

PROTOCOL

for the adaptation of trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE SLOVAK REPUBLIC,

of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 4 October 1993 and entered into force on 1 February 1995;

WHEREAS the Republic of Austria, the Republic of Finland and the Kingdom of Sweden joined the European Union on 1 January 1995;

WHEREAS under the terms of Articles 76, 102 and 128 of the 1994 Act of Accession, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden have to apply, as from 1 January 1995, the provisions of the preferential Agreements concluded by the Community with certain third countries, among them the Slovak Republic;

WHEREAS the Community has adopted as from 1 January 1995 transitional measures in the form of autonomous tariff quotas taking into account the preferential tariff concessions applied by the Republic of Austria, the Republic of Finland and the Kingdom of Sweden towards the Slovak Republic, and whereas the Slovak Republic has adopted as from 1 January 1995 transitional measures in the form of tariff quotas taking into account the preferential tariff regime applied by the Slovak Republic towards the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, notably concerning agricultural and processed agricultural products;

WHEREAS the commitments of the Community and the Slovak Republic in the framework of the negotiations of the Uruguay Round require the amendment of the import tariff regimes in the Community and the Slovak Republic, in particular those concerning agricultural and processed agricultural products;

WHEREAS the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the implementation of the results of the Uruguay Round are likely to affect the bilateral concessions in the framework of the Europe Agreement, and it is therefore necessary to adapt the Europe Agreement through a Protocol for the adaptation of the trade aspects of this Agreement;

WHEREAS the Council decided by Decision 95/131/EC⁽¹⁾ to apply on a provisional basis from 1 January 1995 the bilateral Agreement which was negotiated by the European Commission on behalf of the Community, amending the Additional Protocol to the Europe Agreement, on trade in textile products, between the Community and the Slovak Republic to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union;

WHEREAS the Council decided by Decision 96/225/EC⁽²⁾ to apply on a provisional basis from 1 January 1996 the bilateral Agreement which was negotiated by the Commission on behalf of the Community, following the review and amendment of the Additional Protocol to the Europe Agreement, on trade in textile products, between the Community and the Slovak Republic;

⁽¹⁾ OJ L 94, 26.4.1995, p. 1.

⁽²⁾ OJ L 81, 30.3.1996, p. 310.

WHEREAS the Community's tariff concessions for fish and fishery products, originating in the Slovak Republic, take account of the enlargement of the Community with the Republic of Austria, the Republic of Finland and the Kingdom of Sweden as well as the quantities set out in the exchange of letters of 28 October 1994,

HAVE DECIDED to determine by mutual Agreement the adaptations to be made on trade provisions of the Agreement following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, of the one part, and the entry into force of the results of the Uruguay Round in the agricultural field, of the other part, and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

Manfred SCHEICH
Ambassador,
Permanent Representative of the Republic of Austria,
Chairman of the Permanent Representatives Committee,

Günther BURGHARDT
Director-General of the Directorate-General for External Political Relations of the Commission of the European Communities,

THE SLOVAK REPUBLIC:

Emil KUCHÁR
Ambassador extraordinary and plenipotentiary,
Head of the Mission of the Slovak Republic to the European Communities,

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

HAVE AGREED AS FOLLOWS:

Article 1

The Additional Protocol to the Europe Agreement, on trade in textile products, shall be amended as follows:

1. the first subparagraph of Article 2(3) shall be replaced by the following:

‘3. The origin of the products covered by this Protocol shall be determined in accordance with the rules of non-preferential origin in force in the Community.’;

2. Annex II shall be replaced by the text in Annex A to this Protocol;

3. Article 2(3) of Appendix A shall be replaced by the following:

‘3. The certificate of origin referred to in paragraph 1 is not required for the importation of goods covered by a movement certificate EUR.1 or a form EUR.2 issued in conformity with Protocol 4 to the Europe Agreement in cases where those documents clearly establish that the Slovak Republic is to be considered as the country of origin on the basis of the rules on non-preferential origin in force in the Community.’;

4. the second indent of the second subparagraph of Article 14(2) of Appendix A shall be amended as follows:

‘— two letters identifying the intended Member State of customs clearance as follows:

AT = Austria
BL = Benelux
DE = Germany
DK = Denmark
EL = Greece
ES = Spain
FI = Finland
FR = France
GB = United Kingdom
IE = Ireland
IT = Italy
PT = Portugal
SE = Sweden’

5. the model of the certificate of origin attached to Appendix A shall be replaced by that given in Annex B to this Protocol;

6. the model of the export licence attached to Appendix A shall be replaced by that given in Annex C to this Protocol;