

ANNEX XVII

THE LAW OF THE REPUBLIC OF KAZAKHSTAN No. 114-III of 9 January, 2006

“On Amendments and Addenda to Legislative Acts of the Republic of Kazakhstan on Subsidies, Countervailing and Antidumping Measures”

Article 1. To make amendments and addenda to the following legislative acts of the Republic of Kazakhstan:

1. To the Law of the Republic of Kazakhstan of 13th of July, 1999 “On Anti-dumping Measures” (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No 19, p. 654):

1) to change the words “normal price” with the words “normal value” along the whole text;

2) in Article 1:

to add the words “, determined for similar product at consumption in exporting country” to subparagraph 11);

in subparagraph 12 to change the words “the most part (more than fifty percent) with the words “the main part””;

in subparagraph 15 to change the word “most” with the word “main”;

3) in Article 8:

to change the words “(volume and prices)” with the words “(volume and value)” in subparagraph 1) of paragraph 2 ;

to add paragraph 2-1 as follows:

“2-1. With the purpose of decision making on initiation of anti-dumping investigation and determination of proves sufficiency the authorized body shall examine authenticity and accuracy of information, provided for in the application.”;

4) to change the word “of five” with the word “of two” in subparagraph 1) of Article 10;

5) to add the paragraphs 1-1, 3-1 and 5 to the Article 12 as follows:

“1-1. Before the decision making on initiation of anti-dumping investigation the authorized body shall not disclose information on arrived application, except for the notification of the Government of the interested state.”;

“3-1. If the authorized body sends the notification on initiation of anti-dumping investigation to the individual interested person then it must provide the availability of such notification for other interested persons.”;

“5. Evidences obtained by the authorized body shall be presented to all interested persons, participating in anti-dumping investigation, except for the information being confidential.”;

6) in paragraph 1 of Article 18:

to add with the word “currencies” after the word “of rate”;

to remove the word “usually”;

7) in Article 24:

to change the words “can not exceed nine months” with the words “shall be completed within one year”;

to add with part two as follows:

“In exceptional cases this time frame can be prolonged by the authorized body, but not more than to six months;

8) to add the words “within three days” after the word “body” in the part one of the paragraph 1 of Article 25;

9) to change the word “by legislation” in paragraph 4 of Article 26 with the word “by laws”.

10) Article 29 to set forth as follows:

“Article 29. Meetings of Interested Persons

1. In the course of the anti-dumping investigation all interested persons shall have right to protect their interests. To that effect the authorized body upon the request of interested persons shall provide parties with opposite interest the opportunity to meet to discuss the materials of the investigation and provide with additional information verbally. At presence of grounds the interested persons shall have right to submit the additional information verbally.

Absence of any interested persons in such meetings shall not entail injury to their interests in the course of the investigation.

2. Verbal information shall be taken into account by the authorized body after its written confirmation within 10 days following the meeting.

3. The authorized body shall provide in due time all interested persons with all non-confidential information used by the authorized body in the anti-dumping investigation, for preparation of arguments on their cases”;

11) in Article 30:

to add paragraph 1-1 as follows:

«1-1. Taking into account the requirement of this Law to the confidential information, the notification on introduction of temporary anti-dumping measures must include:

name of suppliers, or if its impossible, of corresponding countries-suppliers;

description of the product, sufficient for customs purposes;

established dumping difference and substantiation of methodology used for establishment and comparison of export price and normal value, pursuant to chapter 3 of this Law;

opinions of the authorized body, concerning ascertainment of injury in accordance with the chapter 4 of this Law;

main arguments for application of temporary anti-dumping measures”;

to set item 3 forth in the following wording:

«3. Temporary anti-dumping measures can be applied to the import of dumped good not earlier than in sixty days following the moment of investigation initiation.

If the value of antidumping duty equals to the amount of priory calculated dumping difference, the validity of temporary anti-dumping duty shall not exceed four months except for the case when the given term is prolonged up to six months upon the decision of the authorized body on the basis of request of exporters, the share of whom in the volume of dumping good supply, being under the investigation, constitutes a significant part;

12) in article 31:

in subparagraph 2) of the paragraph 2 the word “of five” to change with the word “of two”;

to add subparagraph 4 with the following content:

“4. Notification on introduction of antidumping measures shall be published in official bulletins and with consideration of the requirements of this Law to confidential information shall contain all the information relevant to the investigation, concerning the facts and legal norms for introduction of anti-dumping duties as well as the reasons for accepting and rejecting of written evidences and requirements, provided for by the suppliers and interested persons in the course of antidumping investigation.»;

13) in the Article 43 the word “by legislation” to change with the word “by laws”.

2. To the Law of the Republic of Kazakhstan of July 16, 1999 “On Subsidies and Countervailing Measures” (The Bulletin of The Parliament of the Republic of Kazakhstan, 1999, No20, p. 732):

1) in Article 1:

in subparagraph 8) to change the words “the most part” (more than fifty percent) with the words “the main part”;

in subparagraph 9) to remove the words “of the Commonwealth of Independent States”;

2) in paragraph 3 of Article 7:

to change the words “cases stipulated” with the words “case stipulated”;

to remove the words “and in paragraph 2 of Article 8 of this Law”;

3) to remove Article 8;

4) to remove “, 8” in paragraph 2 of Article 9;

5) to add with Article 17-1 as follows:

“Article 17-1. Conduction of Consultations

1. Upon the acceptance of the application and before the initiation of an investigation the authorized body shall send the goods which can be the under investigation to the foreign states (foreign states unions) as well as the proposal on conduction of consultation with that state for specification of the situation concerning the issues, specified in paragraph 3 of Article 16 of this Law, and achievement of the coordinated decision.

2. Throughout the whole period of an investigation the foreign states (foreign states unions), having goods under the investigation, shall have a possibility to proceed their consultations with the authorized body for specification of actual circumstances and achievement of the coordinated decision.

3. The process of consultations shall not prevent the initiation of an investigation, making conclusions, application of temporary or final countervailing measures in accordance with this Law.

4. Upon the request of foreign states (foreign states union), having goods under the investigation, the authorized body lets the access to the non-confidential information, used for initiation or carrying out of an investigation.”;

6) to add part three to paragraph 1 of Article 21 as follows:

“The authorized body shall take into account the petitions of interested persons on prolongation of a specified monthly term and upon the sufficiency of evidences such prolongation shall be presented in the course of the investigation.”

Article 2. This Law shall enter into force since the day of its official publication.

President of the Republic of Kazakhstan

N.NAZARBAYEV

Astana, Akorda, January 9th, 2006
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