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Committee on Rules of Origin

Original: English

**NOTIFICATION OF PREFERENTIAL RULES OF ORIGIN FOR  
LEAST DEVELOPED COUNTRIES**

KAZAKHSTAN

The following communication, dated 9 November 2018, is being circulated at the request of the delegation of Kazakhstan.

Paragraph 4.3 of the 2015 Ministerial Decision on preferential rules of origin for least developed countries (WT/L/917/Add.1) requires preference-granting Members to notify preferential rules of origin as per the established procedures<sup>1</sup>. In addition, as mandated by the Ministerial Decision, the Committee on Rules of Origin agreed, at its meeting of 2 March 2017, to a template for such notifications (G/RO/84).

Following such requirements, the following notification has been received from Kazakhstan.

**A. BASIC INFORMATION**

1)	<b>Notifying member</b>	Kazakhstan
2)	<b>Date of entering into force of Rules of origin and any substantive modification thereof</b>	16 January 2019
3)	<b>Date of expiration of Rules of origin if applicable</b>	No expiration date
4)	<b>Title of the preferential scheme for which legislation on Rules of origin is applicable</b>	The Common System of Tariff Preferences of the Eurasian Economic Union
5)	<b>Authority(ies) granting the preferential treatment</b>	The State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan <a href="http://kqd.gov.kz/en">http://kqd.gov.kz/en</a>
6)	<b>National authorities in charge of Rules of origin administration</b>	The State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan <a href="http://kqd.gov.kz/en/content/contacts-1">http://kqd.gov.kz/en/content/contacts-1</a> tel.: +7 (7172) 70 19 98

<sup>1</sup> The relevant notification requirements are contained in Paragraph 2(d) of Annex 1 of the Transparency Mechanism for Preferential Trade Arrangements (WT/L/806) and in Paragraph 4 of Annex II of the Agreement on Rules of Origin.

**B. INFORMATION ON RULES OF ORIGIN****I. BENEFICIARIES**

<b>1) List of Beneficiaries</b>	Decision of the Customs Union Commission No. 130 of 27 November 2009 <a href="http://www.eurasiancommission.org/en/act/trade/dotp/commonSytem/Documents/List%20of%20Countries-beneficiaries%2010.10.2016.pdf">http://www.eurasiancommission.org/en/act/trade/dotp/commonSytem/Documents/List%20of%20Countries-beneficiaries%2010.10.2016.pdf</a>
<b>2) Eligibility</b>	See paragraphs 8 and 9 of the Regulation on the Terms and Procedure for the Application of the Eurasian Economic Union's Common System of Tariff Preferences <a href="http://www.eurasiancommission.org/en/act/trade/dotp/commonSytem/Documents/Regulation_Common%20System%20of%20Tariff%20Preferences_47_eng.pdf">http://www.eurasiancommission.org/en/act/trade/dotp/commonSytem/Documents/Regulation_Common%20System%20of%20Tariff%20Preferences_47_eng.pdf</a>

**II. CRITERIA FOR DETERMINING SUBSTANTIAL TRANSFORMATION**

Rules of origin for developing and least developed countries, adopted by the Decision No. 60 of the Council of the Eurasian Economic Commission of 14 June 2018.

[https://docs.eaeunion.org/docs/en-us/01418281/cncd\\_20072018\\_60](https://docs.eaeunion.org/docs/en-us/01418281/cncd_20072018_60)

<b>1) General criteria, if applicable for all products</b>	See paragraph 3 of the Rules of origin
<b>(a) Definition of wholly obtained products</b>	See paragraph 4 of the Rules of origin
<b>(b) Describe the criteria for not-wholly produced products</b>	See paragraph 6 of the Rules of origin
<b>(c) Insert the formula for calculating <i>ad valorem</i> percentage</b>	See paragraphs 9-11 of the Rules of origin
<b>2) Product specific rules of origin where applicable:</b>	
<b>(a) Insert the link where the complete list of product specific rules of origin can be found.</b>	There is no list of product specific rules of origin
<b>(b) Insert the formula for calculating <i>ad valorem</i> percentage, when applied for product specific rule</b>	None
<b>3) Definition of non-originating material and originating material, if any</b>	See paragraph 2 of the Rules of origin
<b>4) List of insufficient working process, if any</b>	See paragraphs 7 and 8 of the Rules of origin
<b>5) Rules for application of cumulation and related procedures if any</b>	See paragraphs 13, 14 and 16 of the Rules of origin
<b>6) Any other information that member deems necessary</b>	See Section III and IV of the Rules of origin

**III. DOCUMENTARY REQUIREMENTS**

<b>1) Certificate of origin and other proofs of origin</b>		
	<b>(a) Requirement for certificate of origin and/or any other proof of origin, if any</b>	See Section V of the Rules of origin
	<b>(b) Authority to be designated for issuance of certificate of origin</b>	See paragraph 2 of the Rules of origin
	<b>(c) Prescribed form of Certificate of origin and/or any other proof of origin</b>	See Annex I to the Rules of origin
	<b>(d) Any other procedures applied for certificate of origin and/or any other proof of origin, if any</b>	None
<b>2) Direct Shipment</b>		
	<b>(a) Rules applicable for direct shipment, if any</b>	See paragraphs 23-25 of the Rules of origin
	<b>(b) Documentary requirement for proof of direct shipment including when the transport of consignment involves transit through one or more intermediate countries, if any</b>	See paragraph 26 of the Rules of origin

**IV. VERIFICATION AND PENALTIES**

<b>1)</b>	<b>Procedure for verification of proofs of origin</b>	See Section VI of the Rules of origin
<b>2)</b>	<b>Penalties for fraud and false declarations</b>	See Article 551 of the Code of the Republic of Kazakhstan "On Administrative Offenses" (No. 235-V of 5 July 2014). <a href="http://adilet.zan.kz/rus/docs/K1400000235#z0">http://adilet.zan.kz/rus/docs/K1400000235#z0</a>
<b>3)</b>	<b>Authorities and procedures for appeal in the case of dispute on verification</b>	See Article 21. "Appeal (dispute) of decisions, actions (inactions) of customs bodies and/or their officials" of the Code of the Republic of Kazakhstan "On Customs Regulation in the Republic of Kazakhstan"(No. 123-VI of 26 December 2017). See Chapter 29. "Procedure on the cases of disputing decisions and actions (inactions) of the state bodies, local bodies, public associations, organizations, officials and civil officers" of the Code of the Republic of Kazakhstan "Civil Procedure Code of the Republic of Kazakhstan" (No. 377-V of 31 October 2015). <a href="http://adilet.zan.kz/rus/docs/K1700000123">http://adilet.zan.kz/rus/docs/K1700000123</a> <a href="http://adilet.zan.kz/rus/docs/K1500000377">http://adilet.zan.kz/rus/docs/K1500000377</a>
<b>4)</b>	<b>Requirement for preserving the documents related to issuance of certificate of origin</b>	See paragraph 46 of the Rules of origin
<b>5)</b>	<b>Any other relevant information</b>	None

**V. REFERENCE TEXTS**

(a)	<b>The legislative texts in one of the official WTO languages containing the preferential rules of origin applicable under a PTA granted under the Decision on Measures in Favour of Least-Developed Countries (Annex F of the Hong Kong Ministerial Declaration)</b>	<a href="http://www.eurasiancommission.org/en/act/trade/dotp/com_monSytem/Pages/normatBaza.aspx">http://www.eurasiancommission.org/en/act/trade/dotp/com_monSytem/Pages/normatBaza.aspx</a>
(b)	<b>The full text of the administrative regulations concerning modalities for issuance, acceptance, retrospective issuance and replacement of certificates of origin or any equivalent declarations to be made, including any requirements related to stamps to be used along with notification of stamps</b>	
(c)	<b>The full text and related administrative regulations of the modalities for the proof of movement of the consignment of the goods from the beneficiary countries to preference-giving countries including transit through third countries</b>	
(d)	<b>The full texts of the modalities of the verification procedures and related penalties</b>	<a href="https://docs.eaeunion.org/docs/ru-ru/01413569/itia_12042017">https://docs.eaeunion.org/docs/ru-ru/01413569/itia_12042017</a>