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Legislation

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 June 1989

on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

(89/544/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾, signed in Brussels on 5 October 1973, does not provide for the prohibition of quantitative restrictions affecting exports and measures having equivalent effect;

Whereas it is in the interest of the European Economic Community and the Republic of Finland to promote the free circulation of raw materials and goods by abolishing any such restrictions and measures and by preventing the creation of new restrictions or measures affecting their mutual trade;

Whereas it is necessary both to make arrangements for a phased abolition of current restrictions affecting certain products or measures having equivalent effect and to provide for safeguard measures in the event either of re-export towards third countries against which the exporting Contracting Party maintains restrictions or measures having equivalent effect or in the event of serious shortage of a particular product;

Whereas the Commission has held negotiations with the Republic of Austria, which have resulted in a Protocol,

Article 1

The Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Supplementary Protocol.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 June 1989.

For the Council

The President

C. ARANZADI

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

SUPPLEMENTARY PROTOCOL

to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

THE EUROPEAN ECONOMIC COMMUNITY

of the one part, and

THE REPUBLIC OF FINLAND

of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Finland signed in Brussels on 5 October 1973, hereinafter called the 'Agreement',

RECALLING the objective of creating a European Economic Space in accordance with the Joint Declaration adopted by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities in Luxembourg on 9 April 1984,

MINDFUL of the need to develop their trade relations in the interests of both their economies by eliminating existing and preventing any new barriers affecting their exports of products covered by the Agreement,

AWARE nonetheless that under certain exceptional circumstances a Contracting Party may be forced to take safeguard measures on exports and that specific provisions should be introduced to this end,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

Article 1

The following Articles are inserted into the Agreement:

'Article 13a

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Finland.
2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 7 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

Article 24a

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.'

Article 2

The text of Article 27 of the Agreement is replaced by the following:

'Article 27

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the

difficulties referred to in Articles 24, 24a and 26 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 22 to 26, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 23, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 23 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 24, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may

take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 24a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 24a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

- (d) As regards Article 25, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 24, 24a, 25 and 26 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.

Article 3

The following text shall be appended to the Agreement as Protocol 7:

PROTOCOL 7

concerning the elimination of certain quantitative restrictions on exports

Article 1

Quantitative restrictions applied by the Community on exports to Finland of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1992
ex 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1. 1. 1993
ex 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down	
	— Other, not including poplar	1. 1. 1993
	Wood, roughly squared or half squared but not further manufactured	
	— Other, not including poplar	1. 1. 1993
ex 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm	
	— Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1. 1. 1993
ex 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1. 1. 1992
ex 41.02	Raw skins of sheep and lambs	1. 1. 1992
ex 41.03	Raw hides and skins of goats and kids	1. 1. 1992
ex 43.01	Raw furskins of rabbits	1. 1. 1992

Article 2

Quantitative restrictions applied by Finland on exports to the Community of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
ex 26.20	Ash and residues, containing mainly copper	1. 1. 1991
74.04	Copper waste and scrap	1. 1. 1992'

Article 4

This Supplementary Protocol shall be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1990 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

If the Supplementary Protocol does not enter into force on that date, it shall do so on the first day of the second month following such notification.

Article 5

This Supplementary Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Finnish languages, each of these texts being equally authentic.

Hecho en Bruselas, a veintiséis de julio de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den seksogtyvende juli nitten hundrede og niogfirs.

Geschehen zu Brüssel am sechszwanzigsten Juli neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Ιουλίου χίλια εννιακόσια ογδόντα εννέα.

Done at Brussels on the twenty-sixth day of July in the year one thousand nine hundred and eighty-nine.

Fait à Bruxelles, le vingt-six juillet mil neuf cent quatre-vingt-neuf.

Fatto a Bruxelles, addì ventisei luglio millenovecentottantanove.

Gedaan te Brussel, de zesentwintigste juli negentienhonderd negentachtig.

Feito em Bruxelas, em vinte e seis de Julho de mil novecentos e oitenta e nove.

Tehty Brysselissä kahdentenakymmenentenäkuudentena päivänä heinäkuuta tuhatyhdeksänsataa kahdeksankymmentäyhdeksän.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

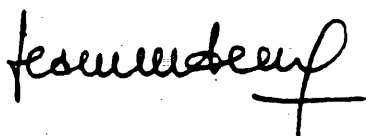
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

Euroopan yhteisöjen neuvoston puolesta



Por el Gobierno de la República de Finlandia

For regeringen for Republikken Finland

Für die Regierung der Republik Finnland

Για την κυβέρνηση της Δημοκρατίας της Φινλανδίας

For the Government of the Republic of Finland

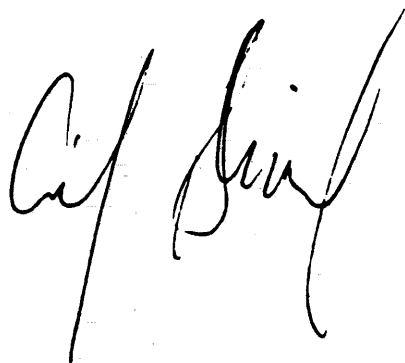
Pour le gouvernement de la république de Finlande

Per il governo della Repubblica di Finlandia

Voor de Regering van de Republiek Finland

Pelo Governo da República da Finlândia

Suomen tasavallan hallituksen puolesta

A handwritten signature in black ink, appearing to read 'A. S. Lind'. The signature is written in a cursive, flowing style with long, sweeping strokes. It is positioned below the list of government names and above a short horizontal line.

JOINT DECLARATION BY THE CONTRACTING PARTIES

to the Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

The Contracting Parties declare that Articles 7, 13a and 13b of the Agreement shall apply to products specified in Article 2 of the Agreement,

- including the petroleum products specified in Article 14 of the Agreement,
- excluding the products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Republic of Finland of the other part.

Furthermore, the Contracting Parties declare that the obligation to abolish existing quantitative restrictions on exports, does not apply to vessels and other floating structures for breaking up (Harmonized System heading No 89.08).

Restrictions on exports for these products shall, however, be included in any negotiations which Finland and the Community may decide to commence on restrictions affecting the exports of products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Republic of Finland, of the other part.

In any event, the restrictions on exports of vessels and other floating structures for breaking up shall be subject to re-examination in consultations between Finland and the Community not later than 1 January 1992.

COUNCIL DECISION

of 21 June 1989

on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Iceland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

(89/545/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾, signed in Brussels on 22 July 1972, does not provide for the prohibition of quantitative restrictions affecting exports and measures having equivalent effect;

Whereas it is in the interest of the European Economic Community and the Republic of Iceland to promote the free circulation of raw materials and goods by abolishing any such restrictions and measures and by preventing the creation of new restrictions or measures affecting their mutual trade;

Whereas it is necessary both to make arrangements for a phased abolition of current restrictions affecting certain products or measures having equivalent effect and to provide for safeguard measures in the event either of re-export towards third countries against which the exporting Contracting Party maintains restrictions or measures having equivalent effect or in the event of serious shortage of a particular product;

Whereas under Article 33 (1) of the Agreement, the Contracting Parties may, in the interest of their economies, develop the relations established by the Agreement by extending it to fields not covered thereby;

Whereas the Commission has held negotiations with the Republic of Iceland, which have resulted in a Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Iceland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Supplementary Protocol.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 June 1989.

For the Council
The President
C. ARANZADI

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 2.

SUPPLEMENTARY PROTOCOL

to the Agreement between the European Economic Community and the Republic of Iceland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

THE EUROPEAN ECONOMIC COMMUNITY

of the one part, and

THE REPUBLIC OF ICELAND

of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Iceland signed in Brussels on 22 July 1972, hereinafter called the 'Agreement', and in particular to Article 33 thereof,

RECALLING the objective of creating a European Economic Space in accordance with the Joint Declaration adopted by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities in Luxembourg on 9 April 1984,

MINDFUL of the need to develop their trade relations in the interests of both their economies by eliminating existing and preventing any new barriers affecting their exports of products covered by the Agreement,

AWARE nonetheless that under certain exceptional circumstances a Contracting Party may be forced to take safeguard measures on exports and that specific provisions should be introduced to this end,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

Article 1

The following Articles are inserted into the Agreement:

'Article 13a

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Iceland.
2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 7 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

Article 25a

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 28.'

Article 2

The text of Article 28 of the Agreement is replaced by the following:

'Article 28

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the

difficulties referred to in Articles 25, 25a and 27 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 23 to 27, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 24, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 24 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 25, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may

take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 25a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 25a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

- (d) As regards Article 26, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 25, 25a, 26 and 27 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.

Article 3

The following text shall be appended to the Agreement as Protocol 7:

PROTOCOL 7

concerning the elimination of certain quantitative restrictions on exports

Quantitative restrictions applied by the Community on exports to Iceland of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1992
ex 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1. 1. 1993
ex 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down — Other, not including poplar	1. 1. 1993
	Wood, roughly squared or half squared but not further manufactured — Other, not including poplar	1. 1. 1993
ex 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm — Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1. 1. 1993
ex 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1. 1. 1992
ex 41.02	Raw skins of sheep and lambs	1. 1. 1992
ex 41.03	Raw hides and skins of goats and kids	1. 1. 1992
ex 43.01	Raw furskins of rabbits	1. 1. 1992'

Article 4

This Supplementary Protocol shall be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1990 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

If the Supplementary Protocol does not enter into force on that date, it shall do so on the first day of the second month following such notification.

Article 5

This Supplementary Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese Spanish and Icelandic languages, each of these texts being equally authentic.

Hecho en Bruselas, a veinticinco de julio de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den femogtyvende juli nitten hundrede og niogfirs.

Geschehen zu Brüssel am fünfundzwanzigsten Juli neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Ιουλίου χίλια εννιακόσια ογδόντα εννέα.

Done at Brussels on the twenty-fifth day of July in the year one thousand nine hundred and eighty-nine.

Fait à Bruxelles, le vingt-cinq juillet mil neuf cent quatre-vingt-neuf.

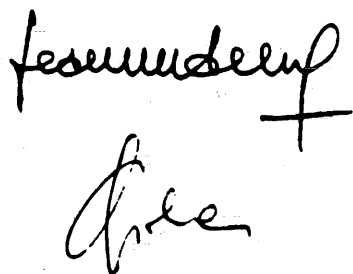
Fatto a Bruxelles, addì venticinque luglio millenovecentottantanove.

Gedaan te Brussel, de vijfentwintigste juli negentienhonderd negenentachtig.

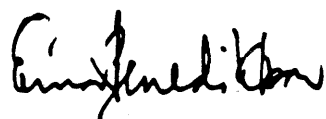
Feito em Bruxelas, em vinte e cinco de Julho de mil novecentos e oitenta e nove.

Gjört í Brussel, hinn tuttugasta og fimmta dag júlímánaóar nítján hundruð áttatíu og níu.

Por el Consejo de las Comunidades Europeas
For Rådet for De Europæiske Fællesskaber
Für den Rat der Europäischen Gemeinschaften
Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen
Pelo Conselho das Comunidades Europeias
Fyrir hond ráðs Evrópubandalaganna



Por el Gobierno de la República de Islandia
For regeringen for Republikken Island
Für die Regierung der Republik Island
Για την κυβέρνηση της Δημοκρατίας της Ισλανδίας
For the Government of the Republic of Iceland
Pour le gouvernement de la république d'Islande
Per il governo della Repubblica d'Islanda
Voor de Regering van de Republiek IJsland
Pelo Governo da República da Islândia
Fyrir ríkisstjórn lýðveldisins Íslands



JOINT DECLARATION BY THE CONTRACTING PARTIES

to the Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Iceland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

The Contracting Parties declare that Articles 7, 13a and 13b of the Agreement shall apply to products specified in Article 2 of the Agreement;

- including the petroleum products specified in Article 14 of the Agreement,
 - excluding the products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Republic of Iceland of the other part.
-

COUNCIL DECISION

of 21 June 1989

on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

(89/546/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Kingdom of Norway⁽¹⁾, signed in Brussels on 14 May 1973, does not provide for the prohibition of quantitative restrictions affecting exports and measures having equivalent effect;

Whereas it is in the interest of the European Economic Community and the Kingdom of Norway to promote the free circulation of raw materials and goods by abolishing any such restrictions and measures and by preventing the creation of new restrictions or measures affecting their mutual trade;

Whereas it is necessary both to make arrangements for a phased abolition of current restrictions affecting certain products or measures having equivalent effect and to provide for safeguard measures in the event either of re-export towards third countries against which the exporting Contracting Party maintains restrictions or measures having equivalent effect or in the event of serious shortage of a particular product;

Whereas under Article 32 (1) of the Agreement, the Contracting Parties may, in the interest of their economies, develop the relations established by the Agreement by extending it to fields not covered thereby;

Whereas the Commission has held negotiations with the Kingdom of Norway, which have resulted in a Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Supplementary Protocol.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 June 1989.

For the Council
The President
C. ARANZADI

⁽¹⁾ OJ No L 171, 27. 6. 1973, p. 2.

SUPPLEMENTARY PROTOCOL

to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

THE EUROPEAN ECONOMIC COMMUNITY

of the one part, and

THE KINGDOM OF NORWAY

of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Kingdom of Norway signed in Brussels on 14 May 1973, hereinafter called the 'Agreement', and in particular to Article 32 thereof,

RECALLING the objective of creating a European Economic Space in accordance with the Joint Declaration adopted by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities in Luxembourg on 9 April 1984,

MINDFUL of the need to develop their trade relations in the interests of both their economies by eliminating existing and preventing any new barriers affecting their exports of products covered by the Agreement,

AWARE nonetheless that under certain exceptional circumstances a Contracting Party may be forced to take safeguard measures on exports and that specific provisions should be introduced to this end,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

Article 1

The following Articles are inserted into the Agreement:

'Article 13a

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Norway.
2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 5 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

Article 24a

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.'

Article 2

The text of Article 27 of the Agreement is replaced by the following:

'Article 27

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the

difficulties referred to in Articles 24, 24a and 26 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 22 to 26, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 23, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 23 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 24, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may

take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 24a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 24a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

- (d) As regards Article 25, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 24, 24a, 25 and 26 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.

Article 3

The following text shall be appended to the Agreement as Protocol 5:

PROTOCOL 5

concerning the elimination of certain quantitative restrictions on exports

Article 1

Quantitative restrictions applied by the Community on exports to Norway of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1992
ex 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1. 1. 1993
ex 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down	
	— Other, not including poplar	1. 1. 1993
	Wood, roughly squared or half squared but not further manufactured	
	— Other, not including poplar	1. 1. 1993
ex 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm	
	— Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1. 1. 1993
ex 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1. 1. 1992
ex 41.02	Raw skins of sheep and lambs	1. 1. 1992
ex 41.03	Raw hides and skins of goats and kids	1. 1. 1992
ex 43.01	Raw furskins of rabbits	1. 1. 1992

Article 2

Quantitative restrictions applied by Norway on exports to the Community of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1992

Article 4

This Supplementary Protocol shall be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1990 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

If the Contracting Parties have not notified the completion of the procedures by that date, this Protocol shall be applied provisionally as from 1 January 1990.

Article 5

This Supplementary Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Norwegian languages, each of these texts being equally authentic.

Hecho en Bruselas, a veintiseis de julio de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den seksogtyvende juli nitten hundrede og niogfirs.

Geschehen zu Brüssel am sechszwanzigsten Juli neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Ιουλίου χίλια εννιακόσια ογδόντα εννέα.

Done at Brussels on the twenty-sixth day of July in the year one thousand nine hundred and eighty-nine.

Fait à Bruxelles, le vingt-six juillet mil neuf cent quatre-vingt-neuf.

Fatto a Bruxelles, addì ventisei luglio millenovecentottantanove.

Gedaan te Brussel, de zesentwintigste juli negentienhonderd negenentachtig.

Feito em Bruxelas, em vinte e seis de Julho de mil novecentos e oitenta e nove.

Undertegnet i Brussel, den tjuesjette juli nittenhundreogåttini

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

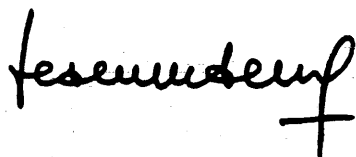
Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

For Rådet i De Europeiske Fællesskab



Por el Gobierno del Reino de Noruega

For regeringen for Kongeriget Norge

Für die Regierung des Königreichs Norwegen

Για την κυβέρνηση της Βασιλείου της Νορβηγίας

For the Government of the Kingdom of Norway

Pour le gouvernement du royaume de Norvège

Per il governo del Regno di Norvegia

Voor de Regering van het Koninkrijk Noorwegen

Pelo Governo do Reino da Noruega

For Kongeriket Norges Regjering

JOINT DECLARATION BY THE CONTRACTING PARTIES

to the Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

The Contracting Parties declare that Articles 7, 13a and 13b of the Agreement shall apply to products specified in Article 2 of the Agreement,

- including the petroleum products specified in Article 14 of the Agreement,
 - excluding the products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Kingdom of Norway of the other part.
-

COUNCIL DECISION

of 21 June 1989

on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

(89/547/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Kingdom of Sweden ⁽¹⁾, signed in Brussels on 22 July 1972, does not provide for the prohibition of quantitative restrictions affecting exports and measures having equivalent effect;

Whereas it is in the interest of the European Economic Community and the Kingdom of Sweden to promote the free circulation of raw materials and goods by abolishing any such restrictions and measures and by preventing the creation of new restrictions or measures affecting their mutual trade;

Whereas it is necessary both to make arrangements for a phased abolition of current restrictions affecting certain products or measures having equivalent effect and to provide for safeguard measures in the event either of re-export towards third countries against which the exporting Contracting Party maintains restrictions or measures having equivalent effect or in the event of serious shortage of a particular product;

Whereas under Article 32 (1) of the Agreement, the Contracting Parties may, in the interest of their economies, develop the relations established by the Agreement by extending it to fields not covered thereby;

Whereas the Commission has held negotiations with the Kingdom of Sweden, which have resulted in a Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Supplementary Protocol.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 June 1989.

For the Council
The President
C. ARANZADI

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

SUPPLEMENTARY PROTOCOL

to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

THE EUROPEAN ECONOMIC COMMUNITY

of the one part, and

THE KINGDOM OF SWEDEN

of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Kingdom of Sweden signed in Brussels on 22 July 1972, hereinafter called the 'Agreement', and in particular to Article 32 thereof,

RECALLING the objective of creating a European Economic Space in accordance with the Joint Declaration adopted by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities in Luxembourg on 9 April 1984,

MINDFUL of the need to develop their trade relations in the interests of both their economies by eliminating existing and preventing any new barriers affecting their exports of products covered by the Agreement,

AWARE nonetheless that under certain exceptional circumstances a Contracting Party may be forced to take safeguard measures on exports and that specific provisions should be introduced to this end,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

Article 1

The following Articles are inserted into the Agreement:

'Article 13a

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Sweden.
2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 5 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

Article 24a

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.'

Article 2

The text of Article 27 of the Agreement is replaced by the following:

'Article 27

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the

difficulties referred to in Articles 24, 24a and 26 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 22 to 26, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 23, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 23 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 24, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may

take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 24a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 24a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

- (d) As regards Article 25, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 24, 24a, 25 and 26 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.

Article 3

The following text shall be appended to the Agreement as Protocol 5:

PROTOCOL 5

concerning the elimination of certain quantitative restrictions on exports

Article 1

Quantitative restrictions applied by the Community on exports to Sweden of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1993
ex 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1. 1. 1993
ex 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down	
	— Other, not including poplar	1. 1. 1993
	Wood, roughly squared or half squared but not further manufactured	
	— Other, not including poplar	1. 1. 1993
ex 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm	
	— Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1. 1. 1993
ex 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1. 1. 1992
ex 41.02	Raw skins of sheep and lambs	1. 1. 1992
ex 41.03	Raw hides and skins of goats and kids	1. 1. 1992
ex 43.01	Raw furskins of rabbits	1. 1. 1992

Article 2

Quantitative restrictions applied by Sweden on exports to the Community of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
ex 26.20	Ash and residues, containing mainly copper	1. 1. 1991
74.04	Copper waste and scrap	1. 1. 1992'

Article 4

This Supplementary Protocol shall be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1990 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

If the Contracting Parties have not notified the completion of the procedures by that date, this Protocol shall be applied provisionally as from 1 January 1990.

Article 5

This Supplementary Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el dieciocho de julio de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den attende juli nitten hundrede og niogfirs.

Geschehen zu Brüssel am achtzehnten Juli neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Ιουλίου χίλια εννιακόσια ογδόντα εννέα.

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

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

Fatto a Bruxelles, addì diciotto luglio millenovecentottantanove.

Gedaan te Brussel, de achttiende juli negentienhonderd negenentachtig.

Feito em Bruxelas, em dezoito de Julho de mil novecentos e oitenta e nove.

Såsom skedde i Bryssel den adertondé juli nittonhundraåttionio.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

For the Council of the European Communities

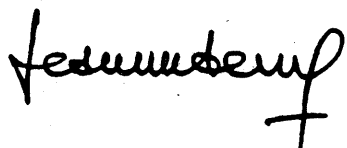

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

För Europeiska gemenskapernas råd

Por el Gobierno del Reino de Suecia

For Kongeriget Sveriges regering

Für die Regierung des Königreichs Schweden

Για την κυβέρνηση του Βασιλείου της Σουηδίας

For the Government of the Kingdom of Sweden

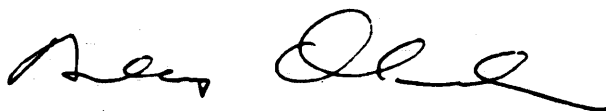
Pour le gouvernement du royaume de Suède

Per il governo del Regno di Svezia

Voor de Regering van hēt Koninkrijk Zweden

Pelo Governo do Reino da Suécia

För Konungariket Sveriges regering

A handwritten signature in black ink, consisting of a stylized first name followed by a surname, written in a cursive script.

JOINT DECLARATION BY THE CONTRACTING PARTIES

to the Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

The Contracting Parties declare that Articles 7, 13a and 13b of the Agreement shall apply to products specified in Article 2 of the Agreement,

- including the petroleum products specified in Article 14 of the Agreement,
 - excluding the products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Kingdom of Sweden of the other part.
-

COUNCIL DECISION

of 21 June 1989

on the conclusion of a Supplementary Protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

(89/548/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement between the European Economic Community and the Swiss Confederation⁽¹⁾, signed in Brussels on 22 July 1972, does not provide for the prohibition of quantitative restrictions affecting exports and measures having equivalent effect;

Whereas it is in the interest of the European Economic Community and the Swiss Confederation to promote the free circulation of raw materials and goods by abolishing any such restrictions and measures and by preventing the creation of new restrictions or measures affecting their mutual trade;

Whereas it is necessary both to make arrangements for a phased abolition of current restrictions affecting certain products or measures having equivalent effect and to provide for safeguard measures in the event either of re-export towards third countries against which the exporting Contracting Party maintains restrictions or measures having equivalent effect or in the event of serious shortage of a particular product;

Whereas under Article 32 (1) of the Agreement, the Contracting Parties may, in the interest of their economies, develop the relations established by the Agreement by extending it to fields not covered thereby;

Whereas the Commission has held negotiations with the Swiss Confederation, which have resulted in a Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Supplementary Protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 6 of the Supplementary Protocol.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 21 June 1989.

For the Council
The President
C. ARANZADI

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 189.

SUPPLEMENTARY PROTOCOL

to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

THE EUROPEAN ECONOMIC COMMUNITY

of the one part, and

THE SWISS CONFEDERATION

of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Swiss Confederation signed in Brussels on 22 July 1972, hereinafter called the 'Agreement', and in particular to Article 32 thereof,

RECALLING the objective of creating a European Economic Space in accordance with the Joint Declaration adopted by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities in Luxembourg on 9 April 1984,

MINDFUL of the need to develop their trade relations in the interests of both their economies by eliminating existing and preventing any new barriers affecting their exports of products covered by the Agreement,

AWARE nonetheless that under certain exceptional circumstances a Contracting Party may be forced to take safeguard measures on exports and that specific provisions should be introduced to this end,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

Article 1

The following Articles are inserted into the Agreement:

Article 13a

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Switzerland.
2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 6 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

Article 24a

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the

product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or

2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.'

Article 2

1. Paragraph 2 of Article 7 of the Agreement is replaced by the following:

'2. In the case of products listed in Annex III, customs duties on exports and charges having equivalent effect shall be abolished in accordance with the provisions of the said Annex.'

2. Annex III to the Agreement is replaced by the following:

*'ANNEX III***List of products referred to in Article 7 of the Agreement**

Customs duties applied by Switzerland to exports to the Community of the products listed below shall be eliminated in accordance with the following timetable.

Harmonized system Heading No	Product description	Date of elimination
ex 26.20	Ash and residues containing mainly aluminium	1 January 1993
74.04	Copper waste and scrap	1 January 1993
76.02	Aluminium waste and scrap	1 January 1993'

Article 3

The text of Article 27 of the Agreement is replaced by the following:

'Article 27

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the difficulties referred to in Articles 24, 24a and 26 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 22 to 26, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 23, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 23 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 24, the difficulties arising from the situation referred to in that Article shall be referred for examination to the Joint Committee, which may take any decision needed to put an end to such difficulties.

If the Joint Committee or the exporting Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 24a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 24a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

(d) As regards Article 25, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.'

(e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 24, 24a, 25 and 26 and also in the case of export aids having a direct and

Article 4

The following text shall be appended to the Agreement as Protocol 6:

PROTOCOL 6

concerning the elimination of certain quantitative restrictions on exports

Quantitative restrictions applied by the Community on exports to Switzerland of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1. 1. 1993
ex 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1. 1. 1993
ex 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down	
	— Other, not including poplar	1. 1. 1993
	Wood, roughly squared or half squared but not further manufactured	
	— Other, not including poplar	1. 1. 1993
ex 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm	
	— Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1. 1. 1993
ex 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1. 1. 1992
ex 41.02	Raw skins of sheep and lambs	1. 1. 1992
ex 41.03	Raw hides and skins of goats and kids	1. 1. 1992
ex 43.01	Raw furskins of rabbits	1. 1. 1992'

Article 5

This Supplementary Protocol shall likewise apply to the principality of Liechtenstein for so long as the Treaty of 29 March 1923, establishing a customs union between the Swiss Confederation and the Principality of Liechtenstein, remains in force.

that the procedures necessary to this end have been completed.

If the Contracting Parties have not notified the completion of the procedures by that date, this Protocol shall be applied provisionally as from 1 January 1990.

Article 6

This Supplementary Protocol shall be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1990 provided that the Contracting Parties have notified each other before that date

Article 7

This Supplementary Protocol is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, and Spanish languages, each of these texts being equally authentic.

Hecho en Bruselas, a doce de julio de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den tolvte juli nitten hundrede og niogfirs.

Geschehen zu Brüssel am zwölften Juli neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις δώδεκα Ιουλίου χίλια εννιακόσια ογδόντα εννέα.

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

Fait à Bruxelles, le douze juillet mil neuf cent quatre-vingt-neuf.

Fatto a Bruxelles, addì dodici luglio millenovecentottantanove.

Gedaan te Brussel, de twaalfde juli negentienhonderd negenentachtig.

Feito em Bruxelas, em doze de Julho de mil novecentos e oitenta e nove.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

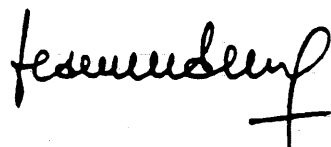
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias



Por el Gobierno de la Confederación Suiza

For regeringen for Schweiz

Für die Regierung der Schweizerischen Eidgenossenschaft

Για την κυβέρνηση της Ελβετικής Συνομοσπονδίας

For the Government of the Swiss Confederation

Pour le gouvernement de la Confédération suisse

Per il governo della Confederazione svizzera

Voor de Regering van de Zwitserse Bondsstaat

Pelo Governo da Confederação Suíça

T. de

JOINT DECLARATION BY THE CONTRACTING PARTIES

to the Supplementary Protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect

The Contracting Parties declare that Articles 7, 13a and 13b of the Agreement shall apply to products specified in Article 2 of the Agreement,

- including the petroleum products specified in Article 14 of the Agreement,
 - excluding the products covered by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Swiss Confederation of the other part.
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