
- the restructuring programme leads to rationalization and to a reduction of capacity in crude steel and hot-rolled production, and
- the aid leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, and
- the amount of aid granted is not out of proportion to its objectives and is strictly limited, in amount and intensity, to what is absolutely necessary to bring about or restore viability.

2. Ukraine shall inform the Community in sufficient time of any aid proposed to be granted under this Article and will provide the Community with all the necessary information which is required in order to assess whether the aid and the restructuring meet the criteria above.

TITLE III

ENVIRONMENTAL PROTECTION

Article 6

1. The Parties agree to cooperate in order to combat the deterioration of the environment, in particular through improvement of laws towards Community standards and through compliance with the precautionary principle.

2. The Parties agree to keep each other fully informed of major environmental problems in the steel sector within their respective territories by way of providing the relevant information to the coal and steel Contact Group.

3. The Parties undertake to comply with the relevant international environmental agreements which apply, *inter alia*, to activities in the steel sector. The Parties undertake to ratify and to implement such agreements as soon as possible. These agreements include, in particular, the 1979 Convention on long range transboundary air pollution and its protocols, the 1991 Convention on environmental impact assessment in a transboundary context, the 1992 Convention on the protection and use of transboundary watercourses and international lakes, the 1992 Convention on transboundary effects of industrial accidents, and the 1992 Framework Convention on climate change.

TITLE IV

TECHNICAL COOPERATION

Article 7

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

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

The Community declares that, until the entry into force of the rules on fair competition referred to in Article 3 (1) of Protocol B, it will measure any practices relating to Article 2 on the basis of the criteria resulting from the rules contained in Articles 85, 86 and 92 of the Treaty establishing the European Community, Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community and the Community rules on State aids, including secondary legislation.
