

TRADE

**Agreement Between the
UNITED STATES OF AMERICA
and UKRAINE**

Effected by Exchange of Letters at
Kiev and Washington February 22, 2006



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

UKRAINE

Trade

*Agreement effected by exchange of letters at
Kiev and Washington February 22, 2006;
Entered into force February 22, 2006.*

МІНІСТЕРСТВО ЕКОНОМІКИ
УКРАЇНИ



01008, м. Київ, вул. М.Грушевського, 12/2,
тел.253-93-94, факс 226-31-81
www.me.gov.ua E-mail: meconomy@me.gov.ua

MINISTRY OF ECONOMY
OF UKRAINE

01008, Kyiv, 12/2 M. Hrushevskoho str.,
tel. 253-93-94, fax 226-31-81
www.me.gov.ua E-mail: meconomy@me.gov.ua

22.02.06 № 129-31/87

На № _____

The Honorable Rob Portman
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Portman:

Having had a series of consultations with the United States in connection with the Republic of Ukraine's ("Ukraine") accession to the World Trade Organization (WTO), Ukraine will include in its WTO accession commitments the reduction of export duties on ferrous and non-ferrous scrap products as specified in the attached charts. In addition, not less than two years prior to the time specified for applying the final staged duty level, Ukraine will hold consultations with the United States as to the possibility of further reductions of export duties on these products.

I would be grateful if you would confirm that your Government shares this understanding regarding further consultations on reductions of export duties on ferrous and non-ferrous scrap metal. I have the further honor to propose that this letter and your reply confirming your Government's understandings shall constitute an agreement between our two governments.

Sincerely,

Minister Arseniy Yatsenyuk
Minister of Economy
Republic of Ukraine

Attachments

Agreed Tables Establishing Phased Reduction of Export Duties on Ferrous and Non-Ferrous Metal Scrap for the draft Working Party Report on the Accession of Ukraine to the WTO

Table I

Code HS 96	Goods description	Upon accession	1 year upon accession	2 years upon accession	3 years upon accession	4 years upon accession	5 years upon accession	6 years upon accession
7204	Waste and scrap of ferrous metals, except for alloyed; iron and steel scrap ingots for remelting, except for alloyed							
7204 10 00 00	- Waste and scrap of cast iron	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 30 00 00	- Waste and scrap of tinned iron and steel	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	- Other waste and scrap							
7204 41	-- Turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles							
7204 41 10 00	--- Turnings, shavings, chips, milling waste, sawdust and filings	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	--- Trimmings and stampings							
7204 41 91 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 41 99 00	---- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 49	-- other							
7204 49 10 00	--- fragmentized (shredded)	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	--- Other							
7204 49 30 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	---- other							
7204 49 91 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 49 99 00	---- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 50	- remelting scrap ingots							
7204 50 90 00	-- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t

Table II

HS 96	Description	After accession	1 year after accession	2 year after accession	3 year after accession	4 year after accession	5 year after accession
7202 99 80 00	Ferro-chromium-nickel	30%, but not less 0.4 €/kg	27% but not less 0.36 €/kg	24% but not less 0.32 €/kg	21% but not less 0.28 €/kg	18% but not less 0.24 €/kg	15%, but not less 0.2 €/kg
720421	Waste and scrap of alloy steel and of stainless steel	30%, but not less 0.4 €/kg	27% but not less 0.36 €/kg	24% but not less 0.32 €/kg	21% but not less 0.28 €/kg	18% but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7204 29 00 00	Other waste and scrap of alloy steel	30%, but not less 0.4 €/kg	27% but not less 0.36 €/kg	24% but not less 0.32 €/kg	21% but not less 0.28 €/kg	18% but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7204 50 10 00	Remelting scrap ingots of alloy steel	30%, but not less 0.45 €/kg	27% but not less 0.405 €/kg	24% but not less 0.36 €/kg	21% but not less 0.315 €/kg	18% but not less 0.27 €/kg	15%, but not less 0.225 €/kg
7218 10 00 00	Stainless steel in ingots and other primary forms	30%, but not less 1 €/kg	27% but not less 0.9 €/kg	24% but not less 0.8 €/kg	21% but not less 0.7 €/kg	18% but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7401	Copper mattes, cement cooper (precipitated copper)	30%, but not less 0.7 €/kg	27% but not less 0.63 €/kg	24% but not less 0.56 €/kg	21% but not less 0.49 €/kg	18% but not less 0.42 €/kg	15%, but not less 0.35 €/kg
7402 00 00 00	Unrefined copper, copper anodes for electrolytic refining	30%, but not less 1 €/kg	27% but not less 0.9 €/kg	24% but not less 0.8 €/kg	21% but not less 0.7 €/kg	18% but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 12 00 00	Wire-bars	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 13 00 00	Billets of refined copper	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 19 00 00	Other refined copper	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 21 00 00	Copper-zinc based alloys (brass)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 22 00 00	Copper-tin based alloys (bronze)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 23 00 00	Copper alloys, copper-nickel based alloys (cupro-nickel) or copper-zinc based alloys (nickel silver)	30%, but not less 1.6 €/kg	27%, but not less 1.44 €/kg	24%, but not less 1.28 €/kg	21%, but not less 1.12 €/kg	18%, but not less 0.96 €/kg	15%, but not less 0.8 €/kg
7403 29 00 00	Other copper alloys (other than master alloys of heading 7405)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7404 00	Copper waste and scrap	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7405 00 00 00	Master alloys of copper	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg

HS 96	Description	After accession	1 year after accession	2 year after accession	3 year after accession	4 year after accession	5 year after accession
7406	Copper powders and flakes	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7414 90 00 00	Grills and netting of copper wires	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7415 29 00 00	Other articles of copper, not threaded (including spring washers)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7415 39 00 00	Other articles of copper, threaded (except for screws for wood, other screws, bolts and nuts)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7418 19 00 00	Common articles of copper and parts thereof, other	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7419	Other articles of copper	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
750300	Nickel waste and scrap	30%, but not less 5.5 €/kg	27%, but not less 4.95 €/kg	24%, but not less 4.40 €/kg	21%, but not less 3.85 €/kg	18%, but not less 3.30 €/kg	15%, but not less 2.75 €/kg
7602 00	Aluminum waste and scrap	30%, but not less 0.4 €/kg	27%, but not less 0.36 €/kg	24%, but not less 0.32 €/kg	21%, but not less 0.28 €/kg	18%, but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7802 00 00 00	Lead waste and scrap	30%, but not less 0.3 €/kg	27%, but not less 0.27 €/kg	24%, but not less 0.24 €/kg	21%, but not less 0.21 €/kg	18%, but not less 0.18 €/kg	15%, but not less 0.15 €/kg
7902 00 00 00	Zinc waste and scrap	30%, but not less 0.32 €/kg	27%, but not less 0.288 €/kg	24%, but not less 0.256 €/kg	21%, but not less 0.224 €/kg	18, but not less 0.192 €/kg	15%, but not less 0.16 €/kg
8002 00 00 00	Tin waste and scrap	30%, but not less 1.6 €/kg	27%, but not less 1.44 €/kg	24%, but not less 1.28 €/kg	21%, but not less 1.12 €/kg	18%, but not less 0.96 €/kg	15%, but not less 0.8 €/kg
8101 91 90 00	Tungsten waste and scrap	30%, but not less 10 €/kg	27%, but not less 9 €/kg	24%, but not less 8 €/kg	21%, but not less 7 €/kg	18%, but not less 6 €/kg	15%, but not less 5 €/kg
8108 10 90 00	Titanium waste and scrap	30%, but not less 4 €/kg	27%, but not less 3.6 €/kg	24%, but not less 3.2 €/kg	21%, but not less 2.8 €/kg	18%, but not less 2.4 €/kg	15%, but not less 2 €/kg

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

FEB 22 2006

Minister Arseniy Yatsenyuk
Ministry of Economy
12/2 Hrushevskoho str.
01008, Kyiv
Republic of Ukraine

Dear Minister Yatsenyuk:

I have the honor to acknowledge receipt of your letter of February 22, 2006, which reads as follows:

Having had a series of consultations with the United States in connection with the Republic of Ukraine's ("Ukraine") accession to the World Trade Organization (WTO), Ukraine will include in its WTO accession commitments the reduction of export duties on ferrous and non-ferrous scrap products as specified in the attached charts. In addition, not less than two years prior to the time specified for applying the final staged duty level, Ukraine will hold consultations with the United States as to the possibility of further reductions of export duties on these products.

I have the honor to confirm that the United States shares these understandings regarding further consultations on reductions of export duties on ferrous and non-ferrous scrap metal and that your letter and this letter in reply shall constitute an agreement between the United States and the Republic of Ukraine effective as of this date.

Sincerely,



Rob Portman

Attachments

Agreed Tables Establishing Phased Reduction of Export Duties on Ferrous and Non-Ferrous Metal Scrap for the draft Working Party Report on the Accession of Ukraine to the WTO

Table I

Code HS 96	Goods description	Upon accession	1 year upon accession	2 years upon accession	3 years upon accession	4 years upon accession	5 years upon accession	6 years upon accession
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	- Other waste and scrap							
7204 41	-- Turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles							
7204 41 10 00	--- Turnings, shavings, chips, milling waste, sawdust and filings	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	--- Trimmings and stampings							
7204 41 91 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 41 99 00	---- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 49	-- other							
7204 49 10 00	--- fragmentized (shredded)	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	--- Other							
7204 49 30 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
	---- other							
7204 49 91 00	---- in bundles	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 49 99 00	---- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t
7204 50	- remelting scrap ingots							
7204 50 90 00	-- other	25 €/t	18 €/t	16.4 €/t	14.8 €/t	13.2 €/t	11.6 €/t	10 €/t

Table II

HS 96	Description	After accession	1 year after accession	2 year after accession	3 year after accession	4 year after accession	5 year after accession
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720421	Waste and scrap of alloy steel and of stainless steel	30%, but not less 0.4 €/kg	27% but not less 0.36 €/kg	24% but not less 0.32 €/kg	21% but not less 0.28 €/kg	18% but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7204 29 00 00	Other waste and scrap of alloy steel	30%, but not less 0.4 €/kg	27% but not less 0.36 €/kg	24% but not less 0.32 €/kg	21% but not less 0.28 €/kg	18% but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7204 50 10 00	Remelting scrap ingots of alloy steel	30%, but not less 0.45 €/kg	27% but not less 0.405 €/kg	24% but not less 0.36 €/kg	21% but not less 0.315 €/kg	18% but not less 0,27 €/kg	15%, but not less 0.225 €/kg
7218 10 00 00	Stainless steel in ingots and other primary forms	30%, but not less 1 €/kg	27% but not less 0.9 €/kg	24% but not less 0.8 €/kg	21% but not less 0.7 €/kg	18% but not less 0,6 €/kg	15%, but not less 0.5 €/kg
7401	Copper mattes, cement cooper (precipitated copper)	30%, but not less 0.7 €/kg	27% but not less 0.63 €/kg	24% but not less 0.56 €/kg	21% but not less 0.49 €/kg	18% but not less 0.42 €/kg	15%, but not less 0.35 €/kg
7402 00 00 00	Unrefined copper, copper anodes for electrolytic refining	30%, but not less 1 €/kg	27% but not less 0.9 €/kg	24% but not less 0.8 €/kg	21% but not less 0.7 €/kg	18% but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 12 00 00	Wire-bars	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 13 00 00	Billets of refined copper	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 19 00 00	Other refined copper	30%, but not less 1.2 €/kg	27%, but not less 1.08 €/kg	24%, but not less 0.96 €/kg	21%, but not less 0.84 €/kg	18%, but not less 0.72 €/kg	15%, but not less 0.6 €/kg
7403 21 00 00	Copper-zinc based alloys (brass)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 22 00 00	Copper-tin based alloys (bronze)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7403 23 00 00	Copper alloys, copper-nickel based alloys (cupro-nickel) or copper-zinc based alloys (nickel silver)	30%, but not less 1.6 €/kg	27%, but not less 1.44 €/kg	24%, but not less 1.28 €/kg	21%, but not less 1.12 €/kg	18%, but not less 0.96 €/kg	15%, but not less 0.8 €/kg
7403 29 00 00	Other copper alloys (other than master alloys of heading 7405)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7404 00	Copper waste and scrap	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7405 00 00 00	Master alloys of copper	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg

HS 96	Description	After accession	1 year after accession	2 year after accession	3 year after accession	4 year after accession	5 year after accession
7406	Copper powders and flakes	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7414 90 00 00	Grills and netting of copper wires	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7415 29 00 00	Other articles of copper, not threaded (including spring washers)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7415 39 00 00	Other articles of copper, threaded (except for screws for wood, other screws, bolts and nuts)	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7418 19 00 00	Common articles of copper and parts thereof, other	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
7419	Other articles of copper	30%, but not less 1 €/kg	27%, but not less 0.9 €/kg	24%, but not less 0.8 €/kg	21%, but not less 0.7 €/kg	18%, but not less 0.6 €/kg	15%, but not less 0.5 €/kg
750300	Nickel waste and scrap	30%, but not less 5.5 €/kg	27%, but not less 4.95 €/kg	24%, but not less 4.40 €/kg	21%, but not less 3.85 €/kg	18%, but not less 3.30 €/kg	15%, but not less 2.75 €/kg
7602 00	Aluminum waste and scrap	30%, but not less 0.4 €/kg	27%, but not less 0.36 €/kg	24%, but not less 0.32 €/kg	21%, but not less 0.28 €/kg	18%, but not less 0.24 €/kg	15%, but not less 0.2 €/kg
7802 00 00 00	Lead waste and scrap	30%, but not less 0.3 €/kg	27%, but not less 0.27 €/kg	24%, but not less 0.24 €/kg	21%, but not less 0.21 €/kg	18%, but not less 0.18 €/kg	15%, but not less 0.15 €/kg
7902 00 00 00	Zinc waste and scrap	30%, but not less 0.32 €/kg	27%, but not less 0.288 €/kg	24%, but not less 0.256 €/kg	21%, but not less 0.224 €/kg	18%, but not less 0.192 €/kg	15%, but not less 0.16 €/kg
8002 00 00 00	Tin waste and scrap	30%, but not less 1.6 €/kg	27%, but not less 1.44 €/kg	24%, but not less 1.28 €/kg	21%, but not less 1.12 €/kg	18%, but not less 0.96 €/kg	15%, but not less 0.8 €/kg
8101 91 90 00	Tungsten waste and scrap	30%, but not less 10 €/kg	27%, but not less 9 €/kg	24%, but not less 8 €/kg	21%, but not less 7 €/kg	18%, but not less 6 €/kg	15%, but not less 5 €/kg
8108 10 90 00	Titanium waste and scrap	30%, but not less 4 €/kg	27%, but not less 3.6 €/kg	24%, but not less 3.2 €/kg	21%, but not less 2.8 €/kg	18%, but not less 2.4 €/kg	15%, but not less 2 €/kg