

Official Journal

of the European Communities

ISSN 0378-6978

L 167

Volume 39

6 July 1996

English edition

Legislation

Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 1299/96 of 5 July 1996 amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender..... 1
- * Commission Regulation (EC) No 1300/96 of 5 July 1996 amending Regulation (EC) No 1098/94 laying down the regional base areas applicable under the arable support system for producers 3
- * Commission Regulation (EC) No 1301/96 of 5 July 1996 laying down detailed rules of application for the management in 1996 of a quota of preparations of a kind used in animal feeding falling within CN codes 2309 90 31 and 2309 90 41 in Bulgaria 5
- * Commission Regulation (EC) No 1302/96 of 5 July 1996 amending Regulation (EEC) No 641/92 on rules of application of Council Regulation (EEC) No 478/92 for annual Community tariff quotas of dog or cat food and fish food, originating in, and coming from the Faroe Islands 8
- * Commission Regulation (EC) No 1303/96 of 5 July 1996 amending Regulation (EC) No 1139/96 on detailed rules for the application of Council Regulation (EC) No 3066/95 to the management of a quota for dog and cat food falling within CN code 2309 10 originating in Hungary 10
- Commission Regulation (EC) No 1304/96 of 5 July 1996 fixing the agricultural conversion rates 11
- * Commission Regulation (EC) No 1305/96 of 5 July 1996 opening import quotas in respect of special preferential raw cane sugar from the ACP States and India for supply to refineries in the period 1 July 1996 to 28 February 1997 13
- Commission Regulation (EC) No 1306/96 of 5 July 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 15

- ★ **Commission Regulation (EC) No 1307/96 of 4 July 1996 concerning the classification of certain goods in the combined nomenclature 17**
 - ★ **Commission Regulation (EC) No 1308/96 of 4 July 1996 concerning the classification of certain goods in the combined nomenclature 19**
-

II Acts whose publication is not obligatory

Council

96/412/EC:

- ★ **Council Decision of 25 June 1996 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the results of the World Trade Organization negotiations on financial services and on the movement of natural persons 23**

96/413/EC:

- ★ **Council Decision of 25 June 1996 on the implementation of a Community action programme to strengthen the competitiveness of European industry 55**

Commission

96/414/EC:

- ★ **Commission Decision of 4 July 1996 concerning protective measures with regard to imports of animals and animal products from the Former Yugoslav Republic of Macedonia due to outbreaks of foot-and-mouth disease ⁽¹⁾ 58**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1299/96
of 5 July 1996
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 894/96 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 1117/96 ⁽⁴⁾, buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 1.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 149, 22. 6. 1996, p. 1.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmitt

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C
Medlemsstat eller region	Kategori A	Kategori C
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C
Κράτος μέλος ή περιοχές κρατους μέλους	Κατηγορία Α	Κατηγορία Γ
Member States or regions of a Member State	Category A	Category C
États membres ou régions d'États membres	Catégorie A	Catégorie C
Stati membri o regioni di Stati membri	Categoria A	Categoria C
Lid-Staat of gebied van een Lid-Staat	Categorie A	Categorie C
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C
Jäsenvaltiot tai alueet	Luokka A	Luokka C
Medlemsstater eller regioner	Kategori A	Kategori C

	U	R	O	U	R	O
België/Belgique	x	x	x			
Danmark		x	x			
Deutschland	x	x	x		x	x
España	x	x	x			
France	x	x	x		x	x
Ireland				x	x	x
Italia	x	x	x			
Nederland		x	x			
Österreich	x	x	x			
Portugal	x	x	x			
Suomi		x	x			
Great Britain				x	x	x
Northern Ireland	x	x	x	x	x	x

COMMISSION REGULATION (EC) No 1300/96

of 5 July 1996

amending Regulation (EC) No 1098/94 laying down the regional base areas applicable under the arable support system for producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 2989/95 ⁽²⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EC) No 1098/94 ⁽³⁾, as last amended by Regulation (EC) No 2391/95 ⁽⁴⁾, lays down the regional base areas applicable under the support system for producers of certain arable crops;

Whereas, following an application from Portugal new base areas should be fixed in accordance with their regionalization plan, without thereby altering the relevant total base area;

Whereas it is therefore necessary to amend Regulation (EC) No 1098/94;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1098/94 the figures relating to the regions indicated in the sector headed 'Portugal' shall be replaced by the figures in the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 5.

⁽³⁾ OJ No L 121, 12. 5. 1994, p. 12.

⁽⁴⁾ OJ No L 244, 12. 10. 1995, p. 61.

ANNEX

(1 000 ha)

Region	All crops	Maize
PORTUGAL		
Açores	9,7	
Madeira		
— Regadio	0,31	0,29
— Other	0,30	
Continental		
— Regadio	235,4	195
— Other	808,3	

COMMISSION REGULATION (EC) No 1301/96
of 5 July 1996

laying down detailed rules of application for the management in 1996 of a quota of preparations of a kind used in animal feeding falling within CN codes 2309 90 31 and 2309 90 41 in Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, as amended by Regulation (EC) No 1194/96⁽³⁾, and in particular Article 8 thereof,

Whereas the Europe Agreement between the European Communities and their Member States, of the one part, and Bulgaria, of the other part⁽⁴⁾, provides for the opening of a Community tariff quota for preparations of a kind used in animal feeding falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria;

Whereas the customs duty applicable to imports within that quota was reduced to 20 % for the second half of 1995 pursuant to Council Regulation (EC) No 2179/95⁽⁵⁾; whereas this reduction was extended to apply to 1996 pursuant to Regulation (EC) No 3066/95 and whereas it is therefore necessary to implement this improved concession in respect 1996;

Whereas as a result of extending the reduction and in the interests of clarity, Commission Regulation (EC) No 1550/94 of 30 June 1994 laying down detailed rules of application for the management of a quota of preparations of a kind used in animal feeding within CN codes 2309 90 31 and 2309 90 41 provided for in the Interim Agreement on trade and trade-related matters concluded

with Bulgaria⁽⁶⁾, as last amended by Regulation (EC) No 2252/95⁽⁷⁾, should be replaced, as from 1 January 1996, by a new Regulation, while retaining the type of management and the other detailed rules of application;

Whereas the type of management concerned requires close collaboration between the Member States and the Commission, which must, in particular, be able to monitor the progress made in using up the tariff quota and inform the Member States thereof;

Whereas the licences for the import of the products in question within the aforementioned quota should be issued after a scrutiny period and with the fixing, where necessary, of a single percentage reduction for the quantities applied for;

Whereas, in particular, checks should be made to ensure that the products are of Bulgarian origin;

Whereas provision should be made to specify the information to be included in the applications and licences;

Whereas with a view to the sound management of the scheme, provision should be made for the security relating to the import licences for the said scheme to be fixed at ECU 25 per tonne;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Products falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria and qualifying for a tariff quota for 1996 at a reduced rate of duty, in accordance with the Europe Agreement concluded with Bulgaria pursuant to Regulation (EC) No 3066/95, may be imported into the Community in accordance with the provisions of this Regulation.

The rate of duty applicable and the quantities that may be imported are set out in the Annex hereto.

⁽¹⁾ OJ No L 368, 31. 12. 1994, p. 5.

⁽²⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 2.

⁽⁴⁾ OJ No L 358, 31. 12. 1994.

⁽⁵⁾ OJ No L 223, 20. 9. 1995, p. 29.

⁽⁶⁾ OJ No L 166, 1. 7. 1994, p. 43.

⁽⁷⁾ OJ No L 230, 27. 9. 1995, p. 12.

Article 2

To be accepted, applications for import licences must be accompanied by the original of the proof of origin, in the form of an EUR-1 certificate issued in Bulgaria in accordance with Protocol No 4 of the Europe Agreement for the products in question.

Article 3

1. Applications for import licences shall be lodged with the competent authorities in each of the Member States on the first working day of each week by 1 p.m., Brussels time. Licence applications must relate to a quantity equal to or greater than five tonnes of product and may not exceed 500 tonnes.

2. The Member States shall send the import licence applications to the Commission by telex or fax, by 6 p.m. at the latest, Brussels time, on the day they are lodged.

3. By the Friday following the day on which the applications are lodged, the Commission shall notify the Member States by telex or fax of the outcome of the licence applications.

4. Upon receipt of the Commission notification, the Member States shall issue the import licences. The term of validity of licences shall be calculated from the date they are issued.

5. The quantity released for free circulation may not be greater than that indicated in sections 17 and 18 of the import licence. To this end the figure '0' shall be entered in section 19 of the said licence.

Article 4

In the case of products to be imported qualifying for the import duty reduction provided for in Article 1, import licence applications and the licence shall include:

- (a) in section 8, the word 'Bulgaria'; the licence requires that importation take place from this country;
- (b) in section 24, on of the following indications:
 - Derecho de importación reducido en un 80 % [Anexo del Reglamento (CE) n° 1301/96]

- Importtold nedsat med 80 % (Bilaget til forordning (EF) nr. 1301/96)
- Zollermäßigung um 80 % (Anhang der Verordnung (EG) Nr. 1301/96)
- Δασμός κατά την εισαγωγή μειωμένος κατά 80 % [Παράρτημα του κανονισμού (ΕΚ) αριθ. 1301/96]
- 80 % import duty reduction [Annex to Regulation (EC) No 1301/96]
- Droit à l'importation réduit de 80 % [annexe du règlement (CE) n° 1301/96]
- Dazio all'importazione ridotto dell'80 % [Allegato del regolamento (CE) n. 1301/96]
- Met 80 % verlaagd invoerrecht (Bijlage bij Verordening (EG) nr. 1301/96)
- Direito de importação reduzido de 80 % [Anexo do Regulamento (CE) n° 1301/96]
- 80 prosenttia alennettu tuontitulli [asetuksen (EY) N:o 1301/96 liite]
- 80 % nedsatt importtull (bilaga till förordning (EG) nr 1301/96).

Article 5

The amount of the security for the import licences provided for in this Regulation shall be ECU 25 per tonne.

Article 6

Regulation (EC) 1550/94 is hereby placed. However, the licences issued under that Regulation shall remain valid during the normal term of validity.

Article 7

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

It shall apply from 1 January 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The quantities imported into Bulgaria under the CN codes referred to in this Annex shall benefit from an 80 % reduction in import duty in 1996.

CN codes	Description	Total quantity which may be imported in 1996
2309 90 31 2309 90 41	Preparations of a kind used in animal feeding	2 800 tonnes

COMMISSION REGULATION (EC) No 1302/96
of 5 July 1996

amending Regulation (EEC) No 641/92 on rules of application of Council Regulation (EEC) No 478/92 for annual Community tariff quotas of dog or cat food and fish food, originating in, and coming from the Faroe Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EEC) No 641/92 is amended as follows:

Having regard to Council Regulation (EEC) No 478/92 of 25 February 1992 opening an annual Community tariff quota for dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and an annual Community tariff quota for fish food falling within CN code ex 2309 90 41, originating in the Faroe Islands⁽¹⁾, and in particular Article 2 thereof,

1. Article 1 is replaced by the following:

'Article 1

The provisions of this Regulation shall apply to imports under the arrangements laid down in Article 1 of Regulation (EEC) No 478/92 of products falling within CN code ex 2309 90 41, originating in, and coming from the Faroe Islands.';

Whereas Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV.6 consequent upon the accession of Austria, Finland and Sweden to the European Union⁽²⁾, reduces to zero the rate of duty laid down in the Common Customs Tariff for the products falling within CN code 2309 10 11 from 1 January 1996; whereas, consequently, it is not necessary to maintain the tariff quota for the said products originating in the Faroe Islands; whereas, as a result, for the sake of clarity, that quota should be abolished;

2. Article 3 (1) is replaced by the following:

'1. Applications for licences to import against the quantity set by Regulation (EEC) No 478/92, in the case of products falling within CN code ex 2309 90 41, shall be lodged with the competent authority of any Member State on the first working day of each week, before 1 p.m., Belgian time. They shall be for a quantity of not less than five tonnes of product and not more than 1 000 tonnes.';

Whereas Commission Regulation (EEC) No 641/92⁽³⁾, as amended by Regulation (EC) No 1646/95⁽⁴⁾, in order to bring it into line with the rules on the application of the agreements concluded under the Uruguay Round of multilateral negotiations;

3. Article 4 is replaced by the following:

'Article 4

For products to be imported subject to zero duty, as laid down in Article 1 of Regulation (EEC) No 478/92, the import licence application and the licence itself shall show:

Whereas, however, Regulation (EC) No 1646/95 expires on 30 June 1996; whereas, as a result, Regulation (EEC) No 641/92 should be amended permanently for the period of application of the GATT agreements;

(a) in section 8, the name of the country of origin of the product. The licence shall impose an obligation to import from that country;

(b) in section 24, one of the following indications:

- Exención del derecho de importación [artículo 4 del Reglamento (CEE) nº 641/92]
- Fritagelse for importtold (artikel 4 i forordning (EØF) nr. 641/92)
- Zollfrei (Artikel 4 der Verordnung (EWG) Nr. 641/92)
- Δασμολογική απαλλαγή κατά την εισαγωγή [άρθρο 4 του κανονισμού (ΕΟΚ) αριθ. 641/92]
- Zero import duty [Article 4 of Regulation (EEC) No 641/92]

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

⁽¹⁾ OJ No L 55, 29. 2. 1992, p. 2.

⁽²⁾ OJ No L 334, 30. 12. 1995, p. 1.

⁽³⁾ OJ No L 69, 14. 3. 1992, p. 23.

⁽⁴⁾ OJ No L 156, 7. 7. 1995, p. 23.

- Exemption de droit à l'importation [Article 4 du règlement (CEE) n° 641/92]
- Esenzione dal dazio doganale all'importazione [articolo 4 del regolamento (CEE) n. 641/92]
- Vrijstelling van invoerrecht (artikel 4 van Verordening (EEG) nr. 641/92)
- Isenção do direito de importação [artigo 4º do Regulamento (CEE) n° 641/92]

- Vapautus tuontitullista [asetuksen (ETY) N:o 641/92 4 artikla]
- Undantag från importtull (artikel 4 i förordning (EEG) nr 641/92).

Article 2

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

It shall apply from 1 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 1303/96
of 5 July 1996**

**amending Regulation (EC) No 1139/96 on detailed rules for the application of
Council Regulation (EC) No 3066/95 to the management of a quota for dog and
cat food falling within CN code 2309 10 originating in Hungary**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as amended by Regulation (EC) No 1194/96⁽²⁾, and in particular Article 8 thereof,

Whereas Commission Regulation (EC) No 1139/96 of 25 June 1996 laying down detailed rules for the application of Council Regulation (EC) No 3066/95 for the administration of a quota of cat and dog food falling within CN code 2309 10 originating in Hungary⁽³⁾ is applicable only for the first half of 1996, in accordance with the duration of application of Regulation (EC) No 3066/95;

Whereas Regulation (EC) No 1194/96 extends the duration of application of Regulation (EC) No 3066/95 to the

second half of 1996; whereas, as a result, application of the aforementioned Regulation (EC) No 1139/96 should be extended to 31 December 1996;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1139/96 shall continue to be applicable until 31 December 1996.

Article 2

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

It shall apply from 1 July to 31 December 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 2.

⁽³⁾ OJ No L 151, 26. 6. 1996, p. 4.

COMMISSION REGULATION (EC) No 1304/96
of 5 July 1996
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 1164/96⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 2853/95⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 27 June to 6 July 1996, it is necessary to fix a new agricultural conversion rate for the Swedish Krona, the

Austrian schilling, the Dutch guilder and the German mark;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 1164/96 is hereby repealed.

Article 4

This Regulation shall enter into force on 7 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 153, 27. 6. 1996, p. 41.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX I

Agricultural conversion rates

ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,91639	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	6,02811	Finnish marks
	2,14934	Dutch guilders
	0,829498	Irish punt
	2 030,40	Italian lire
	13,4875	Austrian schillings
	165,198	Spanish pesetas
	8,64446	Swedish kroner
	0,833821	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,0038	Belgian and Luxembourg francs	ECU 1 =	41,1707	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,84268	German marks		1,99624	German marks
	299,770	Greek drachmas		324,751	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,06667	Dutch guilders		2,23890	Dutch guilders
	0,797594	Irish punt		0,864060	Irish punt
	1 952,31	Italian lire		2 115,00	Italian lire
	12,9688	Austrian schillings		14,0495	Austrian schillings
	158,844	Spanish pesetas		172,081	Spanish pesetas
	8,31198	Swedish kroner		9,00465	Swedish kroner
	0,801751	Pound sterling		0,868564	Pound sterling

COMMISSION REGULATION (EC) No 1305/96
of 5 July 1996

**opening import quotas in respect of special preferential raw cane sugar from the
ACP States and India for supply to refineries in the period 1 July 1996 to 28
February 1997**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96 ⁽²⁾, and in particular Articles 14 (2) and 37 (6) thereof,

Whereas Article 37 of Regulation (EEC) No 1785/81 lays down that, during the marketing years 1995/96 to 2000/01 and in order to ensure adequate supplies to Community refineries, a special reduced duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply arrangements on preferential terms; whereas at present such agreements have been concluded by Council Decision 95/284/EC ⁽³⁾ only with the ACP States party to Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Lomé Convention, and with the Republic of India;

Whereas the quantities of special preferential sugar to be imported are calculated in accordance with the said Article 37 of Regulation (EEC) No 1785/81 on the basis of a Community forecast supply balance; whereas the balance indicates the need to import raw sugar and to open at this stage for the 1996/97 marketing year a tariff quota at the special reduced rate of duty as provided for in the abovementioned agreements so that the Community refineries' supply need can be met for part of the year; whereas the production forecasts for raw cane sugar are now available for the 1996/97 marketing year; whereas a tariff quota should be opened at this stage for part of the marketing year; whereas, because of the presumed maximum refining needs fixed by Member State and the shortfall resulting from the forecast supply balance, provision should be made to authorize imports for each refining Member State, for the period from 1 July 1996 to 28 February 1997;

Whereas the above agreements lay down that the refiners in question must pay a minimum purchase price equal to

the guaranteed price for raw sugar, minus the adjustment aid fixed for the marketing year in question; whereas this minimum price must accordingly be fixed by taking account of the factors applying in the 1996/97 marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The following tariff quotas are hereby opened for the period 1 July 1996 to 28 February 1997 under Decision 95/284/EC in respect of imports of raw cane sugar for refining:

- (a) 212 100 tonnes expressed as white sugar originating in the ACP States covered by that Decision; and
- (b) 10 000 tonnes expressed as white sugar originating in the Republic of India.

Article 2

1. A special reduced duty of ECU 5,87 per 100 kg of standard quality raw sugar shall apply to imports of the quantities referred to in Article 1.

2. Article 7 of Commission Regulation (EC) No 1916/95 ⁽⁴⁾ notwithstanding, the minimum purchase price to be paid by the Community refiners shall be fixed for the period referred to in Article 1 at ECU 50,14 per 100 kg of standard quality raw sugar.

Article 3

The following Member States are hereby authorized to import under the quotas referred to in Article 1 and on the terms laid down in Article 2 (1) the following shortfall expressed as white sugar:

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 181, 1. 8. 1995, p. 22.

⁽⁴⁾ OJ No L 184, 3. 8. 1995, p. 18.

- (a) Finland: 50 000 tonnes;
- (b) metropolitan France: 10 000 tonnes,
- (c) mainland Portugal: 162 000 tonnes,
- (d) United Kingdom: 0 tonnes.

Article 4

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

It shall apply from 1 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1306/96

of 5 July 1996

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2933/95⁽²⁾, and in particular Article 4 (1) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 5 July 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 35	052	72,7		508	84,1
	060	80,2		512	71,2
	064	70,8		524	67,6
	066	59,0		528	79,0
	068	62,3		624	86,5
	204	86,8		728	107,3
	208	44,0		800	78,0
	212	97,5		804	84,8
	624	95,8		999	81,1
	999	74,3		039	104,1
ex 0707 00 25	052	75,8	0808 20 47	052	138,2
	053	156,2		064	72,5
	060	61,0		388	101,1
	066	53,8		400	70,4
	068	69,1		512	115,0
	204	144,3		528	124,8
	624	87,1		624	79,0
	999	92,5		728	115,4
				800	55,8
				804	73,0
0709 90 77	052	65,9	0809 10 40	999	95,4
	204	77,5		052	144,4
	412	54,2		061	51,3
	624	151,9		064	105,3
	999	87,4		400	338,0
0805 30 30	052	129,8	0809 20 49	999	159,7
	204	88,8		052	190,6
	220	74,0		061	182,0
	388	75,4		064	144,7
	400	68,2		066	81,6
	512	54,8		068	258,3
	520	66,5		400	185,9
	524	64,0		600	94,9
	528	70,6		616	70,9
	600	84,0		624	152,2
0808 10 71, 0808 10 73, 0808 10 79	624	48,9	0809 30 31, 0809 30 39	676	166,2
	999	75,0		999	152,7
				052	63,1
	039	116,0		220	121,8
	052	64,0		624	106,8
	064	78,6		999	97,2
	284	72,1		052	73,2
	388	96,3		064	64,4
	400	75,1		066	84,9
	404	63,6		068	61,2
	416	72,7	0809 40 30	400	143,5
				624	112,7
				676	68,6
				999	86,9

(1) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1307/96
of 4 July 1996
concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EC) No 1192/96⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined

nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 July 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 156, 29. 6. 1996, p. 15.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Descriptions of goods	Classification CN code	Reason
(1)	(2)	(3)
Electrical apparatus, for the ionization of the air in a room, incorporating a centrifugal fan, a negative-ion generator and a three-stage filtration system (pre-filter for large particles, electrified main filter of textile fibre and a deodorizing filter of activated carbon).	8543 89 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 3 to section XVI and by the wording of CN codes 8543, 8543 89 and 8543 89 90. The principal function of the apparatus is the generation of ions.

COMMISSION REGULATION (EC) No 1308/96
of 4 July 1996
concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EC) No 1192/96⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to this Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States

which do not conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code⁽³⁾, for a period of 60 days by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 July 1996.

For the Commission

Mario MONTI

Member of the Commission

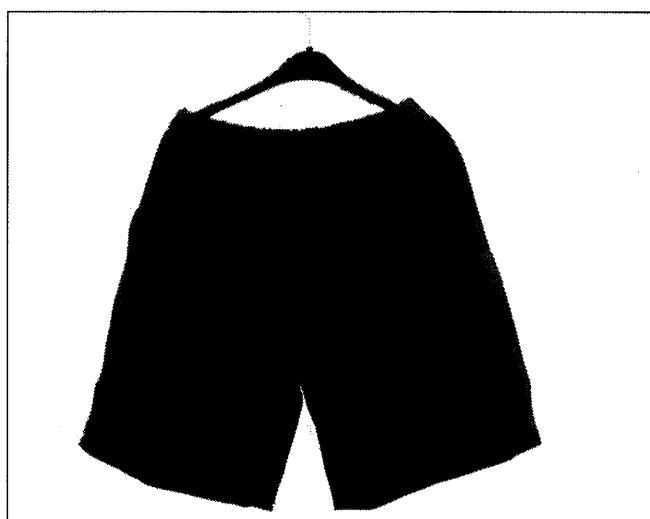
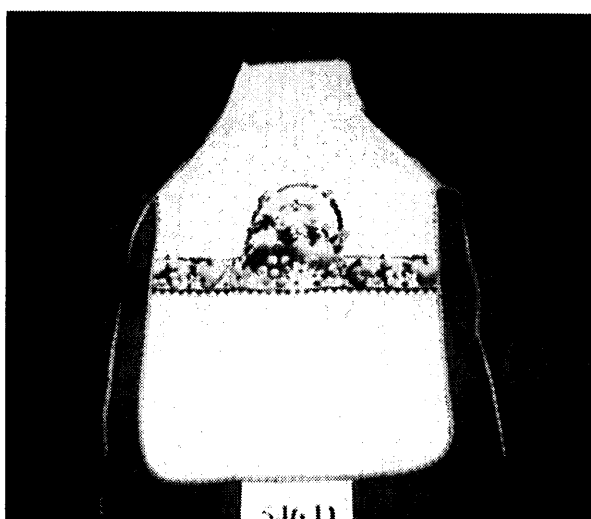
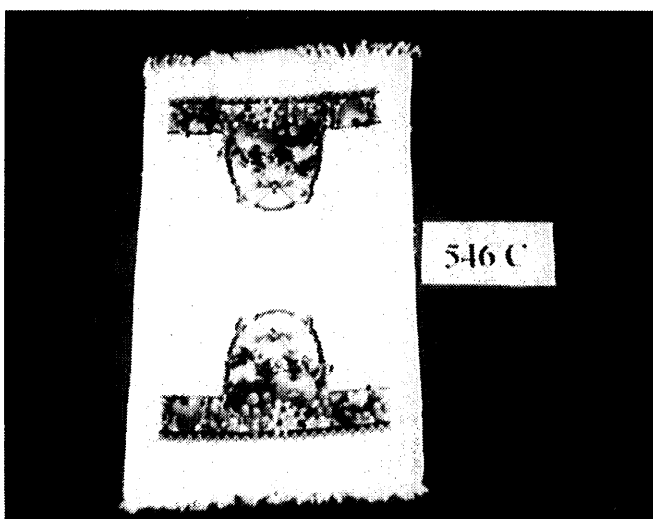
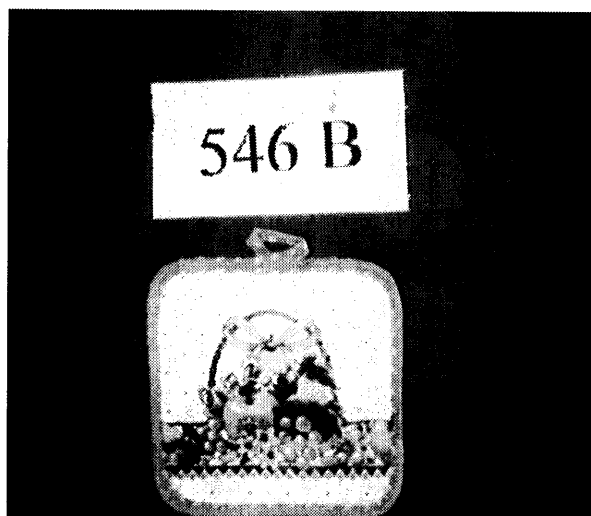
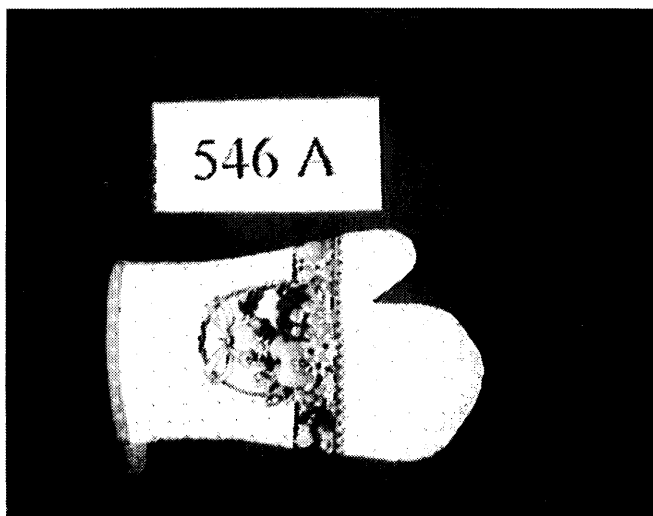
⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ No L 156, 29. 6. 1996, p. 15.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification CN code	Reason
(1)	(2)	(3)
1. Garment made of fabric (100 % cotton) intended to cover the lower part of the body, from the waist to above the knee, enclosing each leg separately and with no front opening, with pockets at the sides. It is tightened at the waist by means of an elastic strip and a band sewn onto the front for adjustment by a buckle on the left. The garment also has a false fly (sewn up) with a left-over-right flap (simulated fastening). (Shorts). (See photograph No 547) (*)	6204 62 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by note 8 to chapter 62, and by the wording of CN codes 6204, 6204 62 and 6204 62 90. Neither the false fly nor the positioning of the buckle are sufficient to identify it as a men's or boys' garment.
2. Two garments packaged for retail sale and consisting of: (a) A lightweight, loose-fitting garment made of two differently coloured fabrics (100 % nylon-coated in plastics which can be seen with the naked eye), intended to cover the upper part of the body reaching down to above the mid-thigh area. It has a full frontal opening with a slide fastener and a protective flap designed for left over right closure by means of press-studs. The garment has a sewn-on high collar, a hood that can be tightened by a drawstring and stowed away in a collar pocket, long sleeves tightened at the end and two pockets inserted at the front closed by slide fasteners. It can also be tightened by drawstrings at the collar, waist and bottom and has 'velcro' tapes at the collar and sleeve-ends, a partial lining at the upper part of the garment (100 % nylon), a sewn-on decoration on the left sleeve and an embroidered logo on the breast. (See photograph No 545 A) (*)	6210 40 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by note 13 to section XI, by note 5 to chapter 62 for garment (a), by note 8 to chapter 62 and by the wording of CN codes 6202, 6202 93 00, 6210 and 6210 40 00.
(b) A loose-fitting garment made of two differently coloured fabrics (100 % nylon), intended to cover the upper part of the body reaching down to above the mid-thigh area, with a full frontal opening closed by a slide fastener. It has long sleeves with knitted ribbing at the end, a sewn-on collar of velour fabric and two pockets inserted at the front closed by slide fasteners. The garment also has an embroidered logo at the front, a tightening facility with drawstring at the waist and quilted lining with an inside pocket. (See photograph No 545 B) (*) The two garments may be used separately and can be combined by means of 'velcro' tapes at the collar, inner press-studs at the sleeve-ends and a slide fastener at the frontal opening.	6202 93 00	

545 B



547

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 June 1996

concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the results of the World Trade Organization negotiations on financial services and on the movement of natural persons

(96/412/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 54, 57, 63, 66, 73b to 73f, 99, 100, 100a and 113, in conjunction with the second sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the Marrakesh Agreement establishing the World Trade Organization and its related agreements as well as the Ministerial Decisions and Declarations and the Understanding on Commitments in Financial Services were approved by a Council Decision of 22 December 1994 ⁽³⁾;

Whereas the overall commitments on financial services negotiated by the Commission, on behalf of the European Community and its Member States, constitute a satisfac-

tory and balanced outcome for the interim period concerned;

Whereas some commitments were negotiated by the Commission, on behalf of the European Community and its Member States, on the movement of natural persons for the purpose of supplying services;

Whereas on 26 July 1995 the Council authorized the Commission to approve, on behalf of the European Community and its Member States, the Decision of the Committee on Trade in Financial Services adopting the Second Protocol annexed to the General Agreement on Trade in Services, the Decision of the Council for Trade in Services on Commitments on Financial Services and the second Decision of the Council for Trade in Services on Financial Services as well as the Decision of the Council for Trade in Services on movement of natural persons commitments, adopting the Third Protocol to the General Agreement on Trade in Services;

Whereas the competence of the Community to conclude international agreements derives not only from explicit conferral by the Treaty but may also derive from other provisions of the Treaty and from acts adopted pursuant to those provisions by Community institutions;

Whereas, where Community rules have been adopted in order to achieve the aims of the Treaty, Member States may not, outside the framework of the common institutions, enter into commitments liable to affect those rules or alter their scope;

⁽¹⁾ Opinion of the European Parliament of 6 June 1996 (not yet published in the Official Journal).

⁽²⁾ Opinion of the Economic and Social Committee of 30 May 1996 (not yet published in the Official Journal).

⁽³⁾ OJ No L 336, 23. 12. 1994, p. 1.

Whereas some commitments on financial services fall within the competence of the Community under Article 113 of the Treaty; whereas, furthermore, other commitments on financial services as well as the commitments on the movement of natural persons affect Community rules adopted on the basis of Articles 54, 57, 63, 66, 99, 100 and 100a, and may therefore only be entered into by the Community alone;

Whereas, in particular, the use of Article 100 of the Treaty as a legal base for this Decision is justified to the extent that the aforementioned commitments on financial services affect Council Directive 90/434/EEC of 23 July 1990 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States⁽¹⁾ and Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States⁽²⁾, which are based on Article 100 of the Treaty;

Whereas, with regard to capital movement commitments contained in the list of specific commitments of the Community and of the Member States and in the present state of Community law, Member States remain competent to act, within the limit laid down by the provisions of Article 73c of the Treaty;

Whereas, by their nature, the Agreement establishing the World Trade Organization and the Protocols to the General Agreement on Trade in Services, are not likely to be directly invoked before Community or Member States' courts,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Second Protocol to the General Agreement on Trade in Services concerning financial services is hereby approved on behalf of the European Community with regard to that portion of it which falls within the competence of the European Community.

2. The text of the Second Protocol, together with the schedule of specific commitments and the list of the

exemptions of the Community and the Member States are attached to this Decision, as are also the following Decisions:

- the Decision of the Committee on Trade on Financial Services adopting the Second Protocol to the General Agreement on Trade in Services,
- the Decision of the Council for Trade in Services on Commitments in Financial Services,
- the second Decision of the Council for Trade in Services on Financial Services.

3. The President of the Council is hereby authorized to designate the person empowered to sign the Second Protocol to the General Agreement on Trade in Services in order to bind the European Community with regard to that portion of the Protocol falling within its competence.

Article 2

1. The Third Protocol to the General Agreement on Trade in Services concerning movement of natural persons is hereby approved on behalf of the European Community with regard to that portion of it which falls within the competence of the European Community.

2. The text of the Third Protocol, together with the schedule of specific commitments of the Community and the Member States, and the Decision of the Council for Trade in Services on movement of natural persons commitments are attached to this Decision.

3. The President of the Council is hereby authorized to designate the person empowered to sign the Third Protocol to the General Agreement on Trade in Services in order to bind the European Community with regard to that portion of the Protocol falling within its competence.

Done at Luxembourg, 25 June 1996.

For the Council

The President

E. RONCHI

⁽¹⁾ OJ No L 225, 20. 8. 1990, p. 1.

⁽²⁾ OJ No L 225, 20. 8. 1990, p. 6.

ANNEX

SECOND PROTOCOL TO THE GENERAL AGREEMENT ON THE TRADE IN SERVICES

MEMBERS OF THE WORLD TRADE ORGANIZATION (hereinafter referred to as the 'WTO') whose Schedules of Specific Commitments and Lists of Exemptions from Article II of the General Agreement on Trade in Services concerning financial services are annexed to this Protocol (hereinafter referred to as 'Members concerned'),

HAVING CARRIED out negotiations under the terms of the Ministerial Decision on financial services adopted at Marrakesh on 15 April 1994,

HAVING REGARD to the Second Annex on financial services, and to the Decision on the application of that Annex adopted by the Council for Trade in Services on 30 June 1995,

AGREE AS FOLLOWS:

1. A schedule of specific commitments and a list of exemptions from Article II concerning financial services annexed to this Protocol relating to a Member shall, upon the entry into force of this Protocol for that Member, replace the financial services sections of the Schedule of Specific Commitments and the List of Article II Exemptions of that Member.
2. This Protocol shall be open for acceptance, by signature or otherwise, by the Members concerned until 30 June 1996.
3. This Protocol shall enter into force on the 30th day following the date of its acceptance by all Members concerned. If by 1 July 1996 it has not been accepted by all Members concerned, those Members which have accepted it before that date may, within a period of 30 days thereafter, decide on its entry into force.
4. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish to each Member of the WTO a certified copy of this Protocol and notifications of acceptances thereof pursuant to paragraph 3.
5. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ... day of [month] one thousand nine hundred and ninety-five, in a single copy in the English, French and Spanish languages, each text being authentic, except as otherwise provided for in respect of the schedules annexed hereto.

THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

SCHEDULE OF SPECIFIC COMMITMENTS

Supplement 1

Revision

(This is authentic in English only)

This text replaces the Financial Services section contained in:

pages 61 to 77 of document GATS/SC/31,
pages 24 to 29 of document GATS/SC/7,
pages 23 to 26 of document GATS/SC/33 and
pages 30 to 32 of document GATS/SC/82.

EUROPEAN COMMUNITY AND ITS MEMBER STATES

SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
---------------------	------------------------------	-----------------------------------	------------------------

FINANCIAL SERVICES SECTOR ⁽¹⁾

1. The Community and its Member States undertake commitments on financial services in accordance with the provisions of the 'Understanding on commitments in financial services' ('the Understanding').
2. These commitments are subject to the limitations on market access and national treatment in the 'all sectors' section of this schedule and to those relating to the subsectors listed below.
3. The market access commitments in respect of modes (1) and (2) apply only to the transactions indicated in paragraphs B.3 and B.4 of the market access section of the Understanding respectively.
4. Notwithstanding note 1 above, the market access and national treatment commitments in respect of mode (4) on financial services are those in the 'all sectors' section of this schedule, except for Sweden in which case commitments are made in accordance with the Understanding.
5. The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 2 (a) of the Financial Services Annex.
6. As a general rule and in a non-discriminatory manner, financial institutions incorporated in a Member State of the Community must adopt a specific legal form.

A. Insurance and insurance-related services

(1) **DK:** Compulsory air transport insurance can be underwritten only by firms established in the Community.

A: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.

A: Compulsory air transport liability can be underwritten only by a subsidiary established in the Community or by a branch established in Austria.

DK: No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.

(1) **A:** Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.

⁽¹⁾ Unlike foreign subsidiaries, branches established directly in a Member State by a non-Community financial institution are not, with certain limited exceptions, subject to prudential regulations harmonized at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. Therefore, such branches receive an authorization to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalization and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalization, and the localization in the Member State concerned of the assets representing the technical reserves and at least one third of the solvency margin. Member States may apply the restrictions indicated in this schedule only with regard to the direct establishment from a third country of a commercial presence or to the provision of cross-border services from a third country; consequently, a Member State may not apply these restrictions, including those concerning establishment, to third-country subsidiaries established in other member States of the Community, unless these restrictions can also be applied to companies or nationals of other Member States in conformity with Community law.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Insurance and insurance-related services (<i>cont'd</i>)	D: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany. D: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany. E, I: Unbound for the actuarial profession. F: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community. I: Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community. I: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. FIN: Foreign insurers may without licence offer only reinsurances and retrocessions in Finland. FIN: The supply of insurance broker services is subject to a permanent place of business in Finland. P: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal. S: The supply of direct insurance is allowed only through an insurance service supplier authorized in Sweden, provided that the foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Insurance and insurance-related services (cont'd)	(2) DK: Compulsory air transport insurance can be underwritten only by firms established in the Community. A: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. A: Compulsory air transport liability insurance can be placed only with established insurers. DK: No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities. D: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany. D: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany. F: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community. FIN: Obligatory insurances (the statutory employment pension insurance, the statutory accident insurance, the motor third-party liability insurance, the insurance against treatment injury) have to be effected in Finland. I: Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community.	(2) A: Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Insurance and insurance-related services (cont'd)	I: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. P: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal. (3) A: Representative offices and agencies of insurers are not allowed to write insurance contracts. GR, E: The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices. IRL: The right of establishment does not cover the creation of representative offices. E: Before establishing a branch or agency in Spain to provide certain classes of insurance, a foreign insurer must have been authorized to operate in the same classes of insurance in its country of origin for at least five years. FIN: Requirements concerning citizenship and place of residence, from which an exemption may be granted in some cases, apply to the founder, managing director, auditors and members of the board of directors and the supervisory board of an insurance company.	(3) FIN: The general agent of the foreign insurance company shall reside in Finland. S: Insurance undertakings not incorporated in Sweden are required to deposit assets for agencies established in Sweden. S: Non-life insurance undertakings not incorporated in Sweden conducting business in Sweden are — instead of being taxed according to the net result — subject to taxation based on the premium income from direct insurance operations. S: A founder of an insurance company shall be a natural person resident in Sweden or a legal entity incorporated in Sweden.	

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Insurance and insurance-related services (<i>cont'd</i>)	FIN: Branches of foreign insurance companies cannot get a licence in Finland to carry on statutory insurances business (the statutory employment pension insurance, the statutory accident insurance, the motor third party liability insurance, the insurance against treatment injury). F, E: The establishment of branches is subject to a special authorization for the representative of the branch. In the case of Spain, the conditions to be met are related to the technical qualification and good standing of the person. I: Access to actuarial profession through natural persons only. Professional associations (no incorporation) among natural persons permitted. I: The authorization of the establishment of branches is ultimately subject to the evaluation of supervisory authorities. P: Foreign companies may carry out insurance intermediation in Portugal only through a company formed in accordance with the law of a Community Member State. P: In order to establish a branch in Portugal, foreign companies need to demonstrate prior operational experience of at least five years. S: Foreign companies may only establish as a subsidiary or through a resident agent. S: Insurance broking undertakings not incorporated in Sweden may establish a commercial presence only through a branch. (4) Unbound except as indicated in the horizontal section and subject to the specific conditions: GR: A majority of the members of the board of directors of a company established in Greece shall be nationals of one of the Member States of the Community.	(4) Unbound except as indicated in the horizontal section and subject to following specific limitations: DK: The general agent of an insurance branch will need to have resided in Denmark for the last two years unless they are a national of one of the Member States of the Community. The Minister for Business and Industry may grant exemption.	

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Insurance and insurance-related services (cont'd)		DK: Residency requirement for managers and the members of the board of directors of a company. However, the Minister for Business and Industry may grant exemption from this requirement. Exemption is granted on a non-discriminatory basis. E, I: Residence requirement for actuarial profession.	
B. Banking and Other Financial Services (excluding insurance)	(1) B: Establishment in Belgium is required for the provision of investment advisory services. I: The offer and marketing of services concerning the distribution to the public, through telecommunication or other information means, of information concerning prices, the volume of transactions, the offer and demand conditions relating to the negotiation of securities dealt in the Italian regulated market, or in other recognized markets, requires prior authorization by the Stock Exchanges Commission (Consob). This authorization may not be granted if the authorities determine that there is a risk that the data provided may induce the public to error. I: An establishment (a securities investment company incorporated in Italy or a bank subsidiary or branch) is needed in order to provide investment research and advice relating to securities (dealing, issue, underwriting) and asset management, securities custody and services regarding mergers, acquisitions, corporate restructuring, management buy-outs and venture capital. Collective asset management (excluding Ucits) is extended to banks, insurance companies, securities investment companies with their legal head office in the EC. I: Unbound for promotori di servizi finanziari (financial salesmen). (2) D: Issues of securities denominated in German marks can be lead managed only by a credit institution, subsidiary or branch, established in Germany.	(1) None (2) S: Account operating institutions in the VPC register which do not have a clearing account with the central bank (Riksbanken) have to make a certain deposit.	

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking or Other Financial Services (excluding insurance) <i>(cont'd)</i>	GR: Establishment is required for the provision of custodial and depository services involving the administration of interest and principal payments due on securities issued in Greece. I: An establishment (a securities investment company incorporated in Italy or a bank subsidiary or branch) is needed in order to provide investment research and advice relating to securities (dealing, issue, underwriting) and asset management, securities custody and services regarding mergers, acquisitions, corporate restructuring, management buy-outs and venture capital. Collective asset management (excluding Ucits) is extended to banks, insurance companies, securities investment companies with their legal head office in the EC. I: Residents in Italy need authorization to purchase or sell abroad unrefined gold. FIN: Payments from governmental entities (expenses) shall be transmitted through the Finnish postal giro system or through the Postipankki Ltd. P: Open-ended investment funds are required to invest 25 % of their funds in Portuguese Government funds. The ability of residents in Portugal to carry out the following operation abroad is restricted: — issue on a foreign market of domestic securities and negotiable instruments. S: Custody, depository and settlement services, securities registered in the (Swedish) Securities Register Centre (Värdepapperscentralen VPC SB) can only be supplied by suppliers who are account operating institutions. A prerequisite is that the supplier is supervised by the (Swedish) Financial Supervisory Authority. UK: Sterling issues, including privately led issues, can be lead managed only by a firm established in the Community.		

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and Other Financial Services (excluding insurance) <i>(cont'd)</i>	(3) All Member States: — The establishment of a specialized management company is required to perform the activities of management of units trusts and investment companies (Articles 6 and 13 of Ucits Directive, 85/611/EEC). — Only firms having their registered office in the Community can act as depositories of the assets of investment funds (Articles 8(1) and 15(1) of the Ucits Directive, 85/611/EEC). A: Licensing of branches or subsidiaries of foreign banks may be subject to an economic interest test. A: Only members of the Austrian Stock Exchange may engage in securities trading at the Stock Exchange. A: For trading in foreign exchange and foreign currency the authorization of the Austrian National Bank is required. A: Mortgage bonds and municipal bonds may be issued by banks specialized and authorized for this activity. A: For carrying out services of pension fund management a company specialized only for this activity and incorporated as a stock company in Austria is required. B: With certain exceptions (block trading), financial institutions may engage in securities trading only through stock exchange firms incorporated in Belgium. DK: Financial institutions may engage in securities trading on the Copenhagen Stock Exchange only through subsidiaries incorporated in Denmark. E: Financial institutions may engage in securities trading in securities listed on an official stock exchange or in the government securities market only through securities firms incorporated in Spain.	F: In addition to French credit institutions, issues denominated in French francs may be lead managed only by French subsidiaries (under French law) of non-French banks which are authorized, based on sufficient means and commitments in Paris of the candidate French subsidiary of a non-French bank. These conditions apply to lead banks running the books. A non-French bank may be, without restrictions or requirement to establish, jointly-lead or co-lead manager of Euro-franc bond issue. I: Representative offices of foreign intermediaries cannot carry out promotional activities in the area of investment in securities.	

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and Other Financial Services (excluding insurance) <i>(cont'd)</i>	FIN: Acquisition of shares by foreign owners giving more than one third of the voting rights of a major Finnish commercial bank or credit institution (with more than 1 000 employees or with a turnover exceeding 1 000 million) Finnish markka or with a balance sheet total exceeding Fmk 1 000 million is subject to confirmation by the Finnish authorities; the confirmation may be denied only if an important national interest would be jeopardized. FIN: For credit institutions including banks, requirements concerning nationality and place of residence, from which exemptions may be granted, apply to the founder, the supervisory board and the board of management as well as the chief general manager and auditors. FIN: Professional intermediation of securities and derivatives (options and futures) requires a permanent place of business in the form of a limited liability company, a deposit bank, other credit institution or a branch of a foreign credit or financial institution. FIN: Requirements concerning citizenship and place of residence apply to the board of directors and managing director of a stock exchange brokerage firm as well as to a stock exchange broker. FIN: Citizenship and residency requirements for market makers and brokers on derivative exchange, from which exemptions may be granted. FIN: Payments from governmental entities (expenses) shall be transmitted through the Finnish postal giro System or through the Postipankki Ltd. GR: Financial institutions may engage in the trading of securities listed on the Athens Stock Exchange only through stock exchange firms incorporated in Greece.		

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and Other Financial Services (excluding insurance) (cont'd)	GR: For the establishment and operations of branches a minimum amount of foreign exchange must be imported, converted into drachmas and kept in Greece as long as a foreign bank continues to operate in Greece: — Up to four branches this minimum is currently equal to half of the minimum amount of share capital required for a credit institution to be incorporated in Greece; — For the operation of additional branches the minimum amount of capital must be equal to the minimum share capital required for a credit institution to be incorporated in Greece. IRL: In the case of units trusts, collective investment schemes constituted as variable capital companies, and investment limited partnerships (other than undertakings for collective investment in transferable securities, Ucits), the trustee/depositary or management company is required to be incorporated in Ireland or in another Member State of the Community. In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland. IRL: The right of establishment does not cover the establishment of representative offices of foreign banks. I: A separate incorporation in Italy in the form of a securities company is required for firms other than banks (including foreign banks branches) in order to provide services related to securities dealing (including dealing for the own account or for the account of customers⁽¹⁾), issue and distribution of securities, acceptance of sale and purchase orders, investment advice, asset and portfolio management, and raising funds from the public by means of activities which may also be promotional⁽²⁾ and carried on in a place different from the legal head office or principal administrative establishment of the issuer, supplier or person marketing the investment).		

⁽¹⁾ From 1 January 1993 neither foreign nor domestic banks may provide securities dealing for its own account or for the account of customers; however, banks, including branches of foreign banks, are allowed to deal in Treasury bonds and State-backed securities.

⁽²⁾ Door-to-door selling.

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and Other Financial Services (excluding insurance) <i>(cont'd)</i>	I: Clearing and settlement of securities may be conducted only by the official clearing system. I: The public offer of securities (as provided for under 18 <i>bis</i> of Law 216/74), other than shares, debt securities (including convertible debt securities) can only be made by Italian limited companies, foreign companies duly authorized, public bodies or companies belonging to local authorities whose assigned capital is not below Lit 2 billion. I: Centralized deposit, custody and administration services for government securities can be provided only by the Bank of Italy, or by Monte Titoli SpA for shares, securities of a participating nature and other bonds traded in a ruled market. NL: Only companies incorporated according to the law and regulations of an EC Member State may become members of the Amsterdam Stock Exchange. P: The establishment of non-EC banks may be subject to an economic needs tests. P: The services of venture capital, factoring, close-ended investment fund management and broker-dealer services (excluding those provided on the Lisbon Stock Exchange) may be provided by credit-institutions or investment firms incorporated in the Community (if authorized in their country of origin to supply those services). Aforementioned services, when rendered by other companies, as well as pension fund management and broker-dealer services on the LSE, may be provided only by companies incorporated in Portugal.	S: A founder of a banking company shall be a natural person resident in Sweden or a foreign bank. A founder of a savings bank shall be a natural person resident in Sweden. S: A branch of a fund management company not incorporated in Sweden may not operate certain collective investment funds, where the investor enjoys certain tax benefits (Allemansfonder).	

Modes of supply (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking or Other Financial Services (excluding insurance) <i>(cont'd)</i>	UK: The following categories of financial institutions dealing in government debt are required to be incorporated in the United Kingdom and be separately capitalized: — gilt edged market makers (or GEMMs), which are primary dealers in gilt-edged government debt and through which the government operates in executing government debt management policy; — discount houses which are primary dealers for treasury bills and other money market instruments, and through which the government operates in executing monetary policy; — stock exchange money brokers (SEMBs), which act as intermediaries between GEMMs and lenders of gilt-edged stock; and — inter-dealer brokers (IDBs), which act as intermediaries between GEMMs. S: Undertakings not incorporated in Sweden may establish a commercial presence only through a branch, and in case of banks, also through a representative office. (4) Unbound except as indicated in the horizontal section and subject to the specific conditions: F: Sociétés d'investissement à capital fixe: condition of nationality for the president of the board of directors, the directors-general and no less than two thirds of the administrators, and also, when the securities firm has a supervisory board or council, for the members of such board or its director-general, and no less than two thirds of the members of the supervisory council. GR: Credit institutions should name at least two persons who are responsible for the operations of the institution. Condition of residency applies to these persons.	(4) Unbound except as indicated in the horizontal section and subject to the following specific limitations: I: Condition of residence for 'promotori di servizi finanziari' (financial salesmen).	

EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

FINAL LIST OF ARTICLE II (EXEMPTIONS)

(This is authentic in English only)

EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

Sector or subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Direct non-life insurance	Measures based on a bilateral agreement between the European Communities and Switzerland on direct insurance other than life insurance. This agreement provides, on a reciprocal basis, for freedom of establishment and the right to take up or pursue non-life insurance business for agencies and branches of undertakings whose head office is situated in the territory of the other Contracting Party.	Switzerland	Indefinite	Need to remove obstacles to the taking up and pursuit of non-life insurance business in the framework of an agreement between the European Communities and Switzerland on non-life insurance consistent with the provisions of paragraph 3 of the Annex of Financial Services
Financial services	Measure granting favourable tax treatment (offshore regime) in Italy to service suppliers trading with the countries to which the measure applies.	States in Central, Eastern and South-Eastern Europe, and all Members of the Commonwealth of Independent States	10 years	The need to aid the countries concerned in their transition to a market economy.

DECISION ADOPTING THE SECOND PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES

Adopted by the Committee on Trade in Financial Services on 21 July 1995

THE COMMITTEE ON TRADE IN FINANCIAL SERVICES,

HAVING REGARD to the results of the negotiations conducted under the terms of the Decision on financial services adopted at Marrakesh on 15 April 1994,

HAVING REGARD to the Second Annex on financial services, and to the Decision on the application of that Annex adopted by the Council for Trade in Services on 30 June 1995,

DECIDES AS FOLLOWS:

1. To adopt the text of the Second Protocol to the General Agreement on Trade in Services.
 2. Commencing immediately and continuing until the date of entry into force of the Second Protocol to the General Agreement on Trade in Services, Members concerned shall, to the fullest extent consistent with their existing legislation, not take measures which would be inconsistent with their undertakings resulting from these negotiations.
 3. The Committee on Trade in Financial Services shall monitor the acceptance of the Protocol by Members concerned and shall, at the request of a Member, examine any concerns raised regarding the application of paragraph 2.
-

DECISION ON COMMITMENTS IN FINANCIAL SERVICES**Adopted by the Council for Trade in Services on 21 July 1995**

THE COUNCIL FOR TRADE IN SERVICES,

HAVING REGARD to the Second Annex on financial services, and the Second Services adopted by the Council for Trade in Services,

HAVING REGARD to the Decision on the Application of the Second Annex on financial services adopted by the Council for Trade in Services on 30 June 1995,

NOTING the results of the negotiations carried out under the terms of the Decision on financial services adopted at Marrakesh on 15 April 1994,

DECIDES AS FOLLOWS:

1. If the Second Protocol to the General Agreement on Trade in Services (GATS) does not enter into force in accordance with paragraph 3 therein:
 - (a) Notwithstanding Article XXI of the GATS, a Member may during a period of 60 days beginning on 1 August 1996, modify or withdraw all or part of the specific commitments on financial services inscribed in its schedule.
 - (b) Notwithstanding Article II of the GATS and paragraphs 1 and 2 of the Annex on Article II exemptions, a Member may, during the period referred to in point (a), list in that Annex measures relating to financial services which are inconsistent with paragraph 1 of Article II of the GATS.
 2. The Committee on Trade in Financial Services shall establish any procedures for the implementation of paragraph 1.
-

SECOND DECISION ON FINANCIAL SERVICES**Adopted by the Council for Trade in Services on 21 July 1995**

THE COUNCIL FOR TRADE IN SERVICES,

HAVING REGARD to the Second Annex on financial services,

NOTING the results of the negotiations carried out under the terms of the Decision on financial services adopted at Marrakesh on 15 April 1994,

HAVING REGARD to the Decision on the application of the Second Annex on financial services adopted by the Council for Trade in Services on 30 June 1995,

DECIDES AS FOLLOWS:

1. Notwithstanding Article XXI of the General Agreement on Trade in Services (GATS), a Member may during a period of 60 days beginning on 1 November 1997, modify or withdraw all or part of the specific commitments on financial services inscribed in its schedule.
 2. Notwithstanding Article II of the GATS and paragraphs 1 and 2 of the Annex on Article II exemptions, a Member may, during the same period referred to in paragraph 1, list in that Annex measures relating to financial services which are inconsistent with paragraph 1 of Article II of the GATS.
 3. The Committee on Trade in Financial Services shall oversee any negotiations that may take place prior to the date specified in paragraph 1. It shall also establish any procedures necessary for the application of paragraphs 1 and 2.
 4. The application of this Decision shall be contingent upon the entry into force of the Second Protocol to the General Agreement on Trade in Services.
-

THIRD PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES

MEMBERS OF THE WORLD TRADE ORGANIZATION whose schedules of specific commitments to the General Agreement on Trade in Services relating to movement of natural persons are annexed to this Protocol,

HAVING CARRIED out negotiations under the terms of the Ministerial Decision on negotiations on movement of natural persons adopted at Marrakech on 15 April 1994,

HAVING REGARD to the results of such negotiations,

HAVING REGARD to the Decision on the movement of natural persons adopted by the Council for Trade in Services on 30 June 1995,

AGREE AS FOLLOWS:

1. The commitments on movement of natural persons annexed to this Protocol relating to a Member shall, upon the entry into force of this Protocol for that Member, replace or supplement the relevant entries on movement of natural persons in the schedule of specific commitments of that Member.
2. This Protocol shall be open for acceptance, by signature or otherwise, by Members concerned until 30 June 1996.
3. This Protocol shall enter into force on the 30th day after 1 January 1996 for those Members which have accepted it by that date, and for those accepting it after that date, which date shall not be beyond 30 June 1996, it shall enter into force on the 30th day following the date of each acceptance. If a Member whose schedule is annexed to this Protocol does not accept it by that date, the matter shall be referred to the Council for Trade in Services for consideration and appropriate action.
4. This Protocol shall be deposited with the Director-General of the World Trade Organization. The Director-General shall promptly furnish to each Member a certified copy of this Protocol and notifications of acceptances thereof pursuant to paragraph 3.
5. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ... day of [month] one thousand nine hundred and ninety-five, in a single copy in the English, French and Spanish languages, each text being authentic, except as otherwise provided for in respect of the schedules annexed hereto.

EUROPEAN COMMUNITY AND ITS MEMBER STATES

SCHEDULE OF SPECIFIC COMMITMENTS

Supplement 2

(This is authentic in English only)

This text supplements the entries relating to the movement of natural persons section contained on pages 7 to 11 document GATS/SC/31.

EUROPEAN COMMUNITY AND ITS MEMBER STATES

SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
---------------------	------------------------------	-----------------------------------	------------------------

I. HORIZONTAL COMMITMENTS

	(4) (iii) Unbound except for measures concerning the entry into and temporary stay within a Member State of the following category of natural persons without requiring compliance with an economic needs test except where indicated for a specific subsector. Access is subject to the following⁽¹⁾: — The natural persons are engaged in the supply of a service on a temporary basis as employees of a juridical person, who has no commercial presence in any Member State of the European Community. — The juridical person has obtained a service contract, for a period not exceeding three months from a final consumer in the Member State concerned, through an open tendering procedure or any other procedure which guarantees the bona fide character of the contract (e.g. advertisement of the availability of the contract) where this requirement exists or is introduced in the Member State pursuant to the laws, regulations and requirements of the European Community or its Member States. — The natural person seeking access should be offering such services as an employee of the juridical person supplying the service for at least the year (two years in the case of GR) immediately preceding such movement.	(4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access column.	
--	--	--	--

⁽¹⁾ All other requirements of European Community and Member States' laws, regulations and requirements regarding entry, stay and work shall continue to apply. The service contract shall comply with the laws, regulations and requirements of the European Community and the Member State where the service contract is executed.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	— The temporary entry and stay within the Member State concerned shall be for a period of not more than 3 months in any 12 month period (24 months in the case of NL) or for the duration of the contract, whatever is less. — The natural person must possess the necessary academic qualifications and professional experience as specified for the sector or activity concerned in the Member State where the service is supplied. — The commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned. — The number of the persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws, regulations and requirements of the European Community and the Member State where the service is supplied. — The service contract has to be obtained in one of the activities mentioned below and subject to the additional conditions mentioned in the subsector by the Member State concerned: — legal services — accounting services — taxation advisory services — architectural services, urban planning and landscape architectural services — engineering services, integrated engineering services — computer and related services — research and development services — advertising — management consulting services		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	— services related to management consulting — technical testing and analysis services — translation services — construction services, site investigation work — higher education services — travel agencies and tour operator services — entertainment services — services related to the sale of equipment or to the assignment of a patent.		
Legal advice on home country law and public international law (page 12 in the schedule dated April 1994):	(4) Unbound except for D and UK where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: D and UK: University degree and professional qualifications and three years' professional experience in the sector. D: Unbound for activities reserved to 'Rechtsanwalt'.	(4) Unbound except as indicated in the horizontal section.	
Accounting services (page 14 in the schedule dated April 1994) (CPC 86212 other than 'auditing services'):	(4) Unbound except for A, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:	(4) Unbound except as indicated in the horizontal section.	
Bookkeeping services for A only (page 17 in the schedule dated April 1994) (CPC 86220):	A, D, NL, UK, S: University degree and professional qualifications and three years' experience in the sector. A: examination before the Austrian professional body. The employer must be a member of the relevant professional body in the home country where such body exists. D: Unbound for activities reserved by law in the 'Wirtschaftsprüfer'.		
Taxation advisory services (page 18 in the schedule dated April 1994) (CPC 86301):	(4) Unbound except for A, B, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: A, B, NL, UK, S: University degree and professional qualifications and three years' experience in the sector.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Architectural services (page 20 in the schedule dated April 1994): (CPC 8671)	A: Examination before the Austrian professional body. The employer must be a member of the relevant professional body in the home country where such body exists. D: Unbound except for consulting services related to foreign tax law, where: university degree and professional, qualifications and three years' professional experience in the sector. (4) Unbound except for DK, E, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:	(4) Unbound except as indicated in the horizontal section.	
and urban planning and landscape architectural services (page 22 in the schedule dated April 1994): (CPC 8674)	DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector. E: Academic and professional qualifications recognized by the national authorities and licence delivered by the Professional Association. Unbound for CPC 86713, 86714, 86719.		
Engineering services (page 21 in the schedule dated April 1994): (CPC 8672)	(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector. UK: Compliance with an economic needs test is required. E: Academic and professional qualifications recognized by the national authorities and licence delivered by the professional association.	(4) Unbound except as indicated in the horizontal section.	
Integrated engineering services (page 22 in the schedule dated April 1994): (CPC 8673)	(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following limitations: B, DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector. UK: Compliance with an economic needs test is required. E: Academic and professional qualifications recognized by the national authorities and licence delivered by the professional association.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Computer and related services (pages 31 to 33 in the schedule dated April 1994): (CPC 841, 842, 843, 844)	(4) Unbound except for B, DK, GR, I, L, NL, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, DK, I, NL, S: Unbound, except for computer scientists, systems analysts, programmers, software document analysts and field engineers where: university degree and three years' professional experience in the sector. I: Compliance with an economic needs test is required. GR: Unbound, except for computer scientists, systems analysts, programmers, software document analysts where: university degree and five years' professional experience in the sector.	(4) Unbound except as indicated in the horizontal section.	
Research services (CPC 852) (page 33 of the schedule dated April 1994): (to be added under CPC 851 and 853 for F only)	(4) Unbound except for F and L where concerning the temporary entry of researchers: as indicated in the horizontal section under (iii) and subject to the following specific limitations: F: — The researchers are in possession of an employment contract from a research body. — The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract. — Compliance with an economic needs test is required. — The research body must pay a tax to the International Migration Office.	(4) Unbound except as indicated in the horizontal section.	
Advertising (page 38 in the schedule dated April 1994): (CPC 871)	(4) Unbound except for B, D, GR, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, D, I, UK, S: Relevant qualifications and three years' professional experience. I, UK: Compliance with an economic needs test is required. GR: Relevant qualifications and five years' professional experience.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Management consulting services (page 39 in the schedule dated April 1994): (CPC 865)	(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, D, DK, I, UK, S: Unbound except for managers and senior consultants where: university degree and three years' professional experience. I, UK: Compliance with an economic needs test is required.	(4) Unbound except as indicated in the horizontal section.	
Services related to management consulting (page 39 in the schedule dated April 1994): (CPC 866)	(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, D, DK, I, UK, S: Unbound except for managers and senior consultants where: university degree and three years' professional experience. I, UK: Compliance with an economic needs test is required.	(4) Unbound except as indicated in the horizontal section.	
Technical testing and analysis services (page 40 in the schedule dated April 1994): (CPC 8676)	(4) Unbound except for D, DK, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: D, DK, UK, S: University degree or technical qualifications demonstrating knowledge and three years' professional experience UK: Compliance with an economic needs test is required.	(4) Unbound except as indicated in the horizontal section.	
Translation services (page 48 in the schedule dated April 1994): (CPC 87905)	(4) Unbound except for GR, I, IRL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: GR: Relevant qualifications and five years' professional experience. I, IRL, UK, S: Relevant qualifications and three years' professional experience. I, UK: Compliance with an economic needs test is required.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Construction services (page 51 in the schedule dated April 1994): (CPC 511, 512, 513, 514, 515, 516, 517, 518)	(4) Unbound except for NL and F where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: NL: University degree and professional qualifications and three years' professional experience in the sector. F: Unbound except for measures concerning the temporary entry for technicians under the following conditions: — The technician is an employee of a juridical person within the territory of another Member and is transferred to a commercial presence in F which has a contract with that juridical person. — The work permit is delivered for a period not exceeding six months. — The technician presents a work certificate from the commercial presence in F and a letter from the juridical person within the territory of another Member, demonstrating its agreement to the transfer. — Compliance with an economic needs test is required. — The commercial presence body must pay a tax to the International Migration Office.	(4) Unbound except as indicated in the horizontal section.	
Site investigation work (CPC 5111)	(4) Unbound except for B, D, DK, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, DK, UK, S: University degree and professional qualifications and three years' professional experience in the sector. UK: Compliance with an economic needs test is required. D: Unbound except for limited range of services of site investigation work where: university degree and professional qualifications and three years' professional experience in the sector.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Higher education services (page 57 of the schedule dated April 1994): (CPC 923)	(4) Unbound except for F and L concerning the temporary entry of professors where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: F: — The professors have obtained an employment contract from a university or other higher education institution. — The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract. — Compliance with an economic needs test is required unless those professors are designated directly by the Minister in charge of higher education. — The recruiting institution must pay a tax to the International Migration Office.	(4) Unbound except as indicated in the horizontal section.	
Travel agencies and tour operators services (page 82 in the schedule dated April 1994): (CPC 7471)	(4) Unbound except for A, B, D, DK, I, FIN, IRL, S where: as indicated in the horizontal section under (iii), and subject to the following specific limitations: A, B, D, DK, FIN, I, IRL, S: Unbound except for tour managers (persons whose function is to accompany a tour group of a minimum of 10 people, without acting as guides in specific locations) where for A, B, D, DK, I, IRL, S: professional certificate and three years' professional experience. I: Compliance with an economic needs test is required	(4) Unbound except as indicated in the horizontal section.	
Entertainment services (including theatre, live bands and circus services) (page 84 in the schedule dated April 1994): (CPC 9619)	(4) Unbound except for A and F concerning the temporary entry of artists where: as indicated under the horizontal section under (iii) and subject to the following specific limitations: A: Access is limited to persons whose main professional activity is in the field of fine arts, deriving the major part of their income from that activity. Such persons shall not exercise any other commercial activity in Austria.	(4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Services related to the sale of equipment or to the assignment of a patent:	F: — The artists have obtained an employment contract from an authorized entertainment enterprise. — The work permit is delivered for a period not exceeding nine months renewable for a duration of three months. — Compliance with an economic needs test is required. — The entertainment enterprise must pay a tax to the International Migration Office. (4) Unbound except for F concerning the temporary entry of technicians where: as indicated under the horizontal section under (iii) and subject to the following specific limitations: — The technician is an employee of a juridical person within the territory of another Member, and — that juridical person manufactures equipment and has sold that equipment to a commercial presence in France, or — that juridical person has assigned a patent to a commercial presence in France. — the technician is in charge of supervising the construction of the equipment, or of ensuring the preparation for the exploitation of the patent. — the work permit is delivered for a period not exceeding six months. — the technician presents a work certificate from the commercial presence in France and a letter from the juridical person within the territory of another Member demonstrating its agreement to the transfer. — the commercial presence in France must pay a tax to the International Migration Office.	(4) Unbound except as indicated in the horizontal section.	

DECISION ON MOVEMENT OF NATURAL PERSONS COMMITMENTS

Adopted by the Council for Trade in Services on 21 July 1995

THE COUNCIL FOR TRADE IN SERVICES,

HAVING REGARD to the results of the negotiations conducted under the terms of the Decision on movement of natural persons adopted in Marrakesh on 15 April 1994,

HAVING REGARD to the Decision on the movement of natural persons adopted by the Council for Trade in Services on 30 June 1995,

DECIDES AS FOLLOWS:

1. To adopt the text of the Third Protocol to the General Agreement on Trade in Services.
 2. Commencing immediately and continuing until the date of entry into force of the Third Protocol to the General Agreement on Trade in Services, Members concerned shall, to the fullest extent consistent with their existing legislation, not take measures which would be inconsistent with their undertakings resulting from these negotiations.
 3. The Council for Trade in Services shall monitor the acceptance of the Protocol by Members concerned and shall, at the request of a Member, examine any concerns raised regarding the application of paragraph 2 above.
-

COUNCIL DECISION

of 25 June 1996

on the implementation of a Community action programme to strengthen the competitiveness of European industry

(96/413/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130 (3) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Having regard to the opinion of the Committee of the Regions⁽³⁾,

- (1) Whereas the heads of State or Government, meeting as the European Council on 10 and 11 December 1993 in Brussels, endorsed the White Paper 'Growth, competitiveness and employment' as the terms of reference for action by the European Union and its Member States, supporting an approach to industrial development based on global competitiveness, a factor generating growth and employment;
- (2) Whereas on 22 April 1994 the Council adopted conclusions on improving the competitiveness of European industry, based on the said White Paper;
- (3) Whereas, on the basis of a Commission communication of September 1994, the Council adopted the resolution of 21 November 1994⁽⁴⁾ on the strengthening of the competitiveness of Community industry, which stressed in particular that a competitive innovative industry in the Community is a prerequisite for lasting economic growth and the creation of new jobs; whereas the framework conditions for competitiveness and competition must be improved so that the European Union remains an attractive location for business leading to the creation of new firms and new jobs;
- (4) Whereas on 10 October 1994 the Council adopted a resolution in support of the Commission's integrated programme in favour of small and medium-sized enterprises and the craft sector;
- (5) Whereas the Cannes European Council on 26 and 27 June 1995 welcomed with great interest the report of the Advisory Group on Competitiveness (Ciampi Group);
- (6) Whereas on 29 June 1995 the European Parliament adopted a resolution on the Commission communication on an industrial competitiveness policy for the European Union;
- (7) Whereas industrial production and services increasingly complement each other; whereas, consequently, a competitive industrial sector is indispensable in order fully to exploit the possibilities of job creation in the service sector;
- (8) Whereas the internal markets in energy and telecommunications must be completed with a view to rapid strengthening of the competitiveness of this sector and of industry in general;
- (9) Whereas economic and social cohesion and the competitiveness of European industry are linked in that competitive European industry can contribute to cohesion and cohesion can provide industry with the benefits of a wider commercial and geographic base;
- (10) Whereas the maintenance and improvement of industrial competitiveness is primarily the task of business and it is for the Community and the Member States to ensure that the necessary conditions prevail; whereas it is particularly urgent that the Community and the Member States, within the framework of their respective powers, adopt measures to that effect;
- (11) Whereas accelerating technical progress, increasing globalization of markets, intensification of international competition and the increasing importance of environmental protection require greater efforts from all those with responsibility in the economic, political and social fields in order to facilitate the necessary structural adjustments, *inter alia*, to ensure sustainable development, and to create new jobs;
- (12) Whereas greater attention to the needs of the market in terms of research policy and the establishment of the information society will have a determining influence on all the European Union's industrial activities;

⁽¹⁾ OJ No C 308, 20. 11. 1995, p. 470.

⁽²⁾ OJ No C 39, 12. 2. 1996, p. 1.

⁽³⁾ OJ No C 100, 2. 4. 1996, p. 14.

⁽⁴⁾ OJ No C 343, 6. 12. 1994, p. 1.

- (13) Whereas it is necessary to avoid distortions of competition and to promote the opening up of markets both within and outside the Community;
- (14) Whereas the development of human resources, especially through vocational training, constitutes an essential aspect of the structural adjustments which are necessary in order to increase industrial competitiveness;
- (15) Whereas it is necessary to clarify the legal bases for measures taken in the industrial sphere to implement the action announced in the communication on an industrial competitiveness policy for the European Union;
- (16) Whereas investment plays a strategic role in the strengthening of industrial cooperation which, in view of its multiplier effect, constitutes a priority instrument in social and economic development and in bringing nations closer together,

HAS DECIDED AS FOLLOWS:

Article 1

The guidelines in the action programme set out in Annex are hereby adopted, to strengthen the competitiveness of European industry, which is a prerequisite for lasting

economic growth and the creation of new jobs and will contribute to economic and social cohesion; the programme has the following objectives:

- (a) to modernize the industrial role of public authorities in order to eliminate unnecessary legal and administrative constraints on enterprises, particularly small and medium-sized enterprises;
- (b) to ensure undisturbed competition both internal and external to the Community;
- (c) to strengthen industrial cooperation;
- (d) to promote intangible competitiveness factors.

Article 2

Each year the Commission shall send the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report evaluating the results obtained together with, where necessary, appropriate proposals.

Done at Luxembourg, 25 June 1996.

For the Council

The President

M. PINTO

ANNEX

ACTION PROGRAMME TO STRENGTHEN THE INDUSTRIAL COMPETITIVENESS OF THE EUROPEAN UNION**Principal guidelines**

1. Implementation of the initiatives announced in the Communication on an industrial competitiveness policy for the European Union in the areas of:
 - intangible investments,
 - industrial cooperation,
 - industrial aspects of competition,
 - modernization of the role of the public authorities.
 2. Facilitating the emergence of the learning society, mainly by promoting continuing training.
 3. Development of industrial cooperation in the light of the particular situation in countries in:
 - Central and Eastern Europe, the Baltic States and the CIS countries,
 - the Mediterranean and Latin America,
 - Asia,
 - the ACP and southern Africa.
 4. Strengthening and deepening of the relationship between the European Union and the United States, mainly through support for the Trans-Atlantic Business Dialogue.
 5. Establishment, in collaboration with the competent commercial policy committee, with national administrations and with industry, of a database on the obstacles faced by European companies in third countries, market by market.
 6. Examination of the issue of relocation of industry and services and report on the results to the Directors-General of Industry.
 7. Improving the functioning of the internal market, in particular with a view to speeding up the standardization process and to strengthening the efforts to coordinate national initiatives to assist companies facing barriers to trade in the European Union.
 8. Examining and enhancing the complementarity between industrial activities and related services.
 9. Annual report on the development of the competitiveness of European industry, based in particular on the information obtained for the *Panorama of European Industry*.
 10. Regular progress reports to the Directors-General of Industry on progress with this action programme and on possible adjustments to the programme for subsequent years.
-

COMMISSION

COMMISSION DECISION

of 4 July 1996

concerning protective measures with regard to imports of animals and animal products from the Former Yugoslav Republic of Macedonia due to outbreaks of foot-and-mouth disease

(Text with EEA relevance)

(96/414/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 95/52/EC⁽²⁾, and in particular Article 19 (6) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 18 (1) thereof,

Whereas outbreaks of foot-and-mouth disease have occurred in the Former Yugoslav Republic of Macedonia (Fyrom); whereas, on the basis of a Commission inspection performed on the spot, it appeared that the authorities in Fyrom are not able to enforce the necessary controls to prevent the spread of the disease;

Whereas the situation in Fyrom presents a serious threat to the herds of Member States in view of the trade in certain animal products;

Whereas it is appropriate to take the necessary measures to protect the Community from the risk of introduction of this disease;

Whereas Commission Decision 93/242/EEC of 30 April 1993 concerning the importation into the Community of certain live animals and their products originating from certain European countries in relation to foot-and-mouth disease⁽⁴⁾, as last amended by Decision 95/295/EC⁽⁵⁾, provides for the prohibition of the importation of live animals of susceptible species from and through certain countries including Fyrom; whereas this Decision allows, under certain conditions, the importation of fresh meat and certain meat products from and through these countries;

Whereas Commission Decision 95/340/EC⁽⁶⁾, as last amended by Decision 96/325/EC⁽⁷⁾, draws up a list of third countries from which Member States authorize imports of raw milk, heat-treated milk and milk-based products; whereas Fyrom is included in this list; whereas it is necessary to ensure that any imported milk products have undergone a treatment sufficient to destroy the virus;

Whereas Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽⁸⁾, as last amended by Commission Decision 96/405/EC⁽⁹⁾, lays down the conditions for the importation of animal casings, hides and skins, bones and bone products, horn and horn

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 265, 8. 11. 1995, p. 16.

⁽³⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁴⁾ OJ No L 110, 4. 5. 1993, p. 36.

⁽⁵⁾ OJ No L 182, 2. 8. 1995, p. 30.

⁽⁶⁾ OJ No L 200, 24. 8. 1995, p. 38.

⁽⁷⁾ OJ No L 123, 23. 5. 1996, p. 24.

⁽⁸⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁹⁾ OJ No L 165, 4. 7. 1996, p. 40.

products, hooves and hoove products, game trophies and unprocessed wool and hair, whereas these products may be imported only if treated in such a way as to destroy the virus; whereas, however, certain other products may still be imported; whereas this material constitutes a risk;

Whereas it is necessary therefore to prohibit the importation of certain animal products from Fyrom; whereas however certain products can be imported if they have undergone specific treatments;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 93/242/EEC is amended as follows:

1. In Annex A, footnote (1) relating to the Former Yugoslav Republic of Macedonia is deleted.
2. In Annex B, the words 'Former Yugoslav Republic of Macedonia' are deleted.

Article 2

1. Member States shall not authorize the importation of milk and milk-based products originating in Fyrom unless they have undergone a treatment which meets the requirements of Article 3 of Decision 95/340/EC.

2. In addition to the provisions of Decision 93/242/EEC, Member States shall not authorize the importation of the following products of the bovine, ovine, caprine and other bi-ungulate species originating in the territory of Fyrom:

- blood and blood products as described in Annex I, Chapter 7 to Directive 92/118/EEC,

- raw materials for the manufacture of animal feeding-stuffs and pharmaceutical or technical products as described in Annex I, Chapter 10 to Directive 92/118/EEC,

- animal manure as described in Annex I, Chapter 14 to Directive 92/118/EEC.

3. The prohibition referred to in the first indent of paragraph 2 shall not apply to blood products which have undergone the treatment provided for in Annex I, Chapter 7 (3) (b) to Directive 92/118/EEC.

4. Member States shall ensure that the certificates accompanying animal products treated in accordance with paragraphs 1 or 3 and authorized to be sent from Fyrom shall bear the following words:

'Animal products conforming to Commission Decision 96/414/EC concerning protective measures with regard to imports of animals and animal products from the Former Yugoslav Republic of Macedonia, due to outbreaks of foot-and mouth disease'.

Article 3

Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission
