



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.07.2004  
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2004/0160 (ACC)

Proposal for a

**COUNCIL DECISION**

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

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The European Coal and Steel Community and the Government of the Republic of Kazakhstan concluded an Agreement on 22 July 2002 on trade in certain steel products.

Article 2 paragraph 6 of the Agreement stipulates that “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”. Consequently, the Parties agreed to increase the quantitative limits.

This proposal for a Council Decision approves the new Agreement amending the Agreement signed on 22 July 2002.

Proposal for a

## COUNCIL DECISION

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of Article 300(2) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Whereas:

- (1) The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of one part, and the Republic of Kazakhstan, of the other part<sup>2</sup>, entered into force on 1 July 1999.
- (2) Article 17(1) of the Partnership and Cooperation Agreement provides that trade in European Coal and Steel Community ( hereinafter referred to as the 'ECSC') products shall be governed by Title III of that Agreement, save for Article 11 thereof, and by the provisions of an Agreement on quantitative arrangements concerning exchanges of ECSC products.
- (3) On 22 July 2002 the ECSC and the Government of the Republic of Kazakhstan concluded such an Agreement on trade in certain steel products<sup>3</sup>(hereinafter referred to as 'the Agreement'), approved on behalf of the ECSC by Commission Decision 2002/654/ECSC<sup>4</sup>.
- (4) The ECSC Treaty expired on 23 July 2002 and the European Community took over all rights and obligations contracted by the European Coal and Steel Community.
- (5) The Parties agreed pursuant to Article 11(2) of the Agreement that it should be continued and that all rights and obligations of the Parties under it should be maintained after such expiry.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ L 196, 28.7.1999, p. 3

<sup>3</sup> OJ L 222, 19.8.2002, p. 20

<sup>4</sup> OJ L 222, 19.8.2002, p. 19

(6) The Parties entered into consultations as provided for in Article 2 paragraph 6 of the Agreement and agreed to increase the quantitative limits set out in the Agreement to take into account the enlargement of the European Union.

(7) The amending Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

2. The text of the Agreement<sup>5</sup> is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels,

*For the Council  
The President*

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<sup>5</sup> See page ... of this Official Journal

## **AGREEMENT**

### **between the European Community and the Government of the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products of 22 July 2002**

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

of the other part,

being the Parties to this Agreement,

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the European Community and the Republic of Kazakhstan;

Whereas the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, entered into force on 1 July 1999;

Whereas Article 17(1) of the Partnership and Cooperation Agreement provides that trade in European Coal and Steel Community products shall be governed by Title III, save for Article 11 thereof, and by the provisions of an Agreement on trade in certain steel products;

Whereas the European Coal and Steel Community and the Government of the Republic of Kazakhstan concluded on 22 July 2002 such an Agreement on trade in certain steel products, hereinafter referred to as “the Agreement”;

Whereas the European Coal and Steel Community Treaty expired on 23 July 2002 and the European Community took over all rights and obligations contracted by the European Coal and Steel Community;

Whereas according to Article 11(2) of the Agreement the Parties agreed that it will be continued and that all rights and obligations of the Parties under it shall be maintained after such expiry;

Whereas, further to Article 2(6) of the Agreement, the Parties agreed to consider the increase of the quantitative limits of the Agreement as from 1 May 2004, to take into account the enlargement of the European Union,

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

THE EUROPEAN COMMUNITY:

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN:

WHO HAVE AGREED AS FOLLOWS:

### *Article 1*

1.1 The quantitative limits for the year 2004 set out in Annex II of the Agreement shall be increased as stipulated in the attached Annex I to this Agreement.

1.2 The Parties agree that the exports from the Republic of Kazakhstan to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of products included in Annex I of the Agreement shipped before 1 May 2004 shall not be deducted from the quantitative limits set out in Annex II of the Agreement.

1.3 For the purpose of applying paragraph 1.2, such shipments are considered to have taken place on the date of their loading onto the exporting transport as evidenced by the bill of lading or other transport documents.

### *Article 2*

2.1 Article 13(2) of Protocol A of the Agreement is replaced as specified in the attached Annex II to this Agreement.

2.2 The list of the competent national authorities attached to Protocol A of the Agreement is replaced by the attached Annex III to this Agreement.

### *Article 3*

This Agreement shall enter into force on the day of its signature.

### *Article 4*

This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish, Kazakh and Russian languages, each of these texts being equally authentic.

Done at ..... on .....

*For the European Community*

*For the Government of the Republic of Kazakhstan*

## **ANNEX I**

(tonnes)

<b>Products</b>	<b>2004</b>
<u>SA. Flat products</u>	
SA1. Coils	5 228
SA1a. Coils for re-rolling	500
SA2. Heavy plate	852
SA3. Other flat products	21 582

## ANNEX II

Article 13(2) of the Protocol A is replaced as follows :

« 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,
- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom

- a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. "4" for 2004,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance. ».

### ANNEX III

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES  
SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ  
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER  
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN  
PÄDEVATE RIIKLIKE ASUTUSTE NIMEKIRI  
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ  
LIST OF THE COMPETENT NATIONAL AUTHORITIES  
LISTE DES AUTORITES NATIONALES COMPETENTES  
ELENCO DELLE COMPETENTI AUTORITA NAZIONALI  
VALSTU KOMPETENTO IESTAŽU SARAKSTS  
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS  
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA  
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI  
LIJST VAN BEVOEGDE NATIONALE INSTANTIES  
LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH  
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES  
ZOZNAM PŘÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV  
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV  
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA  
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER**

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