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I

(Acts whose publication is obligatory)

COMMISSION DECISION No 1469/2002/ECSC**of 8 July 2002****on administering certain restrictions on imports of certain steel products from Kazakhstan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas:

- (1) For the years 2000 and 2001 trade in certain products covered by the Treaty establishing the European Coal and Steel Treaty with the Republic of Kazakhstan was the subject of an agreement ⁽¹⁾.
- (2) The Community has concluded a further ECSC steel agreement with Kazakhstan concerning trade in certain steel products covered by the European Coal and Steel Community Treaty which takes account of developments in the relationship between the Parties ⁽²⁾.
- (3) This agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 2002 to 2004 and provides a framework for the removal of quantitative restrictions provided that certain conditions are met and in particular when compatible disciplines in respect of competition, State aid and environmental protection have been established in respect of the steel products covered by the Agreement.
- (4) It is necessary to provide the means to administer this agreement within the Community, taking into account the experience gained during the previous agreement.
- (5) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (6) The effective application of the agreement requires the introduction of a requirement of a Community import licence for the entry into free circulation in the Community of the products in question together with a system for administering the grant of such Community import licences.
- (7) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (8) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States will not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question.
- (9) The agreement provides for a system of cooperation between Republic of Kazakhstan and the Community with the aim of preventing circumvention by means of transshipment, rerouting or other means; whereas a consultation procedure is established under which an agreement can be reached with the country concerned on an equivalent adjustment to the relevant quantitative limit when it appears that the agreement has been circumvented; whereas the Republic of Kazakhstan also agreed to take the necessary measures to ensure that any adjustments could be rapidly applied; whereas, in the absence of agreement with a supplier country within the time limit provided, the Community may, where clear evidence of circumvention is provided, apply the equivalent adjustment.
- (10) Imports of products covered by this Decision as from 1 January 2002 have been subjected to a licence in pursuance of Decision 2001/934/ECSC ⁽³⁾; as amended, that the ECSC steel agreement foresees that those quantities are to be counted against the limits established for 2002 in this Decision,

⁽¹⁾ OJ L 342, 31.12.1999, p. 54.

⁽²⁾ See page 20 of this Official Journal.

⁽³⁾ OJ L 345, 29.12.2001, p. 78.

HAS DECIDED AS FOLLOWS:

Article 3

Suspensive arrangements

Article 1

Scope

1. This Decision applies to imports of the steel products listed in Annex I, originating in the Republic of Kazakhstan.
2. For the purposes of paragraph 1, the steel products shall be classified in product groups as set out in Annex I.
3. The classification of products listed in Annex I shall be based on the Combined Nomenclature (CN). The procedures for the application of this paragraph are laid down in Part I of Annex II.
4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.
5. The procedures for verification of the origin of the products referred to in paragraph 1 are laid down in Annexes II and III and in the relevant Community legislation in force.

Article 2

Quantitative limits

1. The importation into the Community of the steel products listed in Annex I originating in the Republic of Kazakhstan shall be subject to the annual quantitative limits laid down in Annex IV. The release for free circulation in the Community of the products set out in Annex I originating in the Republic of Kazakhstan shall be subject to the presentation of an import authorisation issued by the Member States' authorities in accordance with the provisions of Article 4.

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

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

3. Imports of products as from 1 January 2002, for which a licence was required pursuant to Decision 2001/934/ECSC, as amended, shall be counted against the relevant limits for 2002 laid down in Annex IV.

4. For the purposes of this Decision and as from the date of its application, shipment of products shall be considered as having taken place on the date on which they were loaded onto the exporting means of transport.

1. The quantitative limits referred to in Annex IV shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex IV.

Article 4

Specific rules for the administration of Community quantitative limits

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

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

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

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

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

6. The import authorisations or equivalent documents shall be issued in accordance with Annex II.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import

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

8. The Commission may take any measure necessary to implement the provisions of this Article.

Article 5

Statistics

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

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

Article 6

Circumvention

1. Where, following the enquiries carried out in accordance with the procedures set out in Annex III, the Commission notes that the information in its possession constitutes proof that products listed in Annex I originating in the Republic of Kazakhstan have been transhipped, rerouted or otherwise imported into the Community through circumvention of such quantitative limits and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on an equivalent adjustment of the corresponding quantitative limits.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask the Republic of Kazakhstan to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out for the year in which the request for consultations was lodged or for the following year, if the quantitative limits for the current year are exhausted, where there is clear evidence of circumvention.

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

Article 7

Final provisions

Amendments to the Annexes which may be necessary to take into account the conclusion, amendment or expiry of agreements with the Republic of Kazakhstan, adjustments to the quantitative limits made in accordance with the relevant provisions of the ECSC Steel Agreement with the Republic of Kazakhstan, or amendments made to Community rules on statistics, customs arrangements or common rules for imports, shall be adopted by the European Commission.

Article 8

This Decision shall not constitute in any way a derogation from the provisions of the bilateral ECSC Steel Agreement on trade in certain steel products which the Community has concluded with the Republic of Kazakhstan and which, in all cases of conflict, shall prevail.

Article 9

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

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

Done at Brussels, 8 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX I

KAZAKHSTAN

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

ANNEX II

PART I

CLASSIFICATION

Article 1

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

Article 2

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

Article 3

The Commission shall inform the Republic of Kazakhstan of any changes in the Combined Nomenclature (CN) affecting products covered by this Decision on their adoption by the competent authorities of the Community.

Article 4

The Commission shall inform the competent Kazakh authorities of any decisions adopted in accordance with the procedures in force in the Community relating to classification of products covered by this Decision, within one month at the latest of their adoption. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant product group, and the Combined Nomenclature code (CN code);
- (c) the reasons which have led to the decision.

Article 5

1. Where a classification decision adopted in accordance with Community procedures in force results in a change of classification practice or a change in the product group of any product covered by this Decision, the competent authorities of the Member States shall provide 30 days notice, from the date of the Commission's notification, before the decision is put into effect.

2. Products shipped before the date of application of the decision shall remain subject to earlier classification practice, provided that the goods in question are entered to importation within 60 days of that date.

Article 6

Where a classification decision adopted in accordance with the Community procedures in force referred to in Article 5 of this Annex involves a product group subject to a quantitative limit, the Commission shall, where necessary, initiate consultations without delay in accordance with Article 9 of this Decision, in order to reach agreement on any necessary adjustments to the corresponding quantitative limits provided for in Annex IV.

Article 7

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

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

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

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

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

Article 8

In the cases referred to in Article 7, as well as in those cases of a similar nature raised by the competent Kazakh authorities, the Commission, if necessary, shall enter into consultations with Republic of Kazakhstan, in order to reach agreement on the classification definitively applicable to the products involved in the divergence.

Article 9

The Commission, in agreement with the competent authorities of the importing Member State or States and of the Republic of Kazakhstan, may, in the cases referred to in Article 8, determine the classification definitively applicable to the products involved in the divergence.

Article 10

When a case of divergence referred to in Article 7 cannot be resolved in accordance with Article 9, the Commission shall adopt, in accordance with the provisions of Article 10 of Regulation (EEC) No 2658/87, a measure establishing the classification of the goods in the Combined Nomenclature.

PART II

DOUBLE-CHECKING SYSTEM

(for administering quantitative limits)

Article 11

1. The competent Kazakh authorities shall issue an export licence in respect of all consignments of steel products subject to the quantitative limits laid down in Annex IV up to the level of the said limits.
2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import authorisation referred to in Article 14.

Article 12

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

Article 13

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

Article 14

1. To the extent that the Commission pursuant to Article 4 of the Decision has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall

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

2. The import authorisations shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding two months. Such extensions shall be notified to the Commission. In exceptional circumstances, an importer may request a second period of extension. These exceptional requests may be granted only by a decision taken in accordance with the procedure laid down in Article 7 of the Decision.

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

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

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the CN code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity in the appropriate unit as indicated in Annex IV to the Decision for the products in question;
- (g) the net weight by CN heading;
- (h) the cif value of the products at Community frontier by CN heading (as indicated in box 13 of the export licence);
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

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

Article 15

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

Article 16

Import authorisations or equivalent documents shall be issued by the competent authorities of the Member States in conformity with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under current rules.

Article 17

1. If the Commission finds that the total quantities covered by export licences issued by the Republic of Kazakhstan for a particular product group in any agreement year exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately to suspend the further issue of import authorisations. In this event, consultations shall be initiated forthwith by the Commission.
2. The competent authorities of a Member State shall refuse to issue import authorisations for products originating in the Republic of Kazakhstan which are not covered by export licenses issued in accordance with the provisions of this Annex.

PART III

COMMON PROVISIONS*Article 18*

1. The export licence referred to in Article 11 of this Annex and the certificate of origin (specimen attached) may include additional copies duly indicated as such. They shall be made out in English.
2. If the documents referred to above are completed by hand, entries must be in ink and in block letters.
3. The export licences or equivalent documents and certificates of origin shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Decision.
5. Each export licence or equivalent document and the certificate of origin shall bear a standardised serial number, whether or not printed, by which it can be identified.
6. This number shall be composed of the following elements:
 - two letters identifying the exporting country as follows: KZ = Republic of Kazakhstan;
 - two letters identifying the Member State of intended destination as follows:

BE	=	Belgium
DK	=	Denmark
DE	=	Germany
EL	=	Greece
ES	=	Spain
FR	=	France
IE	=	Ireland
IT	=	Italy
LU	=	Luxembourg
NL	=	Netherlands
AT	=	Austria
PT	=	Portugal
FI	=	Finland
SE	=	Sweden
GB	=	United Kingdom,
 - a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '2' for 2002,
 - a two-digit number identifying the issuing office in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.

Article 19

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases they shall bear the endorsement 'issued retrospectively'.

Article 20

In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate licence or certificate issued in this way shall bear the endorsement 'duplicate'.

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

PART IV

COMMUNITY IMPORT LICENCE — COMMON FORM*Article 21*

1. The forms to be used by the competent authorities of the Member States (list attached to this Annex) for issuing the import authorisations referred to in Article 14 shall conform to the specimen of the import licence set out in Appendix II to this Annex.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

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

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

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

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

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

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

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

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

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

Appendix I

EXPORT LICENCE

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

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

EXPORT LICENCE

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

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

Appendix II

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
	14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.			
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

⁽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
ΛΙΣΤΗ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

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Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
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DANMARK

Erhvervsfremme Styrelsen
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Vejløsvej 29
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DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle, (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn 1
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ΕΛΛΑΔΑ

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Σχέσεων
Διεύθυνση Διεθνών Οικονομικών Ροών
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ESPAÑA

Ministerio de Economía
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FRANCE

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F-75436 Paris Cedex 09
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IRELAND

Department of Enterprise, Trade and Employment
Import/ Export Licensing, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Fax: (353-1) 631 28 26

ITALIA

Ministero delle Attività produttive
Direzione generale per la Politica commerciale e per la gestione del regime degli scambi
Viale America, 341
I-00144 Roma
Fax: (39-06) 59 93 22 35/59 93 26 36

LUXEMBOURG

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

NEDERLAND

Belastingdienst/Douane centrale dienst voor in- en uitvoer
Postbus 30003, Engelse Kamp 2
9700 RD Groningen
Nederland
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m.i.v. 18.1.2002
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ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit
Außenwirtschaftsadministration
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PORTUGAL

Ministério da Economia
Direcção-Geral das Relações Económicas Internacionais
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SUOMI

Tullihallitus
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Faksi: (358-9) 614 28 52

SVERIGE

Kommerskollegium
Box 6803
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UNITED KINGDOM

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

ANNEX III

ADMINISTRATIVE COOPERATION

Article 1

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

Article 2

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

Article 3

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

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

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

3. The results of the subsequent verifications carried out in accordance with paragraph 1 shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration applies to the goods actually exported and whether the goods are eligible for export to the Community under this Decision. The competent authorities of the Community may also request copies of all documentation necessary to determine the facts fully, including, in particular, the origin of the goods ⁽¹⁾.

4. Should such verifications reveal abuse or major irregularities in the use of declarations of origin, the Member State concerned shall inform the Commission of this fact. The Commission shall pass the information on to the other Member States. The Community may decide that imports of the products in question to the Community shall be accompanied by a certificate of Kazakh origin referred to in Article 18(1) of Annex II.

5. Random recourse to the procedure specified in this Article shall not constitute an obstacle to the release for free circulation of the products in question.

Article 4

1. Where the verification procedure referred to in Article 2 or where information available to the competent authorities of the Community indicates that the provisions of this Decision are being contravened, the said authorities shall request Kazakhstan to carry out appropriate enquiries or arrange for such enquiries to be carried out concerning operations which are or appear to be in contravention of the provisions of this Decision. The results of these enquiries shall be communicated to the competent authorities of the Community together with any other pertinent information enabling the true origin of the goods to be determined.

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

2. In pursuance of the action taken under the terms of this Annex, the competent authorities of the Community may exchange any information with the competent governmental authorities of the Republic of Kazakhstan which is considered to be of use in preventing the contravention of the provisions of this Decision.

3. Where it is established that the provisions of this Decision have been contravened, the Commission, acting in accordance with the procedure laid down in Article 7 of the Decision, may take, with the agreement of the Republic of Kazakhstan, such measures as are necessary to prevent recurrence of such contravention.

Article 5

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

ANNEX IV

QUANTITATIVE LIMITS

(tonnes)			
Products	2002	2003	2004
SA. Flat products			
SA1. Coils	50 000	50 000	50 000
SA1a. Coils for re-rolling	5 000	5 000	5 000
SA2. Heavy plate	0	0	0
SA3. Other flat products	53 000	55 700	58 500

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 July 2002

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

(notified under document number C(2002) 2489)

(2002/654/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 regard to the opinion of the Consultative Committee,

After the unanimous assent of the Council,

Whereas:

(1) Following the Council Decision of 19 November 2001, the Commission opened negotiations with the Government of the Republic of Kazakhstan, culminating in an Agreement concerning trade in certain steel products covered by the European Coal and Steel Community.

(2) The Agreement establishes quantitative limits for the entry into free circulation in the Community of certain steel products for the years 2002 to 2004,

Article 1

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

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

Article 2

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

Done at Brussels, 9 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ See page 20 of this Official Journal.

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

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

of the other part,

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

Whereas the Partnership and Cooperation Agreement (hereinafter referred to as 'PCA') between the European Communities and their Member States, on the one part, and the Kazakhstan, on the other part ⁽¹⁾, signed on 23 January 1995 has entered into force on 1 July 1999;

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

Whereas Article 17(1) of the PCA provides that trade in ECSC products is governed by Title III of the PCA, save for Article 11 thereof;

Whereas for the years 2000 and 2001, trade in certain steel products covered by the Treaty establishing the European Coal and Steel Community was the subject of an agreement between the Parties, which it is appropriate to replace with a further agreement which takes account of developments in the relationship between the Parties;

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

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

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES, AND

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. This Agreement applies to:

(a) trade in the steel products covered by the ECSC Treaty set out in Annex I originating within the Parties;

(b) ferrous scrap and waste under the EC Combined Nomenclature heading 7204.

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

3. In the case of subject matter which is not covered by this Agreement, the relevant provisions of the PCA shall apply.

Article 2

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

2. The Parties reiterate their commitment to achieve complete liberalisation of trade in respect of the steel products

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

mentioned in Annex I provided that the competitive conditions have been established.

3. Quantitative restrictions, customs duties, charges or any similar measures on the export of ferrous scrap and waste under the Combined Nomenclature heading 7204 are prohibited among the Parties.

4. The Parties agree that imports into the EC from Kazakhstan for products mentioned in Annex I as from 1 January 2002 until the entry into force of this Agreement shall be deducted from the quantitative limits set out in Annex II.

5. Imports of quantities in excess of those mentioned in Annex II shall be authorised where the EC industry is unable to meet the internal demand and results in a shortage of supply for one or more products mentioned in Annex I. Consultations shall take place immediately at the request of either Party to determine the level of the shortage. Following the conclusions of the consultations and on the basis of objective evidence, the EC shall instigate its internal procedures to increase the quantities set out in Annex II.

6. In the case where the candidate countries to EU membership would accede before the termination of this Agreement, the Parties agree to consider the increase of quantitative limits set out in Annex II.

7. 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 mentioned in Annex I have substantially deteriorated or improved;

— the possibility of transferring unused amounts from under-utilised product groups to other groups.

Article 3

1. Imports into the customs territory of the Community for free circulation of steel products mentioned in Annex I 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 mentioned in Annex I 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 set out in Annex II not used during any calendar year is authorised up to 10 % of the relevant quantitative limit for the year in which it was not used. Kazakhstan shall notify the Community no later than 1 March of the following year if it intends to make use of this provision.

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

Article 4

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

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

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

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

2. Without prejudice to paragraph 1 and with a view to ensuring the effective functioning of this Agreement, both Parties agree to take all necessary steps to prevent, to investigate and to take any necessary legal and/or 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 either Party believe on the basis of information available that this Agreement is being circumvented, it may request consultations with the other Party which shall be held immediately.

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

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

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 set out in Annex II on imports of ECSC steel products into the Community shall not be broken down by the Community into regional shares.

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

3. Kazakhstan shall endeavour to ensure that exports into the Community of steel products mentioned in Annex I 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 Party may request consultations concerning the quantitative limits for that year. Such consultations shall be held immediately. Pending the outcome of such consultations

the Kazakh authorities may continue to issue export licences for the products covered by this Agreement provided they do not exceed the quantities set out in Annex II.

Article 6

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

2. Should the consultations referred to in paragraph 1 above fail to lead to agreement within 30 days of the Community's request for consultations, the Community may utilise the right to take action concerning safeguard measures pursuant to the provisions of the PCA.

3. Notwithstanding the provisions of this Agreement, the provisions of Article 13(6) of the PCA shall apply.

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 set out in Annex II.

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

Article 8

1. Without prejudice to the periodic exchange of information on export licences and import authorisations pursuant to Article 4(1) of this Agreement, the Parties agree to exchange full statistical information relating to the products mentioned in Annex I at appropriate intervals taking account of the shortest periods in which the information in question is prepared which shall cover export licences and import authorisations issued pursuant to Article 3 of this Agreement, 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. Both Parties aim at achieving complete liberalisation of trade in steel products and recognize that it is an important condition for promoting trade between them that competition, State aid and environment provisions applicable within each Party must be compatible. To this end, and upon request from Kazakhstan the Community shall provide technical assistance to help the Republic of Kazakhstan to adopt and implement legislative provisions compatible with those adopted and applied by the Community. Such assistance shall be specified in projects to be agreed by both Parties and identifying clearly, *inter alia*, the objectives, the means and the calendar.

2. The Parties agree that they will participate to the negotiation of international agreements on State aid and subsidies in the steel sector if such a forum is set up.

Article 11

1. When the Treaty establishing the European Coal and Steel Community expires on 23 July 2002, the European Community shall take over all rights and obligations contracted by the former under this Agreement.

2. The Parties agree that this Agreement will be continued and that all rights and obligations of the Parties under this Agreement shall be maintained after such expiry.

3. The reference in Article 17 of the PCA to products covered by the Treaty establishing the European Coal and Steel Community shall be read to refer to products listed in Annex III after the expiry of the said Treaty.

Article 12

1. This Agreement shall enter into force on the day of its signature. It shall be applicable until 31 December 2004 unless it is denounced in accordance with the provisions of paragraph 3.

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

3. Either Party may denounce this Agreement, provided that at least six months' notice is given. In that event, the Agreement shall come to an end on the expiry of the period of notice and the quantitative limits in the Community established in Annex 2 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. In the event that Kazakhstan accedes to the WTO before the expiration of this Agreement, the Agreement shall be reviewed prior to such accession to ensure that its provisions are consistent with WTO rules. The operation of the Agreement shall also be reviewed in the event of new multilateral commitments accepted both by the Community and Kazakhstan concerning the steel products mentioned in Annex I.

5. 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 previous Articles or where this Agreement is denounced by either Party, the reintroduction of a system of autonomous quotas in respect of exports from Kazakhstan of the products mentioned in Annex I.

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

Article 13

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

Hecho en Bruselas, el veintidós de julio de dos mil dos.

Udfærdiget i Bruxelles, den toogtyvende juli to tusind og to.

Geschehen zu Brüssel am zweiundzwanzigsten Juli zweitausendundzwei.

Βρυξέλλες, είκοσι δύο Ιουλίου δύο χιλιάδες δύο.

Done at Brussels, on the twenty-second day of July two thousand and two.

Fait à Bruxelles, le vingt-deux juillet deux mille deux.

Fatto a Bruxelles, addì ventidue luglio duemiladue.

Gedaan te Brussel, tweeëntwintig juli tweeduizend en twee.

Feito em Bruxelas, em vinte e dois de Julho de dois mil e dois.

Tehty Brysselissä kahdentenäkymmenentenätoisena päivänä heinäkuuta vuonna kaksituhattakaksi.

Utfärdad i Bryssel den tjugoandra juli tjugohundratvå.

2002 жылы 22 шілдеде Брюссель қаласында жасалған .

Заключено в Брюсселе, 22 июля 2002 г.

Por la Comisión de las Comunidades Europeas

Für die Kommission der Europäischen Gemeinschaften

For Kommissionen for De Europæiske Fællesskaber

Euroopan yhteisöjen komission puolesta

Pour la Commission des Communautés européennes

Για την Επιτροπή των Ευρωπαϊκών Κοινοτήτων

For the Commission of the European Communities

Per la Commissione delle Comunità europee

Voor de Commissie van de Europese Gemeenschappen

Pela Comissão das Comunidades Europeias

På Europeiska gemenskapernas kommissions vägnar

Еуропа Қоғамдастығы Комиссиясы үшін

За Комиссию Европейского Сообщества

Por el Gobierno de la República de Kazajistán

Für die Regierung der Republik Kasachstan

For regeringen for Republikken Kasakhstan

Kazakstanin tasavallan hallituksen puolesta

Pour le gouvernement de la République du Kazakhstan

Για την κυβέρνηση της Δημοκρατίας του Καζακστάν

For the Government of the Republic of Kazakhstan

Per il governo della Repubblica di Kazakhstan

Voor de regering van de Republiek Kazachstan

Pelo Governo da República do Cazaquistão

På Republiken Kazakstans regerings vägnar

Қазақстан Республикасының Үкіметі үшін

За Правительство Республики Казахстан

Roderick ABBOTT

Mazhit YESSENBAEV

ANNEX I

KAZAKHSTAN

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

ANNEX II

QUANTITATIVE LIMITS

(tonnes)			
Products	2002	2003	2004
SA. Flat products			
SA1. Coils	50 000	50 000	50 000
SA1a. Coils for re-rolling	5 000	5 000	5 000
SA2. Heavy plate	0	0	0
SA3. Other flat products	53 000	55 700	58 500

ANNEX III

PRODUCTS REFERRED TO IN ARTICLE 11

7201 10 11	7208 25 00	7210 20 10	7214 91 90	7219 23 00	7225 40 80
7201 10 19	7208 26 00	7210 30 10	7214 99 10	7219 24 00	7225 50 00
7201 10 30	7208 27 00	7210 41 10	7214 99 31	7219 31 00	7225 91 10
7201 10 90	7208 36 00	7210 49 10	7214 99 39	7219 32 10	7225 92 10
7201 50 10	7208 37 10	7210 50 10	7214 99 50	7219 32 90	7225 99 10
7201 50 90	7208 37 90	7210 61 10	7214 99 61	7219 33 10	7226 11 10
7202 11 20	7208 38 10	7210 69 10	7214 99 69	7219 33 90	7226 19 10
7202 11 80	7208 38 90	7210 70 31	7214 99 80	7219 34 10	7226 19 30
7202 99 11	7208 39 10	7210 70 39	7214 99 90	7219 34 90	7226 20 20
7203 10 00	7208 39 90	7210 90 31	7215 90 10	7219 35 10	7226 91 10
7203 90 00	7208 40 10	7210 90 33	7216 10 00	7219 35 90	7226 91 90
7204 10 00	7208 40 90	7210 90 38	7216 21 00	7219 90 10	7226 92 10
7204 21 10	7208 51 10	7211 13 00	7216 22 00	7220 11 00	7226 93 20
7204 21 90	7208 51 30	7211 14 10	7216 31 11	7220 12 00	7226 94 20
7204 29 00	7208 51 50	7211 14 90	7216 31 19	7220 20 10	7226 99 20
7204 30 00	7208 51 91	7211 19 20	7216 31 91	7220 90 11	7227 10 00
7204 41 10	7208 51 99	7211 19 90	7216 31 99	7220 90 31	7227 20 00
7204 41 91	7208 52 10	7211 23 10	7216 32 11	7221 00 10	7227 90 10
7204 41 99	7208 52 91	7211 23 51	7216 32 19	7221 00 90	7227 90 50
7204 49 10	7208 52 99	7211 29 20	7216 32 91	7222 11 11	7227 90 95
7204 49 30	7208 53 10	7211 90 11	7216 32 99	7222 11 19	7228 10 10
7204 49 91	7208 53 90	7212 10 10	7216 33 10	7222 11 21	7228 10 30
7204 49 99	7208 54 10	7212 10 91	7216 33 90	7222 11 29	7228 20 11
7204 50 10	7208 54 90	7212 20 11	7216 40 10	7222 11 91	7228 20 19
7204 50 90	7208 90 10	7212 30 11	7216 40 90	7222 11 99	7228 30 20
7206 10 00	7209 15 00	7212 40 10	7216 50 10	7222 19 10	7228 30 41
7206 90 00	7209 16 10	7212 40 91	7216 50 91	7222 19 90	7228 30 49
7207 11 11	7209 16 90	7212 50 31	7216 50 99	7222 30 10	7228 30 61
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7207 11 16	7209 17 90	7212 60 11	7218 91 11	7222 40 30	7228 30 70
7207 12 10	7209 18 10	7212 60 91	7218 91 19	7224 10 00	7228 30 89
7207 19 11	7209 18 91	7213 10 00	7218 99 11	7224 90 01	7228 60 10
7207 19 14	7209 18 99	7213 20 00	7218 99 20	7224 90 05	7228 70 10
7207 19 16	7209 25 00	7213 91 10	7219 11 00	7224 90 08	7228 70 31
7207 19 31	7209 26 10	7213 91 20	7219 12 10	7224 90 15	7228 80 10
7207 20 11	7209 26 90	7213 91 41	7219 12 90	7224 90 31	7228 80 90
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7207 20 17	7209 27 90	7213 91 70	7219 13 90	7225 11 00	7302 10 31
7207 20 32	7209 28 10	7213 91 90	7219 14 10	7225 19 10	7302 10 39
7207 20 51	7209 28 90	7213 99 10	7219 14 90	7225 19 90	7302 10 90
7207 20 55	7209 90 10	7213 99 90	7219 21 10	7225 20 20	7302 20 00
7207 20 57	7210 11 10	7214 20 00	7219 21 90	7225 30 00	7302 40 10
7207 20 71	7210 12 11	7214 30 00	7219 22 10	7225 40 20	7302 90 10
7208 10 00	7210 12 19	7214 91 10	7219 22 90	7225 40 50	

Agreed minute

In the context of the Agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products signed in Brussels, on 22 July 2002, the Parties agree that:

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

PROTOCOL A**TITLE I****CLASSIFICATION***Article 1*

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

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

Such a description shall include:

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

3. Where a decision on classification results in a change of classification practice of any product covered by the Agreement, the competent authorities of the Community shall provide 30 days notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice of any product covered by the Agreement affects a category subject to quantitative limits, the Parties agree to enter into consultations in accordance with the procedures described in Article 9(3) of the Agreement with a view to honouring the obligation contained in Article 7(1) of the Agreement.

5. In case of divergent opinions between the competent authorities of Kazakhstan and the Community at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 9 with a view to reaching agreement on the definitive classification of the products concerned.

TITLE II**ORIGIN***Article 2*

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

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

Article 3

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

Article 4

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 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.

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

1. Steel products originating in Kazakhstan, covered by a valid import licence issued pursuant to Decision 2001/934/ECSC ⁽¹⁾, as amended, which were already sent to the Community before the date of entry into force of this Agreement shall be admitted within the limits applicable for the period from 1 January 2002 to 31 December 2002.

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

Article 11

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

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

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

Article 12

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

TITLE IV

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

Article 13

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

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

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

This number shall be composed of the following elements:

— two letters identifying the exporting country as follows: KZ = Kazakhstan,

⁽¹⁾ OJ L 345, 29.12.2001, p. 78.

— 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. '2' for 2002,

— a two-digit number from 01 to 99, identifying the particular issuing office concerned in exporting country,

— a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 14

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases, they must bear the endorsement 'issued retrospectively'.

Article 15

1. In the event of the theft, loss or destruction of an export licence or a certificate of origin, the exporter may apply to the Kazakh governmental authorities competent to issue licences or to the Kazakh organisations authorised to issue certificates of origin under Kazakh legislation, respectively, for a duplicate

to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicate'.

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

TITLE V

ADMINISTRATIVE COOPERATION

Article 16

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

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

Kazakhstan shall send the Commission of the European Communities the names and addresses of the competent Kazakh authorities which are authorised to issue and to verify export licences and certificates of origin together with specimens of the stamps and signatures they use. Kazakhstan shall also notify the Commission of any change in this information.

Article 19

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

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

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

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

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

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

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

Article 20

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

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

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

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

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

EXPORT LICENCE

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

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

EXPORT LICENCE

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

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
	14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.			
15. Competent authority (name, full address, country)	At on (Signature) (Stamp)			

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

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (ECSC products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
14. Certification by the competent authority I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

⁽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 VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

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