

English edition

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**Commission**

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

28 November 1991

(91/C 309/01)

Currency amount for one ecu:

Belgian and Luxembourg franc	41,9728	Portuguese escudo	181,610
German mark	2,03776	United States dollar	1,26177
Dutch guilder	2,29680	Swiss franc	1,80055
Pound sterling	0,713308	Swedish krona	7,46401
Danish krone	7,92077	Norwegian krone	8,02057
French franc	6,96119	Canadian dollar	1,43072
Italian lira	1537,15	Austrian schilling	14,3438
Irish pound	0,764524	Finnish markka	5,51394
Greek drachma	232,002	Japanese yen	163,904
Spanish peseta	129,940	Australian dollar	1,60838
		New Zealand dollar	2,24315

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

## STATE AID

C 44/90 (465/90)

France

(91/C 309/02)

*(Articles 92 to 94 of the Treaty establishing the European Economic Community)***Commission notice pursuant to Article 93 (2) of the EEC Treaty to the other Member States and other interested parties concerning aids and parafiscal charges for the benefit of the *Établissement national technique pour l'amélioration de la viticulture (Entav)* — draft Decree on a parafiscal charge for the benefit of Entav**

The Commission has informed the French Government of its decision to terminate the procedure by the letter given below.

1. By letter of 21 August 1990, the Office of the French Permanent Representative to the European Communities notified the Commission of the abovementioned draft Decree pursuant to Article 93 (3) of the Treaty.

2. The draft Decree introduces a parafiscal charge intended to finance the activities of Entav until 31 December 1992. This measure renews existing arrangements, notified by the French authorities in connection with the survey conducted by the Commission on aids in agriculture funded by parafiscal charges.

3. The aids thus financed are used for research schemes, including breeding, into cultivation methods, disease resistance, etc. The results of the research are widely disseminated; there are also advisory service schemes for producers.

4. By letter of 5 December 1990, the Commission notified the French Government of its decision<sup>(1)</sup> to initiate the procedure provided for in Article 93 (2) of the EEC Treaty with regard to the aids referred to in 3 above not on account of their purpose but owing to the way they are financed; the latter involves collecting a parafiscal charge in addition on young vine plants imported from other Member States. The Commission also initiated the procedure with regard to aid for the export of young vine plants (Article 2 of the draft Decree) in the form of an exemption from payment of the parafiscal charge on young vine plants for export.

5. By letters of 30 January and 14 June 1991, the French Government notified its decision to delete the provisions on these two aspects from the draft Decree so that the charge is levied solely on young vine plants produced in France and is extended to young vine plants for export.

6. The Commission has taken note of the French Government's decision and has decided to terminate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of the aid measures concerned.'

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<sup>(1)</sup> OJ No C 91, 9. 4. 1991, p. 2.

# COURT OF JUSTICE

## JUDGMENT OF THE COURT

(First Chamber)

of 5 November 1991

in Case C-348/90 P: European Parliament v. Gabriella Virgili-Schettini <sup>(1)</sup>

*(Official — Leave — Compensatory allowance for unused leave)*

(91/C 309/03)

*(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case C-348/90 P: European Parliament (Agents: J. Campinos, M. Peter and J. L. Rufas Quintana), appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber) of 26 September 1990 in Case T-139/89 between Gabriella Virgili-Schettini and the European Parliament, seeking to have that judgment set aside, the other party to the proceedings being Gabriella Virgili-Schettini, represented by V. Elvinger, of the Luxembourg Bar, with an address for service in Luxembourg at his Chambers, 4 rue Tony Neuman, who contends that the Court should uphold the contested judgment and order the appellant to pay the costs, the Court of Justice (First Chamber), composed of Sir Gordon Slynn, President of the First Chamber, R. Joliet, G. C. Rodríguez Iglesias, Judges; C. O. Lenz, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 5 November 1991, the operative part of which is as follows:

1. *the appeal is dismissed;*
2. *the Parliament is ordered to pay the costs.*

<sup>(1)</sup> OJ No C 12, 18. 1. 1991, p. 5.

## JUDGMENT OF THE COURT

of 7 November 1991

in Case C-313/89: Commission of the European Communities v. Kingdom of Spain <sup>(1)</sup>

*(Failure to fulfil obligations — Directive 80/155/EEC — Training of midwives)*

(91/C 309/04)

*(Language of the case: Spanish)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case C-313/89: Commission of the European Communities (Agent: Daniel Calleja y Crespo) against the Kingdom of Spain (Agents: initially Javier Conde de Saro, subsequently Carlos Bastarreche Sagües and Antonio Hierro Hernandez-Mora) — application for a declaration that by not taking within the period prescribed the measures necessary to comply with Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty — the Court, composed of O. Due, President, Sir Gordon Slynn, R. Joliet, F. A. Schockweiler and F. Grévisse (Presidents of Chambers), J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges; C. O. Lenz, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 7 November 1991, the operative part of which is as follows:

1. *by not taking within the period prescribed the measures necessary to comply with Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or*

<sup>(1)</sup> OJ No C 288, 16. 11. 1989.

*administrative action relating to the taking up and pursuit of the activities of midwives, the Kingdom of Spain has failed to fulfil its obligations under the Treaty;*

2. *the Kingdom of Spain is ordered to pay the costs.*

## JUDGMENT OF THE COURT

of 7 November 1991

**in Case C-17/90 (reference for a preliminary ruling from the Bundesverwaltungsgericht): Pinaud Wieger Spedition v. Bundesanstalt für den Güterfernverkehr (1)**

*(Freedom to provide services — Cabotage)*

(91/C 309/05)

*(Language of the case: German)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case C-17/90: reference to the Court pursuant to Article 177 of the EEC Treaty by the Bundesverwaltungsgericht (Federal Administrative Court), for a preliminary ruling in the proceedings pending before that court between Pinaud Wieger Spedition and the Bundesanstalt für den Güterfernverkehr (Federal Office for the long-distance carriage of goods), on the interpretation of Article 59 of the EEC Treaty — the Court, composed of O. Due, President, Sir Gordon Slynn, F. A. Schockweiler, F. Grévisse, P. J. G. Kapteyn (Presidents of Chambers), G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, G. C. Rodríguez Iglesias, M. Díez de Velasco and M. Zuleeg, Judges; M. Darmon, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 7 November 1991, the operative part of which is as follows:

*Under Community law as it stands, Articles 59 and 60 of the EEC Treaty do not preclude an undertaking established in one Member State from being prohibited from appointing a carrier in another Member State to provide on its behalf internal transport at rates generally in force in the first Member State, using vehicles licensed in the second Member State for goods transport.*

## JUDGMENT OF THE COURT

of 7 November 1991

**in Case C-309/90: Commission of the European Communities v. Hellenic Republic (1)**

*(Failure of a Member State to fulfil its obligations — Professional activities in architecture)*

(91/C 309/06)

*(Language of the case: Greek)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case C-309/90: Commission of the European Communities (Agent: D. Gouloussis) against the Hellenic Republic (Agent: E. Skandalou) — application for a declaration that by failing to adopt and to communicate to the Commission within the prescribed periods the laws, regulations and administrative measures necessary to comply with Council Directives 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (2), 85/614/EEC of 20 December 1985 amending, on account of the accession of Spain and Portugal, Directive 85/384/EEC (3) and 86/17/EEC of 27 January 1986 amending, on account of the accession of Portugal, Directive 85/384/EEC (4), corrigendum published in the Official Journal (5), the Hellenic Republic has failed to fulfil its obligations under the EEC Treaty — the Court, composed of O. Due, President, F. A. Schockweiler, F. Grévisse, P. J. G. Kapteyn (Presidents of Chambers), G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, M. Díez de Velasco and M. Zuleeg, Judges; M. Darmon, Advocate-General; J. A. Pompe, Deputy Registrar, for the Registrar, gave a judgment on 7 November 1991, the operative part of which is as follows:

1. *by failing to adopt and to communicate to the Commission, within the prescribed periods, the laws, regulations and administrative measures necessary to comply with Council Directives 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, 85/614/EEC of 20 December 1985 amending, on account of the accession of Spain and Portugal, Directive 85/384/EEC and 86/17/EEC*

(1) OJ No C 50, 1. 3. 1990.

(1) OJ No C 301, 30. 11. 1990.

(2) OJ No L 233, 1985, p. 15.

(3) OJ No L 376, 1985, p. 1.

(4) OJ No L 27, 1986, p. 71.

(5) OJ No L 87, 1986, p. 6.

of 27 January 1986 amending, on account of the accession of Portugal, Directive 85/384/EEC, the Hellenic Republic has failed to fulfil its obligations under the EEC Treaty;

2. the Hellenic Republic is ordered to pay the costs.

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Reference for a preliminary ruling by the Tribunal du travail, Brussels, by judgment of that court of 15 October 1991 in the case of *Alfredo Iacobelli v. Institut national d'assurance maladie-invalidité and Union nationale des fédérations mutualistes neutres*

(Case C-275/91)

(91/C 309/07)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal du travail, Brussels, of 15 October 1991, which was received at the Court Registry on 23 October 1991, for a preliminary ruling in the case of *Alfredo Iacobelli v. Institut national d'assurance maladie-invalidité and Union nationale des fédérations mutualistes neutres* on the following question:

Do Article 36 (4) of Regulation (EEC) No 574/72 and the second subparagraph of Article 46 (1) *in fine* of Regulation (EEC) No 1408/71, which Regulation No 574/72 implements, prevent an institution of a Member State to which an institution of another Member State has referred a claim for invalidity pension on the basis of Article 40 of Regulation (EEC) No 1408/71 from awarding a migrant worker an old age pension instead of an invalidity pension where it appears that the old age pension to which there is entitlement by virtue of the

national legislation alone is more beneficial than the invalidity pension calculated in accordance with the aggregation and apportionment system, that is to say, the defendants' interpretation of Articles 241 (1) of the Royal Decree of 4 November 1963, adopted pursuant to the Law of 9 August 1963 introducing and organizing a system of compulsory sickness and invalidity insurance and the new first subparagraph of Article 76 quater (2) of that law?

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Reference for a preliminary ruling by the Bundesfinanzhof by order of that court of 31 July 1991 in the case of *Finanzamt Kassel-Goethestraße v. Kommanditgesellschaft Viessmann*

(Case C-280/91)

(91/C 309/08)

Reference has been made to the Court of Justice of the European Communities by an order of the Bundesfinanzhof (Federal Finance Court) of 31 July 1991, received at the Court Registry on 31 October 1991 in the case of *Finanzamt (Finance Office) Kassel-Goethestraße v. Kommanditgesellschaft Viessmann* on the following question:

Does Article 4 of Directive 69/335/EEC<sup>(1)</sup> allow Member States to subject to capital duty the conversion of part of a *Komplementäranteil* (general partner share) into a *Kommanditanteil* (limited partner share) within a pre-existing GmbH & Co. KG (a limited partnership in which the general partner is a limited liability company)?

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<sup>(1)</sup> OJ, English Special Edition 1969 (II), p. 412.

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Decision concerning the conclusion of the framework agreement for cooperation between the European Economic Community and the Republic of Paraguay**

(91/C 309/09)

*COM(91) 434 final*

*(Submitted by the Commission on 14 November 1991)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Community should approve, for the attainment of its aims in the sphere of external economic relations, the Framework Agreement for trade and economic cooperation with the Republic of Paraguay,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Framework Agreement for trade and economic cooperation between the European Economic Community and the Republic of Paraguay is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall give the notification provided for in Article 25 of the Agreement <sup>(1)</sup>.

*Article 3*

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Committee set up by Article 21 of the Agreement.

*Article 4*

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

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<sup>(1)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.



**FRAMEWORK AGREEMENT****for cooperation between the European Economic Community and the Republic of Paraguay**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF THE REPUBLIC OF PARAGUAY,

of the other part,

CONSIDERING the links of friendship between the Member States of the European Economic Community, hereinafter referred to as 'the Community', and the Republic of Paraguay, hereinafter referred to as 'Paraguay',

REAFFIRMING the importance they attach to the principles of the United Nations Charter, to democratic values and to respecting human rights,

TAKING ACCOUNT of the points reaffirmed in the Rome Declaration of 20 December 1990, and the Luxembourg Communiqué concluded on 27 April 1991 between the Community, its Member States and the countries of the Rio Group,

CONSIDERING the readiness of the Community and its Member States to help address the social and economic problems confronting Paraguay as it returns to democracy,

TAKING ACCOUNT of their mutual interest in establishing contractual links in order to develop extensive cooperation in areas which are of key importance to social and economic progress, to step up and diversify trade and encourage the flow of investment,

TAKING account of the Community's new policy on cooperation with the developing countries of Latin America,

MINDFUL of the importance of securing the participation in cooperation of the individuals and bodies with a direct interest in the matter, particularly economic operators and the bodies which represent them,

WHEREAS Paraguay is engaged in a vast regional integration process together with Argentina, Brazil and Uruguay in the Southern Cone Common Market, hereinafter referred to as 'Mercosur', and whereas the Community intends to establish cooperation with each of those countries and with the new regional entity, aimed at providing support for the said integration process;

TAKING ACCOUNT of their membership or future membership of the General Agreement on Tariffs and Trade (GATT) and of the need to uphold and reinforce the rules for free and unhampered international trade,

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

.....

THE REPUBLIC OF PARAGUAY,

.....

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

HAVE AGREED AS FOLLOWS:

*Article 1***Democratic basis for cooperation**

Cooperation ties between the Community and Paraguay and this Agreement in its entirety shall be based on respect for the democratic principles and human rights which inspire the domestic and external policies of both the Community and Paraguay.

*Article 2***Support for democratization**

1. The Contracting Parties consider the support that the Community can offer towards the consolidation of democracy in Paraguay to be crucial. In this regard, the Community reaffirms its readiness to help strengthen the democratic institutions of Paraguay to the extent of its powers and its ability.

2. The Parties likewise agree to encourage, by appropriate measures, the return to Paraguay of persons obliged to leave it on political grounds.

*Article 3***Economic cooperation**

1. The Contracting Parties, taking into account their mutual interest and long and medium-term economic objectives, undertake to establish economic cooperation of the widest possible scope. The aims of such cooperation shall be, in particular:

- (a) to promote diversification of the economy of Paraguay;
- (b) to strengthen and diversify the economic links between the Contracting Parties;
- (c) to contribute to the development of their economies and the improvement of their standards of living;
- (d) to open up new markets and new sources of supply;
- (e) to create conditions which favour the development of the employment market;
- (f) to encourage industrial and trade cooperation, particularly among small and medium-sized enterprises;
- (g) to assist the integration of Paraguay into Mercosur.

2. Without excluding any field from the outset, the Contracting Parties shall determine in which fields there will be economic and industrial cooperation between them, having regard to their respective aims, their mutual interest and their own ability.

Taking account of the above, cooperation will centre on the following:

- (a) services, including financial services, and tourism, transport and telecommunications;
- (b) intellectual and industrial property, regulations and standards;
- (c) the management of natural resources and, in particular, the conservation and efficient use of forest resources, including reforestation;
- (d) environmental protection;
- (e) agriculture;
- (f) industry, mining and energy;
- (g) economic and monetary affairs.

3. Provision shall be made for the following, in particular:

- (a) conferences and seminars;
- (b) trade and industrial missions;
- (c) exploratory missions and missions concerned with investment and the promotion of joint ventures;
- (d) visits and meetings between economic operators;
- (e) the organization of business weeks and general and sector-based fairs;
- (f) the provision of the services of experts;
- (g) specific studies;
- (h) consultancy and technical assistance services;
- (i) cooperation between financial institutions;
- (j) the conclusion between the Member States of the EEC and Paraguay of double taxation agreements;
- (k) the exchange of appropriate information, particularly access to existing or future databases;

- (l) the creation of networks of business people, particularly industrialists.

#### *Article 4*

##### **Agricultural cooperation**

1. Paraguay and the Community shall establish cooperation in agriculture. To this end they shall examine in a spirit of cooperation and good will:

- (a) the opportunities for increasing their trade in agricultural products;
- (b) health, plant health and environmental measures and their effects, to prevent them hindering trade, while taking into account the two Parties' legislation in this field.

2. The Community shall contribute to Paraguay's efforts to diversify its exports of agricultural products.

#### *Article 5*

##### **Industrial cooperation**

1. The Contracting Parties agree to promote the expansion and diversification of Paraguay's production in the industrial and service sectors, directing their cooperation activities at small and medium-sized enterprises, in particular, and encouraging steps to facilitate access on the part of those enterprises to sources of capital, markets and the appropriate technology. These steps may include the joint establishment of suitable machinery and institutions.

2. The Contracting Parties likewise agree to consider the possibility of promoting projects which could help Paraguayan industry to integrate smoothly into Mercosur.

#### *Article 6*

##### **Cooperation regarding the environment**

1. The Contracting Parties undertake to cooperate on the improvement and protection of the environment in order to address the issues of water, soil and air pollution, erosion, desertification and deforestation, and the excessive exploitation of natural resources. They shall also encourage the productive conservation of the forest and aquatic flora and fauna, of watercourses and the conservation of tropical forests and national parks.

2. To this end, the Contracting Parties shall direct their efforts as regards the environment towards the following, in particular:

- (a) the establishment and improvement of environmental protection structures in the public and private sectors;
- (b) the development and improvement of laws, regulations and standards;
- (c) research, training and information, and alerting public opinion to the issues in question;
- (d) the execution of studies and projects and the provision of technical assistance;
- (e) the organization of meetings, seminars, workshops, conferences and visits among civil servants, specialists, engineers, business people and others fulfilling functions connected with the environment.

#### *Article 7*

##### **Investment**

The Contracting Parties agree:

- (a) to promote, so far as their powers, rules and regulations and policies permit, an increase in mutually beneficial investment;
- (b) to improve further the favourable climate for mutual investment by the Community Member States and Paraguay, particularly through agreements for the promotion and protection of such investment on the basis of the principles of non-discrimination and reciprocity.

#### *Article 8*

##### **Cooperation on science and technology**

1. The Contracting Parties agree to support the promotion and development of Paraguay's scientific and technological capabilities.

This aim will be pursued by fostering and promoting cooperation of the widest possible scope between specialist bodies or firms of both parties, in particular by establishing ties between the research centres of both parties in order to resolve jointly problems of mutual concern.

2. Without excluding any area from the outset, the Contracting Parties shall together determine the spheres of their cooperation. These shall include the following, in particular:

- (a) strengthening research capabilities;
- (b) developing and managing policy on science and technology;

- (c) protection and improvement of the environment;
- (d) promoting efficient use of natural resources in particular forest resources;
- (e) promoting regional integration and cooperation in science and technology;
- (f) disseminating information and expertise in science and technology.

3. The Contracting Parties will facilitate and encourage the introduction of measures aimed at achieving the objectives of cooperation between them, in particular:

- (a) joint research projects between the parties' research centres and other appropriate institutions;
- (b) exchanges of scientific information, particularly through seminars, workshops, conferences, etc.;
- (c) support for the reintegration into Paraguay of scientists, engineers and specialists.

#### *Article 9*

##### **Most-favoured-nation treatment**

1. The Contracting Parties shall grant each other, in respect of their imports and exports of goods, most-favoured-nation treatment on the basis of the General Agreement on Tariffs and Trade.

#### *Article 10*

##### **Temporary importation of goods**

The Contracting Parties undertake to give consideration to granting exemption from duties and taxes for goods temporarily imported into their territory which are covered by the relevant international agreements and are intended for re-export.

#### *Article 11*

##### **Trade cooperation**

1. The Contracting Parties agree to develop and diversify trade to the highest possible degree, taking into account the economic situation of each of the Parties and facilitating trade transactions between them as far as possible.

2. The Contracting Parties agree to examine ways and means of eliminating non-tariff barriers and, taking account of the work done by international organizations, they will commit themselves to a policy aimed at:

- (a) making trade transactions between them as easy as possible;
- (b) cooperating bilaterally and multilaterally on issues of common concern, including intellectual and industrial property, origin-related designations, commodities and manufactured and semi-manufactured products;
- (c) facilitating cooperation between their customs services in spheres including vocational training, the simplification of procedures and detection of infringements of customs rules;
- (d) taking each other's interests into account in relation to access to resources, the processing of such resources and market access for the products of the Contracting Parties;
- (e) bringing economic operators into closer contact in order to diversify and increase current trade flows;
- (f) examining, recommending and implementing trade promotion measures in the interests of expanding imports and exports;
- (g) seeking each other's opinion as far as possible on measures likely to have an adverse effect on trade between them.

#### *Article 12*

##### **Cooperation concerning government**

1. The Contracting Parties shall cooperate in contributing to the rationalization and modernization of government service at national and regional levels, notably with regard to the restructuring of central government.

2. To attain these objectives, the Contracting Parties shall endeavour to promote, *inter alia*:

- seminars and training courses for civil servants and the staff of public institutions and government departments,
- improvement of the equipment of public institutions and government departments.

#### *Article 13*

##### **Cooperation on information, communication and culture**

1. Cooperation between the Contracting Parties shall encompass information and communication, taking account of the cultural dimension of their relations.

2. Such cooperation shall include the preservation of historic and cultural objects.

#### *Article 14*

##### **Training**

1. Cooperation established within the framework of the Agreement may include appropriate training.

2. Training will be targeted essentially at instructors and teachers or supervisory staff already in positions of responsibility in firms, government departments, public services and other areas of economic and social activity.

3. The Contracting Parties shall consider the possibility of introducing specific training programmes which help to strengthen Paraguay's democratic institutions.

#### *Article 15*

##### **Public health**

The Contracting Parties agree to cooperate in the field of public health, with the aim of raising the standard of living and quality of life, particularly in the most disadvantaged sectors. In the interests of attaining these aims, the Parties undertake to conduct joint research, transfers of technology, and interchanges of experience and technical assistance, notably including measures relating to the following:

- the management and administration of the departments with responsibility for this field,
- the organization of scientific meetings and exchanges of specialists,
- the undertaking of programmes of vocational training,
- programmes and projects for the improvement of health and social welfare in urban and rural areas.

#### *Article 16*

##### **Drug abuse control**

1. The Contracting Parties undertake, in conformity with their respective legal provisions, to coordinate and step up their efforts to prevent and reduce the production, trafficking and consumption of drugs.

2. Such cooperation shall include the following:

- projects for training, education, health-promotion and rehabilitation of addicts, including projects for the reintegration of addicts into working life and society,
- research programmes and projects,
- measures to encourage alternative economic activities,
- the exchange of all relevant information, including that relating to money laundering.

3. Financing for the operations referred to may be contributed by public and private institutions and national, regional or international organizations, in consultation with the Government of Paraguay and the appropriate authorities of the Community and its Member States.

#### *Article 17*

##### **Tourism**

The Contracting Parties shall, in accordance with their laws, promote cooperation in tourism, which is to be achieved through specific measures focusing on:

- exchanges of officials and experts dealing with tourism, the interchange of information and statistics relating to this field and the transfer of technology,
- the development of activities to stimulate tourist traffic,
- the advancement of training schemes intended in particular to support hotel operation and management,
- joint participation in fairs and exhibitions aimed at increasing tourist flows.

#### *Article 18*

##### **Regional cooperation and integration**

1. Cooperation between the Contracting Parties may extend to action undertaken within the context of cooperation or integration agreements with third countries in the same region.

2. Without excluding any sphere of action, the following shall be given particular consideration:

- (a) cooperation on environmental issues at regional level;
- (b) development of intra-regional trade;

(c) the strengthening of regional institutions and support for the introduction of common policies and activities;

(d) regional communications, notably waterways.

#### *Article 19*

##### **Development cooperation**

1. In order to consolidate and accelerate Paraguay's economic and social development, the Community will implement assistance operations in the context of the Community programmes for developing countries.

2. Particular importance shall be attached to rural development, notably integrated rural development, joint training schemes, action aimed at improving self-sufficiency in food, employment, urban and rural housing and promoting grass-root organizations.

#### *Article 20*

##### **Resources for cooperation**

In order to facilitate the achievement of the aims set out in this Agreement, the Contracting Parties shall make available, within the limits of their abilities and through their own channels, the appropriate resources, including financial resources.

#### *Article 21*

##### **Joint Cooperation Committee**

1. A Joint Cooperation Committee shall be established, consisting of representatives of the Community and of Paraguay. It shall meet once a year, alternately in Brussels and Asunción, on a date and with an agenda fixed by mutual agreement. Extraordinary meetings may be convened with the consent of both parties.

2. The Joint Committee shall see to the proper functioning of the Agreement and shall examine all issues arising from its application. In fulfilling this role, its main functions shall be to:

(a) consider measures for developing and diversifying trade, in accordance with the objectives of this Agreement;

(b) exchange views on any points of common interest regarding trade and cooperation, including future programmes and the resources for them;

(c) make recommendations for promoting the expansion of trade and stepping up intensified cooperation, without neglecting the need to coordinate the measures planned;

(d) in general terms, recommend solutions aimed at helping to attain the objectives of this Agreement.

3. The Joint Committee may set up specialized subcommittees and working parties to assist it in the performance of its duties.

#### *Article 22*

##### **Other agreements**

1. Without prejudice to the provisions of the Treaties establishing the European Communities, neither this Agreement nor any action taken pursuant to it shall in any way affect the powers of the Member States of the Communities to undertake bilateral activities with Paraguay in the field of economic cooperation with Paraguay or, where appropriate, to conclude new economic cooperation agreements with Paraguay.

2. Subject to the provisions of paragraph 1 concerning economic cooperation, the provisions of this Agreement shall replace the provisions of the agreements concluded between the Member States of the Communities and Paraguay where such provisions are either incompatible with or identical to the provisions of this Agreement.

#### *Article 23*

##### **Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applicable under the conditions laid down by that Treaty and, on the other, to the territory of the Republic of Paraguay.

#### *Article 24*

##### **Future developments**

1. The Contracting Parties may by mutual consent expand this Agreement with a view to increasing the levels of cooperation and supplementing them, each in accordance with its laws, by means of agreements on specific sectors or activities.

2. Within the framework of this Agreement, either of the Contracting Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

*Article 25*

**Entry into force and duration**

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.

2. This Agreement is concluded for a period of five years. It shall be renewed on a yearly basis unless one of the Contracting Parties denounces it six months before the date of expiry.

*Article 26*

**Annexes**

The Annexes shall form an integral part of this Agreement.

*Article 27*

**Authentic languages**

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

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*ANNEX I*

**Exchange of letters on maritime transport**

*Letter 1*

Sir,

Please would you confirm your Government's agreement to the following:

'When the Agreement on cooperation between the European Economic Community and Paraguay was signed, the Parties undertook to address in the appropriate manner issues relating to the operation of shipping, particularly where the development of trade might be hindered. Mutually satisfactory solutions on shipping will be sought, with due respect for the principle of free and fair competition on a commercial basis.

It has likewise been agreed that such issues should also be discussed by the Joint Committee.'

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

*On behalf of the  
Council of the European Communities*

*Letter 2*

Sirs,

I have the honour to confirm my Government's agreement to the following:

'When the Agreement on cooperation between the European Economic Community and Paraguay was signed, the Parties undertook to address in the appropriate manner issues relating to the operation of shipping, particularly where the development of trade might be hindered. Mutually satisfactory solutions on shipping will be sought, with due respect for the principle of free and fair competition on a commercial basis.

It has likewise been agreed that such issues should also be discussed by the Joint Committee.'

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

*For the  
Government of the Republic of Paraguay*

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*ANNEX II***Unilateral declaration by the community on the Generalized System of Preferences**

The European Economic Community hereby confirms the importance which it attaches to the Generalized System of Preferences, set up by Resolution 21 (II) of the Second United Nations Conference on Trade and Development.

The European Community is prepared to examine any suggestions put to it by Paraguay in order to enable that country to make the best and widest possible use of the generalized preferences scheme which the Community has implemented in accordance with the abovementioned Resolution.

In order to ensure that Paraguayan officials and business people are properly acquainted with the Community scheme, the Commission will arrange information seminars in Paraguay.

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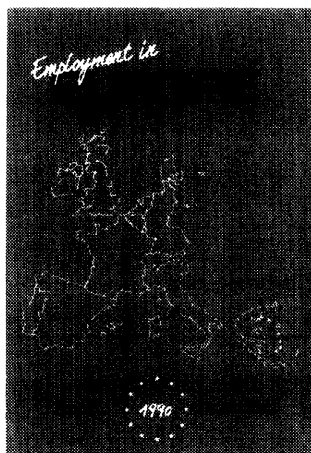
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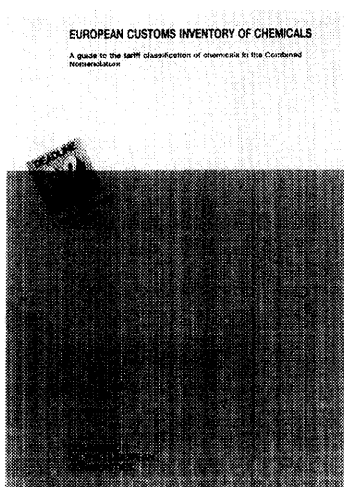


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