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ANNEX XIa

List of products referred to in Article 21 (2) (1)

The products listed in this Annex will be subject to a levy reduction of 50 %

The quantities in tonnes set out for the Year 3 shall be applicable from 1 July 1993 to 30 June 1994. The amounts imported prior to 1 July 1993 in excess of 50 % of the amount for Year 2 shall be deducted from the amount applicable for Year 3.

The quantities in tonnes set out for Year 4 and Year 5 respectively shall be applicable from 1 July 1994 to 30 June 1995 and from 1 July 1995 to 30 June 1996 respectively.

>TABLE POSITION>

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the

wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

ANNEX XIb

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Annex to Annex XIb Minimum import price arrangement for certain soft fruit for processing

1. Minimum import prices are fixed for each marketing year for the following products:

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The minimum import prices are fixed by the Community in consultation with the Slovak Republic, taking into consideration the price evolution, imported quantities and market development in the Community.

2. The minimum import prices shall be respected in accordance with the following criteria:

- during each three month period of the marketing year the average unit value for each product listed in paragraph 1, imported into the Community, shall not be lower than the minimum import price for that product,
- during any period of two weeks the average unit value for each product listed in paragraph 1, imported in the Community shall not be lower than 90 % of the minimum import price for that product, in so far as the quantities imported during this period are not less than 4 % of the normal annual import.

3. In case of non respect of one of these criteria the Community may introduce measures ensuring that the minimum import price is respected for each consignment of the product concerned imported from the Slovak Republic.

ANNEX XII

Arrangements for imports of live bovine animals into the Community

1. In case the number of animals fixed in the framework of the balance sheet arrangements foreseen in Regulation (EEC) No 805/68 are lower than a reference quantity, a global tariff quota equal to the difference between that reference quantity and the number of animals fixed under the balance sheet arrangements will be opened to imports from Hungary, Poland, the Czech Republic and the Slovak Republic. The reference quantity shall be:

- 217 800 in 1992,
- 237 600 in 1993,
- 257 400 in 1994,
- 277 200 in 1995,
- 297 000 in 1996.

The reduced levy applicable to animals under this quota will be fixed at 25 % of the full amount of levy.

This arrangement shall apply to live bovine animals for fattening or for slaughter with a live weight of not less than 160 kg and not more than 300 kg.

2. In case forecasts show that imports into the Community may exceed 425 000 head for any given year, the Community may take safeguard measures in accordance with Regulation (EEC) No 805/68, notwithstanding any other rights given under the Agreement.

In this context, imports of live bovine animals not covered by the arrangements mentioned in paragraph 1 shall be limited to young calves with a live weight of not more than 80 kg. Such imports shall be subject to a management regime in order to ensure regular supply over the year in question.

ANNEX XIII

List of products referred to in Article 21 (4) (1)

The quantities imported under the CN codes referred to in this Annex, with the exception of codes 0104 and 0204, will be subject to levy and duty reductions of 20 % from 1 March 1992, 40 % from 1 January 1993 and 60 % from 1 July 1993.

The quantities in tonnes set out for Year 3 shall be applicable from 1 July 1993 to 30 June 1994. The amounts imported prior to 1 July 1993 in excess of 50 % of the amount for Year 2 shall be deducted from the amount applicable for Year 3.

The quantities in tonnes set out for Year 4 and Year 5 respectively shall be applicable from 1 July 1994 to 30 June 1995 and from 1 July 1995 to 30 June 1996 respectively.

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(1) The conditions laid down in the 1982 Agreement between the European Economic Community and the CSFR on trade in the sheep and goat sector as supplemented by the 1990 Agreement apply with the exception of the products referred to in paragraph 1 and of the quantities referred to in paragraph 2 of the 1982 Agreement which shall be replaced by the products and the quantities in this Annex.

(2) Excluding tenderloin presented alone.

(3) In case the Slovak Republic in a given year benefits from Community financial assistance in the framework of triangular operations, for export of this product/these products to the ex-USSR or countries other than Hungary, Poland and the Czech Republic which benefit from a G-24 assistance, the quota for this product will be reduced by the amount of such assisted exports for the year in question. However, the quota cannot be less than 925 tonnes.

(4) In case the Slovak Republic in a given year benefits from Community financial assistance in the framework of triangular operations, for export of this product to the ex-USSR or countries other than Hungary, Poland and the Czech Republic which benefit from G-24 assistance, the quota for this product will be reduced by the amount of such assisted exports for the year in question. However, the quota cannot be less than 535 tonnes.

(5) In liquid yolk equivalent: 1 kg of dried yolk = 2,12 kg of liquid yolk.

(6) In liquid equivalent: 1 kg of dried egg = 3,9 kg of liquid egg.

(7) Notwithstanding the rules for the interpretation of the combined nomenclature, the

wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

ANNEX XIV

List of products referred to in Article 21 (4) (1)

Imports into Slovak Republic of the following products originating in the Community shall be subject to the concessions set out below

>TABLE POSITION>

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the average of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

ANNEX XV

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ANNEX XVIa (Title IV, Chapter II)

ESTABLISHMENT: FINANCIAL SERVICES

Definitions

A financial service is any service of a financial nature offered by a financial service provider of a party. Financial services include the following activities:

A. All insurance and insurance-related services

1. Direct insurance (including co-insurance).

(i) life

(ii) non-life.

2. Reinsurance and retrocession.

3. Insurance intermediation, such as brokerage and agency.

4. Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

B. Banking and other financial services (excluding insurance)

1. Acceptance of deposits and other repayable funds from the public.
2. Lending of all types, including, inter-alia, consumer credit, mortgage credit, factoring and financing of commercial transaction.
3. Financial leasing.
4. All payment and money transmission services, including credit charge and debit cards, travellers cheques and bankers drafts.
5. Guarantees and commitments.
6. Trading for own account of customers, whether on an exchange, in an over the counter market or otherwise, the following:
 - (a) money market instruments (cheques, bills, certificates of deposits, etc.);
 - (b) foreign exchange;
 - (c) derivative products including, but not limited to, futures and options;
 - (d) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements, etc.;
 - (e) transferable securities;
 - (f) other negotiable instruments and financial assets, including bullion.
7. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues.
8. Money broking.
9. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.
10. Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.
11. Advisory intermediation and other auxiliary financial services on all the activities listed in points 1 to 10 above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.
12. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services.

Excluded from the definition of financial services are the following activities:

- (a) activities carried out by central banks or by any other public institution in pursuit of monetary and exchange rate policies;
- (b) activities conducted by central banks, government agencies or departments, or public institutions, for the account or with the guarantee of the government, except when those activities may be carried out by financial service providers in competition with such public entities;
- (c) activities forming part of a statutory system of social security or public retirement plans, except when those activities may be carried out by financial service providers in competition with public entities or private institutions.

ANNEX XVIIb (Article 45, paragraphs 1 (i) and 5 and Article 51, point (i))

ESTABLISHMENT: SECTORS RELATED TO 'THE END OF THE TRANSITIONAL PERIOD'

- armament and defence production,
- steel production,

- acquisition of state-owned assets under privatization process,
- ownership, use, sale and rent of real property,
- dealing and agency activities in real property and natural resources.

ANNEX XVIc (Article 45 (5) and (6))

ESTABLISHMENT: EXCLUDED SECTORS

- acquisition and sale of natural resources,
- acquisition and sale of agricultural land and forests,
- cultural and historic monuments and buildings.

ANNEX XVII

1. Paragraph 2 of Article 67 concerns the following multilateral convention: Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid 1989).
2. The Association Council may decide that paragraph 2 of Article 67 shall apply to other multilateral conventions.
3. The Contracting Parties confirm the importance they attach to the obligations arising from the following multilateral conventions:
 - Berne Convention for the protection of literary and artistic works (Paris Act, 1971),
 - International Convention for the protection of performers, producers of phonograms and broadcasting organizations (Rome, 1961),
 - Paris Convention for the protection of industrial property (Stockholm Act, 1967 and amended in 1979),
 - Madrid Agreement concerning the international registration of marks (Stockholm Act, 1967 and amended in 1979),
 - Nice Agreement concerning the international classification of goods and services for the purposes of the registration of marks (Geneva 1977, amended 1979),
 - Budapest Treaty on the international recognition of the deposit of micro-organisms for the purposes of patent procedures (1977, modified in 1980),
 - Patent Cooperation Treaty (Washington 1970, amended 1979 and modified in 1984).
4. For the purposes of Paragraph 3 of this Annex and of the provisions of Article 76 (1) referring to intellectual property, Contracting Parties shall be the Slovak Republic, the European Economic Community and the Member States, each in, as far as they are respectively competent for matters concerning industrial, intellectual and commercial property covered by these conventions or by Article 76 (1).
5. The provisions of this Annex and those of Article 76 (1) referring to intellectual property are without prejudice to the competences of the European Economic Community and its Member States in matters of industrial, intellectual and commercial property.

LIST OF PROTOCOLS

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PROTOCOL 1 on textile and clothing products to the Europe Agreement ('The Agreement')

Article 1

This Protocol applies to the textile and clothing products (hereinafter 'textile products') listed in Annex I to the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Czech and Slovak Federal Republic, initialled on 17 December 1992 and applied since 1 January 1993, in so far as quantitative arrangements are concerned, and to Section XI (Chapters 50 to 63) of the combined nomenclature of the Community and, respectively, of the Slovak Republic Customs Tariff in so far as tariff aspects are concerned.

Article 2

1. Customs duties on imports applicable in the Community to textile products falling within Section XI (Chapters 50 to 63) of the combined nomenclature and originating in the Slovak Republic in accordance with Protocol 4 of the Agreement shall be reduced by equal annual amounts leading to their elimination at the end of a period of six years starting from the entry into force of the Agreement, as follows:

- upon the entry into force of the Agreement to five-sevenths of the basic duty,
- at the start of the third year to four-sevenths of the basic duty,
- at the start of the fourth year to three-sevenths of the basic duty,
- at the start of the fifth year to two-sevenths of the basic duty,
- at the start of the sixth year the remaining duties shall be eliminated.

2. The rates of duty applied to direct imports into the Slovak Republic of textile products falling within Section XI (Chapters 50 to 63) of the Slovak Republic Customs Tariff and originating in the Community, in accordance with Protocol 4 of the Agreement, shall be progressively eliminated as provided for in Article 11 of the Agreement.

3. The rates of duty applied to reimports into the Community of textile products falling within the categories listed in the Annex to Council Regulation (EEC) No 636/82 after processing, manufacturing or working in the Slovak Republic shall be eliminated on the date of entry into force of the Agreement.

4. The provisions of Articles 12 and 13 of the Agreement shall apply to trade in textile products between the Parties.

Article 3

From 1 January 1993 the quantitative arrangements and other related issues regarding exports of textile products originating in the Slovak Republic to the Community and originating in the Community to the Slovak Republic shall be governed by the Additional Protocol to the Europe Agreement on trade in textile products between the European Economic Community and the Czech and Slovak Federal Republic initialled on 17 December 1992 and applied since 1 January 1993 including in particular Agreed Minute No 5 thereof as amended by the Additional Protocol on trade in textile products between the European Economic Community and the Slovak Republic initialled on 17

September 1993.

Article 4

From the entry into force of this Agreement no new quantitative restrictions or measures of equivalent effect shall be imposed except as provided for under the Agreement and its Protocols.

PROTOCOL 2 on ECSC products to the Europe Agreement ('the Agreement')

Article 1

This Protocol applies to products listed in Annex 1 to the ECSC Treaty as identified in the Common Customs Tariff (1*).

CHAPTER I ECSC Steel Products

Article 2 (2)

Customs duties on imports applicable in the Community on ECSC steel products originating in the Slovak Republic shall be progressively abolished in accordance with the following timetable:

1. each duty shall be reduced to 80 % on the basic duty on the date of entry into force of the Agreement;
2. further reductions to 60 %, 40 %, 20 % and 0 % of the basic duty shall be made at the beginning of the second, third, fourth and fifth years respectively after the entry into force of the Agreement.

Article 3

Customs duties applicable in the Slovak Republic on imports of ECSC steel products originating in the Community shall be progressively abolished in accordance with the following timetable:

1. for products listed in Annex I to this Protocol customs duties shall be abolished on the date of entry into force of the Agreement;
2. for products listed in Annex II to this Protocol customs duties shall be reduced in accordance with Article 11 (2) of the Agreement;
3. for products listed in Annex III to this Protocol customs duties shall be reduced in accordance with Article 11 (3) of the Agreement.

Article 4

1. Quantitative restrictions on imports into the Community of ECSC steel products originating in the Slovak Republic as well as measures having equivalent effect shall be abolished on the date of entry into force of the Agreement.
2. Quantitative restrictions on imports into the Slovak Republic of ECSC steel products originating in the Community, as well as measures having equivalent effect, shall be abolished on the date of entry into force of the Agreement.

CHAPTER II ECSC Coal Products

Article 5

Customs duties on imports applicable in the Community on ECSC coal products originating in the Slovak Republic shall be abolished at the latest one year after the entry into force of the Agreement with the exception of those concerning the products and the regions described in Annex IV, which shall be abolished at the latest four years after the entry into force of the Agreement.

Article 6

Coal products originating in the Community shall be imported into the Slovak Republic free of customs duties from the date of entry into force of the Agreement.

Article 7

1. Quantitative restrictions applicable in the Community to ECSC coal products originating in the Slovak Republic shall be abolished at the latest one year after the entry into force of the Agreement, with the exception of those concerning the products and the regions described in Annex IV, which shall be abolished at the latest four years after the entry into force of the Agreement.
2. Quantitative restrictions on imports applicable in the Slovak Republic to coal products originating in the Community as well as measures having equivalent effect shall be abolished as provided for in Article 11 (5) of the Agreement.

CHAPTER III Common provisions

Article 8

1. The following are incompatible with the proper functioning of the Agreement, in so far as they may affect trade between the Community and the Slovak Republic:
 - (i) all agreements of cooperative or concentrative nature between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
 - (ii) abuse by one or more undertakings of a dominant position in the territories of the Community or of the Slovak Republic as a whole or in a substantial part thereof;
 - (iii) public aid in any form whatsoever except derogations allowed pursuant to the ECSC Treaty.
2. Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the rules of Articles 65 and 66 of the Treaty establishing the ECSC, Article 85 of the EEC Treaty, and the rules on public aids, including the secondary legislation.
3. The Association Council shall, within three years of the entry into force of the Agreement, adopt the necessary rules for the implementation of paragraphs 1 and 2.
4. The Contracting Parties recognize that during the first five years after the entry into force of the Agreement, and by derogation to paragraph 1 (iii), the Slovak Republic may exceptionally, as regards ECSC steel products, grant public aid for restructuring purposes provided that:
 - it leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, and
 - the amount and intensity of such aid are strictly limited to what is absolutely necessary

in order to restore such viability and are progressively reduced,

- the restructuring programme is linked to a global rationalization and reduction of capacity in the Slovak Republic.

5. Each Party shall ensure transparency in the area of public aid by a full and continuous exchange of information to the other Party, including amount, intensity and purpose of the aid and detailed restructuring plan.

6. If the Community or the Slovak Republic considers that a particular practice is incompatible with the terms of paragraph 1 as amended by paragraph 4, and

- is not adequately dealt with under the implementing rules referred to in paragraph 3, or
- in the absence of such rules, and if such practice causes or threatens to cause prejudice to the interests of the other Party or material injury to its domestic industry, the affected Party may take appropriate measures if no solution is found through consultation which shall last a maximum of 30 working days. Such consultation shall be held in 30 days from the date the official request is introduced.

In the case of practices incompatible with paragraph 1 (iii), such appropriate measures may only cover measures adopted in conformity with the procedures and under the conditions laid down by the General Agreement on Tariffs and Trade and any other relevant instrument negotiated under its auspices which are applicable between the Parties.

Article 9

The provisions of Articles 12, 13 and 14 of the Agreement shall apply to trade between the parties in ECSC products.

Article 10

The Parties agree that one of the special bodies established by the Association Council shall be a contact group which will discuss the implementation of this Protocol.

(1*) OJ No L 247, 10. 9. 1990.

Footnote (1 to Protocol 2

From 1 June 1993 to 31 December 1995, subject to any subsequent modification, the provisions of Decisions 1/93(C) and 1/93(S) of the Joint Committee acting in accordance with the Interim Agreement on trade and trade related matters between the Community and the CSFR signed on 16 December 1991 as amended by the Supplementary Protocols between the Community and each of the Slovak Republic and the Czech Republic, will be applicable.

ANNEX I

List of products referred to in Article 3 (1) of the Protocol
CN code

>TABLE POSITION>

ANNEX II

List of products referred to in Article 3 (2) of the Protocol and the rates of duty applicable before the entry into force of Agreement

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ANNEX III

List of products referred to in Article 3 (3) of the Protocol and the rates of duty applicable before the entry into force of the Agreement

>TABLE POSITION>

ANNEX IV

Products and regions referred to as exceptions in Article 7 of the ECSC Protocol

Products

Products listed under 'Coal Products' of Annex I to the ECSC Treaty as identified in the Common Customs Tariff (1).

Regions

All regions of:

- Federal Republic of Germany,
- Kingdom of Spain.

(1) OJ No L 247, 10. 9. 1990.

PROTOCOL 3 on trade between the Slovak Republic and the Community in processed agricultural products not covered by Annex II to the EEC Treaty

Article 1

In order to take account of cost differences between agricultural products incorporated into certain goods not covered by Article II of the Treaty establishing the European Community, the agreement shall not preclude:

- the inclusion of an agricultural component in the customs levies charged on imports of the goods listed in the Annex,
- the use of internal measures to offset the price differences resulting from agricultural policy,
- the use of measures applying to exports.

Article 2

1. The agricultural component of the customs levies referred to in Article 1 may take the form of a variable component, a flat-rate amount or an ad valorem duty. This component shall relate only to the quantities of agricultural raw materials incorporated.
2. In determining the agricultural component to be levied, account shall be taken of the measures adopted pursuant to Article 21 of the Agreement.
3. Measures relating to exports may not go beyond those applicable to any country which is not a Party to the Agreement.
4. The non-agricultural component of the charges shall be progressively reduced in accordance with the procedure laid down in this Protocol.

Article 3

1. The import levies applicable in the Community to the Slovak Republic products listed in Table 1 shall be reduced according to the timetable set out in that table.
2. The variable components listed in Table 1 may be converted into any of the other types of levy referred to in Article 2 (1).

Article 4

1. The Slovak Republic shall determine the agricultural component of the levies, in accordance with Articles 1 and 2, before 1 July 1994.
The non-agricultural component of the levies shall be determined by subtracting from the levies applicable on 1 January 1992 the agricultural component referred to above.
2. The agricultural component of the levies may not exceed the level of duty which would result from the application to the amounts of agricultural products considered to have been used of the import duties applicable in the Slovak Republic to such products from the Community.
3. The agricultural component of the levy may take one of the forms referred to in Article 2 (1).
It may later be converted into another of the types of levy referred to in Article 2 (1), notably to take account of changes in the Slovak Republic's agricultural policy.

Article 5

1. Until 31 December 1994 the Slovak Republic shall charge import duty on the goods listed in Table 2 of the Annex at the rates in force on 1 January 1992.
2. From 1 January 1995, the non-agricultural component of the levies, calculated in conformity with Article 4, shall be reduced in accordance with the timetable set out in Table 2 of the Annex.
The duties which will apply from 1 January 1995 shall be definitively determined by the Association Council in accordance with the provisions of Article 6 (1).

Article 6

1. By 1 October 1994, the Slovak Republic shall notify the Association Council referred to in Article 104 of the Agreement of the agricultural component of the levies concerned, calculated in accordance with Article 4. After consideration of these figures, the Joint Committee shall determine the definitive duties to apply from 1 January 1995.
2. At the end of the first phase of the transitional period, the Association Council shall consider the possibility of replacing the agricultural component referred to in Article 2 (1) of this Protocol with compensatory amounts calculated on the basis of the

quantities of agricultural products actually used, and the actual differences in the prices of basic agricultural products in each of the Parties. If this becomes the case, the Association Council shall draw up a list of the products to which the compensatory amounts will apply, and a list of basic agricultural products.

3. The Association Council may also consider extending the list of goods covered by this Protocol. If it does so, it shall make the necessary provisions with regard to those goods.

4. The Slovak Republic and the Community shall inform each other of the prices of basic agricultural products used to calculate the price compensation referred to in Article 1 of this Protocol.

ANNEX

>TABLE POSITION>

>TABLE POSITION>

PROTOCOL 4 concerning the definition of the concept of 'originating products` and methods of administrative cooperation

TITLE I DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS`

Article 1

Origin criteria

For the purpose of implementing this Agreement and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

(a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;

(b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol;

2. products originating in the Slovak Republic:

(a) products wholly obtained in the Slovak Republic within the meaning of Article 4 of this Protocol;

(b) products obtained in the Slovak Republic incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Slovak Republic within the meaning of Article 5 of this Protocol.

Article 2

Bilateral cumulation

1. Notwithstanding Article 1 (1) (b), materials originating in the Slovak Republic within the meaning of this Protocol shall be considered as materials originating in the Community and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or

processing going beyond that referred to in Article 5 (3) of this Protocol.

2. Notwithstanding Article 1 (2) (b), materials originating in the Community within the meaning of this Protocol shall be considered as materials originating in the Slovak Republic and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

Article 3

Cumulation with materials originating in Poland, Hungary or in the Czech Republic

1. (a) Notwithstanding Article 1 (1) (b) and subject to the provisions of paragraphs 2 and 4, materials originating in Poland, Hungary or in the Czech Republic within the meaning of Protocol 4 annexed to the Agreements between the Community and these countries shall be considered as originating in the Community and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

(b) Notwithstanding Article 1 (2) (b) and subject to the provisions of paragraphs 2 and 4, materials originating in Poland, Hungary or in the Czech Republic within the meaning of Protocol 4 annexed to the Agreements between the Community and these countries shall be considered as originating in the Slovak Republic and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

2. Products which have acquired originating status by virtue of paragraph 1 shall only continue to be considered as products originating in the Community or in the Slovak Republic when the value added there exceeds the value of the materials used originating in Poland, Hungary or in the Czech Republic. If this is not so, the products concerned shall be considered, for the purpose of implementing this Agreement or the Agreements between the Community and Poland, Hungary and the Czech Republic, as originating in Poland, Hungary or the Czech Republic, according to which of these countries accounts for the highest value of originating materials used.

No account shall be taken in this allocation of materials originating in Poland, Hungary or in the Czech Republic which have undergone sufficient working or processing in the Community or in the Slovak Republic.

3. 'Value added' shall be taken to be the ex-works price of the products minus the customs value of all the materials used which do not originate in the country or the group of countries where these products are obtained.

4. For the purpose of this Article identical rules of origin to those in this Protocol shall be applied in trade between the Community and Poland, Hungary and the Czech Republic, and between the Slovak Republic and these three countries, and also between each of these three countries themselves.

Article 4

Wholly obtained products

1. Within the meaning of Article 1 (1) (a) and (2) (a), the following shall be considered as wholly obtained either in the Community or in the Slovak Republic:

(a) mineral products extracted from their soil or from their seabed;

(b) vegetable products harvested there;

- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted there;
- (j) goods produced there exclusively from the products specified in subparagraphs (a) to (i).

2. The term 'their vessels` in paragraph 1 (f) shall apply only to vessels:

- which are registered or recorded in the Slovak Republic or in a Member State of the Community,
- which sail under the flag of the Slovak Republic or of a Member State of the Community,
- which are owned to an extent of at least 50 % by nationals of the Slovak Republic or of Member States of the Community, or by a company with its head office in one of these States or in the Slovak Republic, of which the manager or managers, chairman of the board of directors or the supervisory board, and the majority of the members of such boards are nationals of the Slovak Republic or of Member States of the Community and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to these States, to the Slovak Republic, to their public bodies or to their nationals,
- of which the master and officers are nationals of the Slovak Republic or of Member States of the Community,
- of which at least 75 % of the crew are nationals of the Slovak Republic or of Member States of the Community.

3. The terms 'the Slovak Republic` and 'the Community` shall also cover the territorial waters which surround the Slovak Republic and the Member States of the Community. Sea-going vessels, including factory ships on which the fish caught is worked or processed, shall be considered as part of the territory of the Community or of the Slovak Republic provided that they satisfy the conditions set out in paragraph 2.

Article 5

Sufficiently processed products

1. For the purposes of Article 1, non-originating materials are considered to be sufficiently worked or processed when the product obtained is classified in a heading which is different from that in which all the non-originating materials used in its manufacture are classified, subject to paragraphs 2 and 3.

The expressions 'chapters` and 'headings` used in this Protocol shall mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the harmonized commodity description and coding system (hereinafter referred to as 'the Harmonized System` or HS).

The expression 'classified` shall refer to the classification of a product or material under a particular heading.

2. For a product mentioned in columns 1 and 2 of the list in Annex II, the conditions set out in column 3 for the product concerned must be fulfilled instead of the rule in paragraph 1.

(a) Where in the list in Annex II a percentage rule is applied in determining the originating status of a product obtained in the Community or in the Slovak Republic, the value added by the working or processing shall correspond to the ex-works price of the product obtained, less the value of third-country materials imported into the Community or the Slovak Republic.

(b) The term 'value' in the list in Annex II shall mean the customs value at the time of the import of the non-originating materials used or, if this is not known and cannot be ascertained, the first ascertainable price paid for these materials in the territory concerned.

Where the value of the originating materials used needs to be established, the provisions of the above subparagraph shall be applied mutatis mutandis.

(c) The term 'ex-works price' in the list in Annex II shall mean the price paid for the product obtained to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used in manufacture, minus any internal taxes which are, or may be repaid when the product obtained is exported.

(d) 'Customs value' shall be understood as the value determined in accordance with the agreement on implementation of Article VII of the General Agreement on Tariffs and Trade, established in Geneva on 12 April 1979.

3. For the purpose of implementing paragraphs 1 and 2 the following shall be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

(a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations).

(b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

(c) (i) changes of packaging and breaking up and assembly of consignments;

(ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc., and all other simple packaging operations;

(d) affixing marks, labels and other like distinguishing signs on products or their packaging;

(e) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating either in the Community or in the Slovak Republic;

(f) simple assembly of parts of articles to constitute a complete article;

(g) a combination of two or more operations specified in subparagraphs (a) to (f);

(h) slaughter of animals.

Article 6

Neutral elements

In order to determine whether a product originates in the Community or in the Slovak Republic it shall not be necessary to establish the origin of the electrical power, fuel, plant and equipment and machines and tools used to obtain such product nor of materials which do not enter into their final composition.

Article 7

Accessories, spare parts and tools

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

Article 8

Sets

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component articles are originating products. Nevertheless, when a set is composed of originating and non-originating articles, the set as a whole shall be regarded as originating provided that the value of the non-originating articles does not exceed 15 % of ex-works price of the set.

Article 9

Direct transport

1. The preferential treatment provided for under this Agreement or, when the provisions of Article 3 (2) are applied, under the Agreements between the Community and Poland, Hungary and the Czech Republic, applies only to products or materials which are transported between the territories of the Community and the Slovak Republic without entering any other territory. However, originating goods constituting one single consignment which is not split up may be transported through territory other than that of the Community or the Slovak Republic with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the goods have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities by the production of:

- (a) a single transport document issued in the exporting country covering the passage through the country of transit;
- (b) or a certificate issued by the customs authorities of the country of transit:
 - giving an exact description of the goods,
 - stating the dates of unloading and reloading of the goods or of the embarkation or disembarkation, identifying the ships or other means of transport used, and
 - certifying the conditions under which the goods remained in the transit country;
- (c) or failing these, any substantiating documents.

Article 10

Territorial requirement

The conditions set out in this Title relative to the acquisition of originating status must be fulfilled without interruption in the Community or in the Slovak Republic except as provided for in Articles 2 and 3.

If originating products exported from the Community or the Slovak Republic to another country are returned, except in so far as provided for in Articles 2 and 3, they must be considered as non-originating unless it can be demonstrated to the satisfaction of the customs authorities that:

- the goods returned are the same goods as those exported, and
- they have not undergone any operation beyond that necessary to preserve them in good condition while in that country.

TITLE II PROOF OF ORIGIN

Article 11

Movement certificate EUR.1

Evidence of originating status of products, within the meaning of this Protocol, shall be given by a movement certificate EUR.1, a specimen of which appears in Annex III to this Protocol.

Article 12

Normal procedure for the issue of certificates

1. A movement certificate EUR.1 shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. Such application shall be made on a form, a specimen of which appears in Annex III to this Protocol, which shall be completed in accordance with this Protocol. Applications for movement certificates EUR.1 must be preserved for at least two years by the customs authorities of the exporting State.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the products to be exported are such as to qualify for the issue of a movement certificate EUR.1.

He shall undertake to submit, at the request of the appropriate authorities, any supplementary evidence they may require for the purpose of establishing the correctness of the originating status of the products eligible for preferential treatment and shall undertake to agree to any inspection of his accounts and to any check on the processes of the obtaining of the above products carried out by the said authorities. Exporters must keep for at least two years the supporting documents referred to in this paragraph.

3. A movement certificate EUR.1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing this Agreement or the Agreements between the Community and Poland, Hungary and the Czech Republic.

4. The movement certificate EUR.1 shall be issued by the customs authorities of a Member State of the European Economic Community if the goods to be exported can be considered as products originating in the Community within the meaning of Article 1 (1) or as products originating in Poland, Hungary or the Czech Republic within the meaning of Article 3 (2) of this Protocol. The movement certificate EUR.1 shall be issued by the customs authorities of the Slovak Republic if the goods to be exported can be considered as products originating in the Slovak Republic within the meaning of Article 1 (2) or as products originating in Poland, Hungary or the Czech Republic within the meaning of Article 3 (2) of this Protocol.

5. Where the cumulation provisions of Articles 2 or 3 are applied, the customs authorities of the Member States of the Community or the Slovak Republic may issue movement certificates EUR.1 under the conditions laid down in this Protocol if the goods to be exported can be considered as originating products within the meaning of this Protocol and provided that the goods covered by the movement certificates EUR.1 are in the Community or in the Slovak Republic.

In these cases movement certificates EUR.1 shall be issued subject to the presentation of the proof of origin previously issued or made out. This proof of origin must be kept for at least two years by the customs authorities of the exporting State.

6. Since the movement certificates EUR.1 constitutes the documentary evidence for the application of the preferential tariff arrangements laid down in the Agreement, it shall be the responsibility of the customs authorities of the exporting country to take any steps necessary to verify the origin of the goods and to check the other statements on the certificate.

7. For the purpose of verifying whether the conditions for issuing EUR.1 certificates have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

8. It shall be the responsibility of the customs authorities of the exporting State to ensure that the forms referred to in paragraph 1 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the products must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

9. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

10. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting State when the products to which it relates are exported. It shall be made available to the exporter as soon as actual export has been effected or ensured.

Article 13

Long-term certificates EUR.1

1. Notwithstanding the provisions of Article 12 (10), a movement certificate EUR.1 may be issued by the customs authorities of the exporting State when only part of the products to which it relates is exported, in the case of a certificate covering a series of exportations of the same products from the same exporter to the same importer over a maximum period of one year from the date of issue, hereinafter referred to as an 'LT certificate'.

2. LT certificates shall be issued, in accordance with the provisions of Article 12, at the discretion of the customs authorities of the exporting State and according to their own judgment of the need for this procedure, only where the originating status of the goods to be exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the exporter shall immediately inform the customs authorities who issued the certificate.

3. Where the LT certificate procedure applies, the customs authorities of the exporting State may prescribe the use of EUR.1 certificates bearing a distinctive sign by which they may be identified.

4. Box 11 'Customs endorsement' of the EUR.1 certificate must be endorsed as usual by the customs authorities of the exporting State.

5. One of the following phrases shall be entered in box 7 of the EUR.1 certificate:

'CERTIFICADO LT VÁLIDO HASTA EL . . . '

'LT-CERTIFICAT GYLDIGT INDIL . . . '

'LT-CERTIFICATE GÜLTIG BIS . . . '

'_ÉÓÔÏ_ÏÉÇÔÊËÏ LT ÉÓ_ÖÏ ÌÀ_ÑÉ . . . '

'LT-CERTIFICATE VALID UNTIL . . .`
'CERTIFICAT LT VALABLE JUSQU'AU . . .`
'CERTIFICATO LT VALIDO FINO AL . . .`
'LT-CERTIFICAAT GELDIG TOT EN MET . . .`
'CERTIFICADO LT VÁLIDO ATÉ . . .`
'LT-SWÍADECTWO WAZNE DO . . .`
'LT-BIZONYITVANY ÉRVÉNYES . . .-IG`
'LT-OSV OED OCENÍ PLATNÉ DO . . .`
'LT-OSVED OCENIE PLATNE DO . . .`

(date indicated in Arabic numerals).

6. Reference is not required in boxes 8 and 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kg) or other measures (liters, m₃, etc.). Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 18, the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may require him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

(a) when an invoice includes both originating goods and non-originating goods, the exporter shall distinguish clearly between these two categories;

(b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice, made by the exporter, of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfil the conditions laid down in this Protocol for the acquisition of preferential origin status.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

(c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;

(d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the customs office of importation within four months of their being made out by the exporter.

9. In the framework of the LT certificate procedure, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs authorities of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing

State of the facts.

11. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and the Slovak Republic on customs formalities and the use of customs documents.

Article 14

Issue of EUR.1 retrospectively

1. In exceptional circumstances a movement certificate EUR.1 may also be issued after export of the products to which it relates if it was not issued at the time of export because of errors or involuntary omissions or special circumstances.

2. For the implementation of paragraph 1, the exporter must in the written application:

- indicate the place and date of export of the products to which the certificate relates,
- certify that no movement certificate EUR.1 was issued at the time of export of the products in question, and state the reasons.

3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases:

'NACHTRÄGLICH AUSGESTELLT`,

'DELIVRE A POSTERIORI`,

'RILASCIATO A POSTERIORI`,

'AFGEGEVEN A POSTERIORI`,

'ISSUED RETROSPECTIVELY`,

'UDSTEDT EFTERFØLGENDE`,

'ÂÊÄÏËÁ ÂÊ ÔÛ Î Ó Ô Ã Ñ Û Í`,

'EXPEDIDO A POSTERIORI`,

'EMITIDO A POSTERIORI`,

'WYSTAWIONE RETROSPEKTYWNIE`,

'KIADVA VISSZAMENŐLEGES HATÁLLYAL`,

'VYSTAVENO DODATE OCN OE`,

'VYSTAVENÉ DODATO OCNE`.

4. The endorsement referred to in paragraph 3 shall be inserted in the 'Remarks` box on the movement certificate EUR.1.

Article 15

Issue of a duplicate EUR.1

1. In the event of the theft, loss or destruction of a movement certificate EUR.1, the exporter may apply in writing to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way must be endorsed with one of the following words:

'DUPLIKAT`,

'DUPLICATA`,

'DUPLICATO`,

'DUPLICAAT`,

'DUPLICATE`,

'ÁÍÔÉÃÑÁÖÏ`,

'DUPLICADO`,

'SEGUNDA VIA`,

'DUPLIKÁT',
'MÁSOLAT'.

3. The endorsement referred to in paragraph 2 shall be inserted in the 'Remarks' box on the movement certificate EUR.1.

4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

Article 16

Simplified procedure for the issue of certificates

1. By way of derogation from Articles 12, 14 and 15 of this Protocol, a simplified procedure for the issue of EUR.1 movement certificates can be used in accordance with the following provisions.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as 'approved exporter', making frequent shipments for which EUR.1 movement certificates may be issued and who offers, to the satisfaction of the competent authorities, all guarantees necessary to verify the originating status of the products, not to submit to the customs office of the exporting State at the time of export either the goods or the application for an EUR.1 certificate relating to those goods, for the purpose of obtaining an EUR.1 certificate under the conditions laid down in Article 12 of this Protocol.

3. The authorization referred to in paragraph 2 shall stipulate, at the choice of the competent authorities, that box 11 'Customs endorsement' of the EUR.1 movement certificate must either:

(a) be endorsed beforehand with the stamp of the competent customs office of the exporting State and the signature, which may be a facsimile, of an official of that office; or

(b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex V to this Protocol. Such stamp may be pre-printed on the forms.

4. In the cases referred to in paragraph 3 (a), one of the following phrases shall be entered in box 7 'Remarks' of the EUR.1 movement certificate:

'PROCEDIMIENTO SIMPLIFICADO',
'FORENKLET PROCEDURE',
'VEREINFACHTES VERFAHREN',
'Á_Ě_ŌÓŌÄŌİÄÍÇ ÄÉÄÉÉÉÁÓÉÁ',
'SIMPLIFIED PROCEDURE',
'PROCÉDURE SIMPLIFIÉE',
'PROCEDURA SIMPLIFICATA',
'VEREENVOUDIGDE PROCEDURE',
'PROCEDIMENTO SIMPLIFICADO',
'UPROSZCZONA PROCEDURA',
'EGYSZERUSÍTETT ELJÁRÁS',
'ZJEDNODU OSENÉ ORÍZENÍ',
'ZJEDNODU OSENÉ KONANIE'.

5. Box 11 'Customs endorsement' of the EUR.1 certificate shall be completed if necessary by the approved exporter.

6. The approved exporter shall, if necessary, indicate in box 13 'Request for verification'

of the EUR.1 certificate the name and address of the authority competent to verify such certificate.

7. Where the simplified procedure is applied, the customs authorities of the exporting State may prescribe the use of EUR.1 certificates bearing a distinctive sign by which they may be identified.

8. In the authorization referred to in paragraph 2 the competent authorities shall specify in particular:

- (a) the conditions under which the applications for EUR.1 certificates are to be made;
- (b) the conditions under which these applications are to be kept for at least two years;
- (c) in the cases referred to in paragraph 3 (b) the authority competent to carry out the subsequent verification referred to in Article 28 of this Protocol.

9. The customs authorities of the exporting State may declare certain categories of goods ineligible for the special treatment provided for in paragraph 2.

10. The customs authorities shall refuse the authorization referred to in paragraph 2 to exporters who do not offer all the guarantees which they consider necessary. The competent authorities may withdraw the authorization at any time. They must do so where the approved exporter no longer satisfies the conditions or no longer offers these guarantees.

11. The approved exporter may be required to inform the competent authorities, in accordance with the rules which they lay down, of the goods to be dispatched by him, so that such authorities may make any verification they think necessary before the departure of the goods.

12. The customs authorities of the exporting State may carry out any check on approved exporters which they consider necessary. Such exporters must allow this to be done.

13. The provisions of this Article shall be without prejudice to the application of the rules of the Community, the Member States and the Slovak Republic, concerning customs formalities and the use of customs documents.

Article 17

Replacement of certificates

1. It shall at any time be possible to replace one or more movement certificates EUR.1 by one or more other certificates provided that this is done by the customs office or other competent authorities responsible for controlling the goods.

2. When products originating in the Community, the Slovak Republic, the Czech Republic, Poland or Hungary and imported into a free zone under cover of an EUR.1 certificate undergo treatment or processing, the authorities concerned must issue a new EUR.1 certificate at the exporter's request if the treatment or processing undergone is in conformity with the provisions of this Protocol.

3. The replacement certificate shall be regarded as a definite movement certificate EUR.1 for the purposes of the application of this Protocol, including the provisions of this Article.

4. The replacement certificate shall be issued on the basis of a written request from the re-exporter, after the authorities concerned have verified the information supplied in the applicant's request. The date and serial number of the original movement certificate EUR.1 shall be given in box 7.

Article 18

Validity of certificates

1. A movement certificate EUR.1 must be submitted, within four months of the date of issue by the customs authorities of the exporting State, to the customs office of the importing State where the products are entered.
2. Movement certificates EUR.1 which are submitted to the customs authorities of the importing State after the final date of presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificates by the final date set is due to reasons of force majeure or exceptional circumstances.
3. In other cases of belated presentation, the customs authorities of the importing State may accept the certificates where the products have been submitted to them before the said final date.

Article 19

Exhibitions

1. Products sent from the Community or the Slovak Republic for exhibition in a country other than the Slovak Republic or a Member State of the Community and sold after the exhibition for importation into the Slovak Republic or the Community shall benefit on importation from the provisions of the Agreement on condition that the products meet the requirements of this Protocol entitling them to be recognized as originating in the Community or the Slovak Republic provided that it is shown to the satisfaction of the customs authorities that:
 - (a) an exporter has consigned these products from the Community or the Slovak Republic to the country in which the exhibition is held and has exhibited them there;
 - (b) the products have been sold or otherwise disposed of by that exporter to someone in the Community or the Slovak Republic;
 - (c) the products have been consigned during the exhibition or immediately thereafter to the Community or the Slovak Republic in the state in which they were sent for exhibition;
 - (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.
2. A movement certificate EUR.1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the products and the conditions under which they have been exhibited may be required.
3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

Article 20

Submission of certificates

Movement certificates EUR.1 shall be submitted to the customs authorities in the importing State in accordance with the procedures laid down by that State. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Agreement.

Article 21

Importation by instalments

Without prejudice to Article 5 (3) of this Protocol, where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the Harmonized System is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon import of the first instalment.

Article 22

Preservation of certificates

Movement certificates EUR.1 shall be preserved by the customs authorities of the importing State in accordance with the rules in force in that State.

Article 23

Form EUR.2

1. Notwithstanding Article 11, the evidence of originating status, within the meaning of this Protocol, for consignments containing only originating products and whose value does not exceed ECU 5 110 per consignment, may be given by a form EUR.2, a specimen of which appears in Annex IV to this Protocol.
2. The form EUR.2 shall be completed and signed by the exporter or, under the exporter's responsibility, by his authorized representative in accordance with this Protocol.
3. A form EUR.2 shall be completed for each consignment.
4. The exporter who has issued the form EUR.2 shall submit at the request of the customs authorities of the exporting State all supporting documents concerning the use of this form.
5. Articles 18, 20 and 22 shall apply mutatis mutandis to forms EUR.2.

Article 24

Discrepancies

The discovery of slight discrepancies between the statements made in the movement certificate EUR.1 or in the form EUR.2 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto render the document null and void if it is duly established that it corresponds to the products submitted.

Article 25

Exemptions from proof of origin

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the production of a movement certificate EUR.1 or the completion of form EUR.2, provided that such products are not imported by way of trade and have been declared as meeting the conditions required for the application of the agreement, and where there is no doubt as to the veracity of such declaration.
2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

Furthermore, the total value of these products must not exceed ECU 365 in the case of small packages or ECU 1 025 in the case of the contents of travellers' personal luggage.

Article 26

Amounts expressed in ecu

1. Amounts in the national currency of the exporting State equivalent to the amounts expressed in ecu shall be fixed by the exporting State and communicated to the other parties to this Agreement and to the Agreements between the Community and Poland, Hungary and the Czech Republic. When the amounts are more than the corresponding amounts fixed by the importing State, the latter shall accept them if the goods are invoiced in the currency of the exporting State.

If the goods are invoiced in the currency of another Member State of the Community or in that of the Czech Republic, the Slovak Republic, Poland or Hungary, the importing State shall recognize the amount notified by the country concerned.

2. Up to and including 30 April 1993, the ecu, to be used in any given national currency shall be the equivalent in that national currency of the ecu as at 3 October 1990. For each successive period of two years, it shall be the equivalent in that national currency of the ecu as at the first working day in October in the year immediately preceding that two-year period.

TITLE III ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

Article 27

Communication of stamps and addresses

The customs authorities of the Member States and of the Slovak Republic shall provide each other, through the Commission of the European Communities, with specimen impressions of stamps used in their customs offices for the issue of EUR.1 certificates and with the addresses of the customs authorities responsible for issuing movement certificates EUR.1 and for verifying those certificates and forms EUR.2.

Article 28

Verification of movement certificates EUR.1 and of forms EUR.2

1. Subsequent verification of movement certificates EUR.1 and of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy of the information regarding the true origin of the products in question.

2. For the purpose of the subsequent verification of movement certificates EUR.1, the customs authorities of the exporting State must keep copies of the certificates, as well as any export documents referring to them, for at least two years.

3. In order to ensure the proper application of this Protocol, the Slovak Republic and the Member States of the Community shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR.1, including those issued under Article 12 (5), and the forms EUR.2 and the accuracy of the information concerning the actual origin of the products concerned.

4. For the purpose of implementing paragraph 1, the customs authorities of the importing State shall return the movement certificate EUR.1 or form EUR.2, or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substance for an enquiry.

The relevant commercial documents or a copy thereof, shall be attached to the certificate EUR.1 or form EUR.2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

5. If the customs authorities of the importing State decide to suspend execution of the provisions of the agreement while awaiting the results of the verification, they shall offer to release the products to the importer subject to any precautionary measures judged necessary.

6. The customs authorities of the importing State shall be informed of the results of the verification as soon as possible. These results must be such as to make it possible to determine whether the disputed movement certificate EUR.1 or form EUR.2 apply to the products in question and whether those products can, in fact, qualify for the application of the preferential arrangements.

If in cases of reasonable doubt there is no reply within 10 months of the date of the verification request, or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting authorities shall refuse, except in the case of force majeure or exceptional circumstances, any benefit from the preferential treatment laid down in the Agreement concerned.

7. Disputes which cannot be settled between the customs authorities of the importing State and those of the exporting State, or which raise a question as to the interpretation of this Protocol, shall be submitted to the Customs Cooperation Committee.

8. In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

9. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the Community or the Slovak Republic shall on its own initiative or at the request of the other Party carry out appropriate enquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions, and for this purpose the Community or the Slovak Republic may invite the participation of the other Party in these enquiries.

10. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the products would be accepted as originating products under this Protocol only after completion of such aspects of administrative cooperation set down in this Protocol which may have been activated, including in particular the verification procedure.

Likewise, products would be refused treatment as originating products only after the completion of the verification procedure.

Article 29

Penalties

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect particulars for the purpose of obtaining preferential treatment for products.

Article 30

Free zones

The Member States and the Slovak Republic shall take all necessary steps to ensure that products traded under cover of a movement certificate EUR.1, which in the course of transport use a free zone situated in their territory, are not substituted by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

TITLE IV CEUTA AND MELILLA

Article 31

Application of the Protocol

1. The term 'Community' used in this Protocol does not cover Ceuta or Melilla. The term 'products originating in the Community' does not cover products originating in these zones.
2. This Protocol shall apply mutatis mutandis to products originating in Ceuta and Melilla, subject to particular conditions set out in Article 32.

Article 32

Special conditions

1. The following provisions shall apply instead of Article 1 and references to that Article shall apply mutatis mutandis to this Article.
2. Providing they have been transported directly in accordance with the provisions of Article 9, the following shall be considered as:
 1. products originating in Ceuta and Melilla:
 - (a) products wholly obtained in Ceuta and Melilla;
 - (b) products obtained in Ceuta and Melilla incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Slovak Republic or the Community within the meaning of this Protocol provided, however, that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol;
 2. products originating in the Slovak Republic:
 - (a) products wholly obtained in the Slovak Republic;
 - (b) products obtained in the Slovak Republic incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Ceuta and Melilla or the Community within the meaning of this Protocol provided, however, that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.
3. Ceuta and Melilla shall be considered as a single territory.
4. The exporter or his authorized representative shall enter 'the Slovak Republic' and 'Ceuta and Melilla' in box 2 of movement certificates EUR.1. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in box 4 of movement certificates EUR.1.
5. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

TITLE V FINAL PROVISIONS

Article 33

Amendments to the Protocol

The Association Council shall examine at two-yearly intervals, or whenever the Slovak Republic or the Community so request, the application of the provisions of this Protocol, with a view to making any necessary amendments or adaptations.
Such examination shall take into account in particular the participation of the contracting parties in free trade zones or customs unions with third countries.

Article 34

Customs Cooperation Committee

1. A Customs Cooperation Committee shall be set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.
2. The Committee shall be composed, on the one hand, of experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions and, on the other hand, of experts nominated by the Slovak Republic.

Article 35

Petroleum products

The products set out in Annex VI shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply, *mutatis mutandis*, to these products.

Article 36

Annexes

The Annexes to this Protocol shall form an integral part thereof.

Article 37

Implementation of the Protocol

The Community and the Slovak Republic shall each take the steps necessary to implement this Protocol.

Article 38

Arrangements with Poland, Hungary and the Czech Republic

The Contracting Parties shall take any measures necessary for the conclusion of arrangements with Poland, Hungary and the Czech Republic enabling this Protocol to be applied. The Contracting Parties shall notify each other of measures taken to this effect.

Article 39

Goods in transit or storage

The provisions of the Agreement may be applied to goods which comply with the provisions of this Protocol and which on the date of entry into force of the Agreement are either in transit or are in the Community or in the Slovak Republic, in temporary storage in bonded warehouses or in free zones, subject to the submission to the

customs authorities of the importing State, within four months of that date, of a certificate EUR.1 endorsed retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.

ANNEX I

NOTES

Foreword

These notes shall apply, where appropriate, to all manufactured products using non-originating materials, even if they are not subject to specific conditions contained in the list in Annex II but are subject instead to the change of heading rule set out in Article 5 (1).

Note 1

1.1. The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rule in column 3 applies only to the part of that heading or chapter as described in column 2.

1.2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rule in column 3 applies to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.

1.3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rule in column 3.

Note 2

2.1. The term 'manufacture' covers any kind of working or processing including 'assembly' or specific operations. However, see Note 3.5 below.

2.2. The term 'material' covers any ingredient, raw material, component or part, etc., used in the manufacture of the product.

2.3. The term 'product' refers to the product being manufactured, even if it is intended for later use in another manufacturing operation.

2.4. The term 'goods' covers both materials and products.

Note 3

3.1. In the case of any heading not in the list or any part of a heading that is not in the list, the 'change of heading' rule set out in Article 5 (1) applies. If a 'change of heading' condition applies to any entry in the list, then it is contained in the rule in column 3.

3.2. The working or processing required by a rule in column 3 has to be carried out only in relation to the non-originating materials used. The restrictions contained in a rule in column 3 likewise apply only to the non-originating materials used.

3.3. Where a rule states that 'materials of any heading' may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression 'manufacture from materials of any heading, including other materials of heading No' means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.

3.4. If a product made from non-originating materials which has acquired originating status during manufacture by virtue of the change of heading rule or its own list rule is used as a material in the process of manufacture of another product, then the rule applicable to the product in which it is incorporated does not apply to it.

For example:

An engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 % of the ex-works price, is made from 'other alloy steel roughly shaped by forging' of heading No 7224. If this forging has been forged in the country concerned from a non-originating ingot then the forging has already acquired origin by virtue of the rule for heading No ex 7224 in the list. It can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or another. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

3.5. Even if the change of heading rule or the other rules contained in the list are satisfied, a product shall not acquire originating status if the processing carried out, taken as a whole, is insufficient within the meaning of Article 5 (3).

3.6. The unit of qualification for the application of the origin rules shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System. In the case of sets of products which are classified by virtue of General Rule 3 for the interpretation of the Harmonized System, the unit of qualification shall be determined in respect of each item in the set: this provision is equally applicable to sets of headings Nos 6308, 8206 and 9605.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification,
- when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the origin rules,
- where, under General Rule 5 of the Harmonized System, packing is included with the product for classification purposes, it shall be included for the purposes of determining origin.

4.1. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer origin. Thus if a rule says that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.

4.2. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

For example:

The rule for fabrics says that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; one can use one or the other or both.

If, however, a restriction applies to one material and other restrictions apply to other materials in the same rule, then the restrictions only apply to the materials actually used:

For example:

The rule for sewing machines specifies that both the thread tension mechanism used and the zigzag mechanism used must originate; these two restrictions only apply if the mechanisms concerned are actually incorporated into the sewing machine.

4.3. When a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule.

For example:

The rule for heading No 1904 which specifically excludes the use of cereals or their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not produced from cereals.

For example:

In the case of an article made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth - even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn - that is the fibre stage.

See also Note 7.3 in relation to textiles.

4.4. If in a rule in the list two or more percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. The maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

Note 5

5.1. The term 'natural fibres' is used in the list to refer to fibres other than artificial or synthetic fibres and is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, the term 'natural fibres' includes fibres that have been carded, combed or otherwise processed but not spun.

5.2. The term 'natural fibres' includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos

5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.

5.3. The terms 'textile pulp', 'chemical materials' and 'paper-making materials' are used in the list to describe the materials not classified in chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.

5.4. The term 'man-made staple fibres' is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of headings Nos 5501 to 5507.

Note 6

6.1. In the case of the products classified within those headings in the list to which a reference is made to this Note, the conditions set out in column 3 of the list shall not be applied to any basic textile materials used in their manufacture which, taken together, represent 10 % or less of the total weight of all the basic textile materials used (but see also Notes 6.3 and 6.4 below).

6.2. However, this tolerance may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus Agave,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- synthetic man-made staple fibres,
- artificial man-made staple fibres.

For example:

A yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of 10 % of the yarn.

For example:

A woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used up to a weight of 10 % of the fabric.

For example:

Tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205

and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

For example:

If the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

For example:

A carpet with tufts made from both artificial yarns and cotton yarns and with a jute backing is a mixed product because three basic textile materials are used. Thus, any non-originating materials that are at a later stage of manufacture than the rule allows may be used, provided their total weight taken together does not exceed 10 % of the weight of the textile materials in the carpet. Thus, both the jute backing and/or the artificial yarns could be imported at that stage of manufacture, provided the weight conditions are met.

6.3. In the case of fabrics incorporating 'yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped' this tolerance is 20 % in respect of this yarn.

6.4. In the case of fabrics incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two films of plastic film, this tolerance is 30 % in respect of this strip.

Note 7

7.1. In the case of those textile products which are marked in the list by a footnote referring to this note, textile materials with the exception of linings and interlinings which do not satisfy the rule set out in the list in column 3 for the made up products concerned may be used provided that they are classified in a heading other than that of the product and that their value does not exceed 8 % of the ex-works price of the product.

7.2. Any non-textile trimmings and accessories or other materials used which contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 4.3.

7.3. In accordance with Note 4.3, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.

For example:

If a rule in the list says that for a particular textile item, such as a blouse, yarn must be used, this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.

7.4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.

ANNEX II

>TABLE POSITION>

ANNEX III

MOVEMENT CERTIFICATES EUR.1

1. Movement certificates EUR.1 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State. If they are handwritten, they shall be completed in ink and in capital letters.
2. Each certificate shall measure 210 _ 297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m_. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
3. The competent authorities of the Member States of the Community and of the Slovak Republic may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

MOVEMENT CERTIFICATE

>START OF GRAPHIC>

1. Exporter (Name, full address, country)
3. Consignee (Name, full address, country) (Optional)

EUR.1 No A 000.000

See notes overleaf before completing this form

2. Certificate used in preferential trade between

.....

and

.....

(Insert appropriate countries, groups of countries or territories)

4. Country, group of countries or territory in which the products are considered as originating
5. Country, group of countries or territory of destination
6. Transport details (Optional)
7. Remarks
8. Item number; Makes and numbers; Number and kind of packages (); Description of goods
9. Gross weight (kg)
or other
measure

(litres,
m_, etc.)

10. Invoices

(Optional)

11. CUSTOMS ENDORSEMENT

Declaration certified

Export document (☐)

Form No

Customs office

Issuing country or territory

.....

.....

Date

Stamp

12. DECLARATION BY THE EXPORTER

I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.

Place and date

.....

(Signature)

.....

(Signature)

(☐) If goods are not packed, indicate number of articles or state 'in bulk` as appropriate.

(☐) Complete only where the regulations of the exporting country or territory require.13.

REQUEST FOR VERIFICATION, to:

14. RESULT OF VERIFICATION,

Verification carried out shows that this certificate (☐)

☐

was issued by the customs office indicated and that the information contained therein is accurate.

☐

does not meet the requirements as to authenticity and accuracy (see remarks appended).

Verification of the authenticity and accuracy of this certificate is requested.

.....

(Place and date)

.....

(Place and date)

Stamp Stamp

(Signature)

.....

(Signature) (☐) Insert X in the appropriate box.NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.

2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately

below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.

3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

>END OF GRAPHIC<

APPLICATION FOR A MOVEMENT CERTIFICATE

>START OF GRAPHIC<

1. Exporter (Name, full address, country)

3. Consignee (Name, full address, country) (Optional)

EUR.1 No A 000.000

See notes overleaf before completing this form

2. Application for a certificate to be used in preferential trade between

.....

and

.....

(Insert appropriate countries, groups of countries or territories)

4. Country, group of countries or territory in which the products are considered as originating

5. Country, group of countries or territory of destination

6. Transport details (Optional)

7. Remarks

8. Item number; Makes and numbers; Number and kind of packages (_); Description of goods

9. Gross

weight (kg)

or other

measure

(litres,

m_, etc.)

10. Invoices

(Optional)

(_) If goods are not packed, indicate number of articles or state 'in bulk` as appropriate.

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....

.....

.....

.....

SUBMIT the following supporting documents (_):

.....

.....

.....

.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....

(Place and date)

.....

(Signature)

() For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.

>END OF GRAPHIC<

ANNEX IV

FORM EUR.2

1. Form EUR.2 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Forms shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State. If they are handwritten, they shall be completed in ink and in capital letters.

2. Each Form EUR.2 shall measure 210 _ 148 mm; a maximum tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 64 g/m_.

3. The competent authorities of the Member States of the Community and of the Slovak Republic may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case each form must include a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

>START OF GRAPHIC<

FORM EUR.2 No

1

Form used in preferential trade

between () and 2

Exporter (Name, full address, country)

3

Declaration by exporter

I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.

4

Consignee (Name, full address, country)

5

Place and date

6

Signature of exporter

7

Remarks ()

8

Country of origin ()

9

Country of destination (4)

10

Gross weight (kg)

11

Marks; Numbers of consignment; Description of goods

12

Authority in the exporting country (4) responsible for verification of the declaration by the exporter

() Insert the countries, groups of countries or territories concerned.

() Refer to any verification already carried out by the appropriate authorities.

() The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating.

(4) The term 'country' means country, group of countries or territory of destination.(RECTO)

Before completing this form read carefully the instructions on the other side.

13

Request for verification

14

Result of verification

The verification of the declaration by the exporter on the front of this form is requested (*)

Verification carried out shows that ()

O

the statements and particulars given in this form are accurate

O

this form does not meet the requirements as to accuracy and authenticity (see remarks appended)

.....,

(Place and date)

.....

Stamp

19

.....,

(Place and date)

.....

Stamp

19

.....

(Signature)

.....

(Signature)

() Insert X in the appropriate box.

(*) Subsequent verifications of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question. Instructions for the completion of form EUR.2

1. A form EUR.2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1.

These provisions must be studied carefully before the form is completed.

2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR.2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.

3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.

4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

(VERSO)

>END OF GRAPHIC<

ANNEX V

Specimen impression of the stamp mentioned in Article 16 (3) (b)

>START OF GRAPHIC<

>END OF GRAPHIC<

ANNEX VI

>TABLE POSITION<

PROTOCOL 5 to the Europe Agreement ('The Agreement')

CHAPTER I Specific provisions relating to trade between Spain and the Slovak Republic

Article 1

The provisions of the Agreement relating to trade in Title III shall be amended as follows in order to take account of the measures and undertakings listed in the Act of Accession of the Kingdom of Spain and of the Portuguese Republic to the European Communities (hereinafter called 'the Act of Accession').

Article 2

Under the Act of Accession Spain shall not grant to products originating in the Slovak Republic more favourable treatment than it provides for imports originating or in free circulation in other Member States.

Article 3

Quantitative restrictions may be applied to imports into Spain of products originating in the Slovak Republic until 31 December 1995 in respect of the products listed in Annex A.

Article 4

Application of the provisions of this Protocol shall be without prejudice to Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands or Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican).

CHAPTER II Specific provisions relating to trade between Portugal and the Slovak Republic

Article 5

The provisions of the Agreement relating to trade in Title III shall be amended as follows in order to take account of the measures and undertakings listed in the Act of Accession.

Article 6

Under the Act of Accession Portugal shall not grant the Slovak Republic more favourable treatment than is provided for imports originating in other Member States.

Article 7

Quantitative restrictions may be applied to imports into Portugal of products originating in the Slovak Republic until 31 December 1995 in respect of the products in Annex B.

ANNEX A

>TABLE POSITION>

ANNEX B

>TABLE POSITION>

PROTOCOL 6 on mutual assistance in customs matters

Article 1

Definitions

For the purposes of this Protocol:

- (a) customs legislation: shall mean provisions applicable in the territories of the Contracting Parties governing the import, export, transit of goods and their placing under any other customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- (b) customs duties: shall mean all duties, taxes, fees or any other charges which are levied and collected in the territories of the Contracting Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- (c) applicant authority: shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;
- (d) requested authority: shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which receives a request for assistance in customs matters;
- (e) contravention: shall mean any violation of the customs legislation as well as any attempted violation of such legislation.

Article 2

Scope

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Protocol, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.
2. Assistance in customs matters, as provided for in this Protocol, applies to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authority, unless those authorities so agree.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.
2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:
 - (a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;

- (b) movement of goods notified as possibly giving rise to substantial contraventions of customs legislation;
- (c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

Article 4

Spontaneous assistance

The Contracting Parties shall within their competences provide each other with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which have contravened, contravene or would contravene such legislation and which may be of interest to other Contracting Parties;
- new means or methods employed in realizing such operations;
- goods known to be subject to substantial contravention of customs legislation on import, export, transit or any other customs procedure.

Article 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures in order:

- to deliver all documents, and
- to notify all decisions

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case Article 6 (3) is applicable.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority making the request;
 - (b) the measure requested;
 - (c) the object of and the reason for the request;
 - (d) the laws, rules, and other legal elements involved;
 - (e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
 - (f) a summary of the relevant facts, except in cases provided for in Article 5.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has

been addressed by this authority, shall proceed, within its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.

2. Requests for assistance will be executed in accordance with the laws, rules, and other legal instruments of the requested Contracting Party.

3. Duly authorized officials of a Contracting Party may, with the agreement of the other Contracting Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to the contravention of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.

2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

Article 9

Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

(a) be likely to prejudice sovereignty, public policy (l'ordre publique), security or other essential interests; or

(b) involve currency or tax regulations other than regulations concerning customs duties; or

(c) violate an industrial, commercial or professional secret.

2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefore must be notified to the applicant authority without delay.

Article 10

Obligation to observe confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended under the relevant laws applicable in the Contracting Party which received it and the corresponding provisions applying to the Community authorities.

2. Nominative data shall not be transmitted whenever there are reasonable grounds to believe that the transfer or the use made of the data transmitted would be contrary to the basic legal principles of one of the Parties, and, in particular, if the person concerned would suffer undue disadvantages. Upon request, the receiving Party shall inform the furnishing Party of the use made of the information supplied and of the results achieved.

3. Nominative data may only be transmitted to customs authorities and, in the case of need for prosecution purposes, to public prosecution and judicial authorities. Other persons or authorities may obtain such information only upon previous authorization by the furnishing authority.

4. The furnishing Party shall verify the accuracy of the information to be transferred. Whenever it appears that the information supplied was inaccurate or to be deleted, the receiving Party shall be notified without delay. The latter shall be obliged to carry out the correction or deletion.

5. Without prejudice to cases of prevailing public interest, the person concerned may obtain, upon request, information on the data stores and the purpose of this storage.

Article 11

Use of information

1. Information obtained shall be used solely for the purposes of this Protocol and may be used within each Contracting Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in the combatting of illicit drug traffic, within the limits of Article 2.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.

3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

Article 12

Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of another Contracting Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matter and by virtue of what title or qualification the official will be questioned.

Article 13

Assistance expenses

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not dependent upon public services.

Article 14

Implementation

1. The management of this Protocol shall be entrusted to the central customs authorities of the Slovak Republic on the one hand, and the competent services of the Commission and, where appropriate, the customs authorities of the Member States on

the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Article.

Article 15

Complementarity

1. This Protocol shall complement and not impede application of any agreements on mutual assistance which have been concluded or may be concluded between individual or several Member States and the Slovak Republic. Nor shall it preclude more extensive mutual assistance granted under such agreements.

2. Without prejudice to Article 11, these agreements do not prejudice Community provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.

PROTOCOL 7 on concessions with annual limits

The Parties agree that if the Agreement comes into force after 1 January in any year, any concessions given within the limits of annual quantities shall be adjusted to deduct therefrom the amount of products imported during that year originally in the Slovak Republic in accordance with the provisions of Protocol 4 of the Interim Agreement signed between the Community and the Czech and Slovak Federal Republic on 16 December 1991 as amended by the Supplementary Protocols between the Community and each of the Slovak Republic and Czech Republic.

PROTOCOL 8 on the succession of the Slovak Republic in respect of the exchanges of letters between the European Economic Community (Community) and the Czech and Slovak Federal Republic concerning transit and land transport infrastructure

Whereas upon the signature on 16 December 1991 of the Europe Agreement and the Interim Agreement between the European Communities and its Member States on the one hand and the Czech and Slovak Federal Republic on the other hand, exchanges of letters in the form annexed hereto were signed between the European Economic Community on the one hand and the Czech and Slovak Federal Republic on the other hand;

Whereas these exchanges of letters were amended by the exchanges of letters signed on 19 February 1992 between the European Economic Community on the one hand and the Czech and Slovak Federal Republic on the other hand annexed hereto;

Whereas the Slovak Republic has declared, in a letter to the President of the Commission of the European Communities of 15 December 1992 that it 'shall assume all the obligations resulting from all the agreements between the Czech and Slovak Federal

Republic and the European Communities`;

Whereas the Slovak Republic is, as of 1 January 1993, a successor State to the Czech and Slovak Federal Republic;

Whereas the Slovak Republic undertakes not to worsen the conditions of land transit in comparison to the situation which prevailed under the abovementioned exchange of letters in the Czech and Slovak Federal Republic;

The Slovak Republic and the Community agree as follows:

Article 1

The Community on the one hand and the Slovak Republic on the other hand assume all rights and obligations of the Community on the one hand and the former Czech and Slovak Federal Republic on the other hand contained in the aforementioned exchanges of letters.

Article 2

The Slovak Republic undertakes to issue such a number of permits as provided for in the exchange of letters concerning transit mentioned above. The permits shall be valid (as of 1994) only on the territory of the Slovak Republic. The Slovak Republic shall issue a permit regularly to a holder of a permit issued by the Czech Republic under the abovementioned exchange of letters, limited to the maximum number foreseen under the abovementioned exchange of letters.

Article 3

The amount of administrative charges, taxes and other possible fees imposed on a taxable permit by the Slovak Republic under the exchange of letter mentioned above shall not exceed 9 250 Slovak crowns.

Article 4

The Slovak Republic declares that, in order not to create less favourable conditions for transit than prevailed under the abovementioned exchange of letters for Community hauliers, it will take all possible measures to prevent unnecessary delays for Community hauliers as a result of checks on the borders between the Slovak Republic and the Czech Republic.

ANNEX I

Exchange of letters between the European Economic Community and the Czech and Slovak Federal Republic concerning transit

A. Letter from the Czech and Slovak Federal Republic

Sir,

During the negotiations of the Europe Agreement between the European Communities and their Member States and the Czech and Slovak Federal Republic (CSFR), the following agreement was reached:

1. the Parties to the Europe Agreement shall not take any measures which would prejudice the situation resulting from the application of the existing bilateral agreements between the Member States of the Community and the CSFR;
2. more particularly, within the framework of a global solution to the problems of transit through the CSFR for those Member States of the Community most directly concerned, the CSFR hereby grants 2 000 additional taxable permits in 1991 in addition to the existing quota granted pursuant to the bilateral agreements for 1991. Furthermore the CSFR shall grant in 1992, 1993 and 1994, in addition to the existing quota granted prior hereto pursuant to the bilateral agreements for 1991, including the previously mentioned 2 000 permits, permits in the following way:

>TABLE POSITION>

Combined transport permits are to be used by lorries to cross CSFR territory by CSFR railroads in the form of 'rolling roads', on the condition that the costs and time involved in this mode of transport will be comparable to those of road transit operations with taxes. For the number of permits for which these conditions cannot be met, the CSFR shall provide taxable transit permits. All abovementioned transit permits are of a round-trip character.

In 1995 and in subsequent years, until the entry into force of a bilateral transport agreement between the Community and the CSFR, the CSFR shall increase the number of untaxed, taxable and combined transport licences with the same rates as in 1994.

I should be obliged if you would confirm the agreement of the European Economic Community to the contents of this letter.

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

For the Government of the Czech and Slovak Federal Republic

B. Letter from the Community

Sir,

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

'During the negotiations of the Europe Agreement between the European Communities and their Member States and the Czech and Slovak Federal Republic (CSFR), the following agreement was reached:

1. the Parties to the Europe Agreement shall not take any measures which would prejudice the situation resulting from the application of the existing bilateral agreements between the Member States of the Community and the CSFR;
2. more particularly, within the framework of a global solution to the problems of transit through the CSFR for those Member States of the Community most directly concerned, the CSFR hereby grants 2 000 additional taxable permits in 1991 in addition to the existing quota granted pursuant to the bilateral agreements for 1991. Furthermore the CSFR shall grant in 1992, 1993 and 1994, in addition to the existing quota granted prior hereto pursuant to the bilateral agreements for 1991, including the previously mentioned 2 000 permits, permits in the following way:

>TABLE POSITION>

Combined transport permits are to be used by lorries to cross CSFR territory by CSFR railroads in the form of "rolling roads", on the condition that the costs and time involved in this mode of transport will be comparable to those of road transit operations with taxes. For the number of permits for which these conditions cannot be met, the CSFR

shall provide taxable transit permits. All abovementioned transit permits are of a round-trip character.

In 1995 and in subsequent years, until the entry into force of a bilateral transport agreement between the Community and the CSFR, the CSFR shall increase the number of untaxed, taxable and combined transport licences with the same rates as in 1994.

I should be obliged if you would confirm the agreement of the European Economic Community to the contents of this letter.

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

I have the honour to confirm that the Community is in agreement with the contents of this letter.

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

On behalf of the Council of the European Communities

Exchange of letters between the European Economic Community and the Slovak Republic concerning land transport infrastructure

A. Letter from the Community

Sir,

I have the honour of confirming to you herewith the position of the Community, expressed during their negotiations of the Europe Agreement between the European Communities and their Member States and the Slovak Republic, that the Community shall, within the framework of the financial mechanisms provided for in the Agreement, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

I should be obliged if you would confirm the agreement of the Slovak Republic to the content of this letter.

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

On behalf of the Council of the European Communities

B. Letter from the Slovak Republic

Sir,

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

'I have the honour of confirming to you herewith the position of the Community, expressed during their negotiations of the Europe Agreement between the European Communities and their Member States and the Slovak Republic, that the Community shall, within the framework of the financial mechanisms provided for in the Agreement, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

I should be obliged if you would confirm the agreement of the Slovak Republic to the content of this letter.'

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

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

For the Government of the Slovak Republic

ANNEX II

AGREEMENT in the form of an exchange of letters amending the exchanges of letters between the Community and Czech and Slovak Federal Republic concerning transit signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signatures on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic and of the Interim Agreement on trade and trade related matters between the European Economic Community ('the Community') and the European Coal and Steel Community of the one part, and the Czech and Slovak Federal Republic, of the other part, Agreements in the form of exchanges of letters between the Community and Czechoslovakia concerning transit were signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

Since the signature of the exchanges of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This decision had consequences on the arrangements made in December concerning transit and the Parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchanges of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the exchanges of letters signed on 16 December 1991 be amended as follows:

In paragraph 2 the following sentence shall be inserted after the first sentence of the first subparagraph: 'The fee per taxable permit is 18 500 Czechoslovak crowns.'

The following subparagraph shall be added after the second subparagraph of paragraph 2: 'Both sides agreed that if the transit situation on the territory of former Yugoslavia is not normalized they will jointly examine before the end of the year the possible changes concerning the abovementioned arrangements. Changes in the above provisions can be made by common agreement between the Parties.'

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute an amendment to the exchange of letters signed on 16 December 1991. This Agreement is hereby approved by the Parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.

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

On behalf of the Council of the European Communities

>REFERENCE TO A FILM>

B. Letter from the Czech and Slovak Federal Republic

Sir,

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

'Upon the occasion of the signatures on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic and of the Interim Agreement on trade and trade related matters between the European Economic Community ("the Community") and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, Agreements in the form of exchanges of letters between the Community and Czechoslovakia concerning transit were signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

Since the signature of the exchanges of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This decision had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchanges of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the exchanges of letters signed on 16 December 1991 be amended as follows:

In paragraph 2 the following sentence shall be inserted after the first sentence of the first subparagraph: "The fee per taxable permit is 18 500 Czechoslovak crowns."

The following subparagraph shall be added after the second subparagraph of paragraph 2: "Both sides agreed that if the transit situation on the territory of former Yugoslavia is not normalized they will jointly examine before the end of the year the possible changes concerning the abovementioned arrangements. Changes in the above provisions can be made by common agreement between the Parties."

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute an amendment to the exchanges of letters signed on 16 December 1991.

This Agreement is hereby approved by the Parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.`

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

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

For the Czech and Slovak Federal Republic

>REFERENCE TO A FILM>

AGREEMENT in the form of an exchange of letters replacing the exchanges of letters

between the Community and the Czech and Slovak Federal Republic on land transport infrastructure signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Interim Agreement on trade and trade related matters between the European Economic Community ('the Community') and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, an Agreement in the form of an exchange of letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Interim Agreement came into force on 1 March 1992.

Since the signature of the exchange of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchange of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the exchange of letters signed on 16 December 1991 be replaced by the following text:

'I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The Parties agree to seek, in the context of the existing Trade and Cooperation Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The Parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions.'

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the exchange of letters signed on 16 December 1991.

This Agreement is hereby approved by the Parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech

and Slovak Federal Republic to the contents of this letter.
Please accept, Sir, the assurance of my highest consideration.
On behalf of the Council of the European Communities
>REFERENCE TO A FILM>

B. Letter from the Czech and Slovak Federal Republic
Sir,

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

'Upon the occasion of the signature on 16 December 1991 of the Interim Agreement on trade and trade related matters between the European Economic Community ("the Community") and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, an Agreement in the form of an exchange of letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Interim Agreement came into force on 1 March 1992.

Since the signature of the exchange of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the Parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchange of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the exchange of letters signed on 16 December 1991 be replaced by the following text:

"I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The Parties agree to seek, in the context of the existing Trade and Cooperation Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The Parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions."

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the exchange of letters signed on 16 December 1991.

This Agreement is hereby approved by the Parties in accordance with their respective

procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.`

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

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

For the Czech and Slovak Federal Republic

>REFERENCE TO A FILM>

AGREEMENT in the form of an exchange of letters replacing the exchanges of letters between the Community and the Czech and Slovak Federal Republic on land transport infrastructure signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic an Agreement in the form of an exchange of letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Europe Agreement has not yet come into force.

Since the signature of the exchange of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchange of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the exchange of letters signed on 16 December 1991 be replaced by the following text:

'I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for in the Europe Agreement, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The Parties agree to seek, on the basis of this exchange of letters and referring to Article 81 in the Europe Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The Parties further agree to start, at their earliest convenience, discussions about

possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions.`

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the exchange of letters signed on 16 December 1991.

This Agreement is hereby approved by the Parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.

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

On behalf of the Council of the European Communities

>REFERENCE TO A FILM>

B. Letter from the Czech and Slovak Republic

Sir,

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

'Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic an Agreement in the form of an exchange of letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Europe Agreement has not yet come into force.

Since the signature of the exchange of letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the Parties consider it necessary to come to an agreement through the present exchange of letters, to amend the relevant provisions of the exchange of letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the exchange of letters signed on 16 December 1991 be replaced by the following text:

"I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for in the Europe Agreement, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The Parties agree to seek, on the basis of this exchange of letters and referring to Article 81 in the Europe Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying

special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The Parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions."

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the exchange of letters signed on 16 December 1991.

This Agreement is hereby approved by the Parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the Parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply with effect from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.`

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

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

For the Czech and Slovak Federal Republic

>REFERENCE TO A FILM>

FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE PORTUGUESE REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN ECONOMIC COMMUNITY,

the Treaty establishing the EUROPEAN COAL AND STEEL COMMUNITY and the Treaty

establishing the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as

'Member States`, and of the EUROPEAN ECONOMIC COMMUNITY, the EUROPEAN COAL

AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter

referred to as 'the Community`,

of the one part, and

the plenipotentiaries of the SLOVAK REPUBLIC,
of the other part,
meeting at Luxembourg, this fourth day of October in the year one thousand nine hundred and ninety-three for the signature of 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 ('the Europe Agreement'), have adopted the following texts:

the Europe Agreement, and the following Protocols:

>TABLE POSITION>

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Slovak Republic have adopted the texts of the joint declarations listed below and annexed to this Final Act:

- Joint Declaration on Article 8 (4) of the Agreement,
- Joint Declaration on Article 38 (1) of the Agreement,
- Joint Declaration on Article 38 of the Agreement,
- Joint Declaration on Article 39 of the Agreement,
- Joint Declaration on Chapter II of Title IV of the Agreement,
- Joint Declaration on Chapter III of Title IV of the Agreement,
- Joint Declaration on Article 57 (3) of the Agreement,
- Joint Declaration on Article 59 of the Agreement,
- Joint Declaration on Article 60 of the Agreement,
- Joint Declaration on Article 64 of the Agreement,
- Joint Declaration on Article 67 of the Agreement,
- Joint Declaration on Article 109 of the Agreement,
- Joint Declaration on Article 117 (2) of the Agreement,
- Joint Declaration on Article 5 of Protocol 6.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Slovak Republic have also taken note of the following exchanges of letters annexed to this Final Act:

- exchange of letters concerning certain arrangements for live bovine animals,
- exchange of letters concerning Article 68 of the Agreement,
- exchange of letters concerning the specification of areas of common interest eligible for financial assistance.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Slovak Republic have further taken note of the declaration by the French Government annexed to this Final Act:

- Declaration by the French Government on its overseas countries and territories.

The plenipotentiaries of the Slovak Republic have taken note of the declarations listed below and annexed to this Final Act:

- Community Declaration on Articles 6 and 117 of the Agreement,
- Community Declaration on Chapter I of Title IV of the Agreement,
- Community Declaration on Article 8 (4) of Protocol 2 on ECSC products.

The plenipotentiaries of the Member States and of the Community have taken note of the declaration listed below and annexed to this Final Act:

Letter from the Government of the Slovak Republic to the Community concerning Protocol 2.

Hecho en Luxemburgo, el cuatro de octubre de mil novecientos noventa y tres.

Udfærdiget i Luxembourg, den fjerde oktober nitten hundrede og treoghalvfems.

Geschehen zu Luxemburg am vierten Oktober neunzehnhundertdreiundneunzig.
 ,ãéíå öôï Ëïðîåîåî_ñäï, óðéò ô_óóåñéò ïéòüåñßïð ðëéåå åííéåëüóéå åííåí_íóå ôñßå.
 Done at Luxembourg on the fourth day of October in the year one thousand nine
 hundred and ninety-three.
 Fait à Luxembourg, le quatre octobre mil neuf cent quatre-vingt-treize.
 Fatto a Lussemburgo, addì quattro ottobre millenovecentonovantatré.
 Gedaan te Luxemburg, de vierde oktober negentienhonderd drieënnegentig.
 Feito em Luxemburgo, em quatro de Outubro de mil novecentos e noventa e três.
 Dané v Luxemburgu Ostvrtého októbra tisíc devä Otsto devä Otdesiattri.
 Pour le Royaume de Belgique
 Voor het Koninkrijk België
 >REFERENCE TO A FILM>
 På Kongeriget Danmarks vegne
 >REFERENCE TO A FILM>
 Für die Bundesrepublik Deutschland
 >REFERENCE TO A FILM>
 Āéå ôçí Āëëçíéê_ Āçïññååßå
 >REFERENCE TO A FILM>
 Por el Reino de España
 >REFERENCE TO A FILM>
 Pour la République française
 >REFERENCE TO A FILM>
 For Ireland
 Thar cheann Na hÉireann
 >REFERENCE TO A FILM>
 Per la Repubblica italiana
 >REFERENCE TO A FILM>
 Pour le Grand-Duché de Luxembourg
 >REFERENCE TO A FILM>
 Voor het Koninkrijk der Nederlanden
 >REFERENCE TO A FILM>
 Pela República Portuguesa
 >REFERENCE TO A FILM>
 For the United Kingdom of Great Britain and Northern Ireland
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 Por el Consejo y la Comisión de las Comunidades Europeas
 For Rådet og Kommissionen for De Europæiske Fællesskaber
 Für den Rat und die Kommission der Europäischen Gemeinschaften
 Āéå ôï Óðîåî_ëéí éåé ôçí Ā_éðñï__ ôùí Āðñù_áúê_í Êíéíð_ôùí
 For the Council and the Commission of the European Communities
 Pour le Conseil et la Commission des Communautés européennes
 Per il Consiglio e la Commissione delle Comunità europee
 Voor de Raad en de Commissie van de Europese Gemeenschappen
 Pelo Conselho e pela Comissão das Comunidades Europeias
 >REFERENCE TO A FILM>
 Za Slovenskú republiku
 >REFERENCE TO A FILM>

Joint declarations

1. Article 8 (4)

The Community and the Slovak Republic confirm that where a reduction of duties is effected by way of a suspension of duties made for a particular period of time, such reduced duties shall replace the basic duties only for the period of such suspension, and that whenever a partial suspension of duties is made, the preferential margin between the Parties will be preserved.

2. Article 38 (1)

It is understood that the concept 'conditions and modalities applicable in each Member State` includes Community rules where appropriate.

3. Article 38

It is understood that the notion 'children` is defined in accordance with national legislation of the host country concerned.

4. Article 39

It is understood that the notion 'members of their family` is defined in accordance with the national legislation of the host country concerned.

5. Chapter II of Title IV

Without prejudice to the provisions of Chapter IV of Title IV, the Parties agree that treatment of the nationals or companies of one Party shall be considered to be less favourable than that accorded to those of the other Party if such treatment is either formally or de facto less favourable than the treatment accorded to those of the other Party.

6. Chapter III of Title IV

The Parties shall endeavour to achieve a mutually satisfactory result in the framework of the current negotiations on services taking place in the Uruguay Round.

7. Article 57 (3)

The Parties declare that the Agreements referred to in Article 57 (3) should aim at the highest possible extension of the transport regulations and policies applicable in the Community and in the Member States to the relations between the Community and the Slovak Republic in the field of transport.

8. Article 59

The sole fact of requiring a visa for natural persons of certain Parties and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

9. Article 60

Whenever the Association Council is called upon to take measures for further liberalization in the areas of services or persons, it shall also determine for which

transactions related to such measures payments are to be authorized in freely convertible currency.

10. Article 64

The Parties shall not make improper use of provisions on professional secrecy to prevent the disclosure of information in the field of competition.

11. Article 67

The Parties agree that for the purpose of this Association Agreement 'intellectual, industrial and commercial property' is to be given a similar meaning as in Article 36 of the EEC Treaty and includes in particular protection of copyright and neighbouring rights, patents, industrial designs, trade marks and service marks, topographies of integrated circuits, software, geographical indications, as well as protection against unfair competition and protection of undisclosed information on know-how.

12. Article 109

The Parties agree that the Association Council, in accordance with Article 109 of the Agreement, will examine the creation of a consultative mechanism composed of members of the Economic and Social Committee of the Community and the corresponding partners of the Slovak Republic.

13. Article 117 (2)

The Parties to the Agreement,

for the purpose of its correct interpretation and its practical application agree that

the term 'cases of special urgency' included in Article 117 of the Agreement means a case of the material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in

(a) repudiation of the Agreement not sanctioned by the general rules of international law

or

(b) violation of essential elements of the Agreement, namely its Article 6.

14. Article 5 of Protocol No 6

The Contracting Parties stress that the reference which is made in Article 5 of Protocol No 6 their own legislation may cover, where appropriate, an international commitment they could have contracted, such as the Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters, concluded in The Hague on 15 November 1965.

Declaration by the French Government

France notes that the Europe Agreement with the Slovak Republic does not apply to the overseas countries and territories associated with the European Economic Community pursuant to the Treaty establishing the European Economic Community.

Declarations by the European Community

1. Articles 6 and 117

The reference to the respect for human rights as an essential element of the Agreement and to the cases of special urgency has been included in the Agreement as a result of the policy followed by the Community in the area of human rights pursuant to the Council Declaration of 11 May 1992 which foresees such reference in the cooperation or association agreements between the Community and its partners in the Conference on Security and cooperation in Europe.

2. Chapter I of Title IV

The Community declares that nothing in the provisions of Chapter I, 'Movement of workers', shall be construed as impairing any competence of Member States as to the entry into and stay on their territories of workers and their family members.

3. Article 8 (4) of Protocol 2 on ECSC products

It is understood that the possibility of an exceptional extension of the five-year period is strictly limited to the particular case of the Slovak Republic and does not impair the position of the Community in relation to other cases nor prejudice international commitments. The possible derogation foreseen in paragraph 4 takes into account the particular difficulties of the Slovak Republic in restructuring the steel sector and the fact that this process has been launched very recently.

Letter from the Government of the Slovak Republic to the Community concerning Protocol 2

The Government of the Slovak Republic declares that it will not invoke the provisions of Protocol 2 on ECSC products, in particular Article 8, so as not to call into question the compatibility with this Protocol of the agreements made by the Community coal industry with the electricity companies and the steel industry to secure the sale of Community coal.