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COUNCIL

COUNCIL DECISION

of 30 June 1988

concerning the conclusion of the Agreement in form of agreed minutes relating to certain agricultural products negotiated between the European Economic Community and the Republic of Austria under Article XXVIII of the GATT

(88/451/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Republic of Austria, pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), has made known its intention of modifying or withdrawing tariff concessions for certain agricultural products for which the Community is Austria's main supplier;

Whereas the Commission has conducted negotiations with the Republic of Austria under Article XXVIII of the GATT and whereas a satisfactory Agreement with Austria has been reached; whereas that Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of agreed minutes relating to certain agricultural products negotiated between the

European Economic Community and the Republic of Austria under Article XXVIII of the GATT is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

Done at Luxembourg, 30 June 1988.

For the Council

The President

Ch. SCHWARZ-SCHILLING

AGREEMENT

in the form of agreed minutes relating to certain agricultural products negotiated between the European Economic Community and the Republic of Austria under Article XXVIII of the GATT

Vienna, 4 July 1988.

The European Economic Community and the Republic of Austria have concluded their negotiations under Article XXVIII of the GATT concerning the modification or withdrawal of tariff concessions in Schedule XXXII — Austria with agreements on the following:

- (a) joint communication to the Director-General of the GATT concerning Schedule XXXII — Austria;
- (b) Exchange of Letters amending and supplementing the Exchange of Letters of 21 July 1972, as last amended by the Exchange of Letters of 14 July 1986;
- (c) an Exchange of Letters providing for an Agreement on the withdrawal of the GATT conventional duty on chocolate.

*For the Government
of the Republic of Austria*

*Manfred
Belke*

*On behalf of the
Council of the European
Communities*

M. Morscher

JOINT COMMUNICATION
to the Director-General of GATT

Vienna,

To the Director-General GATT
Geneva

NEGOTIATIONS RELATING TO SCHEDULE XXXII — AUSTRIA

The Delegations of the European Economic Community and the Republic of Austria have concluded their negotiations under Article XXVIII for the modification or withdrawal of customs concessions provided for in Schedule XXXII — Austria as set out in the report attached.

*For the Delegation
of the European Economic
Community*

*For the Delegation
of the Republic of Austria
(subject to ratification)*

ANNEX

RESULTS OF NEGOTIATIONS UNDER ARTICLE XXVIII FOR THE MODIFICATION OR
WITHDRAWAL OF CUSTOMS CONCESSIONS IN SCHEDULE XXXII — AUSTRIA

A. CONCESSIONS WITHDRAWN

(a) In the CCC nomenclature

Tariff heading	Description	Rates of duty bound in existing schedule in % ad val. or in Austrian Schilling per 100 kg
07.05	Dried leguminous vegetables, shelled whether or not skinned or split: ex A — Beans, including broad-beans, neither skinned nor split B Peas: 1 — Whole: b — Other	21,— 56,—
ex 10.06	Broken rice	7,—
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified: C — Other: ex 2 — Other: a — Soya-bean oil and cotton-seed oil; groundnut-, coconut-, palm- and palmkernel-oil, purified	 12 %
ex 15.07 ⁽¹⁾		
15.13	A — Margarine	315,—
ex 18.06	Chocolate	32 % but not less than 460 Austrian Schilling per 100 kg
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised): A — Peel of southern fruit, candied B — Other	530,— 580,—
20.05	ex B — Jams, fruit jellies and marmalades, containing added sugar	30 %
92.11	Gramophones, dictating machines and other sound recorders or reproducers, including record-players and tape decks, with or without sound-heads; television image and sound recorders or reproducers: ex B — Video recording or reproducing apparatus, of magnetic tape-type	 10 %

⁽¹⁾ Soya-bean oil and cotton-seed oil, in single packages containing 5 kg or less will be subject to an additional duty amounting to 50 % of the general tariff rate applicable to subheading No 15.07 C2.

(b) In the HS nomenclature

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
0713 --	Dried leguminous vegetables, shelled, whether or not skinned or split:	
10	– Peas (<i>Pisum sativum</i>): A – Whole	56,—
(30)	– Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.):	
31	– – Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek: A – Whole	21,—
32	– – Small red (<i>Adzuki</i>) beans (<i>Phaseolus</i> or <i>Vigna angularis</i>): A – Whole	21,—
33	– – Kidney beans, including white pea beans (<i>Phaseolus vulgaris</i>): A – Whole	21,—
39	– – Other: A – Whole	21,—
50	– Broad beans (<i>Vicia faba</i> var. <i>major</i>) and horse beans (<i>Vicia faba</i> var. <i>equina</i> , <i>Vicia faba</i> var. <i>minor</i>): A – Whole	21,—
1006 --	Rice:	
40	– Broken rice: A – With a share of broken grains of 20 % or more by weight B – Other	7,— 7,—
1507 --	Soya-bean oil and its fractions, whether or not refined, but not chemically modified:	
10	– Crude oil, whether or not degummed: B – Other: 1 – In immediate packings with a content of 5 kg or less 2 – Other	19,5 % 12 %
90	– Other: B – Other: 1 – Oils: a – In immediate packings with a content of 5 kg or less b – Other	19,5 % 12 %
1508 --	Ground-nut oil and its fractions, whether or not refined, but not chemically modified:	
90	– Other: B – Other: 1 – Oils: a – In immediate packings with a content of 5 kg or less: 1 – Pure b – Other: 1 – Pure	12 % + supplementary duty 12 %
1511 --	Palm oil and its fractions, whether or not refined, but not chemically modified:	
90	– Other: B – Other: 1 – Oils: a – In immediate packings with a content of 5 kg or less: 1 – Pure b – Other: 1 – Pure	12 % + additional duty 12 %

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
1512 --	Sunflower-seed, safflower or cotton-seed oil and their fractions, whether or not refined, but not chemically modified:	
(20)	– Cotton-seed oil and its fractions:	
21	– – Crude oil, whether or not gossypol has been removed:	
	B – Other:	
	1 – In immediate packings with a content of 5 kg or less	19,5 %
	2 – Other	12 %
29	– – Other:	
	B – Other:	
	1 – Oils:	
	a – In immediate packings with a content of 5 kg or less	19,5 %
	b – Other	12 %
1513 --	Coconut (copra), palm kernel or babassu oil and their fractions, whether or not refined, but not chemically modified:	
(10)	– Coconut (copra) oil and its fractions:	
19	– – Other:	
	B – Other:	
	1 – Oils:	
	a – In immediate packings with a content of 5 kg or less:	
	1 – Pure	12 % + additional duty
	b – Other:	
	1 – Pure	12 %
(20)	– Palm kernel or babassu oil and their fractions:	
29	– – Other:	
	B – Other:	
	1 – Oils:	
	a – In immediate packings with a content of 5 kg or less:	
	1 – Pure	12 % + additional duty
	b – Other:	
	1 – Pure	12 %
1516 --	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared:	
20	– Vegetable fats and oils and their fractions:	
	B – Re-esterified:	
	4 – Other:	
	b – Other:	
	1 – In immediate packings with a content of 5 kg or less:	
	a – Soya-bean oil and cotton-seed oil	12 % + additional duty
	2 – Other:	
	a – Soya-bean oil and cotton-seed oil	12 %
1517 --	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516:	
10	– Margarine, excluding liquid margarine	315,—
1806 --	Chocolate and other food preparations containing cocoa:	
20	– Other preparations in blocks or slabs weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:	
	A – Chocolate	32 % min 460,—

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
(30)	— Other, in blocks, slabs or bars:	
31	— — Filled: A — Chocolate	32 % min 460,—
32	— — Not filled: A — Chocolate	32 % min 460,—
90	— Other: A — Chocolate	32 % min 460,—
2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised)	530,—
2007 — —	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:	
10	— Homogenised preparations: A — Containing added sugar	30 %
(90)	— Other:	
91	— — Citrus fruit: A — Jams, fruit jellies and marmalades: 1 — Containing added sugar	30 %
99	— — Other: B — Jams, fruit jellies and marmalades: 1 — Containing added sugar	30 %
8521 — —	Video recording or reproducing apparatus:	
10	— Magnetic tape-type	10 %
8528 — —	Television receivers (including video monitors and video projectors), whether or not combined, in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus:	
10	— Colour: A — Video recording or reproducing apparatus, combined in the same housing with a video tuner	10 %

B. BOUND RATES TO BE INCREASED

Tariff heading	Description	Rates of duty bound in existing schedule	Rate of duty to be bound in % ad val. or in Austrian Schilling per 100 kg
—	—	—	—

C. REDUCTION OF RATES BOUND IN THE EXISTING SCHEDULE

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
In the HS Nomenclature		
1604 — —	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	
(10)	— Fish, whole or in pieces, but not minced:	
11	— — Salmon: B — Other: 1 — Dressed with bread crumbs and frozen 2 — Other	500,— 500,—

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
12	— — Herrings: - B — Other: 1 — Dressed with bread crumbs and frozen 3 — Other	500,— 500,—
13	— — Sardines, sardinella and brisling or sprats: - B — Other: 1 — Dressed with bread crumbs and frozen 3 — Other	500,— 500,—
14	— — Tunas, skipjack and Atlantic Bonito (<i>Sarda spp.</i>): - B — Other: 1 — Dressed with bread crumbs and frozen 3 — Other	500,— 500,—
15	— — Mackerel: - B — Other: 1 — Dressed with bread crumbs and frozen 3 — Other	500,— 500,—
16	— — Anchovies: - B — Other: 1 — Dressed with bread crumbs and frozen 3 — Other	500,— 500,—
19	— — Other: - B — Other: 1 — Eels in barrels or similar containers 2 — Dressed with bread crumbs and frozen 4 — Other	260,— 500,— 500,—
20	— — Other prepared or preserved fish: - B — Other: 1 — Eels in barrels or similar containers 2 — Dressed with bread crumbs and frozen 4 — Other	260,— 500,— 500,—

D. NEW CONCESSIONS ON ITEMS NOT IN EXISTING SCHEDULES

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
In the HS nomenclature		
1006 — — 40	Rice: — Broken rice: - A — With a share of broken grains of 20 % or more by weight: - ex A — Within an annual quota ⁽¹⁾ - B — Other: - ex B — Within an annual quota ⁽¹⁾	- free - free

⁽¹⁾ The annual quota for broken rice of subheadings Nos 1006 40 ex A and ex B amounts to 1 000 tonnes in the whole for factories for the manufacture of preparations of subheading No 1901 10. The granting of this concession is conditional upon the presentation of a certificate ('Kontingentschein') drawn up by the Federal Minister of Economic Affairs, which is responsible for monitoring and allocating the quota. The quota year begins on 1 January of each year.

Annex to part I of Schedule XXXII:

1006 40	Broken rice for the manufacture of beer of heading No 2203 00	free
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EXCHANGE OF LETTERS

amending and supplementing the Exchange of Letters of 21 July 1972, as last amended by the Exchange of Letters of 14 July 1986

Letter No 1

Vienna,

Sir,

I refer to the Exchanges of Letters of 21 July 1972, 21 October 1981, 12 January 1983 and 14 July 1986 between the European Economic Community and Austria and to negotiations which, further to the removal of certain conventional duties from GATT Schedule XXXII—Austria, have taken place between the two Contracting Parties with a view to adjusting the said agreements and determining the trading arrangements applicable to certain agricultural products within the meaning of Article 15 of the Free Trade Agreement between the European Economic Community and Austria.

I hereby confirm that the following results were obtained in these negotiations:

From the date on which the withdrawal of the GATT conventional duties which were the subject of the abovementioned negotiations becomes effective, the Republic of Austria will grant to the Community, on a unilateral basis, the tariff concessions indicated in the Annex to this letter.

This Exchange of Letters is subject to approval by the Contracting Parties in accordance with their respective procedures.

I should be grateful if you would confirm your agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Austria

ANNEX

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
In the HS nomenclature		
0904 --	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	
20	-- Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> dried or crushed or ground: A. Fruits of the genus <i>Capsicum</i> : 2. Other (b) Other: 1. In immediate packagings containing 1 kg or less 2. Other	 7,5 % 5 %
1604 --	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	
(10)	-- Fish, whole or in pieces, but not minced:	
11	-- -- Salmon: B. Otherwise prepared: 1. Breaded and frozen 2. Other	 Free Free
12	-- -- Herrings: B. Otherwise prepared: 1. Breaded and frozen 2. Frozen, but not surrounded by pasta or breaded 3. Other	 Free Free Free
13	-- -- Sardines, sardinella and brisling or sprats: B. Otherwise prepared: 1. Breaded and frozen 2. Frozen, but not surrounded by pasta or breaded 3. Other	 Free Free Free
14	-- -- Tunas, skipjack and Atlantic bonito (<i>Sarda</i> spp.) B. Otherwise prepared: 1. Breaded and frozen 2. Frozen, but not surrounded by pasta or breaded 3. Other	 Free Free Free
15	-- -- Mackerel: B. Otherwise prepared: 1. Breaded and frozen 2. Frozen, but not surrounded by pasta or breaded 3. Other	 Free Free Free
16	-- -- Anchovies: B. Otherwise prepared: 1. Breaded and frozen 2. Frozen, but not surrounded by pasta or breaded 3. Other	 Free Free Free
19	-- -- Other: B. Otherwise prepared: 1. Eels, in barrels or similar containers 2. Breaded and frozen 3. Saltwater fish, frozen but not surrounded by pasta or breaded 4. Other	 Free Free Free Free

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
20	– Other prepared or preserved fish: B. Other: 1. Eels, in barrels or similar containers 2. Breaded and frozen 3. Saltwater fish, frozen, but not surrounded by pasta or breaded 4. Other	- Free - Free - Free - Free
1902 – –	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:	
20	– Stuffed pasta, whether or not cooked or otherwise prepared: A. Containing by weight more than 20 % of sausage meat, meat, offal or other parts of animals, fish, crustaceans or other invertebrate aquatic animals: 2. Fish: - ex 2. Otherwise presented than in closed airtight containers	Free
2007 – –	Jams, fruit jellies marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:	
10	– Homogenized preparations: A. Containing added sugar	10 % + vc ⁽¹⁾
(90)	– Other:	
91	– – Citrus fruit: A. Jams, fruit jellies and marmalades: 1. Containing added sugar	10 % + vc ⁽¹⁾
99	– – Other: B. Jams, fruit jellies and marmalades: 1. Containing added sugar	10 % + vc ⁽¹⁾

⁽¹⁾ Austria undertakes to put the Community on the same footing as the European Free Trade Association (EFTA) as regards the fixed component.

Letter No 2

Vienna,

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I refer to the Exchanges of Letters of 21 July 1972, 21 October 1981, 12 January 1983 and 14 July 1986 between the European Economic Community and Austria and to negotiations which, further to the removal of certain conventional duties from GATT Schedule XXXII—Austria, have taken place between the two Contracting Parties with a view to adjusting the said agreements and determining the trading arrangements applicable to certain agricultural products within the meaning of Article 15 of the Free Trade Agreement between the European Economic Community and Austria.

I hereby confirm that the following results were obtained in these negotiations:

From the date on which the withdrawal of the GATT conventional duties which were the subject of the abovementioned negotiations becomes effective, the Republic of Austria will grant to the Community, on a unilateral basis, the tariff concessions indicated in the Annex to this letter.

This Exchange of Letters is subject to approval by the Contracting Parties in accordance with their respective procedures.

I should be grateful if you would confirm your agreement with the content of this letter.'

I have the honour to inform you that the European Economic Community agrees with the contents of the above letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Communities

ANNEX

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
In the HS nomenclature		
0904 --	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	
20	— Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> dried or crushed or ground:	
	A. Fruits of the genus <i>Capsicum</i> :	
	2. Other	
	(b) Other:	
	1. In immediate packagings containing 1 kg or less	7,5 %
	2. Other	5 %
1604 --	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	
(10)	— Fish, whole or in pieces, but not minced:	
11	— — Salmon:	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Other	Free
12	— — Herrings:	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Frozen, but not surrounded by pasta or breaded	Free
	3. Other	Free
13	— — Sardines, sardinella and brisling or sprats:	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Frozen, but not surrounded by pasta or breaded	Free
	3. Other	Free
14	— — Tunas, skipjack and Atlantic bonito (<i>Sarda</i> spp.)	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Frozen, but not surrounded by pasta or breaded	Free
	3. Other	Free
15	— — Mackerel:	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Frozen, but not surrounded by pasta or breaded	Free
	3. Other	Free
16	— — Anchovies:	
	B. Otherwise prepared:	
	1. Breaded and frozen	Free
	2. Frozen, but not surrounded by pasta or breaded	Free
	3. Other	Free
19	— — Other:	
	B. Otherwise prepared:	
	1. Eels, in barrels or similar containers	Free
	2. Breaded and frozen	Free
	3. Saltwater fish, frozen but not surrounded by pasta or breaded	Free
	4. Other	Free

Tariff heading	Description	Rate of duty in % ad val. or in Austrian Schilling per 100 kg
20	— Other prepared or preserved fish: B. Other: 1. Eels, in barrels or similar containers 2. Breaded and frozen 3. Saltwater fish, frozen, but not surrounded by pasta or breaded 4. Other	- Free - Free - Free - Free
1902 — —	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:	
20	— Stuffed pasta, whether or not cooked or otherwise prepared: A. Containing by weight more than 20 % of sausage meat, meat, offal or other parts of animals, fish, crustaceans or other invertebrate aquatic animals: 2. Fish: - ex 2. Otherwise presented than in closed airtight containers	Free
2007 — —	Jams, fruit jellies marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:	
10	— Homogenized preparations: A. Containing added sugar	10 % + vc ⁽¹⁾
(90)	— Other:	
91	— — Citrus fruit: A. Jams, fruit jellies and marmalades: 1. Containing added sugar	10 % + vc ⁽¹⁾
99	— — Other: B. Jams, fruit jellies and marmalades: 1. Containing added sugar	10 % + vc ⁽¹⁾

⁽¹⁾ Austria undertakes to put the Community on the same footing as the European Free Trade Association (EFTA) as regards the fixed component.

EXCHANGE OF LETTERS

providing for an agreement on the withdrawal of GATT conventional duty on chocolate

Letter No 1

Vienna,

Sir,

I have the honour to refer to the Austrian notification in GATT-Document SECRET/323/ of 23 December 1986.

May I recall that by the document mentioned, Austria informed the Contracting Parties of its intention to withdraw, in accordance with the provisions of Article XXVIII:5 of the General Agreement on Tariffs and Trade the concession bound in Schedule XXXII — Austria with regard to Tariff Item No ex 1806 Chocolate. The duty was bound at the following rate: 32 % but not less than 460 Austrian Schilling per 100 kilograms.

I would like to confirm that the principal supplier of this product is the European Economic Community; the European Economic Community has therefore the negotiating rights in accordance with Article XXVIII of the General Agreement with respect to this Austrian binding.

Following the consultations held between our delegations, I wish to confirm on behalf of the Austrian authorities that agreement has been reached as follows:

1. The Community accepts to waive at this stage its negotiating rights in order that Austria can complete the GATT procedure for the withdrawal of the concession on the tariff position mentioned above.
2. If, however, Austria levies in the future a duty or levy in excess of the formerly bound duty rate of 32 %, but not less than 460 Austrian Schilling per 100 kilograms for products originating in the EEC, the Austrian authorities will, upon request, promptly enter into consultations with the Community with a view to taking appropriate measures to compensate the Community to an extent equivalent to its right under Article XXVIII of GATT.

I wish to take this occasion, Sir, to renew the assurance of my highest consideration.

For the Government of the Republic of Austria

Letter No 2

Vienna,

Sir,

I have the honour to confirm the receipt of your letter which reads as follows:

'I have the honour to refer to the Austrian notification in GATT-Documents SECRET/323/ of 23 December 1986.

May I recall that by the document mentioned, Austria informed the Contracting Parties of its intention to withdraw, in accordance with the provisions of Article XXVIII:5 of the General Agreement on Tariffs and Trade the concession bound in Schedule XXXII — Austria with regard to Tariff Item No ex 1806 Chocolate. The duty was bound at the following rate: 32 % but not less than 460 Austrian Schilling per 100 kilograms.

I would like to confirm that the principal supplier of this product is the European Economic Community; the European Economic Community has therefore the negotiating rights in accordance with Article XXVIII of the General Agreement with respect to this Austrian binding.

Following the consultations held between our delegations, I wish to confirm on behalf of the Austrian authorities that agreement has been reached as follows:

1. The Community accepts to waive at this stage its negotiating rights in order that Austria can complete the GATT procedure for the withdrawal of the concession on the tariff position mentioned above.
2. If, however, Austria levies in the future a duty or levy in excess of the formerly bound duty rate of 32 %, but not less than 460 Austrian Schilling per 100 kilograms for products originating in the EEC, the Austrian authorities will, upon request, promptly enter into consultations with the Community with a view to taking appropriate measures to compensate the Community to an extent equivalent to its right under Article XXVIII of GATT.'

I wish to confirm the agreement of the European Economic Community to the foregoing.

I would like to add the following point which you have already noted during our consultations and which is of interest to the Community. On the basis of the Free Trade Agreement between the Community and Austria, the Community benefits from a preference margin of 12 percentage points due to the elimination of the 12 % duty rate (the fixed element) on 1 July 1972 for this product. The Community has an interest that this margin should be maintained in the future.

Please accept, Sir, the assurances of my highest consideration.

On behalf of the Council of the European Communities

COUNCIL DECISION

of 30 June 1988

concerning the conclusion of an Additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco

(88/452/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,Whereas the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco ⁽²⁾, signed at Rabat on 27 April 1976, should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

The text of the Protocol is attached to the Decision.

*Article 2*The President of the Council shall give the notification provided for in Article 8 of the Protocol ⁽³⁾.*Article 3*This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 30 June 1988.

*For the Council**The President*

Ch. SCHWARZ-SCHILLING

⁽¹⁾ OJ No C 187, 18. 7. 1988.⁽²⁾ OJ No L 264, 27. 9. 1978, p. 2.⁽³⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities*, by the General Secretariat of the Council.

ADDITIONAL PROTOCOL

to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part, and

THE KINGDOM OF MOROCCO,

of the other part,

HAVING REGARD to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco, signed at Rabat on 27 April 1976, hereinafter referred to as the 'Agreement';

CONSIDERING that the Community and Morocco wish to strengthen still further their relations in order to take account of the new dimension created by the accession to the European Communities of Spain and Portugal, on 1 January 1986, and that Article 55 of the Agreement provides for the possibility of improvements in its terms;

CONSIDERING that certain rules should be foreseen to enable Morocco's traditional export trade with the Community to be maintained;

HAVE DECIDED to conclude a Protocol adapting certain provisions of the Agreement, and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Hans-Dietrich GENSCHER,

Federal Minister for Foreign Affairs of the Federal Republic of Germany, President-in-Office of the Council of the European Communities;

Claude CHEYSSON,

Member of the Commission of the European Communities;

THE GOVERNMENT OF THE KINGDOM OF MOROCCO:

Abdellatif FILALI,

Minister for Foreign Affairs and Cooperation;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. Customs duties applicable under the Agreement to imports into the Community of products originating in Morocco covered by the Agreement and listed in Annex A to this Protocol shall be phased out over the same periods and at the same rates as provided in the Act of Accession of Spain and Portugal in respect of imports into the Community as constituted on 31 December 1985 of the same products from Spain and Portugal. This provision shall be applied in accordance with the rules hereinafter set out in this Article.

In the course of this phasing out of customs duties and where the level of customs duty in force for Spanish imports into the Community as constituted on 31 December 1985 differs from that for Portugal, products originating in Morocco shall be subject to the higher of the two rates.

2. Where the customs duty on a product listed in Annex A is lower for Morocco than for Spain, Portugal or both, phasing out of the duty shall commence once the duty on the same product from both Spain and Portugal has fallen below that applying to imports originating in Morocco.

3. The provisions of paragraphs 1 and 2 shall apply within the limits and the special conditions foreseen for the tariff reductions laid down in Article 20 and 22 of the Agreement.

4. Customs duties on imports of products listed in the Annex A and originating in Morocco in respect of which Community tariff quotas are indicated in Annex A shall be phased out within the limits of such quotas.

Once the volume of imports of these products exceeds the quotas, the Community shall apply the customs duties prevailing under the Agreement.

5. For the purposes of phasing out customs duties for certain products originating in Morocco and listed in Annex A, a reference quantity is established in that Annex.

Should the volume of imports of one of these products exceed the reference quantity, the Community, having regard to an annual review of trade flows which it shall carry out, may make the product in question subject to a Community tariff quota as provided for in paragraph 4, the volume of which shall be equal to that reference quantity.

6. For the products listed in the Annex A other than those mentioned in paragraphs 4 and 5, the Community may establish a reference quantity as provided for in paragraph 5 if it discovers, in the light of the annual review of trade flow which it shall carry out, that the volume of imports threatens to cause difficulties on the Community market.

Article 2

1. Customs duties on imports into the Community of products listed in Annex B to this Protocol and originating in Morocco shall be dismantled in the same way as indicated in Article 1 (1), (4), (5) and (6).

However, once the volume of imports of such products exceeds the Community tariff quotas, within the meaning of Article 1 (4), the Community shall apply the customs duties of the Common Customs Tariff.

2. Elimination of customs duties for cut flowers and flower buds, fresh, falling within subheading 06.03 A of the Common Customs Tariff, shall be subject to certain conditions agreed by Exchange of Letters.

Article 3

1. For 1990 and for each successive marketing year, the Community shall decide, on the basis of the statistical review and analysis referred to in paragraph 2, and taking into account factors relevant to the objective of maintaining traditional trade flows in the context of enlargement, whether to adjust the entry price, referred to in Regulation (EEC) No 1035/72, for the following products originating in Morocco, within the following limits:

(tonnes)		
Common Customs Tariff heading No	Description	Quantity
08.02 ex A	Oranges	265 000
08.02 ex B	Small citrus fruits	110 000
07.01 ex M	Tomatoes	86 000
	of which: April	15 000
	May	10 000

2. From 1987 onwards and at the end of each marketing year, the Community shall carry out, on the basis of a statistical review, an analysis of the situation for the said products originating in Morocco and exported to the Community.

For the same products, from 1989 onwards and for each subsequent year, the Community shall draw up, together with Morocco, a forecast of production and deliveries.

3. The possible adjustment provided for in paragraph 1 refers to the sum to be deducted, in respect of customs duty, from the representative prices recorded in the Community for the purpose of calculating the entry price of each product, within the limits set out in Article 152 (2) (c) of the Act of Accession of Spain and Portugal.

Article 4

Article 21 of the Agreement is replaced by the following:

'1. Customs duties on imports into the Community of wine of fresh grapes falling within heading ex 22.05 of the Common Customs Tariff and originating in Morocco, applicable at the time of entry into force of the Additional Protocol dated 26 May 1988, shall be phased out in accordance with the rules set out in Article 1 of that Protocol.

This provision shall apply within the limit of a Community tariff quota of 85 000 hl.

For imports in excess of the quota, customs duties of the Common Customs Tariff for the said wines shall be reduced by 80 %.

2. The provisions of paragraph 1 shall apply provided that the prices for import, into the Community, of wine originating in Morocco, plus the customs duties actually levied, are not less at any given time than the Community reference prices or the prices resulting from the application of the specific provisions of paragraphs 4 and 5.

3. Wine of fresh grapes falling within heading ex 22.05 of the Common Customs Tariff and originating in Morocco which is entitled to a designation of origin under Moroccan law, listed in an Exchange of Letters concluded between the Contracting Parties, and put up in containers holding two litres or less, shall be exempt from customs duties on importation into the Community within the limit of an annual Community tariff quota of 50 000 hl.

For the purposes of applying this paragraph, Morocco shall be responsible for verifying the identity of the above wines in accordance with its national rules; all the wine concerned shall be accompanied by a certificate of designation of origin issued by the relevant Moroccan authority, in accordance with the model given in Annex D to this Agreement.

The tariff exemption provided for in this paragraph shall apply once the Exchange of Letters referred to in the first

subparagraph has been concluded following verification of the equivalence of Moroccan and Community legislation with regard to wine entitled to a designation of origin; it shall apply from the date fixed in that Exchange of Letters.

4. For wine of fresh grapes falling within heading ex 22.05 of the Common Customs Tariff presented in containers of 2 litres or less and originating in Morocco, the fixed amount added to the price referred to in Article 53 of Regulation (EEC) No 822/87 on the common organization of the market in wine shall be phased out at the rate indicated below within the limit of an annual volume of 10 000 hl:

- on the entry into force of the Additional Protocol the fixed amount shall be reduced to 75 %,
- on 1 January 1988 the fixed amount shall be reduced to 62,5 %,
- on 1 January 1989 the fixed amount shall be reduced to 50 %,
- on 1 January 1990 the fixed amount shall be reduced to 37,5 %,
- on 1 January 1991 the fixed amount shall be reduced to 25 %,
- on 1 January 1992 the fixed amount shall be reduced to 12,5 %,
- on 1 January 1993 the fixed amount shall be reduced to 0 %.

5. The Community may fix a special frontier price for wine of fresh grapes falling within heading ex 22.05 of the Common Customs Tariff presented in containers of more than 2 litres if, for the marketing year current when the Additional Protocol enters into force, it is established on the basis of information available at the end of this current marketing year that there is a fall in the level of exports of these wines to the Community compared to the previous marketing year. This latter marketing year shall serve as a reference year. For subsequent marketing years, the exports made shall be compared to the reference year.

Such special frontier price shall be fixed each year before the marketing year and shall apply within the limit of an annual volume of 75 000 hl.

The situation shall be reviewed before 1 January 1990.

Article 5

1. A trade and economic cooperation committee shall be set up for the purpose of improving the operation of the institutional mechanisms of the Agreement.

The committee shall facilitate:

- the regular exchange of information on trade and production data and forecasts,
- the regular exchange of information on the possibilities for cooperation in areas covered by the Agreement.

The committee shall be chaired alternately by a representative of the Commission of the European Communities and a representative of Morocco.

2. The cooperation council shall determine as soon as possible the composition of this committee and how it shall function, in accordance with Article 47 (3) of the Agreement. It may also decide, where appropriate, upon the submission of reports to the Council by the committee.

Article 6

From 1995 onwards, the Community and Morocco shall examine the results of the cooperation between the Contracting Parties in order to appraise the situation and the future development of their relations in the light of the objectives defined in the Agreement.

Article 7

This Protocol shall form an integral part of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco.

Article 8

1. This Protocol shall be ratified, accepted or approved by the Contracting Parties in accordance with their own procedures; the Contracting Parties shall notify each other of the completion of the procedures necessary to that end.

2. This Protocol shall enter into force on the first day of the month following that in which the notification provided for in paragraph 1 was given.

Article 9

This Protocol shall be drawn up in duplicate in the Arabic, Danish, Dutch, English, French, German, Greek, Italian, Portuguese, and Spanish languages, each of these texts being equally authentic.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι ἔθεσαν τὶς υπογραφές τους στο παρὸν πρωτόκολλο.

In witness whereof the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final da presente Protocolo.

واثباتا لما تقدم ، وضع المندوبون المفوضون توقيعهم
اسفل هذا البروتوكول .

Hecho en Rabat, el veintiséis de mayo de mil novecientos ochenta y ocho.

Udfærdiget i Rabat, den seksogtyvende maj nitten hundrede og otteogfirs.

Geschehen zu Rabat am sechszwanzigsten Mai neunzehnhundertachtundachtzig.

Έγινε στο Ραμπάτ, στις είκοσι έξι Μαΐου χίλια εννιακόσια ογδόντα οκτώ.

Done at Rabat, on the twenty-sixth day of May in the year one thousand nine hundred and eighty-eight.

Fait à Rabat, le vingt-six mai mil neuf cent quatre-vingt-huit.

Fatto a Rabat, addì ventisei maggio millenovecentottantotto.

Gedaan te Rabat, de zesentwintigste mei negentienhonderd achtentachtig.

Feito em Rabat, em vinte e seis de Maio de mil novecentos e oitenta e oito.

حرر في الرباط في السادس والعشرين من شهر ماي عام ألف
وتسعمائة وثمانية وثمانون .

Por el Consejo de las Comunidades Europeas

For Rådet for de Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

من مجلس المجموعات الأوروبية



C. C. Heynson

Por el Gobierno del Reino de Marruecos

For regeringen for Kongeriget Marokko

Für die Regierung des Königreichs Marokko

Για την Κυβέρνηση του Βασιλείου του Μαρόκου

For the Government of the Kingdom of Morocco

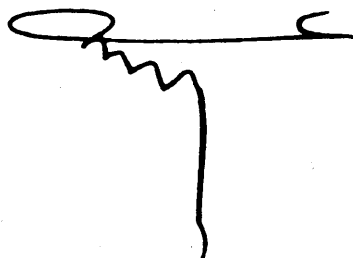
Pour le gouvernement du royaume du Maroc

Per il governo del Regno del Marocco

Voor de Regering van het Koninkrijk Marokko

Pelo Governo do Reino de Marrocos

عن حكومة المملكة المغربية



ANNEX A

Common Customs Tariff heading No	Description
01.01	Live horses, asses, mules and hinnies: A. Horses: II. For slaughter (a) III. Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat: I. Of horses, asses, mules and hinnies
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: ex D. Other: — Rose bushes, excluding cuttings from rose bushes
07.01	Vegetables, fresh or chilled: A. Potatoes: II. New potatoes: ex (a) From 1 January to 15 May: — From 1 January to 31 March ⁽¹⁾ F. Leguminous vegetables, shelled or unshelled: I. Peas: ex (a) From 1 September to 31 May: — From 1 October to 30 April II. Beans: (of the species <i>Phaseolus</i>): ex (a) From 1 October to 30 June: — From 1 November to 30 April ex H. Onions, shallots and garlic: — Onions, from 15 February to 15 May ⁽²⁾ ex L. Artichokes: — From 1 October to 31 December M. Tomatoes: — ex I. From 1 November to 14 May: — From 15 November to 30 April ⁽³⁾ S. Sweet peppers ⁽⁴⁾ ex T. Other: — Aubergines, from 1 December to 30 April — Courgettes, from 1 December to 15 March
07.02	Vegetables (whether or not cooked), preserved by freezing: ex B. Other: — Peas

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

⁽¹⁾ Within the limit of a Community tariff quota of 39 000 tonnes.

⁽²⁾ Within the limit of a Community tariff quota of 4 200 tonnes.

⁽³⁾ Within the limit of a Community tariff quota of 86 000 tonnes, including a sub-quota of 15 000 tonnes for April.

⁽⁴⁾ Reference quantity: 1 000 tonnes.

Common Customs Tariff heading No	Description
07.03	Vegetables provisionally preserved in brine, in sulphur water or in other preservative solutions, but not specially prepared for immediate consumption: A. Olives: 1. For uses other than the production of oil (a) ... B. Capers
07.05	Dried leguminous vegetables, shelled, whether or not skinned or split: A. For sowing: ex I. Peas (including chick peas) and beans (of the species <i>Phaseolus</i>): — Peas ⁽¹⁾ ex III. Other: — Broad beans and field beans
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mangosteens, fresh or dried, shelled or not: D. Avocados
08.02	Citrus fruit, fresh or dried: ex A. Oranges — Fresh ⁽²⁾ ex B. Mandarins, including tangerines and satsumas; clementines, wilkings or other similar citrus hybrids: — Fresh ⁽³⁾ ex C. Lemons: — Fresh D. Grapefruit
08.04	Grapes, fresh or dried: A. Fresh: I. Table grapes: ex (a) From 1 November to 14 July: — From 15 November to 30 April
08.08	Berries, fresh: A. Strawberries: ex II. From 1 August to 30 April: — From 1 November to 31 March
ex 08.09	Other fruit, fresh: — Melons, from 1 November to 31 May — Water melons, from 1 April to 15 June
08.10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar
08.11	Fruit provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: ex B. Oranges: — Finely ground ex E. Other: — Citrus fruits, finely ground

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

⁽¹⁾ Reference quantity: 400 tonnes.

⁽²⁾ Within the limit of a Community tariff quota of 265 000 tonnes.

⁽³⁾ Within the limit of a Community tariff quota of 110 000 tonnes.

Common Customs Tariff heading No	Description
08.12	Fruit, dried, other than that falling within heading No 08.01, 08.02, 08.03, 08.04 or 08.05: A. Apricots
12.03	Seeds, fruit and spores, of a kind used for sowing: E. Other (a)
16.04	Prepared or preserved fish, including caviar and caviar substitutes: E. Tunny
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: A. Mushrooms: — Cultivated — Other B. Truffles ex C. Tomatoes: — Peeled tomatoes D. Asparagus G. Peas; beans in pod ⁽¹⁾ H. Other, including mixtures: — Carrots and mixtures — Other
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, whether or not containing added sugar: A. Chestnut purée and paste: II. Other B. Jams and marmalades of citrus fruits: III. Other C. Other: III. Other
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: B. Other: II. Not containing added spirit: (a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: ex 3. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — Finely ground ex 7. Peaches and apricots: — Apricots ⁽²⁾ ex 9. Mixtures of fruit: — Fruit salad ⁽³⁾ (b) Containing added sugar, in immediate packings of a net capacity of 1 kg or less: ex 9. Mixtures of fruit: — Fruit salad ⁽³⁾

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

⁽¹⁾ Within the limit of a Community tariff quota of 8 700 tonnes.

⁽²⁾ Reference quantity 6 300 tonnes.

⁽³⁾ In accordance with the conditions referred to in Article 20 of the Agreement.

Common Customs Tariff heading No	Description
20.06 (continued)	(c) not containing added sugar, in immediate packings of a net capacity: 1. Of 4,5 kg or more: - ex (aa) Apricots: — Apricot halves — Apricot pulp ⁽¹⁾ 2. Of less than 4,5 kg: - ex (bb) Other fruits and mixtures of fruit: — Apricot halves, peach halves (including nectarine halves) ⁽²⁾
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a density exceeding 1,33 g/cm³ at 15° C: III. Other: ex (a) Of a value exceeding 30 ECU per 100 kg net weight: — Orange juice ⁽³⁾ — Other citrus fruit juices ex (b) Of a value exceeding 30 ECU per 100 kg net weight: — Orange juice ⁽³⁾ — Other citrus fruit juices B. Of a density of 1,33 g/cm³ at 15° C: II. Other: (a) Of a value exceeding 30 ECU per 100 kg net weight: 1. Orange juice ⁽³⁾ 2. Grapefruit juice ⁽⁴⁾ ex 3. Lemon juice and other citrus fruit juices: — Other citrus fruit juices (excluding lemon juice) (b) Of a value of 30 ECU or less per 100 kg net weight: 1. Orange juice ⁽³⁾ 1. Grapefruit juice

⁽¹⁾ Within the limit of the tariff quota referred to in Article 22 of the Agreement.

⁽²⁾ Reference quantity 6 000 tonnes.

⁽³⁾ Within the limit of a Community tariff quota of 15 000 tonnes (overall quantity for the four subheadings referring to orange juice), including a sub-quota of 4 500 tonnes for juice imported in packings with a capacity not exceeding 2 litres.

⁽⁴⁾ Reference quantity: 800 tonnes.

ANNEX B

Common Customs Tariff heading No	Description
06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared: A. Fresh ⁽¹⁾
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts: ex III. Other: — 'Chinese cabbage', from 1 November to 31 December ⁽²⁾ D. Salad vegetables, including endive and chicory: ex II. Other: — 'Iceberg lettuce', from 1 November to 31 December ⁽²⁾ ex K. Asparagus, from 1 November to the end of February T. Other: ex III. Other: — 'Gumbos', from 15 February to 15 June — 'Strong peppers, fresh', from 1 November to 31 May
ex 08.09	Other fruit, fresh: — Kiwi fruit, from 1 January to 30 April ⁽³⁾ — Pomegranates, from 15 August to 15 November

⁽¹⁾ Within the limit of a Community tariff quota of 300 tonnes.⁽²⁾ Within the limit of a Community tariff quota of 100 tonnes.⁽³⁾ Reference quantity 200 tonnes.

Joint Declaration by the Contracting Parties concerning new potatoes falling within Common Customs Tariff subheading No 07.01 A II ex A)

To avoid disturbance on the Community market, the Contracting Parties agree to meet within an Advisory Working Party to examine the situation on the potato markets (state of harvests and supply situation) both in the Community importing countries and in the Mediterranean exporting countries. The members of this working party will be designated by the Governments of the main Mediterranean exporting and Community importing countries.

The working party, chaired by the Commission of the European Communities, would meet at least three times a year, in particular before sowing takes place in the exporting countries and at the time of deliveries.

These meetings would enable the main Mediterranean potato-exporting countries to be informed both of the receiving markets and of competing markets, and their purpose would be to draw up indicative export timetables designed to prevent deliveries being concentrated around sensitive periods for the Community market.

Joint Declaration by the Contracting Parties on Articles 1, 2, 3 and 4 of the Additional Protocol

The Contracting Parties agree that, should the entry into force of the Additional Protocol not coincide with the start of the calendar year or, as the case may be, the seasonal year, the quantitative limits referred to in Articles 1, 2, 3 and 4 shall be applied on a *pro rata* basis.

The Contracting Parties further agree that the charging against quantitative limits of Community imports of products originating in Morocco and subject to such limits under the Additional Protocol shall begin on 1 January of each year, except in respect of the following products, for which the dates indicated hereinafter shall apply:

- 07.01 M I Tomatoes: 15 November,
 - 08.02 A Oranges: 1 July,
 - 08.02 B Mandarins, clementines: 1 July,
 - 06.03 A Cut flowers and flower buds: 1 November.
-

EXCHANGE OF LETTERS

Regarding Article 2 (2) of the Additional Protocol as regards imports into the Community of fresh cut flowers and flower buds falling within subheading 06.03 A of the Common Customs Tariff

A. *Letter from the Community*

Brussels,

Sir,

Article 2 (2) of the Additional Protocol provides for the progressive phasing out of customs duties on imports into the Community of fresh cut flowers and flower buds falling within subheading 06.03 A of the Common Customs Tariff, originating in Morocco, subject to a limit of 300 tonnes.

For roses and carnations qualifying for this tariff dismantling, Morocco undertakes to respect the price level on import into the Community as defined below:

- the price level on import into the Community must be at least equal to 85 % of the Community price level for the same products over the same periods,
- the Moroccan price level shall be determined by the registration, on the representative Community import markets, of the prices of imported products, customs duties not deducted,
- the Community price level shall be based on producer prices registered on representative producer markets of the main producer Member States,
- for the analysis of Community producer prices and the import prices of Moroccan products, two types of roses shall be distinguished, those with large and with small flowers, and, for carnations, the unifloral and multi-floral types.

If, during two successive market days, for the same type of product and for at least 30 % of the quantities imported into the Community for which price quotations are available, the Moroccan price level is below 85 % of the Community price level, the tariff preference shall be suspended. The Community will restore the tariff preference after registering a Moroccan price level equal or superior to 85 % of the Community price level during two successive market days, or six successive working days in the absence of quotations for products originating in Morocco.

If, over five to seven successive market days, the Moroccan price level fluctuates around 85 % of the Community price level and is below this limit for three days, the tariff preference shall be suspended for a period of six days. However, the preferential customs duty shall be restored by the Community if, during three successive market days, a Moroccan price level is registered equal or superior to 85 % of the Community price level.

Morocco further undertakes to maintain the traditional breakdown of trade between roses and carnations.

Should the Community market be disturbed by a change in this breakdown the Community reserves the right to determine the proportions in line with traditional trade patterns. In such cases an appropriate exchange of views could take place.

I should be obliged if you would confirm that your Government is in agreement with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*On behalf
of the Council of the European Communities*

B. *Letter from the Moroccan Government*

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Article 2 (2) of the Additional Protocol provides for the progressive phasing out of customs duties on imports into the Community of fresh cut flowers and flower buds falling within subheading 06.03 A of the Common Customs Tariff, originating in Morocco, subject to a limit of 300 tonnes.

For roses and carnations qualifying for this tariff dismantling, Morocco undertakes to respect the price level on import into the Community as defined below:

- the price level on import into the Community must be at least equal to 85 % of the Community price level for the same products over the same periods,
- the Moroccan price level shall be determined by the registration, on the representative Community import markets, of the prices of imported products, customs duties not deducted,
- the Community price level shall be based on producer prices registered on representative producer markets of the main producer Member States,
- for the analysis of Community producer prices and the import prices of Moroccan products, two types of roses shall be distinguished, those with large and with small flowers, and, for carnations, the unifloral and multi-floral types.

If, during two successive market days, for the same type of product and for at least 30 % of the quantities imported into the Community for which price quotations are available, the Moroccan price level is below 85 % of the Community price level, the tariff preference shall be suspended. The Community will restore the tariff preference after registering a Moroccan price level equal or superior to 85 % of the Community price level during two successive market days, or six successive working days in the absence of quotations for products originating in Morocco.

If, over five to seven successive market days, the Moroccan price level fluctuates around 85 % of the Community price level and is below this limit for three days, the tariff preference shall be suspended for a period of six days. However, the preferential customs duty shall be restored by the Community if, during three successive market days, a Moroccan price level is registered equal or superior to 85 % of the Community price level.

Morocco further undertakes to maintain the traditional breakdown of trade between roses and carnations.

Should the Community market be disturbed by a change in this breakdown the Community reserves the right to determine the proportions in line with traditional trade patterns. In such cases an appropriate exchange of views could take place.

I should be obliged if you would confirm that your Government is in agreement with the foregoing.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Kingdom of Morocco*

Declaration by the Representative of the Federal Republic of Germany on the definition of German nationality

Every German person, within the meaning of the basic constitutional law applying in the Federal Republic of Germany, is considered as a national of the Federal Republic of Germany.

Declaration by the representative of the Federal Republic of Germany on the application of the Additional Protocol to Berlin

The Additional Protocol shall also apply to Land Berlin provided that no statement to the contrary by the Government of the Federal Republic of Germany is addressed to the other Contracting Parties within three months of the entry into force of the Protocol.

COUNCIL DECISION

of 30 June 1988

on the conclusion of a Protocol on financial and technical cooperation between the European Economic Community and the Kingdom of Morocco

(88/453/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

The text of the Protocol is attached to this Decision.

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Article 2

Having regard to the recommendation from the Commission,

The President of the Council shall give the notification provided for in Article 21 of the Protocol ⁽²⁾.

Having regard to the assent of the European Parliament ⁽¹⁾,

Article 3

Whereas the Protocol on financial and technical cooperation between the European Economic Community and the Kingdom of Morocco should be approved,

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

HAS DECIDED AS FOLLOWS:

Done at Luxembourg, 30 June 1988.

Article 1

The Protocol on financial and technical cooperation between the European Economic Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

*For the Council**The President*

Ch. SCHWARZ-SCHILLING

⁽¹⁾ OJ No C 187, 18. 7. 1988.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

PROTOCOL

on financial and technical cooperation between the European Economic Community and the Kingdom of Morocco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE GOVERNMENT OF THE KINGDOM OF MOROCCO,

of the other part,

REAFFIRMING their resolve to implement, under the Mediterranean policy of the enlarged Community, cooperation which will contribute to the economic and social development of Morocco and promote the strengthening of relations between the Community and Morocco,

ANXIOUS to pursue to this end the financial and technical cooperation provided for in the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco,

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Hans-Dietrich GENSCHER,

Federal Minister for Foreign Affairs of the Federal Republic of Germany,
President-in-Office of the Council of the European Communities;

Claude CHEYSSON,

Member of the Commission of the European Communities;

THE KINGDOM OF MOROCCO:

Abdellatif FILALI,

Minister for Foreign Affairs and Cooperation;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Within the framework of the financial and technical cooperation provided for in the Cooperation Agreement concluded between the European Economic Community and the Kingdom of Morocco, the Community shall participate, on the terms set out in this Protocol, in the financing of measures intended to contribute to the economic and social development of Morocco.

(c) 11 million ECU from the Community's budgetary resources, in the form of contributions to risk capital formation.

2. The risk capital referred to in paragraph 1 (c) shall contribute to the cooperation objectives and operations defined in Article 3, in particular those indicated in the second indent of paragraph 2 of that Article.

Article 2

1. For the purposes specified in Article 1 and for a period expiring on 31 October 1991, an aggregate amount of 324 million ECU may be committed as follows:

- (a) 151 million ECU in the form of loans from the European Investment Bank, hereinafter referred to as 'the Bank', made from its own resources;
- (b) 162 million ECU from the Community's budgetary resources, in the form of grants;

It shall be used primarily to make equity capital or the like available to Moroccan private undertakings, public undertakings and undertakings with State participation, in particular those with which natural or legal persons who are nationals of a Community Member State are associated. It may be used under the same conditions to finance specific studies for the preparation and development of such undertakings' projects and to assist such undertakings in their starting-up period.

It shall be granted and administered by the Bank and may take the form of:

- (a) subordinated loans, where repayment and payment of any interest will not be made until other bank claims have been settled;
- (b) conditional loans, where repayment or duration will depend on the fulfilment of conditions specified at the time when the loan is granted;
- (c) acquisition of temporary minority holdings on behalf of the Community in the capital of undertakings established in Morocco;
- (d) finance for the acquisition of holdings, in the form of conditional loans granted to Morocco or, with the Moroccan Government's agreement, to Moroccan undertakings, either directly or through the intermediary of Moroccan financial institutions.

Article 3

1. The total amount fixed in Article 2 shall be used primarily for the financing or part-financing of cooperation projects or operations aimed at:

- developing and diversifying agricultural production so as to reduce Morocco's food dependence, and efforts to diversify agricultural production and exports with a view to increasing the complementarity of the different Mediterranean regions.
- strengthening the economic links between the Community and Morocco in their mutual interest by developing cooperation in the fields of industry, training and research, technology, commerce and other services.
- regional and multilateral cooperation.

The development and rehabilitation of economic and social infrastructure, industrial capital projects which are complementary to the above operations and related technical cooperation operations may also be financed.

2. Of the projects and operations eligible for financing, priority shall be given to those having the following aims:

- in the agricultural sector, developing the production of agricultural products in short supply, particularly food crops, *inter alia* in the framework of multiannual programmes and operations in the context of the national food strategy. For maximum effectiveness, concentration of resources in specific sectors shall be sought,
- in the industrial and service sectors, promotion of joint ventures between firms from the Community Member States and Moroccan firms, direct contacts, exchange of

information, promotion of investment, contribution of private capital, and support for small and medium-sized enterprises, including craft businesses, in order to promote employment,

- in the field of science and technology, expansion of Morocco's training and research capability and establishment or development of links between Moroccan and European private and public training and research institutions,
- in the trade sector, diversification and promotion of exports and organization of contacts between Moroccan firms and firms from the Community Member States,
- in the priority areas referred to above, practical training schemes linked to projects or operations in firms and research institutions.

3. The Community's financial contributions shall be used to cover internal and external costs necessarily incurred in carrying out approved projects or schemes (including costs in respect of studies, consulting engineers and technical assistance). They may not be used to cover current administrative, maintenance or operational expenditure.

Article 4

1. Capital projects shall be eligible for financing either by loans from the Bank, or by risk capital, or by grants, or by a combination of these means.

2. Technical and economic cooperation shall normally be financed by grants.

Article 5

1. The amounts to be committed each year must be distributed as evenly as possible throughout the period of application of this Protocol.

2. Any funds not committed at the end of the period referred to in Article 2 (1) shall be used until exhausted. In such cases, the funds shall be used in accordance with the same arrangements as those laid down in this Protocol.

Article 6

1. Loans granted by the Bank from its own resources shall be made in accordance with the arrangements, conditions and procedures laid down in its statute. They shall, as regards their duration, be subject to terms established on the basis of the economic and financial characteristics of the projects for which these loans are intended, also taking into

account the conditions obtaining on the capital markets on which the Bank procures its resources. The interest rate shall be determined in accordance with the Bank's practice at the time of signature of each loan contract.

2. The terms and arrangements for contributions to risk capital formation shall be determined on a case-by-case basis.

3. Aid from the Community's budget resources, other than that intended for risk capital operations, shall be granted and administered by the Commission.

4. The funds referred to in Article 2 may be granted by the State through the intermediary of the state or appropriate Moroccan bodies, on condition that they allocate the amounts to the recipients on terms decided, by agreement with the Community, on the basis of the economic and financial characteristics of the projects and operations for which they are intended.

Article 7

Aid contributed by the Community for the execution of certain projects may, with the agreement of Morocco, take the form of co-financing in which, in particular, credit and development bodies and institutions of Morocco, of Member States or of third States or international finance organizations would take part.

Article 8

The following shall be eligible for financial and technical cooperation:

(a) in general:

— the Moroccan State,

(b) with the agreement of the Moroccan Government, for projects or operations approved by it:

— official Moroccan development agencies,

— private agencies working in Morocco for economic and social development,

— undertakings carrying on their activities in accordance with industrial and business management methods and set up as legal persons in accordance with the laws of Morocco,

— groups of producers who are nationals of Morocco and, exceptionally, where no such groups exist, the producers themselves,

— scholarship holders and trainees sent by Morocco under the training schemes referred to in Article 3.

Article 9

1. With a view to making optimum use of the instruments and means provided for in this Protocol and achieving the objectives laid down in Article 3, the Community and Morocco shall, taking information provided by Morocco as a basis, examine:

— the priority development objectives adopted at national level by the Government of Morocco,

— the sector or sectors on which the Community contribution will be focussed, taking account in particular of the contributions of other providers of funds on a bilateral or multilateral basis and other Community instruments, including food aid,

— the measures and schemes best suited to achieving the sectoral objectives referred to in the second indent or, where such schemes are not sufficiently well defined, the broad objectives of the programmes for supporting the policies defined by the country in respect of those sectors,

— the regional action programmes which could be financed by the Community.

2. On this basis, the Community and Morocco shall, by mutual agreement, draw up an indicative programme committing both parties and determining the specific objectives of financial and technical cooperation, the priority sectors for intervention and the action programmes envisaged.

3. The indicative programme may be reviewed by mutual agreement to take account of any changes in Morocco's economic situation or in the objectives and priorities laid down by its development plan.

4. The Community and Morocco shall continue their exchanges of views within the appropriate bodies and shall, at least once during the period of implementation of this Protocol and at the latest before the end of the third year following its entry into force, make an assessment of the implementation of the indicative programme.

Article 10

1. Requests for financial aid may be presented to the Community only by the Government of the Kingdom of Morocco, either on its own account or on behalf of the other recipients referred to in Article 8.

2. The Community shall appraise the requests for financing in collaboration with the competent Moroccan authorities and other beneficiaries, in accordance with the objectives referred to in Article 3, and shall inform them of the decisions taken on such requests.

Article 11

1. The execution, management and maintenance of schemes that are the subject of financing under this Protocol

shall be the responsibility of Morocco or of the other beneficiaries referred to in Article 8.

The Community shall make sure that this financial aid is expended in accordance with the agreed allocations and to the best economic advantage.

2. The projects and action programmes shall be the subject of appropriate evaluation, the outcome of which shall be communicated to both parties, which shall take appropriate measures by mutual agreement.

3. Certain rules for administering the financial aid granted by the Community shall be the subject of an exchange of letters or a framework agreement between the Commission and Morocco upon conclusion of this Protocol.

Article 12

1. All natural and legal persons falling within the scope of the Treaty establishing the European Economic Community and all natural and legal persons of Morocco may participate on equal terms in tendering procedures and other procedures for the award of contracts likely to be financed. Any such legal person formed in accordance with the law of a Member State of the European Economic Community or of Morocco must have its registered office, its administrative head office or its principal establishment in the territories in which the EEC Treaty is applied or in Morocco; however, where only its registered office is in the said territories or in Morocco, the activities of such legal person must be effectively and continuously linked with the economy of those territories or of Morocco.

2. In agreement with Morocco and with the aim of encouraging regional cooperation, natural and legal persons who are nationals of developing countries associated with the Community through overall cooperation or association agreements may be authorized by the Community, at the request of the Moroccan Government, exceptionally, on a case-by-case basis, to participate in the operations referred to in paragraph 1 which are financed by the Community. The eligibility of the natural or legal persons shall be assessed on the terms set out in paragraph 1, *mutatis mutandis*.

Article 13

To promote participation by Moroccan undertakings in the performance of contracts and to ensure the rapid and effective implementation of projects and operations financed from resources administered by the Commission:

1. An accelerated procedure for issuing invitations to tender, involving shorter time limits for the submission of tenders, may be used by Morocco in agreement with the Commission where it is a question of works contracts which, because of their scale, are mainly of interest to Moroccan undertakings.

The organization of this accelerated procedure shall not rule out the possibility of issuing an international invitation to tender where it appears that the nature of the works to be carried out or the usefulness of widening participation justifies recourse to international competition.

2. Where urgency of the situation is established or where the nature, small scale or particular characteristics of certain works or supplies so warrant, Morocco may, in agreement with the Commission, authorize, as an exception, the placing of contracts after restricted invitations to tender, the conclusion of contracts by direct agreement and the performance of contracts through public works departments.

The procedures referred to in points 1 and 2 may be used for operations whose estimated cost is less than 3 million ECU.

Article 14

1. Morocco shall apply to contracts awarded for the execution of projects or operations financed by the Community fiscal and customs arrangements no less favourable than those applied *vis-à-vis* the most favoured bilateral aid donor or the most favoured international development organization.

2. The content of the arrangements referred to in paragraph 1 shall be established by means of an exchange of letters between the Parties.

Article 15

Morocco shall take the necessary measures to ensure that interest and all other payments due to the Bank in respect of transactions concluded under this Protocol are not subject to any national or local tax or levy.

Article 16

Where a loan is accorded to a beneficiary other than the Moroccan State, the provision of a guarantee by the latter or of other adequate guarantees shall be required by the Bank as a condition of the grant of the loan.

Article 17

Throughout the duration of the loans and risk capital operations provided for in Article 2, Morocco shall undertake to:

- (a) place at the disposal of the beneficiaries or their guarantors the currency necessary for the payment of interest and commission and amortization of loans and risk-capital aid granted for the implementation of aid measures on their territory;
- (b) make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of companies or firms.

Article 18

The results of financial and technical cooperation may be examined within the cooperation council. The latter shall establish, where appropriate, the general guidelines for such cooperation.

Article 19

One year before the expiry of this Protocol, the Contracting Parties will examine what arrangements could be made for financial and technical cooperation during a possible further period.

Article 20

This Protocol shall be annexed to the Cooperation Agreement concluded between the European Economic Community and the Kingdom of Morocco.

Article 21

1. This Protocol shall be subject to approval in accordance with the Contracting Parties' own procedures; the Contracting Parties shall notify each other that the procedures necessary to this end have been completed.

2. This Protocol shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been given.

Article 22

This Protocol shall be drawn up in two copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Arabic languages, each of these texts being equally authentic.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Εις πίστωση των ανωτέρω, οι υπογεγραμμένοι πληρεξούσιοι έθεσαν τις υπογραφές τους στο παρόν πρωτόκολλο.

In witness whereof the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final da presente Protocolo.

واثباتا لما تقدم ، وضع المندوبون المفوضون توقيعهم
اسفل هذا البروتوكول .

Hecho en Rabat, el veintiséis de mayo de mil novecientos ochenta y ocho.

Udfærdiget i Rabat, den seksogtyvende mai nitten hundrede og otteogfirs.

Geschehen zu Rabat am sechszwanzigsten Mai neunzehnhundertachtundachtzig.

Έγινε στο Ραμπάτ, στις είκοσι έξι Μαΐου χίλια εννιακόσια ογδόντα οκτώ.

Done at Rabat, on the twenty-sixth day of May in the year one thousand nine hundred and eighty-eight.

Fait à Rabat, le vingt-six mai mil neuf cent quatre-vingt-huit.

Fatto a Rabat, addì ventisei maggio millenovecentottantotto.

Gedaan te Rabat, de zesentwintigste mei negentienhonderd achtenachtig.

Feito em Rabat, em vinte e seis de Maio de mil novecentos e oitenta e oito.

حرر في الرباط في السادس والعشرين من شهر ماي عام الف
وتسعمائة وثمانية وثمانون .

Por el Consejo de las Comunidades Europeas

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

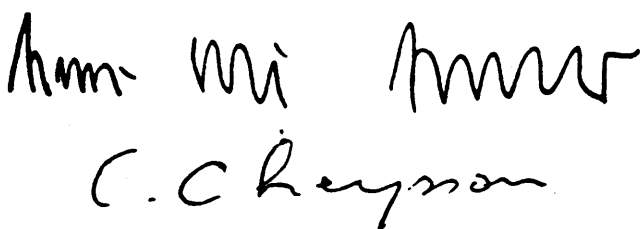
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

من مجلس المجموعات الأوروبية


C. Chysson

Por el Reino de Marruecos

For Kongeriget Marokko

Für das Königreich Marokko

Για το Βασίλειο του Μαρόκου

For the Kingdom of Morocco

Pour le royaume du Maroc

Per il Regno del Marocco

Voor het Koninkrijk Marokko

Pelo Reino de Marrocos

من المملكة المغربية

