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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2743/1999

of 17 December 1999

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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan [1] (the 'Parties') signed on 23 January 1995 entered into force on 1 July 1999;

(2) The situation relating to imports of certain steel products from the Republic of Kazakhstan into the Community has been the subject of thorough examination and, on the basis of relevant information supplied to them, the Parties have concluded an Agreement in the form of an Exchange of Letters [2] which establishes a double-checking system without quantitative limits for the period between the date of entry into force of this Regulation and 31 December 2001, unless both Parties agree to terminate the system earlier;

(3) The measures necessary for the implementation of this instrument should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [3],

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period running from the date on which this Regulation enters into force until 31 December 2001, in accordance with the provisions of the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products covered by the EC and ECSC Treaties from the Republic of Kazakhstan to the European Community, imports into the Community of certain iron and steel products covered by the EC and ECSC Treaties originating in the Republic of Kazakhstan, as listed in Appendix I, shall be subject to the presentation of a surveillance document conforming to the model in Appendix II issued by the authorities in the Community.

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

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

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

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

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[1] OJ L 196, 28.7.1999, p. 3.
[2] See page 38 of this Official Journal.
[3] OJ L 184, 17.7.1999, p. 23.

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

Article 2

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

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

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

(a) the name and full address of the applicant (including telephone and telefax numbers, and possible identification number used by the competent national authorities) and VAT registration number, if subject to VAT;

(b) if applicable, the name and full address of the declarant or representative of the applicant (including telephone and fax numbers);

(c) the full name and address of the exporter;

(d) the exact description of the goods, including their trade name,

— the Combined Nomenclature (CN) code(s),

— the country of origin,

— the country of consignment;

(e) the net weight, expressed in kg and also quantity in the unit prescribed where other than net weight, by Combined Nomenclature heading;

(f) the cif value of the goods in euro at the Community frontier by Combined Nomenclature heading;

(g) whether the products concerned are seconds or of substandard quality [1];

(h) the proposed period and place of customs clearance;

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

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

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

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

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

— the period of validity of the surveillance document is hereby fixed at four months,

— unused or partly-used surveillance documents may be renewed for an equal period.

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

Article 3

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

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

Article 4

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

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

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

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

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

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

Article 5

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

Article 6

Management committee

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

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

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

3. The Committee shall adopt its rules of procedure.

Article 7

Final provisions

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

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

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

APPENDIX I

List of products subject to double-checking without quantitative limits

KAZAKHSTAN

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

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

Grain non-oriented electrical sheet

7211 23 91

7225 19 10
7225 19 90

7226 19 10
7226 19 30
7226 19 90

Grain-oriented electrical sheet

7226 11 90

EUROPEAN COMMUNITY **SURVEILLANCE DOCUMENT**

1	**1. Consignee** (name, full address, country, VAT number)	**2. Issue number**
Holder's copy		**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)
1		**8. Last day of validity**

9. Description of goods	**10. CN code and category**
	11. Quantity in kilograms (net mass) or in additional units
	12. Value in euro, cif at Community frontier

13. Additional remarks

14. Competent authority's endorsement

Date: .....

Signature: ..... Stamp:

15. ATTRIBUTIONS

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

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

Extension pages to be attached hereto.

EUROPEAN COMMUNITY **SURVEILLANCE DOCUMENT**

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, adress and telephone No)

5. Declarant/representative as applicable
(name and full address)

6. Country of origin
(and geonomenclature code)

7. Country of consignment
(and geonomenclature code)

8. Last day of validity

2

9. Description of goods

10. CN code and category

11. Quantity in kilograms (net mass) or in additional units

12. Value in euro, cif at Community frontier

13. Additional remarks

14. Competent authority's endorsement

Date: .....

Signature: ..... Stamp:

15. ATTRIBUTIONS

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

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

Extension pages to be attached hereto.

1 Exporter (name, full address, country)	**ORIGINAL**	2 **No**
	3 Year	4 Product group
5 Consignee (name, full address, country)	**EXPORT DOCUMENT** (ECSC and EC steel products)	
	6 Country of origin	7 Country of destination
8 Place and date of shipment — means of transport	9 Supplementary details	

10 Description of goods — manufacturer	11 CN code	12 Quantity (1)	13 FOB value (2)

14 CERTIFICATION BY THE COMPETENT AUTHORITY	
15 Competent authority (name, full address, country)	At ..... on ..... (Signature) (Stamp)

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

1 Exporter (name, full address, country)	**COPY**	2 **No**
	3 Year	4 Product group
5 Consignee (name, full address, country)	**EXPORT DOCUMENT** (ECSC and EC steel products)	
	6 Country of origin	7 Country of destination
8 Place and date of shipment — means of transport	9 Supplementary details	

10 Description of goods — manufacturer	11 CN code	12 Quantity (1)	13 FOB value (2)

14 CERTIFICATION BY THE COMPETENT AUTHORITY	
15 Competent authority (name, full address, country)	At ..... on ..... (Signature) (Stamp)

(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.

APÉNDICE IV — TILLÆG IV — ANHANG IV — ΠΡΟΣΑΡΤΗΜΑ IV — APPENDIX IV — APPENDICE IV — APPENDICE IV — AANHANGSEL IV — APÊNDICE IV — LISÄYS IV — TILLÄGG IV

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

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

Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen
Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
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Erhvervsfremmestyrelsen
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FRANCE
Service des industries manufacturières
3-5, rue Barbet-de-Jouy
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IRELAND
Licensing Unit
Department of Enterprise, Trade and Employment
Kildare Street
Ireland-Dublin 2
Fax: (353-1) 631 28 26

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

LUXEMBOURG
Ministère des affaires étrangères
Office des licences
BP 113
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Téléfax: (352) 46 61 38

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Centrale Dienst voor In- en Uitvoer
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