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26.4.1995

ÚRADNÝ VESTNÍK EURÓPSKÝCH SPOLOČENSTIEV

L 94/508

AGREEMENT**in the form of an exchange of letters between the European Community and Ukraine amending the Agreement between the European Economic Community and Ukraine on trade in textile products to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union***Letter from the Council of the European Union*

Sir,

1. I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993.
2. In order to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union on 1 January 1995, the European Community considers that the following amendments should be made to the Agreement between the European Economic Community and Ukraine on trade in textile products:
 - 2.1. The following text is added after Article 5, paragraph 2:

„For the purposes of applying the provisions of paragraph 2 in the year 1995, the preceding year's total imports from all third countries shall be calculated on the basis of imports into the Community as constituted on 31 December 1994 and of imports into Austria, Finland and Sweden. Trade between the Community, Austria, Finland and Sweden, or between Austria, Finland and Sweden shall be excluded from this total.“
 - 2.2. Figures in Annex II which set out the quantitative limits for exports from Ukraine to the European Union are to be replaced by limits for the enlarged Community as set out in Appendix I to this letter.
 - 2.3. Article 14, paragraph 2, subparagraph 2, second indent of Protocol A, Title IV should be amended as follows:

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

AT = Austria

BL = Benelux

DE = Federal Republic of Germany

DK = Denmark

EL = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

IE = Ireland

IT = Italy

PT = Portugal

SE = Sweden“
 - 2.4. The Annex to Protocol A, setting out the model of the certificate of origin is replaced by Appendix II to this letter.
 - 2.5. The Annex to Protocol A, setting out the model of the export licence is replaced by Appendix III to this letter.

- 2.6. The Annex to Protocol B setting out the model of the certificate applicable to certain cottage industry and folklore products is replaced by Appendix IV to this letter.
- 2.7. Figures in the Annex to Protocol C which set out the quantitative restrictions for economic outward processing operations are to be replaced by limits for the enlarged Community as set out in Appendix V to this letter.
- 2.8. Should one or more acceding countries not join the European Union the adjustments calculated for this or these countries shall be deducted from the „Adjusted limits 1995“ set out in Appendices I and V to this letter and the respective amendments mentioned under point 2.3 shall not enter into force.
- 2.9. Notwithstanding the modifications referred to under points 2.4, 2.5 and 2.6, during a transitional period that will end on 30 June 1995, the competent authorities of Ukraine shall be authorized to continue issuing the forms that were in use in 1994.
- 2.10. Should inaccuracies appear in the trade figures used to establish the adjustments contained in Appendices I and V, technical revisions of these adjustments will be made following consultations and provided that the request for consultations is made not later than 28 February 1995.
3. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an exchange of letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1995 on the conditions to be specified in an exchange of notes (see Appendix VI).

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

*For the Council
of the European Union*

Appendix I

ANNEX II

COMMUNITY QUANTITATIVE LIMITS

Group	Category	Unit	Existing limit 1995	Adjustment for			Adjusted limit 1995
				Sweden	Finland	Austria	
IA	1	tonnes	653	24	11	20	707
IA	2	tonnes	1 500	33	15	28	1 576
IA	2a	tonnes	375	10	4	8	398
IA	3	tonnes	375	13	6	11	404
IB	4	1 000 pieces	983	93	42	77	1 196
IB	5	1 000 pieces	1 059	37	17	31	1 144
IB	6	1 000 pieces	874	41	19	34	968
IB	7	1 000 pieces	273	29	13	24	338
IB	8	1 000 pieces	382	40	18	33	472
IIA	9	tonnes	339	17	8	14	378
IIA	20	tonnes	557	25	11	21	615
IIA	22	tonnes	223	36	16	30	306
IIA	23	tonnes	325	18	8	15	366
IIA	39	tonnes	193	11	5	9	218
IIB	12	1 000 pairs	2 756	276	124	228	3 384
IIB	13	1 000 pieces	1 591	285	128	236	2 239
IIB	15	1 000 pieces	131	21	9	17	179
IIB	16	1 000 pieces	70	6	3	5	84
IIB	21	1 000 pieces	98	40	18	33	189
IIB	24	1 000 pieces	529	55	25	46	654
IIB	26/27	1 000 pieces	262	66	30	55	413
IIB	29	1 000 pieces	54	9	4	8	75
IIB	73	1 000 pieces	382	13	6	11	412
IIB	83	tonnes	159	6	3	5	173
IIIA	33	tonnes	546	65	29	54	694
IIIA	36	tonnes	668	24	11	20	723
IIIA	37	tonnes	772	67	30	55	923
IIIA	50	tonnes	88	8	4	7	107
IIIB	67	tonnes	165	35	16	29	245
IIIB	74	1 000 pieces	270	28	12	23	333
IIIB	90	tonnes	551	20	9	17	597
IV	115	tonnes	198	10	5	9	222
IV	117	tonnes	496	7	3	6	512
IV	118	tonnes	309	5	2	5	321

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No	
	3 Quota year Année contingentaire		4 Category number Numéro de catégorie	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	CERTIFICATE OF ORIGIN (Textile products)			
	CERTIFICAT D'ORIGINE (Produits textiles)			
	6 Country of origin Pays d'origine		7 Country of destination Pays de destination	
8 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	9 Supplementary details Données supplémentaires			
10 Marks and numbers – Number and kind of packages – DESCRIPTION OF GOODS Marques et numéros – Nombre et nature des colis – DÉSIGNATION DES MARCHANDISES		11 Quantity (1) Quantité (1)	12 FOB value (2) Valeur fob (2)	
13 CERTIFICATION BY THE COMPETENT AUTHORITY – VISA DE L'AUTORITÉ COMPÉTENTE I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. Je soussigné certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans la case 6, conformément aux dispositions en vigueur dans la Communauté européenne.				
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)		At – À, on – le		
		(Signature)	(Stamp – Cachet)	

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight – Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(2) In the currency of the sale contract – Dans la monnaie du contrat de vente.

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight – Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
 (2) In the currency of the sale contract – Dans la monnaie du contrat de vente.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No	
	3 Quota year Année contingentaire	4 Category number Numéro de catégorie	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT LICENCE (Textile products) <hr/> LICENCE D'EXPORTATION (Produits textiles)		
	6 Country of origin Pays d'origine	7 Country of destination Pays de destination	
8 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	9 Supplementary details Données supplémentaires		
10 Marks and numbers – Number and kind of packages – DESCRIPTION OF GOODS Marques et numéros – Nombre et nature des colis – DÉSIGNATION DES MARCHANDISES		11 Quantity (1) Quantité (1)	12 FOB value (2) Valeur fob (2)
<p>13 CERTIFICATION BY THE COMPETENT AUTHORITY – VISA DE L'AUTORITÉ COMPÉTENTE</p> <p>I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the category shown in box No 4 by the provisions regulating trade in textile products with the European Community.</p> <p>Je soussigné certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixée pour l'année indiquée dans la case 3 pour la catégorie désignée dans la case 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la Communauté européenne.</p>			
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)		At – À on – le (Signature) (Stamp – Cachet)	

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No	
3 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	CERTIFICATE in regard to HANDLOOMS, TEXTILE HANDICRAFTS and TRADITIONAL TEXTILE PRODUCTS, OF THE COTTAGE INDUSTRY, issued in conformity with and under the conditions regulating trade in textile products with the European Community. CERTIFICAT relatif aux TISSUS, TISSÉS SUR MÉTIERS À MAIN, aux PRODUITS TEXTILES FAITS À LA MAIN, et aux PRODUITS TEXTILES RELEVANT DU FOLKLORE TRADITIONNEL, DE FABRICATION ARTISANALE, délivré en conformité avec et sous les conditions régissant les échanges de produits textiles avec la Communauté européenne.			
6 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	4 Country of origin Pays d'origine		5 Country of destination Pays de destination	
8 Marks and numbers – Number and kind of packages – DESCRIPTION OF GOODS Marques et numéros – Nombre et nature des colis – DÉSIGNATION DES MARCHANDISES	7 Supplementary details Données supplémentaires		9 Quantity Quantité	10 FOB value ⁽¹⁾ Valeur fob ⁽¹⁾
11 CERTIFICATION BY THE COMPETENT AUTHORITY – VISA DE L'AUTORITÉ COMPÉTENTE I, the undersigned, certify that the consignment described above includes only the following textile products of the cottage industry of the country shown in box No 4: (a) fabrics woven on looms operated solely by hand or foot (handlooms) ⁽²⁾ ; (b) garments or other textile articles obtained manually from the fabrics described under (a) and sewn solely by hand without the aid of any machine (handicrafts) ⁽²⁾ ; (c) traditional folklore handicraft textile products made by hand, as defined in the list agreed between the European Community and the country shown in box No 4. Je soussigné certifie que l'envoi décrit ci-dessus contient exclusivement les produits textiles suivants relevant de la fabrication artisanale du pays figurant dans la case 4: (a) tissus tissés sur des métiers actionnés à la main ou au pied (handlooms) ⁽²⁾ ; (b) vêtements ou autres articles textiles obtenus manuellement à partir de tissus décrits sous (a) et cousus uniquement à la main sans l'aide d'une machine (handicrafts) ⁽²⁾ ; (c) produits textiles relevant du folklore traditionnel fabriqués à la main, comme définis dans la liste convenue entre la Communauté européenne et le pays indiqué dans la case 4.				
12 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)	At – À on – le (Signature) (Stamp – Cachet)			

⁽¹⁾ In the currency of the sale contract – Dans la monnaie du contrat de vente.
⁽²⁾ Delete as appropriate – Effacer la (les) mention(s) inutile(s).

APPENDIX V

ANNEX TO PROTOCOL C

OUTWARD PROCESSING TRAFFIC

Community quantitative limits

Group	Category	Unit	Existing limit 1995	Adjustment for			Adjusted limit 1995
				Sweden	Finland	Austria	
IB	4	1 000 pieces	1 823	53	24	44	1 943
IB	5	1 000 pieces	2 507	73	33	60	2 672
IB	6	1 000 pieces	3 191	93	41	77	3 402
IB	7	1 000 pieces	4 672	136	61	112	4 980
IB	8	1 000 pieces	912	26	12	22	972
IIB	12	1 000 pairs	6 934	201	90	166	7 392
IIB	13	1 000 pieces	874	25	11	21	932
IIB	15	1 000 pieces	2 735	79	36	66	2 916
IIB	16	1 000 pieces	562	16	7	13	599
IIB	21	1 000 pieces	1 823	53	24	44	1 943
IIB	24	1 000 pieces	809	23	11	19	862
IIB	26/27	1 000 pieces	5 470	159	71	131	5 831
IIB	29	1 000 pieces	1 236	36	16	30	1 318
IIB	73	1 000 pieces	570	17	7	14	608
IIB	83	tonnes	273	8	4	7	291
IIIB	74	1 000 pieces	562	16	7	13	599

*Appendix VI***Exchange of notes**

The Directorate-General for External Economic Relations of the Commission of the European Communities presents its compliments to the Mission of Ukraine to the European Communities and has the honour to refer to the Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Directorate-General wishes to inform the Mission of Ukraine that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Agreement, the European Community is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1995. This is on the understanding that either Party may at any time terminate this *de facto* application of the amended Agreement provided that one hundred and twenty days notice is given.

The Directorate-General for External Economic Relations would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

The Directorate-General for External Economic Relations of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Ukraine to the European Communities the assurance of its highest consideration.

The Mission of Ukraine to the European Communities presents its compliments to the Directorate-General for External Economic Relations 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 Agreement on trade in textile products between Ukraine and the European Economic Community initialled on 5 May 1993, as amended by the exchange of letters initialled on (date of initialling).

The Mission of Ukraine 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 adapted Agreement, the Government of Ukraine is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1995. This is on the understanding that either Party may at any time terminate this *de facto* application of the adapted Agreement provided that one hundred and twenty days notice is given.

The Mission of Ukraine to the European Communities avails itself of this opportunity to renew to the Directorate-General for External Economic Relations of the Commission of the European Communities the assurance of its highest consideration.

Letter from the Government of Ukraine

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 Agreement between the European Economic Community and Ukraine on trade in textile products initialled on 5 May 1993.
2. In order to take into account the expected accession of the Republic of Austria, the Republic of Finland, and the Kingdom of Sweden to the European Union on 1 January 1995, the European Community considers that the following amendments should be made to the Agreement between the European Economic Community and Ukraine on trade in textile products:
 - 2.1. The following text is added after Article 5, paragraph 2:

‘For the purposes of applying the provisions of paragraph 2 in the year 1995, the preceding year’s total imports from all third countries shall be calculated on the basis of imports into the Community as constituted on 31 December 1994 and of imports into Austria, Finland and Sweden. Trade between the Community, Austria, Finland and Sweden, or between Austria, Finland and Sweden shall be excluded from this total.’
 - 2.2. Figures in Annex II which set out the quantitative limits for exports from Ukraine to the European Union are to be replaced by limits for the enlarged Community as set out in Appendix I to this letter.
 - 2.3. Article 14, paragraph 2, subparagraph 2, second indent of Protocol A, Title IV should be amended as follows:

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

AT = Austria

BL = Benelux

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DK = Denmark

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ES = Spain

FI = Finland

FR = France

GB = United Kingdom

IE = Ireland

IT = Italy

PT = Portugal

SE = Sweden’
 - 2.4. The Annex to Protocol A, setting out the model of the certificate of origin is replaced by Appendix II to this letter.
 - 2.5. The Annex to Protocol A, setting out the model of the export licence is replaced by Appendix III to this letter.

- 2.6. The Annex to Protocol B setting out the model of the certificate applicable to certain cottage industry and folklore products is replaced by Appendix IV to this letter.
- 2.7. Figures in the Annex to Protocol C which set out the quantitative restrictions for economic outward processing operations are to be replaced by limits for the enlarged Community as set out in Appendix V to this letter.
- 2.8. Should one or more acceding countries not join the European Union the adjustments calculated for this or these countries shall be deducted from the 'Adjusted limits 1995' set out in Appendices I and V to this letter and the respective amendments mentioned under point 2.3 shall not enter into force.
- 2.9. Notwithstanding the modifications referred to under points 2.4, 2.5 and 2.6, during a transitional period that will end on 30 June 1995, the competent authorities of Ukraine shall be authorized to continue issuing the forms that were in use in 1994.
- 2.10. Should inaccuracies appear in the trade figures used to establish the adjustments contained in Appendices I and V, technical revisions of these adjustments will be made following consultations and provided that the request for consultations is made not later than 28 February 1995.
3. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an exchange of letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1995 on the conditions to be specified in an exchange of notes (see Appendix VI).

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 Ukraine*

Appendix I

ANNEX II

COMMUNITY QUANTITATIVE LIMITS

Group	Category	Unit	Existing limit 1995	Adjustment for			Adjusted limit 1995
				Sweden	Finland	Austria	
IA	1	tonnes	653	24	11	20	707
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IA	2a	tonnes	375	10	4	8	398
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IB	6	1 000 pieces	874	41	19	34	968
IB	7	1 000 pieces	273	29	13	24	338
IB	8	1 000 pieces	382	40	18	33	472
IIA	9	tonnes	339	17	8	14	378
IIA	20	tonnes	557	25	11	21	615
IIA	22	tonnes	223	36	16	30	306
IIA	23	tonnes	325	18	8	15	366
IIA	39	tonnes	193	11	5	9	218
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IIB	73	1 000 pieces	382	13	6	11	412
IIB	83	tonnes	159	6	3	5	173
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IIIA	36	tonnes	668	24	11	20	723
IIIA	37	tonnes	772	67	30	55	923
IIIA	50	tonnes	88	8	4	7	107
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IIIB	74	1 000 pieces	270	28	12	23	333
IIIB	90	tonnes	551	20	9	17	597
IV	115	tonnes	198	10	5	9	222
IV	117	tonnes	496	7	3	6	512
IV	118	tonnes	309	5	2	5	321

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No	
	3 Quota year Année contingentaire		4 Category number Numéro de catégorie	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	CERTIFICATE OF ORIGIN (Textile products)			
	CERTIFICAT D'ORIGINE (Produits textiles)			
	6 Country of origin Pays d'origine		7 Country of destination Pays de destination	
8 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	9 Supplementary details Données supplémentaires			
10 Marks and numbers – Number and kind of packages – DESCRIPTION OF GOODS Marques et numéros – Nombre et nature des colis – DÉSIGNATION DES MARCHANDISES			11 Quantity (1) Quantité (1)	12 FOB value (2) Valeur fob (2)
13 CERTIFICATION BY THE COMPETENT AUTHORITY – VISA DE L'AUTORITÉ COMPÉTENTE				
I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community. Je soussigné certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans la case 6, conformément aux dispositions en vigueur dans la Communauté européenne.				
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)			At – À, on – le	
			(Signature) (Stamp – Cachet)	

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight – Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(2) In the currency of the sale contract – Dans la monnaie du contrat de vente.

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight – Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
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1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No	
	3 Quota year Année contingentaire	4 Category number Numéro de catégorie	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT LICENCE (Textile products) <hr/> LICENCE D'EXPORTATION (Produits textiles)		
	6 Country of origin Pays d'origine	7 Country of destination Pays de destination	
8 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	9 Supplementary details Données supplémentaires		
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14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)		At – À, on – le (Signature) (Stamp – Cachet)	

Appendix V

ANNEX TO PROTOCOL C

OUTWARD PROCESSING TRAFFIC

Community quantitative limits

Group	Category	Unit	Existing limit 1995	Adjustment for			Adjusted limit 1995
				Sweden	Finland	Austria	
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The Directorate-General wishes to inform the Mission of Ukraine that whilst awaiting the completion of the necessary procedures for the conclusion and coming into force of the amended Agreement, the European Community is prepared to allow the provisions of the Agreement to apply *de facto* from 1 January 1995. This is on the understanding that either Party may at any time terminate this *de facto* application of the amended Agreement provided that one hundred and twenty days notice is given.

The Directorate-General for External Economic Relations would be grateful if the Mission of Ukraine would confirm its agreement to the foregoing.

The Directorate-General for External Economic Relations of the Commission of the European Communities avails itself of this opportunity to renew to the Mission of Ukraine to the European Communities the assurance of its highest consideration.

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