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Legislation

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 September 1990

concerning the conclusion of an Agreement between the European Economic Community, on the one hand, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on the other, laying down a procedure for the exchange of information in the field of technical regulations

(90/518/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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 Free Trade Agreements which the European Economic Community has concluded with, respectively, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation include among their aims the removal of barriers to trade;

Whereas it is in the interest of the Community to establish with the said States an exchange of information in the field of technical regulations with the aim of avoiding the creation of technical barriers to trade;

Whereas the Commission has held negotiations with the said States, which have resulted in an Agreement signed in Brussels on 19 December 1989.

Article 1

1. The Agreement between the Community, on the one hand, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on the other, laying down a procedure for the exchange of information in the field of technical regulations is hereby approved on behalf of the Community.

2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall carry out, on behalf of the Community, the notification provided for in Article 17 of the Agreement ⁽¹⁾.

Done at Brussels, 24 September 1990.

For the Council

The President

V. SACCOMANDI

⁽¹⁾ See page 43 of this Official Journal.

AGREEMENT

laying down a procedure for the exchange of information in the field of technical regulations

THE EUROPEAN ECONOMIC COMMUNITY,

on the one hand, and

THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND, THE REPUBLIC OF ICELAND, THE KINGDOM OF NORWAY, THE KINGDOM OF SWEDEN AND THE SWISS CONFEDERATION,

hereinafter referred to as the EFTA Member States, on the other hand,

all the above being hereinafter collectively referred to as the Contracting Parties,

HAVING REGARD TO the Free Trade Agreements between the European Economic Community and the EFTA Member States, and in particular to the aims set out in Article 1 of each of these Agreements,

HAVING REGARD TO the information procedures on technical regulations applied within the European Economic Community, on the one hand, and within the European Free Trade Association (EFTA), on the other hand,

CONSIDERING the commitment of the EFTA Member States and the European Economic Community to realize a dynamic European economic space,

CONSIDERING the ongoing cooperation between the European Economic Community and the Member States of the European Free Trade Association in the field of technical barriers to trade and the common understanding reached within the framework of that cooperation to link together the two information procedures,

HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of this Agreement, the following definitions apply:

- 'technical specification': a specification contained in a document which lays down the characteristics required of a product, such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards terminology, symbols, testing and test methods, packaging, marking or labelling,
- 'technical regulation': technical specifications, including the relevant administrative provisions, the observance of which is compulsory, *de jure* or *de facto*, in the case of marketing or use in a Member State or a major part thereof, except those laid down by local authorities,
- 'draft technical regulation': the text of a technical specification including administrative provisions, formulated with the aim of enacting it or of ultimately having it enacted as a technical regulation, the text being at a stage of preparation at which substantial amendments can still be made,

- 'product': industrially manufactured goods and all agricultural products, including fish products.

Article 2

The Community shall notify the EFTA Member States, through the EFTA Council, of the draft technical regulations notified to it by its Member States, in accordance with the relevant Community legislation.

Article 3

The EFTA Member States shall likewise, through the EFTA Council, notify the Community of the draft technical regulations notified within EFTA in accordance with the relevant EFTA provisions.

Article 4

A full text of the draft technical regulation notified shall be made available in the original language as well as in a full translation into one of the official languages of the European Economic Community

Article 5

Where appropriate, a full text in the original language of the basic legislative or regulatory provisions principally and directly concerned shall also be communicated, should knowledge of such text be necessary in order to assess the implications of the draft technical regulation notified.

Article 6

Each Contracting Party may ask for further information on a draft technical regulation notified in accordance with this Agreement.

Article 7

The Community and the EFTA Member States may make comments upon the drafts communicated. The comments of the EFTA Member States shall be forwarded by the EFTA Council to the Commission of the European Communities (hereinafter called 'the Commission') in the form of a single coordinated communication and the comments of the Community shall be forwarded by the Commission to the EFTA Council. The Contracting Parties shall, when a six-month standstill is invoked according to the rules of their respective internal systems for an exchange of information, inform each other thereof in a similar manner.

Article 8

The competent authorities shall postpone the adoption of draft technical regulations notified for three months from the date of receipt of the text of the draft regulation:

- by the Commission in case of drafts notified by Member States of the Community,
- by the EFTA Council for drafts notified by the EFTA Member States.

Article 9

However, this standstill period of three months shall not apply in those cases where, for urgent reasons relating to the protection of public health or safety, the protection of health and life of animals or plants, the competent authorities are obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible. The reasons which warrant the urgency of the measures taken shall be given. The justification for urgent measures shall be detailed and clearly explained with particular emphasis on the unpredictability and the seriousness of the danger confronting the concerned authorities as well as the absolute necessity for immediate action to remedy it.

Article 10

The final text in the original language of the technical regulation shall also be communicated.

Article 11

The administrative arrangements for the abovementioned notifications are detailed in the Annex, which forms an integral part of this Agreement.

Article 12

Information supplied under this Agreement shall be considered as confidential upon request. However, both the Community and the EFTA Member States may, provided that the necessary precautions are taken, consult for an expert opinion natural or legal persons, including persons in the private sector.

Article 13

The Contracting Parties shall, within the framework of the established cooperation between experts of the Community and the EFTA Member States in the field of technical barriers to trade, hold regular consultations both to ensure the satisfactory functioning of the procedure laid down in this Agreement and to exchange views on the comments which have been submitted by any Contracting Party concerning a draft technical regulation notified in accordance with this Agreement. Furthermore, by common consent, the Contracting Parties may hold additional *ad hoc* meetings to deal with specific cases of particular interest to any Contracting Party.

Article 14

This Agreement shall be extended to the notification of draft technical regulations concerning processes and production methods as soon as the Contracting Parties have notified each other that the necessary internal procedures have been carried out to this end.

Article 15

This Agreement is concluded for an initial trial period of two years, after which the Agreement will either be subject to a joint review, or be renewed for a further period to be determined.

Article 16

A Contracting Party may withdraw from this Agreement provided that it gives six months' notice in writing to the other Contracting Parties.

Article 17

1. This Agreement shall enter into force on 1 July 1990 provided that the Contracting Parties before that date have deposited their instruments of acceptance with the General Secretariat of the Council of the European Communities, which shall act as depositary.

2. If this Agreement does not enter into force on 1 July 1990, it shall do so on the first day of the second month following the deposit of the last instrument of acceptance.

3. The depositary shall notify the date of the deposit of the instrument of acceptance of each Contracting Party and the date of the entry into force of this Agreement.

Article 18

This Agreement, which is drawn up in a single copy in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish, Finnish, Icelandic, Norwegian and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Community, which shall deliver a certified copy thereof to each Contracting Party.

Hecho en Bruselas, el diecinueve de diciembre de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den nittende december nitten hundrede og niogfirs.

Geschehen zu Brüssel am neunzehnten Dezember neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις δέκα εννέα Δεκεμβρίου χίλια εννιακόσια ογδόντα εννέα.

Done at Brussels on the nineteenth day of December in the year one thousand nine hundred and eighty-nine.

Fait à Bruxelles, le dix-neuf décembre mil neuf cent quatre-vingt-neuf.

Fatto a Bruxelles, addì diciannove dicembre millenovecentottantanove.

Gedaan te Brussel, de negentiende december negentienhonderd negenentachtig.

Feito em Bruxelas, em dezanove de Dezembro de mil novecentos e oitenta e nove.

Tehty Brysselissä yhdeksäntenätoista päivänä joulukuuta vuonna tuhatyhdeksänsataa kahdeksankymmentä yhdeksän.

Gjört í Brussel, hinn nítjándi dag desembermánaðar nítján hundruð áttatíu og níu.

Utferdiget i Brussel, den nittende desember nittenhundreogåttini.

Som skedde i Bryssel den nittonde december nittonhundraåttionio.

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

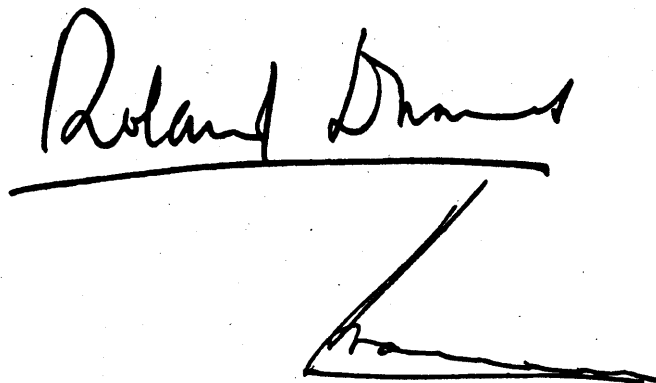
For the Council of the European Communities

Pour le Conseil des Communautés européennes

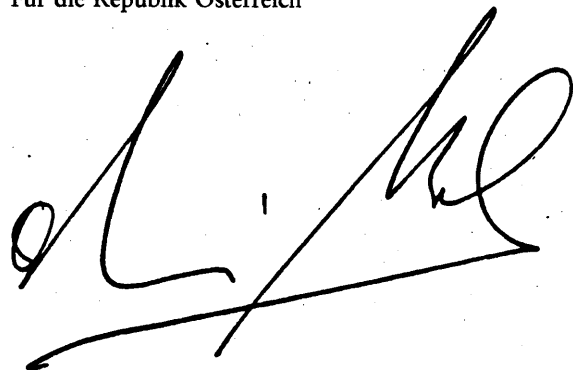
Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

A handwritten signature in black ink, reading 'Roland Dumas', with a horizontal line drawn underneath it.

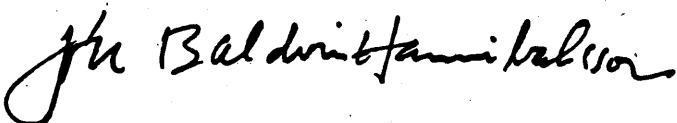
Für die Republik Österreich

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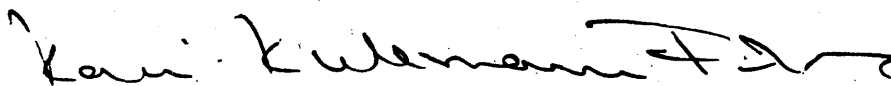
Suomen tasavallan puolesta

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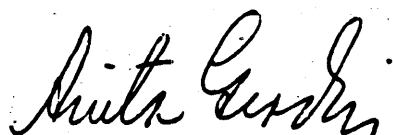
Fyrir Lýðveldið Ísland

A handwritten signature in black ink, reading 'Jón Baldvin Hannibalsson', with a horizontal line drawn underneath it.

For Kongeriket Norge

A handwritten signature in black ink, appearing to read 'Kari Kullmann', with a stylized flourish at the end.

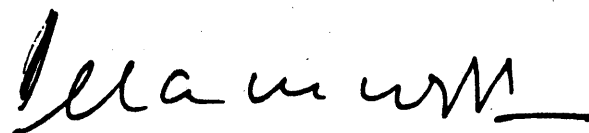
För Konungariket Sverige

A handwritten signature in black ink, appearing to read 'Anita Guss', with a stylized flourish at the end.

Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera

A handwritten signature in black ink, appearing to read 'Hermann', with a stylized flourish at the end.

ANNEX

Under the Agreement, the following communications by electronic means are considered necessary:

1. Notification slips. They may be communicated before, or together with, the transmission of the full text.
2. Acknowledgement of receipt of draft text, containing, *inter alia*, the relevant expiry date of the standstill determined according to the rules of each system.
3. Messages requesting supplementary information.
4. Answers to requests for supplementary information.
5. Comments.
6. Requests for *ad hoc* meetings.
7. Answers to requests for *ad hoc* meetings.
8. Requests for final texts.
9. Information that a six month standstill has been called.

The following communications may, for the time being, be transmitted by normal mail:

10. The full text of the draft notified.
11. Basic legislative text or regulatory provisions.
12. The final text.

Communications 1 to 9 shall be given in one of the official languages of the European Economic Community.

Administrative arrangements concerning the communications, notably the exact set-up of the notification numbers and codes, as well as details of other communications, shall be jointly agreed by the Contracting Parties.

COUNCIL DECISION

of 24 September 1990

on the conclusion of an Agreement between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation

(90/519/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

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

Whereas the conclusion of the Agreement negotiated between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation is necessary to achieve the European Economic Community's external relations objectives;

Whereas some of the economic cooperation measures provided for in the Agreement fall outside the scope of the Treaty, notably those referred to in the context of the common commercial policy, and it is therefore necessary to have recourse also to Article 235 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the People's Republic of Bulgaria on trade

and commercial and economic cooperation 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 shall give, on behalf of the Community, the notification provided for in Article 26 of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Committee set up under Article 23 of the Agreement.

Done at Brussels, 24 September 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ Opinion delivered on 13 September 1990 (not yet published in the Official Journal).

⁽²⁾ See page 43 of this Official Journal.

AGREEMENT

between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter called 'the Community', of the one part, and

THE PEOPLE'S REPUBLIC OF BULGARIA,

hereinafter called 'Bulgaria', of the other part,

CONSIDERING the importance of trade and economic links between the Community and Bulgaria;

CONSIDERING that the existing flows of trade and their structure do not correspond to the potential of their current levels of economic development and their future prospects;

DESIROUS of creating favourable conditions for a substantial and harmonious development and diversification of trade and the promotion of commercial and economic cooperation in areas of mutual interest on the basis of equality, non-discrimination, mutual benefit and reciprocity;

AWARE of the particular importance of foreign trade and other forms of international economic cooperation for the economic and social development of each of the Contracting Parties;

AWARE of the importance of giving full effect to the Final Act of the Conference on Security and Cooperation in Europe, the Concluding Document of the Madrid meeting and the Concluding Document of the Vienna meeting;

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Bulgaria;

RECOGNIZING that the Community and Bulgaria desire to establish more extensive contractual links with each other which will complement the relations already existing between them, and permit further development at a later stage;

TAKING INTO ACCOUNT the favourable implications for trade and economic cooperation between the Contracting Parties of reform under way in Bulgaria;

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

THE EUROPEAN ECONOMIC COMMUNITY:

Gerard COLLINS,

Minister for Foreign Affairs of Ireland,

President-in-Office of the Council of the European Communities;

Frans ANDRIESEN,

Vice-President of the Commission of the European Communities;

THE PEOPLE'S REPUBLIC OF BULGARIA:

Andrei LUKANOV,

Prime Minister for the People's Republic of Bulgaria;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I

General

Article 1

Within the framework of their respective laws and regulations, the Contracting Parties undertake to facilitate and promote:

- the harmonious development and diversification of their trade, and
- the development of various types of commercial and economic cooperation.

Therefore, they confirm their resolve to consider favourably, each for its own part, suggestions made by the other Party with a view to attaining these aims.

TITLE II

Trade and commercial cooperation

Article 2

1. This Agreement shall apply to trade in all products originating in the Community or in Bulgaria with the exception of products covered by the Treaty establishing the European Coal and Steel Community.

2. Unless otherwise specified in this Agreement, trade and other commercial cooperation between the Contracting Parties shall be conducted in accordance with their respective regulations.

Article 3

1. This Agreement shall not affect the provisions of the existing Agreements on trade in textile products between the Community and Bulgaria, nor of any such agreements subsequently concluded.

Not later than six months before the expiry of the Agreements on trade in textile products referred to above, the Contracting Parties shall consult each other with a view to determining the arrangements to be applied to trade in textile products after the expiry of the said Agreements.

2. This Agreement shall not affect specific agreements of arrangements covering agricultural products in force between the Contracting Parties, or any successor agreements or arrangements.

Article 4

1. The Contracting Parties shall accord each other most favoured nation treatment in all matters regarding:

- customs duties and charges of any kind imposed on or in connection with importation or exportation,
- the method of levying such duties and charges
- all rules and formalities in connection with importation and exportation including provisions relating to customs clearance, transit, warehouses and transshipment,
- taxes and other internal charges, levied directly or indirectly on imported products,
- methods of payment and the transfer of such payments,
- the regulations affecting the sale, purchase, transport, distribution and use of goods on the domestic market.

2. The provisions of paragraph 1 shall not apply to:

- (a) advantages accorded to adjacent countries in order to facilitate frontier traffic;
- (b) advantages accorded with the aim of creating a customs union or a free-trade area or pursuant to the creation of such a union or area;
- (c) advantages accorded to particular countries in accordance with the General Agreement on Tariffs and Trade and with other international arrangements in favour of developing countries.

Article 5

Bulgaria shall grant imports of products originating in the Community non-discriminatory treatment as regards the application of quantitative restrictions, the granting of licences and access to the foreign currency needed to pay for such imports.

Article 6

Taking into account the importance of their trade in agricultural products, the Contracting Parties shall examine in the Joint Committee referred to in Article 23 the possibility of granting each other reciprocal concessions on a product by product basis in the field of trade in agricultural products on the basis of Article 4.

Article 7

The Contracting Parties undertake to allow relief from duties, taxes and other charges and to grant licences in respect of goods temporarily remaining in their territories for re-exportation either in the unaltered state or after inward processing.

Article 8

The Community undertakes to eliminate, within one year of the entry into force of the Agreement, specific quantitative

restrictions on imports of the products listed in Annex I into the regions of the Community indicated in that Annex.

For the purposes of this Agreement, 'specific quantitative restrictions' shall mean those quantitative restrictions applied by the Community to imports originating in Bulgaria under Regulation (EEC) No 3420/83 which concerns products other than those to which quantitative restrictions are applied under Regulation (EEC) No 288/82.

Article 9

The process of liberalization shall take account of the trend of trade between the two Parties, any changes in market conditions and rules concerning trade in Bulgaria or in the Community and progress made in applying the Agreement.

Article 10

The Community undertakes to suspend within one year of the entry into force of the Agreement the application of specific quantitative restrictions on imports of the products listed in Annex II into the regions indicated in that Annex on the terms and conditions specified therein.

Article 11

1. For each calendar year the Community shall open import quotas for products which are of interest for Bulgaria and which are subject to quantitative restrictions.

2. The two Parties shall hold consultations each year in the Joint Committee referred to in Article 23 to determine what increases in the quotas referred to in paragraph 1 can be made for the following year.

Article 12

Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in Article 11 where they are declared as being intended for re-export and are actually re-exported from the Community either in the unaltered state or after inward processing under the administrative control arrangements in force in the Community.

Article 13

The Contracting Parties shall examine before 30 June 1992 in the framework of the Joint Committee referred to in Article 23 whether it can be agreed to make changes with regard to the specific quantitative restrictions still maintained at that time. Changes to be considered may include:

- liberalization,
- liberalization with surveillance of imports,
- adoption of appropriate measures by Bulgaria such as the issue of export licences or certificates to ensure that exports remain within specified levels.
- measures that may be required to adapt existing Community import arrangements.

Article 14

1. The Community undertakes to abolish by 31 December 1995 at the latest the remaining specific quantitative restrictions with the exception of those concerning a limited number of products which might be deemed sensitive at that time.

2. The Joint Committee set up pursuant to Article 23 shall during its meeting in 1995 draw up the arrangements which shall apply for a prescribed period after 31 December 1995 to the imports of the sensitive products referred to in paragraph 1.

Article 15

The Parties shall inform each other of any changes in their tariff or statistical nomenclature or of any decision taken in accordance with the procedures in force concerning the classification of products covered by this Agreement.

Article 16

Goods shall be traded between the two Contracting Parties at market-related prices.

Article 17

1. The Contracting Parties shall consult each other if any product is being imported into the territory of one of them in such increased quantities or under such conditions as to cause or threaten serious injury to domestic producers of like or directly competing products.

2. The Contracting Party claiming serious injury or threat thereof shall request consultations by notification in writing and shall provide the other Party with all the relevant information required for a detailed examination of the situation.

3. The consultations requested pursuant to paragraph 1 shall be held with a view to seeking mutually satisfactory

solutions and with due regard for the fundamental aims of the Agreement and shall be completed not later than 30 days from the date of notification of the request by the Party concerned, unless the Parties agree otherwise.

4. If, as a result of such consultation, it is agreed that the situation referred to in paragraph 1 exists, exports shall be limited or such other action shall be taken as will prevent or remedy the injury.

5. If, following action under paragraphs 1 to 4 above, agreement is not reached between the Contracting Parties, the Contracting Party which requested the consultation shall be free to restrict the imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury. The other Contracting Party shall then be free to deviate from its obligations towards the first Party in respect of substantially equivalent trade.

6. In critical circumstances, where delay would cause damage difficult to repair, such preventive or remedial actions may be taken provisionally without prior consultation, on the condition that the consultation shall be effected immediately after taking such action.

7. In the selection of measures under this Article, the Contracting Parties should give priority to those which cause the least disturbance to the functioning of this Agreement.

8. Where necessary the Contracting Parties may hold consultations to determine when the measures pursuant to paragraphs 4, 5 and 6 shall cease to apply.

Article 18

1. This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, law and order or public security, the protection of life and health of humans, animals or plants, the protection of industrial, commercial and intellectual property or rules relating to gold or silver or imposed for the protection of national treasures of artistic, historic or archaeological value.

Such prohibitions and restrictions must not, however, constitute a means of arbitrary discrimination or disguised restrictions on trade between the Contracting Parties.

2. This Agreement shall not preclude the taking of action justified on grounds of protection of essential security interests:

- (a) relating to fissionable materials or the materials from which they are derived;
- (b) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
- (c) taken in time of war or other emergency in international relations.

Article 19

1. The Contracting Parties shall make every effort to promote, expand and diversify their trade on the basis of non-discrimination and reciprocity. In the spirit of this Article, the Joint Committee established under Title IV of this Agreement will attach special importance to examining ways of encouraging the reciprocal and harmonious expansion of trade.

2. In furtherance of the aims of this Article and within the limits of their respective powers, the Contracting Parties agree that they shall maintain and improve favourable business regulations and facilities for each other's firms or companies on their respective markets, by the following measures and *inter alia*, by those specified in Annex III:

- ensuring publication and facilitating exchanges of commercial and economic information on all matters which would assist the development of trade and economic cooperation, for example:
 - economic development plans or forecasts,
 - general and sectoral import arrangements,
 - economic and commercial law, including regulations on markets and companies,
 - macroeconomic information and statistics, including production, consumption and foreign trade statistics,
- facilitating the establishment and operation of each other's companies,
- encouraging trade promotion activities,
- providing natural and legal persons of the other Party with guarantees of their individual and property rights, such as non-discriminatory access for that purpose to courts and appropriate administrative bodies of the Community and Bulgaria.

3. The Contracting Parties undertake to facilitate, within the limits of their respective competences, administrative cooperation between their customs services, in particular in the following areas:

- vocational training,
- simplification of customs documentation and procedures, and

- prevention and detection of infringements of the rules on customs matters, including the rules governing application of import quotas.

4. Within the limits of their respective powers, the Contracting Parties undertake to:

- ensure adequate protection and enforcement of industrial, commercial and intellectual property rights,
- ensure that their international commitments in the field of industrial, commercial and intellectual property rights are honoured,
- encourage appropriate arrangements between undertakings and institutions within the Community and Bulgaria with a view to due protection of industrial, commercial and intellectual property rights,
- to encourage cooperation and exchanges of views between organizations and institutions responsible for industrial, commercial and intellectual property.

5. The Contracting Parties agree that counter-trade practices may create distortions in international trade and they should be regarded as temporary and exceptional.

For this reason they agree not to impose counter-trade requirements on companies established in Bulgaria or in the Community nor to compel them to engage in such trade practices.

Nevertheless, where firms or companies decide to resort to counter-trade operations, the Contracting Parties will encourage them to furnish all relevant information to facilitate the transaction.

Article 20

Within the limits of their respective powers, the Contracting Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and cooperation transactions concluded by companies or firms, enterprises and economic organizations of the Community and those of Bulgaria,
- agree that when a dispute is submitted to arbitration, each party to the dispute may freely choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third State,
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

TITLE III

Economic cooperation

Article 21

1. In the light of their respective economic policies and objectives, the Contracting Parties shall foster economic cooperation on as broad a base as possible in all fields deemed to be in their mutual interest.

The objective of such cooperation shall be, *inter alia*:

- to reinforce and diversify economic links between the Contracting Parties,
- to contribute to the development of their respective economies and standards of living,
- to open up new sources of supply and new markets,
- to encourage cooperation between economic operators with a view to promoting investment, joint ventures, licensing agreements, and other forms of industrial cooperation to develop their respective industries,
- to encourage scientific and technological progress,
- to support structural changes in the Bulgarian economy which will increase and diversify trade in goods and services with the Community,
- to encourage the participation of small and medium-sized enterprises in trade and industrial cooperation.

2. In order to achieve these objectives, the Contracting Parties shall make efforts to encourage and promote economic cooperation in areas of mutual interest, in particular in the following sectors:

- industry,
- mining,
- agriculture, including agroindustries, and cooperation in animal and plant health,
- construction and housing,
- science and technology in areas in which the Contracting Parties are active and which they consider to be of mutual interest,
- energy including the development of new sources of energy,
- environmental protection including protection from water and air pollution and industrial accidents, and the management of natural resources,
- transport, communications, tourism and other service activities,

- economic, monetary, banking, insurance and financial services,
- vocational and management training,
- health,
- standards,
- statistics.

3. To give effect to the objectives of economic cooperation and within the limits of their respective powers, the Contracting Parties shall encourage the adoption of measures aimed at creating favourable conditions for economic and industrial cooperation, including:

- the facilitation of exchanges of commercial and economic information,
- the development of a favourable climate for investment, notably by the extension by the Member States of the Community and Bulgaria of arrangements for investment promotion and protection in particular for transfer of profits and the repatriation of invested capital on the basis of the principles of non-discrimination and reciprocity, as well as of agreements on the avoidance of double taxation,
- exchanges and contacts between persons and delegations representing commercial or other relevant organizations,
- the organization of seminars, fairs or exhibitions, symposia and business weeks,
- the encouragement of activities involving the provision of technical expertise in specific areas, including marketing.

Article 22

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, this Agreement and any action taken pursuant to it shall in no way affect the powers of the Member States of the Community to undertake bilateral activities with Bulgaria in the field of economic cooperation and to conclude, where appropriate, new economic cooperation Agreements with Bulgaria.

TITLE IV

Joint Committee

Article 23

1. (a) A Joint Committee shall be set up, comprising representatives of the Community, on the one hand, and representatives of Bulgaria on the other.
- (b) The Joint Committee shall formulate recommendations by mutual agreement between the Contracting Parties.
- (c) The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.
- (d) The Joint Committee shall meet once a year in Brussels and Sofia alternately. Special meetings may be convened by mutual agreement, at the request of either Contracting Party. The Joint Committee shall be chaired alternately by each of the Contracting Parties. Wherever possible, the agenda for meetings of the Joint Committee shall be agreed beforehand.
- (e) The Joint Committee may decide to set up working groups to assist it in carrying out its duties.
2. (a) The Joint Committee shall ensure the proper functioning of this Agreement and shall devise and recommend practical measures for achieving its objectives, keeping in view the economic and social policies of the Contracting Parties.
- (b) The Joint Committee shall endeavour to find ways of encouraging the development of trade and commercial and economic cooperation between the Contracting Parties. In particular, it shall:
 - examine the various aspects of trade between the Parties, notably its overall pattern, rate of growth, structure and diversification, the trade balance and the various forms of trade and trade promotion,
 - make recommendations on any trade or commercial or economic cooperation issues of mutual interest,
 - seek appropriate means of avoiding possible difficulties in the fields of trade and cooperation and encourage various forms of commercial and economic cooperation in areas of mutual interest,
 - consider measures likely to develop and diversify trade and economic cooperation, notably by improving import opportunities in the Community and in Bulgaria,
 - exchange information on macroeconomic plans and forecasts for the economies of the two Parties which have an impact on trade and cooperation and, by extension, on the scope for developing complementarity between their respective economies and also on proposed economic development programmes,
 - exchange information about amendments and developments in the laws, regulations and formalities of the Contracting Parties in the areas covered by this Agreement,
 - seek methods of arranging and encouraging the exchange of information and contacts in matters

relating to cooperation in the economic field between the Contracting Parties on a mutually advantageous basis, and work towards the creation of favourable conditions for such cooperation,

- examine the situation as regards the award of contracts for the supply of goods or services consequent upon international invitation to tender,
- examine favourably ways of improving conditions for the development of direct contacts between firms established in the Community and those established in Bulgaria,
- formulate and submit to the authorities of both Contracting Parties recommendations for solving any problems that arise, where appropriate by means of the conclusion of arrangements or agreements.

TITLE V

General and final provisions

Article 24

Subject to the provisions of Article 22, the provisions of this Agreement shall replace the provisions of Agreements concluded between Member States of the Community and Bulgaria to the extent to which the latter provisions are either incompatible with or identical to the former.

Article 25

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European

Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the People's Republic of Bulgaria.

Article 26

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the legal procedures necessary to this end have been completed. The Agreement shall be concluded for an initial period of 10 years. The Agreement shall be automatically renewed year by year provided that neither Contracting Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

However, the two Contracting Parties may amend the Agreement by mutual consent in order to take account of new developments, notably the situation which would arise from the accession of Bulgaria to the General Agreement on Tariffs and Trade. In the latter case, the Contracting Parties shall prepare together the amendments to this Agreement necessary to take account of the protocol of accession of Bulgaria to the General Agreement. If the Parties are unable to agree on this subject they reserve the right to denounce this Agreement.

The Annexes and Exchange of Letters attached to this Agreement shall form an integral part thereof.

Article 27

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Bulgarian languages, each text being equally authentic.

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

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

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

Σε πιστώση των ανωτέρω, οι κάτωθι πληρεξούσιοι υπέγραψαν την παρούσα συμφωνία.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

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

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

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

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

В УВЕРЕНИЕ НА КОЕТО ПЪЛНОМОЩНИЦИТЕ ПОЛОЖИХА СВОИТЕ ПОДПИСИ ПОД
НАСТОЯЩОТО СПОРАЗУМЕНИЕ

Hecho en Bruselas, el ocho de mayo de mil novecientos noventa.

Udfærdiget i Bruxelles, den ottende maj nitten hundrede og halvfems.

Geschehen zu Brüssel am achten Mai neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις οκτώ Μαΐου χίλια εννιακόσια ενενήντα.

Done at Brussels on the eight day of May in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le huit mai mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addì otto maggio millenovecentonovanta.

Gedaan te Brussel, de achtste mei negentienhonderd negentig.

Feito em Bruxelas, em oito de Maio de mil novecentos e noventa.

СЪСТАВЕН В БРЮКСЕЛ, ОСМИ МАЙ ХИЛЯДА ДЕВЕТСТОТИН И
ДЕВЕТДЕСЕТА ГОДИНА

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

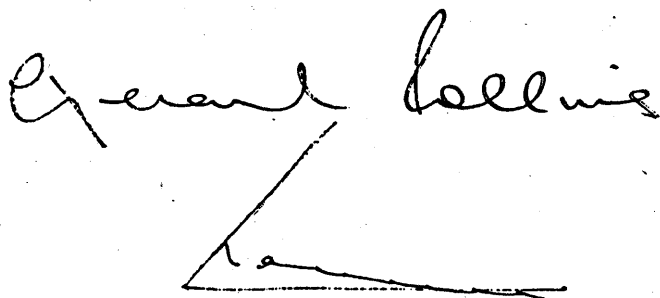
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

ЗА СЪВЕТА НА ЕВРОПЕЙСКИТЕ ОБЩНОСТИ



Por la República Popular de Bulgaria

For Folkerepublikken Bulgarien

Für die Volksrepublik Bulgarien

Για την Λαϊκή Δημοκρατία της Βουλγαρίας

For the People's Republic of Bulgaria

Pour la République populaire de Bulgarie

Per la Repubblica popolare di Bulgaria

Voor de Volksrepubliek Bulgarije

Pela República Popular da Bulgária

ЗА НАРОДНА РЕПУБЛИКА БЪЛГАРИЯ



ANNEX I

List of regions of the Community and products to which reference is made in Article 8

BENELUX	BENELUX (cont'd)	FEDERAL REPUBLIC OF GERMANY (cont'd)	FEDERAL REPUBLIC OF GERMANY (cont'd)
0403 10 51			
0403 10 53	7307 11 90		
0403 10 59			
0403 10 91	7905 00 11	4202 91 10	6908 90 91
0403 10 93	7905 00 19	4202 91 50	6908 90 93
0403 10 99	7905 00 90	4202 91 90	
0403 90 71		4202 92 15	6912 00 90
0403 90 73	8501 20 10	4202 92 95	
0403 90 79	8501 31 10	4202 99 10	7013 21 11
0403 90 91	8501 32 10		7013 21 19
0403 90 93	8501 33 10	4203 29 91	7013 31 10
0403 90 99	8501 40 10	4203 29 99	
	8501 51 90		7117 19 10
0601 20 10	8501 52 10	4410 10 10	7117 90 00
	8501 52 91	4410 10 50	
0701 90 10	8501 52 93		7202 41 10
	8501 52 99	4411 11 00	7202 41 90
1212 99 10	8501 53 10	4411 21 00	7202 49 90
	8501 53 91	4411 31 00	7202 80 00
1704 90 30	8501 53 99	4411 91 00	7202 92 00
1704 90 51		4411 99 00	
1704 90 55	9605 00 00		7601 10 00
1704 90 61		4412 11 00	7601 20 10
1704 90 65	Textile categories	4412 12 00	7601 20 90
1704 90 71	148A, 149A,	4412 19 00	
1704 90 75	149B, 149C	4412 29 10	7905 00 11
1704 90 81		4412 99 10	
1704 90 99			8201 10 00
	DENMARK	6403 19 00	
1806 10 10		6403 20 00	
1806 10 30	1806 10 10	6403 40 00	8901 10 90
1806 10 90	1806 10 30	6403 51 11	8901 20 90
1806 20 10	1806 10 90	6403 51 15	8901 30 90
1806 20 30	1806 20 10	6403 51 19	8901 90 91
1806 20 50	1806 20 30	6403 51 91	8901 90 99
1806 20 70	1806 20 50	6403 51 95	
1806 20 90	1806 20 70	6403 51 99	8902 00 90
1806 31 00	1806 20 90	6403 59 31	
1806 32 10	1806 31 00	6403 59 35	9025 11 91
1806 32 90	1806 32 10	6403 59 91	
1806 90 11	1806 32 90	6403 59 95	9205 10 00
1806 90 19	1806 90 11	6403 59 99	
1806 90 31	1806 90 19	6403 91 11	9503 30 10
1806 90 39	1806 90 31	6403 91 13	9503 41 00
1806 90 50	1806 90 39	6403 91 16	9503 49 10
1806 90 60	1806 90 50	6403 91 18	9503 49 90
1806 90 70	1806 90 60	6403 91 91	9503 60 10
1806 90 90	1806 90 70	6403 91 93	9503 90 37
	1806 90 90	6403 91 96	9503 90 99
1901 10 00		6403 91 98	
1901 90 90		6403 99 31	9617 00 11
	FEDERAL REPUBLIC OF GERMANY	6403 99 33	9617 00 19
1904 10 10		6403 99 36	
1904 10 30		6403 99 91	Textile category 161
1904 10 90		6403 99 93	
1904 90 10	2833 22 00	6403 99 96	
1904 90 90		6403 99 98	GREECE
	3102 40 10		7305 90 00
6911 10 00		6815 91 00	
6911 90 00	4202 11 10		
	4202 11 90	6902 10 00	7306 30 71
7017 20 00	4202 21 00		7306 30 79
7017 90 00	4202 31 00	6908 90 51	7306 30 90

GREECE (cont'd)	SPAIN (cont'd)	ITALY (cont'd)	ITALY (cont'd)
7306 40 99	3920 73 10	2523 10 00	2912 11 00
7306 50 99		2523 21 00	2912 50 00
7306 90 00	4002 60 00	2523 30 00	2912 60 00
		2523 90 10	
7325 91 00	4410 90 10	2523 90 30	2917 33 00
		2523 90 90	2917 34 10
7326 11 00	7010 90 99		2917 35 00
7326 20 30		2529 21 00	
	7017 20 00	2529 22 00	2918 13 00
		2529 30 00	2918 29 30
SPAIN	8110 00 19		2918 29 90
	8110 00 90	2704 00 11	
2529 10 00		2704 00 90	2921 12 00
2529 21 00	8545 19 10		2921 19 30
2529 22 00		2707 60 90	2921 21 00
2529 30 00	8705 40 00		2921 22 00
		2818 20 00	2921 30 10
2903 14 00		2818 30 00	2921 44 00
2903 21 00	FRANCE		
2903 22 00		2819 10 00	2922 12 00
2903 23 00	1302 19 30		2922 49 10
2903 29 00		2824 10 00	2922 49 30
2903 30 10	7601 10 00	2824 90 00	2922 50 00
2903 30 31	7601 20 10		
2903 30 39	7601 20 90	2827 10 00	2929 10 00
		2827 39 00	
2904 90 10	8528 20 20		2933 11 10
	8528 20 71		2933 61 00
2905 14 10	8528 20 73	2833 22 00	2933 79 00
2905 16 90	8528 20 79	2833 30 10	2933 90 50
2905 19 90			2933 90 60
2905 22 10		2840 30 00	
2905 22 90	IRELAND		2934 20 50
2905 29 00		2841 20 00	2934 90 50
2905 49 90	4011 40 00		2934 90 60
2905 50 10	4011 50 90	2844 40 00	2934 90 70
2905 50 30			2934 90 80
	4013 20 00	2847 00 00	
2917 14 00	4013 90 10		2936 26 00
		2849 90 90	
2929 10 00	9404 21 00		2941 40 00
	9404 29 10	2901 21 00	
2933 61 00	9404 29 90		3003 31 00
2933 71 00	9404 30 10	2902 90 90	3003 39 00
2933 90 50	9404 30 90		3003 40 00
2933 90 60		2903 11 00	3003 90 10
2933 90 70		2903 12 00	
	ITALY	2903 14 00	3006 40 00
2934 90 50		2903 15 00	
2934 90 60	0701 90 51	2903 16 00	3206 10 90
2934 90 80		2903 19 00	3206 41 00
	0710 00 00	2903 30 10	3206 43 00
3206 49 10		2903 30 31	3206 49 10
	0712 10 00	2903 30 39	3206 49 90
		2903 62 00	3206 50 00
3301 11 10		2903 69 00	
3301 12 10	2009 11 19		3602 00 00
3301 13 10	2009 30 11		
	2009 30 19	2904 90 10	3603 00 10
3904 61 00	2009 30 31		3603 00 90
	2009 30 39	2905 12 00	
3907 20 11		2905 14 10	3604 10 00
3907 20 19	2205 10 90	2905 22 90	3604 90 00
	2205 90 10	2905 50 30	
3909 10 00		2905 50 90	3606 10 00
	2208 10 10		3606 90 10
3916 10 00	2208 90 91	2907 22 90	3606 90 90
	2208 90 99	2907 23 10	
3917 21 10		2907 23 90	3801 30 00
3917 32 31	2402 10 00	2907 29 90	3801 90 00

ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)
3803 00 90	4502 00 00	6404 19 10	7307 93 19
3808 40 00	4801 00 10	6404 19 90	7307 93 91
3809 91 00	4801 00 90	6404 20 10	7307 93 99
3809 99 00		6404 20 90	7307 99 30
3811 11 90	4802 20 00	6601 10 00	7308 10 00
3811 19 00	4802 30 00	6601 91 00	7308 20 00
3811 21 00	4802 40 10		7308 90 10
3811 29 90	4802 53 19	6904 10 00	
3811 90 00		6904 90 00	7312 10 30
3812 30 20	4804 11 15	7003 11 90	7312 10 50
3812 30 80	4804 19 11		7312 10 71
3815 11 00	4804 19 15	7004 10 30	7312 10 75
	4804 19 35	7004 10 90	7312 10 79
	4804 19 39	7004 90 50	7312 10 95
	4804 29 10		7312 10 99
	4804 31 10	7005 10 10	7312 90 10
	4804 31 51	7005 10 31	
3818 00 10	4804 39 10	7005 10 33	7325 91 00
	4804 39 91	7005 10 35	
3823 10 00		7005 10 93	7326 19 10
3823 20 00	4805 21 00	7005 10 95	
3823 30 00	4805 22 10	7005 21 10	7604 10 10
3823 50 10	4805 22 90	7005 21 20	7604 10 90
3823 60 00	4805 23 00	7005 21 30	7604 20 10
3823 90 30	4805 29 10	7005 21 50	7604 21 00
3823 90 40	4805 29 90	7005 21 90	7604 29 10
3823 90 50	4805 30 10	7005 29 31	
3823 90 60	4805 30 90	7005 29 33	7605 11 00
3823 90 81	4805 40 00	7005 29 91	7605 19 10
3823 90 83	4805 50 00	7005 29 93	7605 19 90
3823 90 85	4805 60 10	7005 29 95	7605 21 00
3823 90 87	4805 60 30		7605 29 10
3823 90 91	4805 70 11	7016 90 10	7605 29 90
3823 90 93	4805 70 19		
3823 90 96	4805 80 11	7202 70 00	7606 11 10
3823 90 97		7202 91 00	7606 12 10
3823 90 98	4808 20 00		7606 12 50
	4808 30 00	7207 19 19	
3912 11 00		7207 19 39	7607 11 10
3912 12 00	6401 10 10		7607 11 90
3912 31 00	6401 91 10	7210 90 10	7607 19 10
3912 39 10	6401 92 10		7607 20 10
3912 39 90	6401 99 10	7211 30 90	7607 20 90
3912 90 10	6401 99 90	7211 49 99	
3920 72 00		7212 10 99	7608 10 10
3920 73 10	6402 11 00	7212 21 90	7608 10 91
3920 73 50	6402 19 00	7212 50 10	7608 10 99
	6402 20 00	7212 50 85	7608 20 10
	6402 30 10	7212 60 93	7608 20 30
3921 14 00	6402 91 10		7608 20 91
	6402 99 10	7215 20 10	7608 20 99
4104 10 90	6402 99 31	7215 20 90	
4104 10 95	6402 99 39	7215 30 00	7609 00 00
4104 21 00	6402 99 50		
4104 22 90	6402 99 91	7216 60 11	7803 00 00
4104 29 00	6402 99 95	7216 60 19	
4104 31 19	6402 99 99	7216 90 91	7804 11 00
4104 31 90			7804 19 00
4104 39 10	6403 11 00	7303 00 10	
4104 39 90	6403 30 00		7805 00 00
	6403 40 00	7307 11 10	
4407 99 31	6403 59 31	7307 11 90	7806 90 00
4407 99 39	6403 91 13	7307 22 00	
	6403 91 16	7307 23 10	7903 00 00
4410 10 30	6403 91 18	7307 23 90	
	6403 91 96	7307 29 30	7905 00 11
4418 30 10	6403 91 98	7307 92 00	7905 00 19
4418 30 90	6403 99 31	7307 93 11	7905 00 90

ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)	PORTUGAL (cont'd)
7906 00 00	8443 19 90	8714 91 10	7306 50 91
	8443 30 00	8714 91 30	7306 50 99
7907 90 00	8443 40 00	8714 92 10	7306 60 31
	8443 50 19	8714 92 90	
8104 11 00	8443 60 00	8714 93 10	
8104 19 00		8714 94 10	
	8482 30 00	8714 96 10	UNITED
8110 00 11	8482 40 00	8714 96 30	KINGDOM
		8714 99 10	
8407 10 90	8543 10 00	8714 99 30	0701 90 51
8407 21 11	8543 80 10	8714 99 50	0701 90 59
8407 21 19			
8407 21 91	8544 30 10	9306 10 00	0702 00 90
8407 21 99		9306 30 30	
8407 29 30	8545 90 10	9306 30 95	0705 11 90
8407 29 50		9306 30 99	0705 19 00
8407 29 70	8546 90 10	9306 90 10	0705 29 00
8407 29 90		9306 90 90	
	8703 33 11		0708 20 10
8408 10 10		PORTUGAL	0708 20 90
8408 10 21	8705 10 00		
8408 10 25	8705 40 00	7306 10 19	0712 10 00
8408 10 30	8705 90 10	7306 20 00	
8408 90 21		7306 30 30	1105 10 00
	8707 90 10	7306 30 51	
8409 10 10	8707 90 90	7306 30 71	2005 20 10
		7306 30 79	2005 20 90
8443 11 00	8710 00 00	7306 30 90	
8443 12 00		7306 40 91	6913 90 91
8443 19 11	8711 40 00	7306 40 99	
	8711 50 00		

ANNEX II

List of regions of the Community and products to which reference is made in Article 10

BENELUX	ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)
6401 10 10		6911 10 00	7304 59 50
6401 91 10	3105 30 00	6911 90 00	7304 59 91
6401 92 10	3105 40 00		7304 59 93
6401 99 10	3105 51 00	6912 00 10	7304 59 99
	3105 60 10	6912 00 30	7304 90 10
6402 30 10	3105 60 90	6912 00 50	7304 90 90
6402 91 10	3105 90 10	6912 00 90	
6402 99 10	3105 90 91		7305 11 00
	3105 90 99	7304 10 10	7305 12 00
7004 90 95		7304 10 30	7305 19 00
7004 90 99	4002 19 00	7304 10 90	7305 20 10
	4002 49 00	7304 20 91	7305 20 90
Textile Categories	4002 59 00	7304 20 99	7305 31 00
125A, 127A	4002 99 99	7304 31 10	7305 39 00
		7304 31 91	7305 90 00
	4407 10 30	7304 31 99	
	4407 21 31	7304 39 10	
ITALY	4407 22 31	7304 39 20	7306 30 10
	4407 23 30	7304 39 51	7306 30 21
2009 19 19	4407 91 31	7304 39 59	7306 30 29
		7304 39 91	7306 30 30
		7304 39 93	7306 30 51
3102 10 10	6907 10 00	7304 39 99	7306 30 59
3102 10 91	6907 90 10	7304 41 10	7306 30 71
3102 10 99	6907 90 91	7304 41 90	7306 30 79
3102 21 00	6907 90 93	7304 49 10	7306 30 90
3102 29 10	6907 90 99	7304 49 30	7306 40 10
3102 30 10		7304 49 91	7306 40 91
3102 40 10	6908 10 00	7304 49 99	7306 40 99
3102 40 90	6908 90 31	7304 51 11	7306 50 10
3102 50 90	6908 90 51	7304 51 19	7306 50 91
3102 70 00	6908 90 91	7304 51 30	7306 50 99
3102 80 00	6908 90 93	7304 51 91	7306 60 10
3102 90 00	6908 90 99	7304 51 99	7306 60 31
		7304 59 10	7306 60 39
3105 20 10	6910 10 00	7304 59 31	7306 60 90
3105 20 90	6910 90 00	7304 59 39	7306 90 00

ANNEX III

relating to Article 19 of the Agreement

The measures referred to in Article 19 of the Agreement include, in Bulgaria, measures aimed at:

- facilitating the establishment and operation of Community firms, in particular as regards the establishment of representations, branches and subsidiaries, the issue of visas for business trips and work permits, the renting of business premises, direct contacts with end-users and producers, the recruitment and management of local staff, access to communications facilities, to publicity media and to distribution networks,
- ensuring non-discriminatory treatment when awarding contracts for goods and services in international competitive tenders.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the People's Republic of Bulgaria concerning 'Testausschreibung'

A. Letter from the Community

Sir,

Since the beginning of 1980, a new import scheme aimed at subsequent liberalization ('Testausschreibung') has been introduced by the Federal Republic of Germany covering about half of the industrial products still subject to quantitative restrictions (apart from textile and steel products). This scheme provides on an experimental and temporary basis for the issue of import licences above and beyond the limits set by the quotas.

The 'Testausschreibung' is intended to permit an assessment, in the course of future years, of the sectors in which quantitative restrictions on imports of industrial products might be removed. During the examination of the results of the 'Testausschreibung', the particular importance which Bulgaria attaches to the expansion of economic relations and Bulgaria's contractual relations with the Community will be taken into consideration.

In the event that, in particular instances, as a result of Bulgarian exports to the Federal Republic of Germany, market trends make it necessary to discontinue this practice, Bulgaria will be informed to this effect immediately and prior consultation may take place if Bulgaria so requests.

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

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

*On behalf of the Council
of the European Communities*

B. Letter from Bulgaria

Sir,

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

'Since the beginning of 1980, a new import scheme aimed at subsequent liberalization ("Testausschreibung") has been introduced by the Federal Republic of Germany covering about half of the industrial products still subject to quantitative restrictions (apart from textile and steel products). This scheme provides on an experimental and temporary basis for the issue of import licences above and beyond the limits set by the quotas.

The "Testausschreibung" is intended to permit an assessment, in the course of future years, of the sectors in which quantitative restrictions on imports of industrial products might be removed. During the examination of the results of the "Testausschreibung", the particular importance which Bulgaria attaches to the expansion of economic relations and Bulgaria's contractual relations with the Community will be taken into consideration.

In the event that, in particular instances, as a result of Bulgarian exports to the Federal Republic of Germany, market trends make it necessary to discontinue this practice, Bulgaria will be informed to this effect immediately and prior consultation may take place if Bulgaria so requests.

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

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 People's Republic of Bulgaria*

FINAL ACT

THE PLENIPOTENTIARIES OF:

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PEOPLE'S REPUBLIC OF BULGARIA

of the other part,

meeting at Brussels on 8 May 1990 for the purpose of signing the Agreement between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation,

have adopted the following texts:

- the Agreement on trade and commercial and economic cooperation and the following Annexes:
 - Annex I relating to the elimination of specific quantitative restrictions,
 - Annex II relating to the suspension of specific quantitative restrictions,
 - Annex III relating to Article 19 of the Agreement,
- the Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Republic of Bulgaria concerning 'Testausschreibung'.

The Plenipotentiaries of the Community and of the People's Republic of Bulgaria have also agreed to annex to this Final Act the following declaration:

Declaration by Bulgaria relating to restrictions to safeguard its balance of payments.

Hecho en Bruselas, el ocho de mayo de mil novecientos noventa.

Udfærdiget i Bruxelles, den ottende maj nitten hundrede og halvfems.

Geschehen zu Brüssel am achten Mai neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις οκτώ Μαΐου χίλια εννιακόσια ενενήντα.

Done at Brussels on the eight day of May in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le huit mai mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addì otto maggio millenovecentonovanta.

Gedaan te Brussel, de achtste mei negentienhonderd negentig.

Feito em Bruxelas, em oito de Maio de mil novecentos e noventa.

СЪСТАВЕН В БРЮКСЕЛ, ОСМИ МАЙ ХИЛЯДА ДЕВЕТСТОТИН И
ДЕВЕТДЕСЕТА ГОДИНА

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

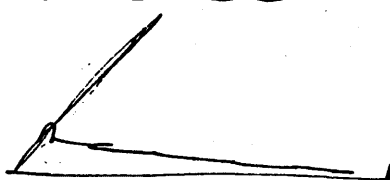
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

ЗА СЪВЕТА НА ЕВРОПЕЙСКИТЕ ОБЩНОСТИ

Por la República Popular de Bulgaria

For Folkerepublikken Bulgarien

Für die Volksrepublik Bulgarien

Για την Λαϊκή Δημοκρατία της Βουλγαρίας

For the People's Republic of Bulgaria

Pour la République populaire de Bulgarie

Per la Repubblica popolare di Bulgaria

Voor de Volksrepubliek Bulgarije

Pela República Popular da Bulgária

ЗА НАРОДНА РЕПУБЛИКА БЪЛГАРИЯ



Declaration by Bulgaria relating to restrictions to safeguard its balance of payments

During the negotiations for the conclusion of the Agreement between the People's Republic of Bulgaria and the European Economic Community on trade and commercial and economic cooperation, Bulgaria informed the Community that it could become necessary, in order to safeguard its external economic position and its balance of payments, for it to restrict on a non-discriminatory basis the quantity or value of merchandise permitted to be imported.

In the selection of measures, priority shall be given to those which least disturb the functioning of the Agreement. Such measures shall be restricted to what is absolutely necessary to forestall the imminent threat of, or to stop, a serious decline in its monetary reserves. They shall be notified immediately to the Community and shall be the subject of periodic consultations within the Joint Committee referred to in Article 23, particularly with a view to their abolition as soon as circumstances permit.

Bulgaria shall, where possible, progressively relax the measures and in any event shall eliminate the restrictions when conditions would no longer justify their institution or maintenance.

COUNCIL DECISION

of 24 September 1990

on the conclusion, on behalf of the European Economic Community, of an Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation

(90/520/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

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

Whereas the conclusion of the Agreement negotiated between the European Economic Community and the European Atomic Energy Community, of the one part, and the Czech and Slovak Federal Republic, on the other part, on trade and commercial and economic cooperation is necessary to achieve the external relations objectives of the European Economic Community;

Whereas some of the economic cooperation measures provided for in the Agreement fall outside the scope of the Treaty, notably those referred to in the context of the common commercial policy, and recourse should therefore also be had to Article 235 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the European Atomic Energy Community

and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation is hereby approved on behalf of the European Economic Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give, on behalf of the European Economic Community, the notification provided for in Article 22 of the Agreement ⁽²⁾.

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Committee set up under Article 19 of the Agreement.

Done at Brussels, 24 September 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ Opinion delivered on 13 September 1990 (not yet published in the Official Journal).

⁽²⁾ See page 43 of this Official Journal.

AGREEMENT

between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation

THE EUROPEAN ECONOMIC COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter together called 'the Community', of the one part, and

THE CZECH AND SLOVAK FEDERAL REPUBLIC,

hereinafter called 'Czechoslovakia', of the other part,

RECOGNIZING that Czechoslovakia and the Community desire to promote and extend further the direct contractual relations established between them by the Agreement on trade in industrial products signed on 19 December 1988 and wish now to regulate aspects of trade in all products and to establish a framework for commercial and economic cooperation,

CONSIDERING the importance in the European context of the traditional links between the Community and Czechoslovakia,

TAKING INTO ACCOUNT the favourable implications for trade and economic relations between the Contracting Parties of the economic reform under way in Czechoslovakia,

DESIROUS of creating favourable conditions for the harmonious development and diversification of trade and the promotion of commercial and economic cooperation in areas of mutual interest on the basis of equality, non-discrimination, mutual benefit and reciprocity,

HAVING REGARD to the importance of giving full effect to the Final Act of the Conference on Security and Cooperation in Europe, the Concluding Document of the Madrid meeting and the Concluding Document of the Vienna meeting,

REAFFIRMING the commitment of the Contracting Parties to the General Agreement on Tariffs and Trade,

BELIEVING that a further impetus should be given to the trading and economic relationship between the Community and Czechoslovakia,

RECOGNIZING that the Community and Czechoslovakia desire to establish wider-ranging and closer contractual links that permit further development at a later stage.

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

THE EUROPEAN ECONOMIC COMMUNITY:

Gerard COLLINS

Minister for Foreign Affairs of Ireland,

President-in-Office of the Council of the European Communities

Frans ANDRIESEN

Vice-President of the Commission of the European Communities

THE EUROPEAN ATOMIC ENERGY COMMUNITY:

Frans ANDRIESEN

Vice-President of the Commission of the European Communities

THE CZECH AND SLOVAK FEDERAL REPUBLIC:

Marian CALFA

Prime Minister of the Czech and Slovak Federal Republic

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties undertake to facilitate and promote trade and economic cooperation with each other.

TITLE I

Trade

Article 2

The Contracting Parties reaffirm their commitment to accord each other most favoured nation treatment in accordance with the General Agreement on Tariffs and Trade (GATT).

Article 3

1. This Agreement shall apply to trade in all products originating in the Community or in Czechoslovakia with the exception of products covered by the Treaty establishing the European Coal and Steel Community.

2. This Agreement shall not affect the provisions of the Agreement between the European Economic Community and Czechoslovakia on Trade in Textile Products which have been provisionally applied since 1 January 1987 nor the provisions of any Exchange of Letters and other arrangements on trade in textile products subsequently concluded, for the period of application of these provisions; furthermore in the event that the Community invokes paragraph 24 of the Protocol extending the Arrangement regarding International Trade in Textiles of 31 July 1986, only the provisions of the said Arrangement shall apply to the exclusion of all dispositions of this Agreement.

Not later than six months before the expiry of the Agreement concerning trade in textile products referred to above, the Contracting Parties shall consult each other with a view to determining the arrangements to be applied to trade in textile products after the expiry of the said Agreements.

3. This Agreement shall not affect specific agreements or arrangements covering agricultural products in force between the Contracting Parties, or any successor agreements or arrangements.

Article 4

1. Unless otherwise specified in this Agreement, trade between the Contracting Parties shall be conducted in compliance with their respective regulations.

2. In the framework of their respective laws and regulations, the Contracting Parties will adopt measures to ensure the harmonious development and the diversification of their mutual trade.

3. To that end, they confirm their resolve to consider in a spirit of cooperation each for its own part, suggestions made by the other Party, with a view to attaining these aims.

Article 5

1. Each Contracting Party shall accord the highest degree of liberalization which it generally applies to third countries to imports of products originating in the territory of the other Party.

2. In order to proceed to grant to imports originating in Czechoslovakia the degree of liberalization which it generally applies to third countries, the Community shall take the measures described in Articles 6 to 8 below in relation to 'specific quantitative restrictions', namely those quantitative restrictions applied by the Community to imports originating in Czechoslovakia under Regulation (EEC) No 3420/83 which concern products other than those to which quantitative restrictions are applied under Regulation (EEC) No 288/82.

3. The process of liberalization shall take account of the provisions of the GATT, of the development of trade between the Contracting Parties, of changes in market conditions and rules concerning trade in the Community or in Czechoslovakia and of progress made in implementing the Agreement.

Article 6

The Community undertakes to eliminate by the end of the first year following the entry into force of this Agreement at the latest, the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex I.

Article 7

1. The Community undertakes to eliminate by 31 December 1992 at the latest the quantitative restrictions on imports into those regions of the Community and of those products listed in Annex II in accordance with the procedure specified therein. The list of quantitative restrictions covered by this Article may be amended by agreement between the Parties following consultations within the Joint Committee referred to in Article 19.

2. For 1991 and each subsequent calendar year, the Community shall open import quotas for the products listed in Annex II.

Article 8

The Community:

- for each calendar year as from 1991 shall open import quotas for products which are of interest for Czechoslovakia and which are subject to specific quantitative restrictions for which no provisions have been made in Articles 6 and 7,

- shall, subject to exceptions, progressively and regularly increase these quotas with a view to the elimination of the specific quantitative restrictions in question by 31 December 1994 at the latest.

Article 9

The Joint Committee set up pursuant to Article 19 shall, during its meeting in 1994, draw up the arrangements which shall apply for a prescribed period after 31 December 1994 to imports of the products subject to the exceptions referred to in Article 8.

Article 10

Imports into the Community of products covered by this Agreement shall not be charged against the quotas referred to in Articles 7 and 8 provided that they are declared as being intended for re-export and are re-exported from the Community either in the unaltered state or after inward processing, under the administrative control arrangements in force in the Community.

Article 11

Taking into account the importance of their trade in agricultural products and the implications of multilateral negotiations in the GATT framework, the Contracting Parties shall examine in the Joint Committee referred to in Article 19 the possibility of granting each other concessions, in the field of agricultural trade, product by product, on a reciprocal and harmonious basis and in accordance with Article 2 of this Agreement.

Article 12

The Contracting Parties will inform each other of any changes in their tariff or statistical nomenclature or of any decision taken, in accordance with the procedures in force, concerning the classification of products covered by this Agreement.

Article 13

The exchange of goods between the two Contracting Parties shall be effected at market-related prices.

Article 14

1. The Contracting Parties shall consult each other if any product is being imported in trade between the Community and Czechoslovakia in such increased quantities or under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products.

2. The Contracting Party requesting the consultations will supply the other Party with all the information required for a detailed examination of the situation.

3. The consultations requested pursuant to paragraph 1 will be held with due regard for the fundamental aims of the Agreement and will be completed not later than 30 days from the date of notification of the request by the Party concerned, unless the Parties agree otherwise.

4. If, as a result of such consultations, it is agreed that the situation referred to in paragraph 1 exists, exports shall be limited or such other action taken, as will prevent or remedy the injury, which may include action with respect to the price at which the exports are sold.

5. If, following action under paragraphs 1 to 4 above, agreement is not reached between the Contracting Parties, the Contracting Party which requested the consultations shall be free to restrict the imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury. The other Contracting Party shall then be free to deviate from its obligations towards the first Party in respect of substantially equivalent trade.

6. In critical circumstances, where delay would cause damage difficult to repair, such preventive or remedial action may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

7. In the selection of measures under this Article, the Contracting Parties should give priority to those which cause the least disturbance to the functioning of this Agreement.

8. Where necessary, the Contracting Parties may hold consultations to determine when the measures adopted pursuant to paragraphs 4, 5 and 6 shall cease to apply.

9. If after the procedures provided for in this Article have been exhausted, the Contracting Parties still disagree about measures adopted pursuant to this Article, the Community and Czechoslovakia may refer the disagreement to the Contracting Parties of the GATT in accordance with Article XIX of the GATT.

TITLE II

Commercial and economic cooperation

Article 15

1. The Contracting Parties shall make every effort to promote, expand and diversify their commercial and

economic cooperation on a basis of non-discrimination and reciprocity. The Joint Committee established under Article 19 of this Agreement will attach special importance to examining ways of encouraging the reciprocal and harmonious expansion of trade.

2. In furtherance of the aims of this Article and within the limits of their respective powers, the Contracting Parties agree that they shall maintain and improve favourable business regulations, facilities and practices for each other's firms or companies on their respective markets, *inter alia* by the measures specified in Annex III and by the following measures:

- ensuring publication and facilitating exchanges of commercial and economic information on all matters which would assist the development of trade and economic cooperation, for example:
 - economic development plans or forecasts,
 - general and sectoral import arrangements,
 - economic and commercial law, including regulations on markets and companies
 - macroeconomic information and statistics, including production, consumption and foreign trade statistics,
- facilitating cooperation between their respective customs services, in particular in the field of vocational training,
- encouraging the development of contacts and links between firms, enterprises and other interested organizations of both sides which will contribute to realizing the aims of the Agreement,
- encouraging contacts between business associations of the Community and Czechoslovakia.

3. Within the limits of their respective powers, the Contracting Parties undertake to:

- ensure adequate protection and enforcement of industrial, commercial and intellectual property rights,
- ensure that their international commitments in the field of industrial, commercial and intellectual property rights are honoured,
- encourage appropriate arrangements between undertakings and institutions within the Community and Czechoslovakia with a view to due protection of industrial, commercial and intellectual property rights,
- to encourage cooperation and exchanges of views between organizations and institutions responsible for industrial, commercial and intellectual property.

Article 16

Within the limits of their respective powers, the Contracting Parties:

- shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and

cooperation transactions concluded by companies or firms, enterprises and economic organizations of the Community and those of Czechoslovakia,

- agree that when a dispute is submitted to arbitration, each party to the dispute may freely choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third State,
- shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any Centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

TITLE III

Economic cooperation

Article 17

1. In the light of their respective economic policies and objectives, the Contracting Parties shall foster economic cooperation on as broad a base as possible in all fields deemed to be in their mutual interest.

The objectives of such cooperation shall be, *inter alia*:

- to reinforce and diversify economic links between the Contracting Parties,
- to contribute to the development of their respective economies and standards of living,
- to open up new sources of supply and new markets,
- to encourage cooperation between economic operators with a view to promoting investment, joint ventures, licensing agreements, and other forms of industrial cooperation to develop their respective industries,
- to encourage scientific and technological progress,
- to support structural changes in the Czechoslovakian economy which will increase and diversify trade in goods and services with the Community,
- to encourage environmentally sound policies,
- to encourage the participation of small and medium-sized enterprises in trade and industrial cooperation.

2. In order to achieve these objectives, the Contracting Parties shall make efforts to encourage and promote economic cooperation in areas of mutual interest, in particular in the following sectors:

- industry and mining,
- agriculture, including the food-processing industries,
- research, development, science and technology in areas in which the Contracting Parties are active and which they consider to be of mutual interest, including nuclear research,
- energy including nuclear energy and nuclear safety (physical safety and radiation protection),
- environmental protection and the management of natural resources,
- transport, tourism and other service activities,
- telecommunications,
- economic, monetary, banking, insurance and financial services,
- vocational and management training,
- health,
- standards,
- statistics.

3. To give effect to the objectives of economic cooperation and within the limits of their respective powers, the Contracting Parties shall encourage the adoption of measures aimed at creating favourable conditions for economic and industrial cooperation, in particular by:

- fostering a favourable climate for investment, joint ventures and licensing arrangements, notably by the extension by the Member States of the Community and Czechoslovakia of arrangements for investment promotion and protection, in particular for the transfer of profits and the repatriation of invested capital on the basis of the principles of non-discrimination and reciprocity,
- facilitating exchanges and contacts between persons and delegations representing commercial, economic, research, development, educational, training or other relevant organizations,
- encouraging and facilitating trade promotion activities, such as the organization of seminars, fairs or exhibitions, symposia and business weeks,
- promoting of activities involving the provision of technical expertise in specific areas,
- facilitating the conduct of market research and other marketing activities on their respective territories,
- promoting the exchange of information and contacts on scientific subjects of mutual interest, in accordance with their respective legislations and policies,

- facilitating the conclusion, wherever this is deemed necessary, of specific agreements, in particular in fields of cooperation between firms, enterprises and institutions.

Article 18

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, this Agreement and any action taken pursuant to it shall in no way affect the powers of the Member States of the Community to undertake bilateral activities with Czechoslovakia in the field of economic cooperation and to include, where appropriate, new economic cooperation agreements with Czechoslovakia.

TITLE IV

Joint Committee

Article 19

1. (a) A Joint Committee shall be set up, comprising representatives of the Community, on the one hand, and representatives of Czechoslovakia on the other.
- (b) The Joint Committee shall formulate recommendations by mutual agreement between the Contracting Parties.
- (c) The Joint Committee shall, as necessary, adopt its own rules of procedure and programme of work.
- (d) The Joint Committee shall meet once a year in Brussels and Prague alternately. Special meetings may be convened by mutual agreements, at the request of either Contracting Party. The Joint Committee shall be chaired alternately by each of the Contracting Parties. Wherever possible, the agenda for meetings of the Joint Committee shall be agreed beforehand.
- (e) The Joint Committee may decide to set up working groups to assist it in carrying out its duties.
2. (a) The Joint Committee shall ensure the proper functioning of this Agreement and shall devise and recommend practical measures for achieving its objectives, keeping in view the economic and social policies of the Contracting Parties.
- (b) The Joint Committee shall endeavour to find ways of encouraging the development of trade and commercial and economic cooperation between the Contracting Parties. In particular, it shall:

- examine the various aspects of trade between the Parties, notably its overall pattern, rate of growth, structure and diversification, the trade balance and the various forms of trade and trade promotion,
- make recommendations on any trade or commercial or economic cooperation problem of mutual concern,
- seek appropriate means of avoiding possible difficulties in the fields of trade and cooperation and encourage various forms of commercial and economic cooperation in areas of mutual interest,
- consider measures likely to develop and diversify trade and economic cooperation, notably by improving import opportunities in the Community and in Czechoslovakia,
- exchange information on macroeconomic plans and forecasts for the economies of the two Parties which have an impact on trade and cooperation and by extension, on the scope for developing complementarity between their respective economies and also on proposed economic development programmes,
- exchange information about amendments and developments in the laws, regulations and formalities of the Contracting Parties in the areas covered by this Agreement,
- seek methods of arranging and encouraging the exchange of information and contacts in matters relating to cooperation in the economic field between the Contracting Parties on a mutually advantageous basis, and work towards the creation of favourable conditions for such cooperation,
- examine favourably ways of improving conditions for the development of direct contacts between firms established in the Community and those established in Czechoslovakia,
- formulate and submit to the authorities of both Contracting Parties recommendations for solving any problems that arise, where appropriate by means of the conclusion of arrangements or agreements.

TITLE V

General and final provisions

Article 20

1. Upon its entry into force this Agreement shall replace the Agreement between the European Economic Community and Czechoslovakia on trade in industrial products signed in Brussels on 19 December 1988.

2. Subject to the provision concerning economic cooperation in Article 18, the provisions of this Agreement shall replace the provisions of the Agreements concluded between the Member States of the Community and Czechoslovakia to the extent to which the latter provisions are either incompatible with, or identical to, the former.

Article 21

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Economic Community and the European Atomic Energy Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Czechoslovakia.

Article 22

The Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have notified each other that the legal procedures necessary to this end have been completed. The Agreement shall be concluded for an initial period of 10 years. The Agreement shall be automatically renewed year by year provided that neither Contracting Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

The Contracting Parties may expand and/or amend this Agreement or elaborate further on its specific provisions by mutual consent in order to take account of new developments.

The Annexes attached to this Agreement shall form an integral part thereof.

Article 23

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Czech languages, each text being equally authentic.

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

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

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

Σε πιστώση των ανωτέρω, οι κάτωθι πληρεξούσιοι υπέγραψαν την παρούσα συμφωνία.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

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

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

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

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

Na dukaz toho niže podepsaní zmocněnci podepsali tuto Dohodu.

Hecho en Bruselas, el siete de mayo de mil novecientos noventa.

Udfærdiget i Bruxelles, den syvende maj nitten hundrede og halvfems.

Geschehen zu Brüssel am siebten Mai neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις εφτά Μαΐου χίλια εννιακόσια ενενήντα.

Done at Brussels on the seventh day of May in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le sept mai mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addì sette maggio millenovecentonovanta.

Gedaan te Brussel, de zevende mei negentienhonderd negentig.

Feito em Bruxelas, em sete de Maio de mil novecentos e noventa.

Dáno v Bruselu sedmého dne května roku jeden tisíc devětset devadesát.

Por la Comunidad Económica Europea

For Det Europæiske Økonomiske Fællesskab

Für die Europäische Wirtschaftsgemeinschaft

Για την Ευρωπαϊκή Οικονομική Κοινότητα

For the European Economic Community

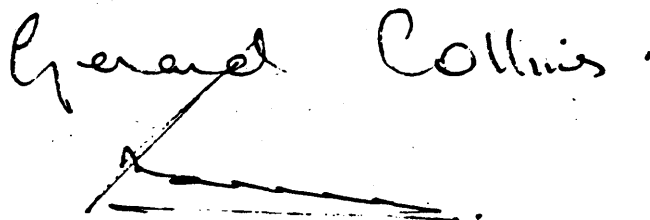
Pour la Communauté économique européenne

Per la Comunità economica europea

Voor de Europese Economische Gemeenschap

Pela Comunidade Económica Europeia

Za Evropské Hospodářské Společenství



Por la Comunidad Europea de la Energía Atómica

For Det Europæiske Atomenergifællesskab

Für die Europäische Atomgemeinschaft

Για την Ευρωπαϊκή Κοινότητα Ατομικής Ενέργειας

For the European Atomic Energy Community

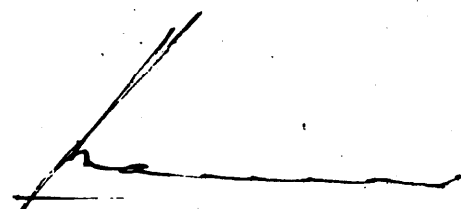
Pour la Communauté européenne de l'énergie atomique

Per la Comunità europea dell'energia atomica

Voor de Europese Gemeenschap voor Atoomenergie

Pela Comunidade Europeia da Energia Atómica

Za Evropské Společenství Atomové energie



Por la República Federal Checa y Eslovaca

For Den Tjekkiske og Slovakiske Føderative Republik

Für die Tschechische und Slowakische Föderative Republik

Για την Τσεχική και Σλοβενική Ομοσπονδιακή Δημοκρατία

For the Czech and Slovak Federal Republic

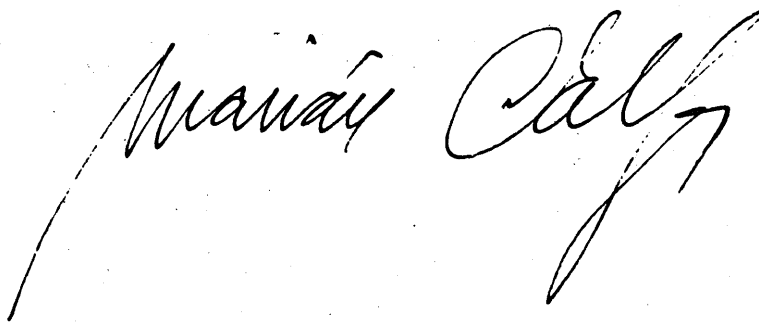
Pour la République fédérative tchèque et slovaque

Per la Repubblica federativa ceca e slovacca

Voort de Tsjechische en Slowaakse Federatieve Republiek

Pela República Federativa Checa e Eslovaca

Za Českou a Slovenskou Federativní Republiku

A large, stylized handwritten signature in black ink, which appears to read "Marián Čulík". The signature is written in a cursive, flowing style with long, sweeping strokes.

ANNEX I

List of regions of the Community and products referred to in Article 6

BENELUX	BENELUX (cont'd)	DENMARK (cont'd)	FEDERAL REPUBLIC OF GERMANY (cont'd)
0403 10 51		1806 10 90	
0403 10 53	6402 30 10	1806 20 10	
0403 10 59	6402 91 10	1806 20 30	7318 16 30
0403 10 91	6402 99 10	1806 20 50	7318 16 50
0403 10 93		1806 20 70	7318 16 91
0403 10 99	6911 10 00	1806 20 90	7318 16 99
0403 90 71	6911 90 00	1806 31 00	
0403 90 73		1806 32 10	7601 20 90
0403 90 91	7004 90 95	1806 32 90	
0403 90 93	7004 90 99	1806 90 11	7905 00 11
0403 90 99		1806 90 19	
	7010 90 21	1806 90 31	8901 10 90
0701 90 10	7010 90 31	1806 90 39	8901 20 90
0701 90 51	7010 90 45	1806 90 50	8901 30 90
0701 90 59	7010 90 47	1806 90 60	8901 90 91
0701 90 90	7010 90 55	1806 90 70	8901 90 99
	7010 90 57	1806 90 90	
0702 00 10	7010 90 71		
0702 00 90	7010 90 77		8902 00 90
	7010 90 81		
	7010 90 87		
0806 10 11		FEDERAL REPUBLIC OF GERMANY	9025 11 91
0806 10 15	7017 20 00		
0806 10 19	7017 90 00		9503 30 10
		3102 40 10	9503 41 00
1704 90 30	7304 10 10		9503 49 10
1704 90 51	7304 20 91	4202 11 90	9503 49 90
1704 90 55	7304 31 10	4202 21 00	9503 60 10
1704 90 61	7304 31 91	4202 91 10	9503 90 37
1704 90 65	7304 31 99	4202 91 50	9503 90 99
1704 90 71	7304 39 10	4202 91 90	
1704 90 75	7304 39 20	4202 92 15	9617 00 11
1704 90 81	7304 39 51	4202 92 95	9617 00 19
1704 90 99	7304 39 59	4202 99 10	
	7304 39 91		
1806 10 10	7304 90 10	6403 19 00	SPAIN
1806 10 30	7304 90 90		
1806 10 90		6815 91 00	1704 90 30
1806 20 10	7905 00 11		1704 90 51
1806 20 30	7905 00 19	6902 10 00	1704 90 55
1806 20 50	7905 00 90		1704 90 61
1806 20 70		6912 00 90	1704 90 65
1806 90 11	8501 20 10		1704 90 71
1806 90 60	8501 31 10	7013 21 11	1704 90 75
1806 90 70	8501 32 10	7013 21 19	1704 90 81
1806 90 90	8501 33 10	7013 31 10	1704 90 99
	8501 40 10	7013 91 10	
1901 10 00	8501 51 90		2904 10 00
1901 90 90	8501 52 10	7117 19 10	2904 90 10
	8501 52 91	7117 90 00	
1904 10 10	8501 52 93		2905 14 10
1904 10 30	8501 52 99	7202 41 10	
1904 10 90	8501 53 10	7202 49 90	3904 40 00
1904 90 10	8501 53 91	7202 92 00	3904 50 00
1904 90 90	8501 53 99		
		7214 10 00	3912 39 10
3605 00 00	9605 00 00		
		7307 19 10	3920 73 90
6401 10 10	DENMARK		
6401 91 10		7318 12 10	7202 70 00
6401 92 10	1806 10 10	7318 12 90	7202 91 00
6401 99 10	1806 10 30	7318 15 81	7202 99 90

(1)

SPAIN (cont'd)	ITALY (cont'd)	ITALY (cont'd)	UNITED KINGDOM (cont'd)
7306 40 91	3912 39 90	7304 90 90	
7306 50 91	3912 90 10	7304 30 10	3605 00 00
	3912 90 90	7304 40 10	
8701 90 11		7304 50 10	6911 10 10
8701 90 15	3920 73 10	7304 60 10	6911 90 00
8701 90 21	3920 73 50		
8701 90 25 } (2)		UNITED	6912 00 10
8701 90 31 } (2)	7207 19 39	KINGDOM	6912 00 30
			6912 00 50
			6912 00 90
FRANCE	7210 90 10	0701 90 51	
		0701 90 59	6913 10 00
1302 19 30	7211 30 90		6913 90 10
		0702 00 90	6913 90 91
7601 10 00	7212 10 99		6913 90 93
7601 20 10	7212 50 10	0705 11 90	6913 90 99
7601 20 90	7212 60 93	0705 29 00	
			8528 20 20
8528 20 20		0708 20 10	8528 20 71
8528 20 71	7304 31 10	0708 20 90	8528 20 73
8528 20 73	7304 39 20		8528 20 79
	7304 39 30	0709 90 10	8528 20 91
	7304 41 10		8528 20 99
ITALY	7304 49 30	0712 10 00	
	7304 51 30		
3912 31 00	7304 59 50	2005 20 10	9405 10 30
3912 39 10	7304 90 10	2005 20 90	9405 20 30

(1) Excluding nougat and similar products, marzipan and fruit confectionery.

(2) Only tractors of a cylinder capacity less than 4 000 cc.

ANNEX II

List of regions of the Community and products referred to in Article 7

BENELUX	FEDERAL REPUBLIC OF GERMANY	SPAIN (cont'd)	ITALY
3602 00 00			2815 11 00
6912 00 50	3102 10 10	4407 23 50	2815 12 00
7010 90 21	4203 29 91	4407 91 10	2818 20 00
7010 90 31	4203 29 99	4407 91 50	2818 30 00
7010 90 41		4407 92 10	
7010 90 43	4410 10 10	4407 92 50	2819 10 00
7010 90 45		4407 99 11	
7010 90 51	4411 11 00	4407 99 19	2824 10 00
7010 90 53	4411 91 00	4407 99 51	2824 90 00
7010 90 55		4407 99 59	
7304 10 30	4412 11 00	4408 10 10	2827 10 00
7304 10 90	4412 12 00	4408 10 50	2827 39 00
7304 20 91	4412 19 00	4408 20 10	
7304 20 99	4412 29 10	4408 20 50	2833 22 00
7304 31 10	4412 99 10	4408 90 10	2833 23 00
7304 31 91		4408 90 50	
7304 31 99	GREECE		2841 20 00
7304 39 10		4410 10 30	2903 11 00
7304 39 20	7305 90 00	4410 90 10	2903 12 00
7304 39 51			2903 14 00
7304 39 59	7325 91 00	4415 20 10	2903 15 00
7304 39 93			2903 16 00
7304 39 99		4418 50 00	2903 19 00
7304 59 99	SPAIN		2903 30 39
7304 90 10		4421 10 00	2903 40 40
7304 90 90	2833 25 00	4421 90 99	2903 61 00
7305 11 00			2903 62 00
7305 12 00	2904 20 90	4602 10 91	2903 69 00
7305 19 00		4602 90 10	
7305 20 10	2915 11 00		2905 50 90
7305 20 90	2933 79 00	7202 80 00	
7305 31 00		7202 93 00	2912 12 00
7306 10 90	3103 10 00		2917 14 00
7306 20 00	3103 90 00	8533 39 00	2917 33 00
7306 30 10		8533 40 10	2917 35 00
7306 30 21	3104 10 00	8533 40 90	2917 39 90
7306 30 29	3104 20 10	8533 90 00	
7306 30 51	3104 20 90		2933 11 90
7306 30 59		8701 20 10	2933 90 50
7306 30 71	3808 30 10		2933 90 60
7306 30 79	3808 30 30	8903 10 90	2933 90 70
7306 40 10		8903 91 93	
7306 40 99	4203 10 00	8903 91 99	2934 90 50
7306 50 99	4203 30 00	8903 92 91	2934 90 60
7306 60 10	4203 40 00	8903 92 99	2934 90 70
7306 60 31			2934 90 90
7306 60 39	4302 30 10	9113 90 10	
7306 60 90			3003 20 00
7901 11 00	4303 10 10	9403 10 10	3003 40 00
7901 12 10	4303 10 90	9403 10 59	3003 90 90
7901 12 30	4303 90 00	9403 10 91	
7901 12 90		9403 10 93	3006 40 00
7901 20 00	4407 10 10	9403 10 99	3006 60 90
	4407 10 50	9403 20 91	
	4407 21 10	9403 20 99	3102 10 10
	4407 21 50	9403 70 90	3102 10 91
9306 21 00	4407 22 10	9403 80 00	3102 10 99
	4407 22 50	9403 90 10	3102 21 00
9504 40 00	4407 23 10	9403 90 90	3102 29 10

ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)
3102 29 90	4002 19 00	4805 29 90	7005 10 93
3102 30 10	4002 59 00	4805 30 10	7005 10 95
3102 30 90	4002 99 90	4805 30 90	7005 21 10
3102 40 10		4805 40 00	7005 21 20
3102 40 90	4407 21 31	4805 50 00	7005 21 30
3102 70 00	4407 22 31	4805 60 10	7005 21 40
3102 90 00	4407 91 31	4805 60 30	7005 21 50
		4805 60 90	7005 21 90
3206 10 90	4803 00 10	4805 70 11	7005 29 10
3206 30 00	4803 00 31	4805 70 19	7005 29 31
3206 41 00	4803 00 39	4805 70 90	7005 29 33
3206 43 00	4803 00 90	4805 80 11	7005 29 35
		4805 80 90	7005 29 91
3403 19 10			7005 29 93
	4804 11 11	4809 90 00	7005 29 95
3801 20 10	4804 11 15		7005 30 00
	4804 11 19		
3803 00 90	4804 11 90	6911 10 00	
	4804 19 11	6911 90 00	7006 00 90
3805 90 00	4804 19 15		
	4804 19 19	6912 00 10	7016 90 10
3808 20 10	4804 19 31	6912 00 30	
	4804 19 35	6912 00 50	8407 10 10
3809 91 00	4804 19 39	6912 00 90	8407 29 10
3809 99 00	4804 19 90		8407 29 30
	4804 21 10	7003 11 90	8407 29 50
3811 19 00	4804 21 90	7003 19 90	8407 29 70
3811 21 00	4804 29 10	7003 20 10	8407 29 90
3811 29 00	4804 29 90	7003 20 90	
3811 90 00	4804 31 10	7003 30 00	
	4804 31 90		8408 10 10
3812 20 00	4804 39 10		8408 10 21
	4804 41 91	7004 10 30	8408 10 25
3815 11 00	4804 41 99	7004 10 50	8408 10 30
	4804 42 90	7004 10 90	8408 90 21
3818 00 90	4804 49 90	7004 90 50	
	4804 51 90	7004 90 70	8409 10 90
3823 40 00	4804 52 90	7004 90 91	
3823 60 11	4804 59 90	7004 90 93	8443 11 00
3823 60 19		7004 90 95	8443 12 00
3823 60 91		7004 90 99	8443 19 11
3823 60 99	4805 10 00		8443 19 19
3823 90 10	4805 21 00	7005 10 10	8443 21 00
3823 90 20	4805 22 10	7005 10 31	8443 50 19
3823 90 60	4805 22 90	7005 10 33	8443 50 90
3823 90 85	4805 23 00	7005 10 35	8443 90 10
3823 90 95	4805 29 10	7005 10 91	8443 90 90

ANNEX III

relating to Article 15 (2) of the Agreement

The favourable business regulations, facilities and practices for Community firms in Czechoslovakia referred to in Article 15 (2) shall include measures aimed at:

- ensuring non-discriminatory treatment as regards the application of the import licensing system,
 - creating conditions facilitating the activities in Czechoslovakia of Community business operators, and in particular closer contacts between representatives and experts from Community firms and those of Czechoslovak firms and end-users,
 - facilitating the entry and stay of Community businessmen in Czechoslovakia, and the free movement within the country of Community businessmen and their families resident there,
 - creating an adequate legal framework to allow and encourage direct investment in Czechoslovakia by Community firms,
 - facilitating, on a non-discriminatory basis and on the basis of non-discriminatory prices, the establishment and operation of representative offices of Community firms in Czechoslovakia, including the renting of commercial premises and living space, the acquisition of equipment and transport facilities, access to telecommunication utilities and social services, and the recruitment of locally engaged staff,
 - ensuring non-discriminatory treatment as regards the award of contracts for the supply of goods and services following an international invitation to tender,
 - encouraging and facilitating, notably by means of practical measures such as the organization of fairs and exhibitions including advertising, consulting and other business services, Community exporters' trade promotion activities in Czechoslovakia,
 - promoting visits by persons, groups and delegations, involved in trade between the two Parties,
 - ensuring trade practices which are compatible with the efficient conduct of international business relations and, in this respect, discouraging counter-trade transactions or, where such transactions cannot be avoided, providing all relevant information on the conditions and rules applying to such transactions,
 - guaranteeing to natural and legal persons of the Community their individual and property rights, such as non-discriminatory access for that purpose to courts and appropriate administrative bodies; and ensuring the publication of all relevant laws and regulations.
-

Information concerning the conclusion of an Agreement between the European Economic Community, on the one hand, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on the other, laying down a procedure for the exchange of information in the field of technical regulations ⁽¹⁾

As completion of the procedures necessary for the entry into force of the Agreement was notified on 27 September 1990, the Agreement will enter into force, in accordance with Article 17 (2) thereof, on 1 November 1990.

Information concerning the date of entry into force of the Agreement between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation ⁽²⁾

Following the exchange on 26 September 1990 of the instruments of notification of completion of the procedures necessary for entry into force of the Agreement between the European Economic Community and the People's Republic of Bulgaria on trade and commercial and economic cooperation signed in Brussels on 8 May 1990, the Agreement will enter into force in accordance with Article 26 thereof on 1 November 1990.

Information on the date of entry into force of the Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation ⁽³⁾.

The instruments of notification of completion of the procedures necessary for entry into force of the Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation, signed in Brussels on 7 May 1990, were exchanged on 28 September 1990; the Agreement will therefore enter into force on 1 November 1990 in accordance with Article 22 thereof.

⁽¹⁾ See page 2 of this Official Journal.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ See page 29 of this Official Journal.

COMMISSION

COMMISSION DECISION

of 27 September 1990

concerning the conclusion on behalf of the European Atomic Energy Community of the Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation

(90/521/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community, and in particular the second paragraph of Article 101 thereof,

Whereas the Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation was signed on 7 May 1990;

Whereas by Decision of 24 September 1990 the Council approved the said Agreement for the purposes of conclusion by the Commission on behalf of the European Atomic Energy Commission;

Whereas the said Agreement should be concluded on behalf of the European Atomic Energy Commission,

Article 1

The Agreement⁽¹⁾ between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on trade and commercial and economic cooperation is hereby concluded on behalf of the European Atomic Energy Community.

Article 2

The President of the Commission shall give the notification provided for in Article 22 of the Agreement⁽²⁾ on behalf of the European Atomic Energy Community.

Done at Brussels, 27 September 1990.

For the Commission

The President

Jacques DELORS

⁽¹⁾ See page 29 of this Official Journal.

⁽²⁾ See page 43 of this Official Journal.

CORRIGENDA

Corrigendum to 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

(Official Journal of the European Communities No L 224 of 13 August 1988, page 2)

Given that certain errors appear in the Agreement mentioned below, the entire text shall be published as below in the form of a corrected version, replacing the version of the Agreement published in *Official Journal of the European Communities* No L 224 of 13 August 1988, page 2.

AGREEMENT

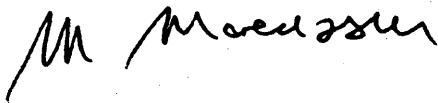
in the form of agreed minutes relating to certain agricultural products negotiated between the European Economic Community and the Republic of Austria under Article XXVIII of the GATT

AGREED MINUTES

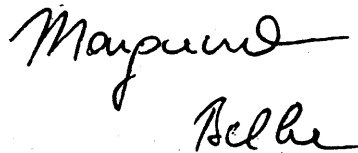
1. The Austrian delegation and the delegation of the Commission of the European Communities have concluded their negotiations under Article XXVIII of the GATT concerning the modification or withdrawal of tariff concessions in Schedule XXXII — Austria with agreements on the following:
 - (a) negotiations concerning Schedule XXXII — Austria (Annex I);
 - (b) Agreement in the form of an 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 (Annex II);
 - (c) an Exchange of Letters providing for an Agreement on the withdrawal of the GATT conventional duty on chocolate (Annex III).
2. They agreed to submit these agreements for the approval of their respective authorities.

Done at Vienna, on the fourth day of July in the year one thousand nine hundred and eighty-eight.

*On behalf of the
Council of the European
Communities*



*For the Government
of the Republic of Austria*



JOINT COMMUNICATION
to the Director-General of GATT

To the Director-General GATT
Geneva

NEGOTIATIONS RELATING TO SCHEDULE XXXII — AUSTRIA

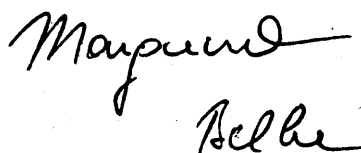
The Delegations of the European Economic Community and the Republic of Austria have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in Schedule XXXII — Austria as set out in the report attached.

Done at Vienna, on the fourth day of July in the year one thousand nine hundred and eighty-eight.

*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 CONCESSIONS IN SCHEDULE XXXII — AUSTRIA

CHANGES IN SCHEDULE XXXII — AUSTRIA

A. CONCESSIONS TO BE WITHDRAWN

(a) In the CCC nomenclature

Tariff heading	Description	Rates of duty bound in existing schedule in % <i>ad val.</i> or in Austrian schillings 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 schillings per 100 kg
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallized): 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 15.07 C2.

(b) In the HS nomenclature

Tariff heading	Description	Rate of duty in % <i>ad val.</i> 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 % <i>ad val.</i> 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 elaidinized, 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 % <i>ad val.</i> or in Austrian schillings 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 crystallized)	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	— Homogenized 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 % <i>ad val.</i> or in Austrian schillings per 100 kg
—	—	—	—

C. REDUCTION OF RATES BOUND IN THE EXISTING SCHEDULE

Tariff heading	Description	Rate of duty in % <i>ad val.</i> or in Austrian schillings 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	500,—
	2 — Other	500,—

Tariff heading	Description	Rate of duty in % <i>ad val.</i> or in Austrian schillings 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</i> spp.): - 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 % <i>ad val.</i> or in Austrian schillings 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 1006 40 ex A and ex B amounts to 1 000 tonnes in the whole for factories for the manufacture of preparations of subheading 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

Vienna, 4 July 1988

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
(subject to ratification)*

Mayrhofer
Belke

ANNEX

Tariff heading	Description	Rate of duty in % <i>ad val.</i> or in Austrian schillings 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 packings of a content not exceeding 1 kg 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. Other: 1. Dressed with bread crumbs and frozen 2. Other	- Free - Free
12	— — Herrings: B. Other: 1. Dressed with bread crumbs and frozen 2. Frozen, not covered with batter or bread crumbs 3. Other	- Free - Free - Free
13	— — Sardines, sardinella and brisling or sprats: B. Other: 1. Dressed with bread crumbs and frozen 2. Frozen, not covered with batter or bread crumbs 3. Other	- Free - Free - Free
14	— — Tunas, skipjack and Atlantic bonito (<i>Sarda</i> spp.) B. Other: 1. Dressed with bread crumbs and frozen 2. Frozen, not covered with batter or bread crumbs 3. Other	- Free - Free - Free
15	— — Mackerel: B. Other: 1. Dressed with bread crumbs and frozen 2. Frozen, not covered with batter or bread crumbs 3. Other	- Free - Free - Free
16	— — Anchovies: B. Other: 1. Dressed with bread crumbs and frozen 2. Frozen, not covered with batter or bread crumbs 3. Other	- Free - Free - Free
19	— — Other: B. Other: 1. Eels, in barrels or similar containers 2. Dressed with bread crumbs and frozen 3. Saltwater fish, frozen, not covered with batter or bread crumbs 4. Other	- Free - Free - Free - Free

Tariff heading	Description	Rate of duty in % <i>ad val.</i> or in Austrian schillings per 100 kg
20	– Other prepared or preserved fish: B. Other: 1. Eels, in barrels or similar containers 2. Dressed with bread crumbs and frozen 3. Saltwater fish, frozen, not covered with batter or bread crumbs 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 more than 20 % by weight of sausage, meat, meat offal, fish, crustaceans, molluscs or other aquatic invertebrates: 2. Fish: - ex 2. Other than in 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 apply to imports from the Community (EC) a fixed element of the levy to the same amount as it is applied to imports from the member States of the European Free Trade Association (EFTA).

Vienna, 4 July 1988

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.

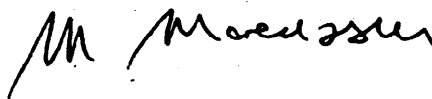
This Exchange of Letters is subject to approval by the Contracting Parties in accordance with their respective procedures.

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 % <i>ad val.</i> or in Austrian schillings 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 packings of a content not exceeding 1 kg	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. Other:	
	1. Dressed with bread and frozen	Free
	2. Other	Free
12	— — Herrings:	
	B. Other:	
	1. Dressed with bread crumbs and frozen	Free
	2. Frozen, not covered with batter or bread crumbs	Free
	3. Other	Free
13	— — Sardines, sardinella and brisling or sprats:	
	B. Other:	
	1. Dressed with bread crumbs and frozen	Free
	2. Frozen, not covered with batter or bread crumbs	Free
	3. Other	Free
14	— — Tunas, skipjack and Atlantic bonito (<i>Sarda</i> spp.)	
	B. Other:	
	1. Dressed with bread crumbs frozen	Free
	2. Frozen, not covered with batter or bread crumbs	Free
	3. Other	Free
15	— — Mackerel:	
	B. Other:	
	1. Dressed with bread crumbs and frozen	Free
	2. Frozen, not covered with batter or bread crumbs	Free
	3. Other	Free
16	— — Anchovies:	
	B. Other:	
	1. Dressed with bread crumbs and frozen	Free
	2. Frozen, not covered with batter or bread crumbs	Free
	3. Other	Free
19	— — Other:	
	B. Other:	
	1. Eels, in barrels or similar containers	Free
	2. Dressed with bread crumbs and frozen	Free
	3. Salt water fish, frozen, not covered with batter or bread crumbs	Free
	4. Other	Free

Tariff heading	Description	Rate of duty in % <i>ad val.</i> or in Austrian schillings per 100 kg
20	-- Other prepared or preserved fish: B. Other: 1. Eels, in barrels or similar containers 2. Dressed with bread crumbs and frozen 3. Salt water fish, frozen, not covered with batter or bread crumbs 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 more than 20 % by weight of sausage, meat, meat offal, fish, crustaceans, molluscs or other aquatic invertebrates: 2. Fish: ex 2. Other than in 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 apply to imports from the Community (EC) a fixed element of the levy to the same amount as it is applied to imports from the member States of the European Free Trade Association (EFTA).

EXCHANGE OF LETTERS

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

Vienna, 4 July 1988

Sir,

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 schillings 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 schillings 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
(subject to ratification)

Mayrhofer
Belke

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 schillings 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 schillings 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.'

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

