

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (88) 673 final

Brussels, 1 December 1988

## Proposal for a COUNCIL DECISION

relating to the conclusion of the Agreement  
between the European Economic Community  
and the Czechoslovak Socialist Republic  
on trade in industrial products

(presented by the Commission)

Com 673

EXPOSE DES MOTIFS

1. La proposition de décision du Conseil ci-jointe constitue l'instrument juridique pour la conclusion de l'Accord sur le commerce pour les produits industriels entre la Communauté économique européenne et la République socialiste Tchèqueoslovaque.
2. Des entretiens exploratoires au niveau des experts entre la Communauté et la Tchèqueoslovaque ont été poursuivis à l'initiative de ce pays depuis 1983. Ils ont porté essentiellement sur le souhait de la Tchèqueoslovaque de faciliter l'accès au marché de la Communauté pour un nombre très limité de produits qui sont importants pour leurs exportations.
3. Sur la base des directives accordées par le Conseil le 21 novembre 1986, il y a eu quatre sessions officielles de négociations et de nombreux contacts informels entre la Communauté et la Tchèqueoslovaque, entre le 22 juillet 1987 et le 19 octobre 1988. Le texte paraphé le 19 octobre 1988 et joint à la proposition de décision comporte trois volets à souligner :
  - a) L'engagement pour la Tchèqueoslovaque d'adopter les mesures nécessaires pour encourager les importations en provenance de la Communauté (art. 1)
  - b) L'octroi par la Communauté des concessions aux importations de la Tchèqueoslovaque sous forme de libéralisation ou de suspension des restrictions quantitatives (art. 4 et 5)
  - c) L'article 12 institue un "organe de consultations" et définit les tâches de celui-ci. Il est chargé d'établir des consultations régulières et est appelé normalement à se réunir chaque année.
4. Il convient de faire remarquer que les chefs de délégation de négociation ont échangé au moment de parapher l'accord, des lettres concernant le souhait de la Tchèqueoslovaque que l'organe de consultation se réunisse dans les meilleurs délais, de préparer des négociations visant un futur accord et de discuter le calendrier pour l'élimination des restrictions quantitatives spécifiques appliquées à la Tchèqueoslovaque.

Ces lettres ne font en tout cas pas partie intégrante de l'accord et ne seront, donc, pas publiées. La Commission fournira des copies au Conseil pour son information.
5. La délégation tchèqueoslovaque a produit aussi une déclaration unilatérale faisant valoir qu'aucune disposition de l'accord n'affectait ni ne saurait affecter l'accord quadripartite conclu le 3 septembre 1971.
6. La Communauté a signalé, dans une lettre à la délégation tchèqueoslovaque, que l'identification des produits couverts par les annexes de l'Accord devrait être basé sur la Nomenclature Combinée (N.C.). Compte tenu du fait que cela nécessiterait une nouvelle analyse des listes des concessions et afin d'éviter des incertitudes éventuelles, la Commission propose de soumettre à la signature l'Accord comportant des codes NIMEXE. Il est entendu que les annexes seront modifiées par la Communauté en conséquence et que les actes à adopter ultérieurement pour la mise en application de l'Accord, comporteront des codes en N.C.

## II

(Preparatory Acts)

## COMMISSION

**Proposal for a Council Decision relating to the conclusion of the Agreement between the European Economic Community and the Czechoslovak Socialist Republic on trade in industrial products**

*COM(88) 673 final*

*(Submitted by the Commission to the Council on 6 December 1988)*

(89/C 7/03)

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,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas the conclusion by the European Economic Community of the Agreement on trade in industrial products between the European Economic Community and the Czechoslovak Socialist Republic appears necessary for the attainment of the ends of the Community in the sphere of external economic relations;

HAS ADOPTED THIS DECISION:

*Article 1*

The Agreement on trade in industrial products between the European Economic Community and the Czechoslovak Socialist Republic is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

The exchange of letters on Testausschreibung, texts of which are attached to this Decision, is also approved on behalf of the Community.

*Article 2*

The President of the Council shall give the notification provided for in Article 14 of the Agreement <sup>(2)</sup>.

*Article 3*

The Community shall be represented on the Consultation Body set up in Article 12 of the Agreement by the Commission, assisted by representatives of the Member States.

*Article 4*

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

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<sup>(1)</sup> Opinion delivered.

<sup>(2)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREEMENT

### between the European Economic Community and the Czechoslovak Socialist Republic on trade in industrial products

THE EUROPEAN ECONOMIC COMMUNITY

and

THE CZECHOSLOVAK SOCIALIST REPUBLIC,

RESOLVED to establish favourable conditions for the harmonious development of trade in the field of industrial products between the European Economic Community and the Czechoslovak Socialist Republic,

DESIROUS of diversifying the structure of trade between the Community and Czechoslovakia,

REAFFIRMING the commitment of both Parties to the General Agreement on Tariffs and Trade,

HAVING REGARD to the importance of giving full effect to all the provisions of the Final Act of the Conference on Security and Cooperation in Europe and the Concluding Document of the Madrid meeting,

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

#### *Article 1*

1. Subject to paragraph 2, this Agreement shall apply to trade in products originating in the Community or in Czechoslovakia falling within Chapters 25 to 96 of the Harmonized Commodity Description and Coding System.

2. This Agreement shall not apply:

— to products covered by the Treaty establishing the European Coal and Steel Community,

— for the period of application of the Agreement between the Community and Czechoslovakia on trade in textile products which has been provisionally applied since 1 January 1987 including any exchange of letters and other arrangements concluded in connection therewith and any agreements on trade in textile products subsequently concluded, to textile products covered by those agreements; furthermore in the event that the Community invokes paragraph 24 of the Protocol Extending the Arrangement Regarding International Trade in Textiles of 31 July 1986, only the provisions of the said Arrangement

shall apply thereto to the exclusion of all dispositions of this Agreement,

— to products listed in Annex I to this Agreement.

3. Unless otherwise specified in this Agreement, trade between the Contracting Parties shall be conducted in compliance with their respective regulations.

#### *Article 2*

1. In the framework of their respective laws and regulations, the Contracting Parties will adopt measures to ensure the harmonious development and the diversification of their mutual trade.

2. To that end, they confirm their resolve to consider in a spirit of cooperation each for its own part suggestions made by the other Party with a view to attaining these aims.

#### *Article 3*

1. The Community will accord the highest possible degree of liberalization to imports of products

cause the least disturbance to the functioning of this Agreement.

8. Where necessary, the Contracting Parties may hold consultations to determine when the measures adopted pursuant to paragraphs 4, 5 and 6 shall cease to apply.

#### Article 11

Czechoslovakia will take appropriate measures to encourage imports from the Community to the Czechoslovak market.

Such measures shall be aimed *inter alia* at:

- (a) supplying the Community with the appropriate information, notably with regard to:
  - (i) economic development plans,
  - (ii) general import arrangements and forecasts,
  - (iii) import and investment intentions in the sectors of Czechoslovak industry which may be of interest to Community exporters;
- (b) creating conditions facilitating the activities in Czechoslovakia of Community business operators and in particular closer contacts between representatives and experts from Community firms and those of Czechoslovak firms and end-users;
- (c) encouraging and facilitating, notably by means of practical measures, trade promotion activities in Czechoslovakia, such as the organization of fairs and exhibitions;
- (d) promoting visits by persons, groups and delegations involved in trade between the two Parties.

#### Article 12

1. A body shall be established for regular consultations, composed of representatives of the Community, on the one hand, and representatives of Czechoslovakia, on the other.

The tasks of the consultation body will be:

- to ensure the proper functioning of the Agreement,
- to examine the various aspects of the development of trade between the Parties, notably its overall trend, its rate of growth, its structure and diversification, the trade balance situation and the various forms of trade and trade promotion,
- to seek appropriate means of avoiding difficulties which might arise in connection with trade and with changes in existing trade arrangements,

- to consider measures likely to develop and diversify trade, notably by opening up new opportunities for imports into the Community and in Czechoslovakia,
- to exchange views and put forward suggestions on any problem of common interest relating to trade,
- to make recommendations likely to encourage the expansion of trade,
- to examine the possibility of negotiations being initiated, within the period of validity of this Agreement, with a view to concluding a successor Agreement.

2. The consultations shall be held once a year in Brussels and Prague alternately. Special meetings may be convened by mutual agreement, at the request of either Contracting Party. The chairmanship of the consultation meetings shall be held alternately by each of the Contracting Parties.

The agenda for consultation meetings shall be determined by mutual agreement and, wherever possible, shall be agreed beforehand.

#### Article 13

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

#### Article 14

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other that the legal procedures necessary to this end have been completed. The Agreement shall be concluded for a period of four years. The Agreement shall be automatically renewed year by year provided that neither Contracting Party gives the other Party written notice of denunciation of the Agreement six months before it expires.

However, the two Contracting Parties may amend the Agreement by mutual consent in order to take account of new developments.

The annexes and the exchange of letters concerning the combined nomenclature attached to this Agreement shall form an integral part thereof.

#### Article 15

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

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NIMEXE 1987

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29.23-17  
29.35-41  
29.35-75  
30.03-11  
30.03-13  
30.03-17  
32.07-10  
32.07-71  
32.07-90  
36.08-01  
36.08-10  
38.11-40  
38.14-33  
38.14-37  
38.19-35  
38.19-37  
38.19-41  
38.19-53  
38.19-55  
38.19-59  
38.19-82  
39.01-92  
40.02-30  
40.02-65  
40.02-70  
40.06-91  
40.06-93  
41.01-12  
48.05-21  
50.09-80  
51.01-74  
51.01-75  
57.06-11  
57.06-15  
57.06-30  
57.11-10  
59.04-31  
59.17-21  
65.06-30  
65.06-70  
65.06-90  
70.07-20  
73.19-50  
73.19-90  
73.20-37  
73.21-10  
73.40-51  
73.40-61  
73.40-63  
77.01-11  
77.01-13  
78.02-00  
78.03-00  
78.04-11  
78.04-19  
78.04-20  
78.05-00  
79.02-00  
79.03-25  
81.04-50  
84.23-13  
84.23-32  
84.23-58  
84.35-15  
84.35-32  
84.52-81

## PORTUGAL

## NIMEXE 1987

ex 73.18-02  
 ex 73.18-03  
 ex 73.18-05  
 ex 73.18-13  
 ex 73.18-15  
 ex 73.18-21  
 ex 73.18-22  
 ex 73.18-23  
 ex 73.18-24  
 ex 73.18-26  
 ex 73.18-27  
 ex 73.18-28  
 ex 73.18-32  
 ex 73.18-34  
 ex 73.18-36  
 ex 73.18-38  
 ex 73.18-41  
 ex 73.18-42  
 ex 73.18-44  
 ex 73.18-46  
 ex 73.18-48  
 ex 73.18-51  
 ex 73.18-52  
 ex 73.18-54

ex 73.18-02	Portugal	Unworked or painted, varnished, enamelled or otherwise treated (including Mannesmann tubes and tubes obtained by swaging), whether or not with sockets or flanges, but not otherwise worked, of a wall thickness of 4,5 mm or less
ex 73.18-03—13	Portugal	Straight and of-uniform thickness, unworked, seamless, of circular cross-section, solely for the manufacture of tubes and pipes with other cross-sections and wall-thicknesses of a wall thickness of 2,2 mm or less
ex 73.18-15	Portugal	Unworked or painted, varnished, enamelled or otherwise treated (including Mannesmann tubes and tubes obtained by swaging), whether or not with sockets or flanges, but not otherwise worked, of a wall thickness of 4,5 mm or less
ex 73.18-21—99	Portugal	

## ANNEX III

List of products in respect of which quantitative restrictions will be suspended at regional level according to the French regulations provided for the Open General Licence System (SLQ)

## NIMEXE 1987

27.07-25  
 27.07-29  
 32.05-10  
 32.05-20  
 32.05-30  
 32.05-40  
 32.05-50

CN code	Product
3601 00 00	Gunpowder
3808 30 10 ex 3808 30 90	Herbicides and activated substances
3901 10 10 3907 10 00 3907 20 11 3907 20 19 3907 20 90 3907 30 00 3907 40 00 3907 50 00 3907 60 00 3907 91 00 3907 99 00 3909 10 00 3909 20 00 3909 30 00 3909 40 00 3909 50 00 3910 00 00 3911 90 10 3914 00 00 3915 90 99 3916 90 11 3916 90 13 3916 90 15 3916 90 19 3917 29 11 3917 29 13 3917 31 90 3917 32 11 3917 32 19 3917 39 11 3917 39 13 3919 10 10 3919 10 39 3919 90 31 3919 90 35 3919 90 39 3920 61 00 3920 62 00 3920 63 00 3920 69 00 3920 92 00 3920 93 00 3920 94 00 3920 99 11 3920 99 19 3921 13 00 3921 19 10 3921 19 90 3921 90 11 3921 90 19 3921 90 20 3921 90 30 3921 90 41 3921 90 43 3921 90 49 3921 90 50	Plastics
3901 10 10 3901 10 90 3901 20 00	Polymerization and copolymerization products



CN code	Product
3921 12 00 3921 19 90 3921 90 60 4814 20 00	Polymerization and copolymerization products ( <i>cont'd</i> )
3915 90 91 3916 90 90 3917 10 90 3917 29 19 3917 32 51 3917 39 19 3919 10 90 3920 71 11 3920 71 19 3920 71 90 3921 90 90	Cellophane
3912 20 11 3912 20 19 3912 20 90 3915 90 91 3916 90 90 3917 29 19 3917 32 51 3917 39 19 3919 10 90 3919 90 90 3920 79 00 3921 19 90 3921 90 90	Cellulose nitrates
4002 11 00 4002 20 00 4002 31 00 4002 39 00 4002 41 00 4002 51 00 4002 60 00 4002 70 00 4002 91 00	Synthetic rubber lattice
4010 10 00 4010 91 00 4010 99 00	Conveyor or transmission belts or belting, of vulcanized rubber
4104 10 10 4104 10 11 4104 22 10	Prepared bovine (including buffalo) and equine leather excluding those falling within CN codes 4108 00 10, 4108 00 90 and 4109 00 00
5001 00 00	Silkworm cocoons
7202 21 10 7202 21 90 7202 29 00	Ferro-silicon
7202 30 00	Ferro-silico-manganese
7202 80 00	Ferro-tungsten

CN code	Product
8456 90 00 8543 30 00	Electroplating equipment, spare parts and accessories
8543 20 00	Low and high frequency electrical generators
8544 11 10 8544 11 90 8544 19 10 8544 19 90 8544 20 10 8544 20 91 8544 20 99 8544 30 90 8544 41 00 8544 49 10 8544 49 90 8544 51 00 8544 59 10 8544 59 91 8544 59 93 8544 59 99 8544 60 11 8544 60 13 8544 60 19 8544 60 91 8544 60 93 8544 60 99	Insulated electric wire, cable, bars, strip and the like and materials for electrical installations
8545 11 00 8545 19 10 8545 19 90 8545 20 00 8545 90 90	Carbons for projectors and other carbon products  Graphite electrodes
8546 10 00 8546 20 10 8546 20 91 8546 20 99 8546 90 90	Insulating materials for electrical installations, including high and low voltage porcelain insulators
8701 10 10 8701 10 90 8701 20 10 8701 20 90 8701 30 00 8701 90 11 8701 90 15 8701 90 21 8701 90 25 8701 90 31 8701 90 35 8701 90 39 8701 90 50 8701 90 90 ex 8708	Tractors, their parts and accessories
8903 91 10 8903 92 10	Pleasure or sports vessels