

AGREEMENT**in the form of an Exchange of Letters amending the Additional Protocol to the Europe Agreement on Trade in Textile Products between the European Community and Romania**

Letter from the Council of the European Union

Sir,

1. I have the honour to refer to the negotiations held on 30–31 October 1995 between our respective Delegations with a view to amending the Additional Protocol on trade in textile products between the European Community and Romania, applied since 1 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 2 December 1994. These negotiations were held in the context of Article 1, paragraph 3, of the aforesaid Additional Protocol.
2. During these negotiations both Parties noted with satisfaction the way in which the Additional Protocol has, in general, been implemented.
3. In order to foster the development of further mutually beneficial trade flows it was agreed to amend the Additional Protocol as follows:
 - 3.1. The first subparagraph of Article 2, paragraph 3 of the Protocol is replaced by the following:

„3. The origin of the products covered by this Protocol shall be determined in accordance with the rules of non-preferential origin in force in the Community.“
 - 3.2. Article 2, paragraph 3 of Appendix A is replaced by the following:

„The certificate of origin referred to in paragraph 1 above is not required for the importation of goods covered by a movement certificate EUR1 or a form EUR2 issued in conformity with Protocol No 4 to the Europe Agreement in cases where those documents clearly establish that Romania is to be considered as the country of origin on the basis of the rules on non-preferential origin in force in the Community.“
 - 3.3. Annex II (EU direct quotas) is replaced by Appendix 1 attached.
 - 3.4. The Annex to Appendix B concerning outward processing traffic is replaced by Appendix 2 attached (OPT quotas).
4. I should be obliged if you would kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this letter, completed by its Appendices, Agreed Minutes and your written confirmation, will constitute an Agreement in the form of an Exchange of Letters between the Community and Romania. This Agreement shall enter into force on the first day of the month following that in which the European Community and Romania notify each other that they have completed the necessary internal procedures to this effect. In the meantime, the amendments to the Additional Protocol will apply on a provisional basis from 1 January 1996, on the conditions to be specified in an Exchange of Notes (see Appendix 3), provided that they are applied on a reciprocal basis.

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

For the Council of the European Union

Appendix 1

ANNEX II

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Protocol)

COMMUNITY QUANTITATIVE LIMITS

(in tonnes or 1 000 pieces)

Category	Unit	1996	1997
2	tonnes	6 869	7 006
2a	tonnes	4 024	4 104
3	tonnes	3 158	3 316
4	pieces (*)	29 568	30 751
5	pieces	19 212	20 077
6	pieces (*)	8 919	9 320
7	pieces	2 332	2 437
8	pieces	11 404	11 746
12	pairs	57 145	60 002
14	pieces	1 955	2 072
15	pieces	3 074	3 258
17	pieces	2 051	2 174
20	tonnes	2 601	2 757
24	pieces	12 225	12 958
118	tonnes	1 011	1 071

(*) For the purpose of setting off exports against the agreed quantitative limits a conversion rate of 5 garments (other than babies' garments) of a maximum commercial size of 130 cm, for 3 garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits. The export licence concerning these products must bear, in box 9, the words „The commercial rate for garments of a commercial size of not more than 130 cm must be applied“.

Appendix 2

ANNEX TO APPENDIX B

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Protocol)

OUTWARD PROCESSING TRAFFIC**Community quantitative limits**

(in 1 000 pieces)

Category	Unit	1996	1997
4	pieces	6 650	7 049
5	pieces	12 077	12 892
6	pieces	18 117	19 340
7	pieces	13 588	14 505
8	pieces	19 121	19 981
12	pairs	13 105	14 088
14	pieces	4 019	4 381
15	pieces	9 644	10 512
17	pieces	5 624	6 130
24	pieces	6 430	7 009

*Appendix 3***Exchange of Notes**

The Directorate-General I of the Commission of the European Communities presents its compliments to the Mission of Romania to the European Communities and has the honour to refer to the Additional Protocol to the Europe Agreement on Trade in Textile Products between Romania and the European Community initialled on 30 April 1993, as last amended by the Exchange of Letters initialled on 31 October 1995.

The Directorate-General wishes to inform the Mission of Romania that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Additional Protocol, the European Community is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1996. This is

on the understanding that either Party may at any time terminate this *de facto* application of the amended Additional Protocol provided that six months notice is given.

The Directorate-General would be grateful if the Mission of Romania would confirm its agreement to the foregoing.

The Directorate-General I of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Romania to the European Communities the assurance of its highest consideration.

The Mission of Romania to the European Communities presents its compliments to the Directorate-General I of the Commission of the European Communities and has the honour to refer to the Note of the Directorate-General of (date of *Note Verbale*) regarding the Additional Protocol to the Europe Agreement on Trade in Textile Products between Romania and the European Community initialled on 30 April 1993, as last amended by the Exchange of Letters initialled on 31 October 1995.

The Mission of Romania wishes to confirm to the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Additional Protocol, the Government of Romania is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1996. This is on the understanding that either Party may at any time terminate this *de facto* application of the amended Additional Protocol provided that six months notice is given.

The Mission of Romania to the European Communities avails itself of this opportunity to renew to the Directorate-General I of the Commission of the European Communities the assurance of its highest consideration.

Letter from the Government of Romania

Sir,

I have the honour to acknowledge receipt of your letter of which reads as follows:

„Sir,

1. I have the honour to refer to the negotiations held on 30–31 October 1995 between our respective Delegations with a view to amending the Additional Protocol on trade in textile products between the European Community and Romania, applied since 1 May 1993, as last amended by the Agreement in the form of an Exchange of Letters initialled on 2 December 1994. These negotiations were held in the context of Article 1, paragraph 3, of the aforesaid Additional Protocol.
2. During these negotiations both Parties noted with satisfaction the way in which the Additional Protocol has, in general, been implemented.
3. In order to foster the development of further mutually beneficial trade flows it was agreed to amend the Additional Protocol as follows:
 - 3.1. The first subparagraph of Article 2, paragraph 3 of the Protocol is replaced by the following:

„3. The origin of the products covered by this Protocol shall be determined in accordance with the rules of non-preferential origin in force in the Community.“
 - 3.2. Article 2, paragraph 3 of Appendix A is replaced by the following:

„The certificate of origin referred to in paragraph 1 above is not required for the importation of goods covered by a movement certificate EUR1 or a form EUR2 issued in conformity with Protocol 4 to the Europe Agreement in cases where those documents clearly establish that Romania is to be considered as the country of origin on the basis of the rules on non-preferential origin in force in the Community.“
 - 3.3. Annex II (EU direct quotas) is replaced by Appendix 1 attached.
 - 3.4. The Annex to Appendix B concerning outward processing traffic is replaced by Appendix 2 attached (OPT quotas).
4. I should be obliged if you would kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this letter, completed by its Appendices, Agreed Minutes and your written confirmation, will constitute an Agreement in the form of an Exchange of Letters between the Community and Romania. This Agreement shall enter into force on the first day of the month following that in which the European Community and Romania notify each other that they have completed the necessary internal procedures to this effect. In the meantime, the amendments to the Additional Protocol will apply on a provisional basis from 1 January 1996, on the conditions to be specified in an Exchange of Notes (see Appendix 3), provided that they are applied on a reciprocal basis.

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

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

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

For the Government of Romania

Appendix 1

ANNEX II

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Protocol)

COMMUNITY QUANTITATIVE LIMITS

(in tonnes or 1 000 pieces)

Category	Unit	1996	1997
2	tonnes	6 869	7 006
2a	tonnes	4 024	4 104
3	tonnes	3 158	3 316
4	pieces ⁽¹⁾	29 568	30 751
5	pieces	19 212	20 077
6	pieces ⁽¹⁾	8 919	9 320
7	pieces	2 332	2 437
8	pieces	11 404	11 746
12	pairs	57 145	60 002
14	pieces	1 955	2 072
15	pieces	3 074	3 258
17	pieces	2 051	2 174
20	tonnes	2 601	2 757
24	pieces	12 225	12 958
118	tonnes	1 011	1 071

⁽¹⁾ For the purpose of setting off exports against the agreed quantitative limits a conversion rate of 5 garments (other than babies' garments) of a maximum commercial size of 130 cm, for 3 garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits. The export licence concerning these products must bear, in box 9, the words „The commercial rate for garments of a commercial size of not more than 130 cm must be applied“.

Appendix 2

ANNEX TO APPENDIX B

(The full product descriptions of the categories listed in this Annex are to be found in Annex I to the Protocol)

OUTWARD PROCESSING TRAFFIC

Community quantitative limits

(in 1 000 pieces)

Category	Unit	1996	1997
4	pieces	6 650	7 049
5	pieces	12 077	12 892
6	pieces	18 117	19 340
7	pieces	13 588	14 505
8	pieces	19 121	19 981
12	pairs	13 105	14 088
14	pieces	4 019	4 381
15	pieces	9 644	10 512
17	pieces	5 624	6 130
24	pieces	6 430	7 009

Appendix 3

Exchange of Notes

The Directorate-General I of the Commission of the European Communities presents its compliments to the Mission of Romania to the European Communities and has the honour to refer to the Additional Protocol to the Europe Agreement on Trade in Textile Products between Romania and the European Community initialled on 30 April 1993, as last amended by the Exchange of Letters initialled on 31 October 1995.

The Directorate-General wishes to inform the Mission of Romania that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Additional Protocol, the European Community is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1996. This is

on the understanding that either Party may at any time terminate this *de facto* application of the amended Additional Protocol provided that six months notice is given.

The Directorate-General would be grateful if the Mission of Romania would confirm its agreement to the foregoing.

The Directorate-General I of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Romania to the European Communities the assurance of its highest consideration.

The Mission of Romania to the European Communities presents its compliments to the Directorate-General I of the Commission of the European Communities and has the honour to refer to the Note of the Directorate-General of (date of *Note Verbale*) regarding the Additional Protocol to the Europe Agreement on Trade in Textile Products between Romania and the European Community initialled on 30 April 1993, as last amended by the Exchange of Letters initialled on 31 October 1995.

The Mission of Romania wishes to confirm to the Directorate-General that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Additional Protocol, the Government of Romania is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1996. This is on the understanding that either Party may at any time terminate this *de facto* application of the amended Additional Protocol provided that six months notice is given.

The Mission of Romania to the European Communities avails itself of this opportunity to renew to the Directorate-General I of the Commission of the European Communities the assurance of its highest consideration.

Declaration of the Commission

In the context of the consultations held on 30–31 October 1995 in accordance with Article 1 (3) of the Additional Protocol on trade in textiles products between the European Community and Romania, applied since 1 May 1993, the Commission noted the concern expressed by the Romanian delegation in relation to the level of utilisation of prior authorisations issued for OPT purposes and declared its willingness to examine the matter in the appropriate forum with Member States in due course, and to inform the Romanian authorities accordingly.
