



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.04.1999
COM(1999) 155 final

99/0086 (ACC)

Proposal for a

COUNCIL DECISION

concerning the conclusion of the Cooperation Agreement between the European
Community and the People's Republic of Bangladesh

(presented by the Commission)

Summary

1. BACKGROUND

Diplomatic relations between the European Community and the People's Republic of Bangladesh date back to 1976 when the foundations for close cooperation between the Community and Bangladesh were laid down by the Agreement signed on 16 November. In January 1995, the Government of Bangladesh formally asked the Commission to negotiate a new cooperation agreement with a broader scope. The rationale supporting this request was Bangladesh's conviction that the conclusion of such an agreement would pave the way for enhanced cooperation and better reflect the close and friendly relations between Bangladesh and the Community.

The Commission sought a mandate from the Council to negotiate such an agreement and this was agreed on 15 July 1996. The first round of formal negotiations was held in March 1997.

Three issues remained outstanding at the end of this first round: Intellectual Property Rights (IPR), Maritime Transport and the Declaration on the readmission of illegal immigrants.

Subsequently, following informal talks with the Bangladesh side, an agreement that obtained the consensus of all Member States in the Asia Oceania Council Group was reached and the agreement was initialled on 17 February 1999 at the end of the second round of negotiations.

2. WHAT THE PARTIES STAND TO GAIN FROM THE COOPERATION AGREEMENT

This cooperation agreement should bring a series of benefits for both parties in as much as it will cover aspects of development, trade and economic cooperation reflecting the changes and challenges of the new global world order, the single market and the development of a market economy in Bangladesh.

It will offer an opportunity to strengthen the human rights clause which is the basis of this agreement as this is reinforced by the non-execution clause which states that violation of article 1 (human rights clause) is a breach that can lead to the suspension of the agreement.

The EU is Bangladesh's largest trading partner for imports as well as exports. A further strengthening of links through the agreement is likely to contribute to increase and diversify trade flows by enhancing the country's ability to export a wider range of higher quality products and greater value added.

The clause on intellectual property confirms (a) that Bangladesh should take all necessary measures to improve the conditions for adequate and effective protection and enforcement of intellectual property rights and (b) that Bangladesh should accede, not later than 1 January 2006, to a number of international conventions on intellectual property rights. The clause, therefore, goes beyond Bangladesh's commitments under WTO TRIPs Agreement, which Bangladesh, as a least developed country, has to implement by the year 2006, and provide for additional protection to EU right-holders.

Economic cooperation is also expected to be enhanced through this agreement which will improve the business climate for investors, cooperation with the private sector and help

develop business to business linkages between SME's in Bangladesh and the EU through schemes such as ECIP, BRE and Asia-Invest.

The Community's assistance strategy has so far focussed on improving the living conditions of the poor and disadvantaged sections of the population. These efforts will be complemented by further promoting a poverty reducing economic growth, the sustainable use of natural resources, the protection of the environment.

Furthermore, by helping Bangladesh's efforts to address major structural problems, this agreement is expected to boost regional cooperation under SAARC (South Asia Association for Regional Cooperation) of which Bangladesh is a member.

3. CONTENT OF THE AGREEMENT

The agreement will be an advanced framework cooperation agreement with an emphasis on development aid and economic cooperation in the broadest sense of the term. The Agreement will contain an indication of the objectives of EC-Bangladesh cooperation. These include the strengthening and diversification of economic and commercial relations, cooperation to promote the country's development, especially for the poorest sections of the population, with particular emphasis on women, and the promotion of environmental protection.

Actions specifically targeting the poorest sections of the population will be founded on respect for human rights and democratic principles and will seek to achieve sustainable development.

The body of the Agreement will contain provisions on the various fields of cooperation and cover:

- i. Trade and Commercial Cooperation;
- ii. Development Cooperation;
- iii. Economic Cooperation;

An appropriate institutional framework must be set up to ensure the proper functioning and implementation of the Agreement. In particular, this will involve a Joint Commission of the kind set up for other bilateral framework cooperation agreements concluded by the Community.

The text of the Agreement initialled on 17 February 1999 is annexed, together with, for information purposes, on the one hand, the Declaration by the European Community and the People's Republic of Bangladesh on the readmission of illegal immigrants and, on the other hand, the Declaration of the European Community on Actions in favour of Least Developed Countries. Not forming part of the Cooperation Agreement, these two Declarations, as well as the Unilateral declaration that Bangladesh intends to make on the question of readmission, are not the subject of the present conclusion procedure, which, as indicated in Article 19 of the Agreement, concerns only the text of the Agreement *stricto sensu* together with its three Annexes.

4. CONCLUSION

This will be the second agreement to be concluded with Bangladesh and it reflects the parties' shared interest in lasting trade relations and economic and development cooperation.

In view of the above, and in light of the Member States' desire for stronger links between the Community and Bangladesh, the Commission proposes that the Council approve the proposed Agreement between the Community and Bangladesh and adopt the attached proposal for a Decision.

Explanatory Memorandum

1. By a decision of 15 July 1996, the Council authorised the Commission to open negotiations with the People's Republic of Bangladesh with a view to concluding a cooperation agreement and adopted directives to that end.
2. After the last round of negotiations on 18th and 19th March 1997, three issues remained to be agreed, namely intellectual property rights, maritime transport, and the declaration on illegal immigrants. However, at the Presidency's request, new informal talks were held from the beginning of 1998 between the European Commission and Bangladesh. These finally led to a compromise proposal which could be accepted by the Council working group. The text of the Agreement was therefore initialled on 17 February 1999 at the end of the second formal round of negotiations.
3. This is a non-preferential agreement and has no financial protocol. Even though the texts initialled on 17 February 1999 include, on the one hand, a Declaration by the European Community and the People's Republic of Bangladesh on the readmission of illegal immigrants and, on the other hand, a Declaration of the European Community on Actions in favour of Least Developed Countries, the conclusion procedure, initiated by the Commission pursuant to Article 228 of the Treaty establishing the European Community, only covers the text of the basic Agreement together with the three annexes referred to in Article 19 of the Agreement, namely:
 - (i) annex I concerning the joint declaration relating to Article 4, paragraph 5 on intellectual, industrial and commercial property rights;
 - (ii) annex II concerning Article 4, paragraph 5 on the protection of intellectual, industrial and commercial property;
 - (iii) annex III concerning Article 16 on non-execution of the Agreement.

The same applies to the Unilateral Declaration on the readmission of illegal immigrants which Bangladesh intends to bring forward at the time of the signature and which, contrary to the Joint Declaration, will not be published in the Official Journal of the European Communities.

4. The European Parliament must be consulted because the legal basis of the Agreement includes Articles 113 and 130Y, in conjunction with the first sentence of Article 228 §2 and the first subparagraph of Article 228 §3 of the Treaty establishing the European Community.
5. With a view to the signing and conclusion of the Cooperation Agreement between the European Community and Bangladesh, the Council is requested to approve the Agreement and adopt the proposal for a Council Decision concluding the Cooperation Agreement between the European Community and the People's Republic of Bangladesh, and to sign it.

Proposal for a Council Decision

concerning the conclusion of the Cooperation Agreement between the European Community and the People's Republic of Bangladesh

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 130Y, in conjunction with the first sentence of Article 228 §2 and the first subparagraph of Article 228 §3 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament

Whereas, under Article 130U of the Treaty, Community policy in the sphere of development cooperation should foster the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy and the alleviation of poverty in these countries;

Whereas the Community should approve, in pursuit of its objectives in the sphere of external relations, the Cooperation Agreement between the European Community and the People's Republic of Bangladesh,

HAS DECIDED AS FOLLOWS:

Article 1

The Cooperation Agreement between the European Community and the People's Republic of Bangladesh is hereby approved on behalf of the Community.

The text of this Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 20 of the Agreement.¹

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the Joint Commission provided for in Article 12 of the Agreement

¹ The date of entry into force of the Cooperation Agreement will be published in the Official Journal of the European Communities by the General Secretariat of the Council.

Article 4

This Decision shall be published in the Official Journal of the European Communities.

Done at Brussels,

For the Council

The President

7

COOPERATION AGREEMENT

BETWEEN

THE EUROPEAN COMMUNITY

AND

THE PEOPLE'S REPUBLIC OF BANGLADESH

COOPERATION AGREEMENT

between the European Community and the People's Republic of Bangladesh

on partnership and development

THE EUROPEAN COMMUNITY

on the one part,

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

on the other part,

CONSIDERING the excellent relations and links of friendship and cooperation between the European Community hereinafter referred to as 'the Community', and the People's Republic of Bangladesh, hereinafter referred to as 'Bangladesh';

RECOGNIZING the importance of further strengthening the links and enhancing the relations between the Community and Bangladesh;

RE-AFFIRMING the importance the Community and Bangladesh attach to the principles of the United Nations Charter, to the Universal Declaration on Human Rights, to the 1993 Declaration of Vienna and the Programme of Action of the World Conference on Human Rights, to the 1995 Copenhagen Declaration on Social Development and programme of action, and to the 1995 Beijing Declaration and platform of action for the 4th World Conference on Women;

HAVING REGARD to the foundations for close cooperation between the Community and Bangladesh laid by the Agreement between the Community and Bangladesh signed on the 16 November 1976;

NOTING with satisfaction the achievements resulting from that Agreement;

INSPIRED by their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of equality, non-discrimination and mutual benefit and reciprocity;

ACKNOWLEDGING the great importance of social development which should go hand in hand with economic development, taking into account the current Least Developed Status of Bangladesh;

RECOGNIZING the need to support the development of the people of Bangladesh, and particularly of the poor and disadvantaged sections of the population, with special emphasis on women;

CONSIDERING the importance attached by the Community and Bangladesh to the promotion of balanced demographic growth, to the eradication of poverty, to the protection of the environment and to the sustainable use of natural resources, and recognising the link between the environment and development;

DESIROUS of creating favourable conditions for a substantial development and diversification of trade between the Community and Bangladesh;

TAKING INTO ACCOUNT their commitment to conduct trade in accordance with the Agreement establishing the WTO, including the Conclusions of the WTO Singapore Ministerial Conference of December 1996;

HAVING REGARD to the need to create favourable conditions for direct investment and economic cooperation between the Parties;

NOTING their common interest in fostering and strengthening regional co-operation and the North-South dialogue;

BELIEVING that relations between them have developed beyond the scope of the Agreement concluded in 1976,

HAVE DECIDED, as Contracting Parties, hereinafter referred to as 'the Parties', to conclude this Agreement and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY

.....

President-Office of the Council of the European Union

Manuel MARIN
Vice-President of the Commission of the European Communities

THE GOVERNMENT OF BANGLADESH

.....
Ministry of Commerce

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Basis

Respect for human rights and democratic principles as laid down in the Universal Declaration on Human Rights underpins the domestic and international policies of the Parties, and constitutes an essential element of this Agreement.

Article 2

Objectives

The principal objectives of this Agreement are to enhance and develop the various aspects of cooperation between the Parties in the areas which fall within the bounds of their respective competences, with the following aims:

- (a) to support the sustainable economic and social development of Bangladesh and particularly of the poorest sections of its population, with special emphasis on women, taking into account its current Least Developed Country status;
- (b) to secure the conditions for and to promote the increase and development of two-way trade between the Parties in accordance with the Agreement establishing the World Trade Organisation (WTO) and to assist Bangladesh in diversifying its productive potential;
- (c) to promote investment and economic, technical and cultural links in their mutual interest;
- (d) to pursue equilibrium between policies for sustainable economic growth, social development and protection and conservation of the natural environment.

Article 3

Development cooperation

1. The parties recognise that there is a potential for an increased Community contribution, both in terms of size and impact, to the development efforts of Bangladesh, more particularly in the strategic fields of poverty alleviation. Activities undertaken in these areas shall, where appropriate, put special emphasis on women.

In light of the above and in accordance with Community policies, regulations and the limits of financial means available for cooperation, the Parties agree that cooperation will continue to be developed within the context of a clear cooperation strategy and dialogue aimed at defining mutually agreed priorities, and pursuing effectiveness and sustainability.

2. The Parties acknowledge the need for enhanced attention to and cooperation in the fields of drug control and AIDS, taking into account work done in this connection by international bodies. In particular, cooperation between the Parties will include the following:

- (a) prevention, monitoring and reduction of AIDS through supporting information and educational activities;
 - (b) strengthening of health services and treatment capabilities in respect of victims of AIDS;
 - (c) training, education, health promotion and rehabilitation of drug addicts, including projects for the reintegration of addicts into work and the social environment;
 - (d) exchange of all relevant information, ensuring that personal data are suitably protected.
3. The Parties will ensure that actions undertaken within the framework of development cooperation are compatible with the development strategies implemented under the auspices of the Bretton Woods institutions.

Article 4

Trade and commercial cooperation

1. Within the bounds of their respective competences the Parties are committed to conduct trade in accordance with the Agreement establishing the WTO.
2. Each Party agrees to inform the other Party of the initiation of anti-dumping procedures against products of the other Party.

In full respect of the WTO Agreements on anti-dumping and anti-subsidy measures, the Parties shall afford sympathetic consideration to, and shall afford adequate opportunity for consultation regarding representations made by either Party with respect to anti-dumping procedures and anti-subsidy procedures.
3. The Parties also undertake to promote, within the framework of their current legislation, the expansion and diversification of trade between them. The objective of cooperation in this field is to develop and diversify two-way trade by seeking ways and means to improve market access.
4. The Parties shall seek:
 - (a) to work towards the elimination of barriers to trade and implement measures to improve transparency, in particular through the timely removal of non-tariff barriers in accordance with work done in this connection by WTO and other international bodies;
 - (b) within the limits of their respective competences, to improve cooperation in customs matters between the respective authorities, especially in professional training, the simplification and harmonisation of customs procedures and the prevention, investigation and penalisation of customs offences;
 - (c) to pursue the consideration of transit/re-export matters;

- (d) to exchange information about mutually beneficial market opportunities, statistical cooperation and competition matters;
 - (e) to ensure suitable protection of personal data.
5. (a) Bangladesh confirms to take all necessary measures to improve the conditions for adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.
- (b) Without prejudice to its commitments under the TRIPs agreement, Bangladesh shall accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 1 of Annex II not later than 1 January 2006. The Joint Commission may decide, upon duly motivated request by either party, to modify this period.
- (c) Moreover, Bangladesh shall endeavour to accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 2 of Annex II.
- (d) In order to enable Bangladesh to fulfil the above-mentioned undertakings and obligations, appropriate technical assistance will be provided upon request.
6. Within the limits of their respective competences, the Parties agree that they will work to improve exchange of information and access to their respective public procurement markets on the basis of reciprocity. To this end, the Community encourages Bangladesh to join the WTO Plurilateral Agreement on Government Procurement.
7. With regard to international maritime transport services, the Parties shall seek to ensure effective application of the principle of unrestricted access to the international maritime market and traffic on a commercial basis.
- (a) This provision does not prejudice the rights and obligations arising from the United Nations Convention Code of Conduct for Liner Conferences as applicable to one or other Contracting Party to the present Agreement. Non-conference lines will be free to operate in competition with a conference as long as they adhere to the principle of fair competition on a commercial basis.
- (b) The Parties affirm their commitment to a freely competitive environment as being an essential feature of the dry and liquid bulk trade.

Article 5

Environmental cooperation

1. Recognising that there is a close link between social deprivation and environmental degradation, the Parties undertake to cooperate in the environmental field with the aim of enhancing the prospects for achieving sustainable economic growth and social development, placing a high priority on respect for the natural environment.

2. Particular attention will be paid to:

- (a) reducing risks from the environment in disaster prone areas and/or to offer better protection against such risks and fighting against soil degradation;
- (b) developing an effective environment policy providing appropriate legislative measures and resources to implement it. This will encompass training, capacity building and the transfer of appropriate environmental technology;
- (c) cooperating in the development of sustainable and non-polluting energy sources, as well as solutions to urban and industrial pollution problems;
- (d) avoiding activities which damage the environment (especially areas with a fragile eco-system), while developing tourism as a sustainable source of revenue;
- (e) environmental impact assessment, as an essential part of reconstruction and development projects in all fields, at both the preparation and the implementation stages;
- (f) seeking close cooperation in the achievement of the objectives of multilateral environmental agreements to which both are party.

Article 6

Economic cooperation

- 1. In accordance with their respective policies and objectives and to the extent of their available resources, the Parties undertake to foster economic cooperation for mutual benefit. They will determine together, to their mutual advantage and within the limits of their respective competences, the areas and priorities for economic cooperation programmes and activities in the context of a clear cooperation strategy.
- 2. The Parties agree to cooperate in the following broad fields:
 - (a) developing a creative competitive economic environment in Bangladesh by facilitating the use of know-how and technology from the Community, including, in the fields of design, packaging, standards, such as consumer and environmental standards, new materials and products;
 - (b) facilitating contacts between economic operators and other measures designed to promote commercial exchanges and investments;
 - (c) facilitating exchanges of information on policies relating to enterprise and to small and medium-size enterprises (SMEs), particularly with a view to improving the business and investment environment and encouraging closer contacts between SMEs, in order to promote trade and increase industrial co-operation opportunities;
 - (d) strengthening management training in Bangladesh with a view to developing business operators who are able to interact effectively with the European business environment.

- (e) Promoting dialogue between Bangladesh and the Community in the fields of energy policy and transfer of technology.
3. Within the limits of their respective competences, the Parties undertake to encourage an increase in mutually beneficial investment by establishing a more favourable climate for private investments through better conditions for the transfer of capital and by supporting, where appropriate, the conclusion of conventions on the promotion and protection of investments between the Member States of the Community and Bangladesh.

Article 7

Regional cooperation

1. The Parties agree that cooperation between them may include actions undertaken under cooperation agreements with other countries in the same region, provided that such action is compatible with this agreement.
2. Without excluding any area, the Parties agree to give particular consideration to the following actions:
 - (a) technical assistance (services of outside experts, training of technical staff in certain practical aspects of integration);
 - (b) promotion of intra-regional trade;
 - (c) support for regional institutions and for joint projects and initiatives established under regional organisations such as the South Asian Agreement on Regional Cooperation (SAARC);
 - (d) support for studies on regional/sub-regional issues including, *inter alia*, transport, communications, environmental matters and human and animal health.

Article 8

Cooperation in Science and Technology

The Parties in accordance with their respective policies and competences, will promote scientific and technological cooperation in areas of common interest. This shall include cooperation on standards and quality control.

Article 9

Drug Precursor Chemicals and Money Laundering

1. In conformity with their respective competences and the pertinent legal provisions, the Parties agree to cooperate in order to prevent the diversion of drug precursor chemicals. They also agree on the necessity of making every effort to prevent money laundering.

2. Both Parties shall consider special measures against the illicit cultivation and production of, and trade in, drugs, narcotics and psychotropic substances as well as prevention and reduction of drug abuse. Cooperation in this area shall include:
- (a) assistance for the training and rehabilitation of addicts;
 - (b) measures for alternative economic development;
 - (c) exchanges of relevant information ensuring that personal data are suitably protected.

Article 10

Human Resource Development

The Parties agree that human resources development constitutes an integral part of both economic and social development.

The Parties acknowledge the necessity of safeguarding the basic rights of workers by taking account of the principles in the relevant International Labour Organisation instruments, including those on the prohibition of forced and child labour, the freedom of association, the right to organise and bargain collectively and the principle of non-discrimination.

The Parties recognise that both education and skills development as well as improving the living conditions of the disadvantaged sections of the population, with special emphasis on women, will contribute to creating a favourable economic and social environment.

Article 11

Information, Culture and Communication

Within the sphere of their respective competences, the Parties shall cooperate in the field of information, culture and communications, both to create a better mutual understanding and to strengthen cultural ties between them, including, *inter alia*, through studies and technical assistance for the preservation of cultural heritage.

The Parties also recognise the importance of cooperation in the fields of telecommunications, the information society and multimedia applications which contribute to increased economic development and trade.

The Parties consider that cooperation in this area, within the sphere of their respective competences, may facilitate:

- (a) regulation and policy for telecommunications;
- (b) mobile communication;
- (c) the information society, including the promotion of the global Navigation Satellite Systems;

- (d) multimedia technologies for telecommunications;
- (e) telematic networks and applications (transportation, health, education, environment).

Article 12

Joint Commission

1. The Parties agree to set up a Joint Commission whose tasks shall be to:
 - (a) ensure the proper functioning and implementation of the Agreement;
 - (b) set priorities in relation to the aims of the Agreement;
 - (c) make recommendations for promoting the objectives of the Agreement.

Provisions will be laid down on the frequency and venue of the meetings, chairmanship and the setting up of subgroups.

2. The Joint Commission shall be composed of representatives of both sides, at the senior official level. The Joint Commission shall normally meet every other year, alternately in Brussels and in Dhaka, on a date to be fixed by mutual agreement. Extraordinary meetings may also be convened by agreement between the Parties.
3. The Joint Commission may set up specialised subgroups to assist in the performance of its tasks and to coordinate the formulation and implementation of projects and programmes in the framework of the Agreement.
4. The agenda for meetings of the Joint Commission shall be determined by agreement between the Parties.
5. The Parties agree that it shall also be the task of the Joint Commission to ensure the proper functioning of any sectoral agreements concluded or which may be concluded between the Community and Bangladesh.

Article 13

Consultations

The Parties acknowledge the value, in the light of the objectives of this Agreement, of consulting each other on international, economic and commercial issues of mutual interest.

Article 14

Evolutionary Clause

The Parties may, by mutual consent, expand this Agreement with a view to enhancing the level of cooperation and add to it by means of agreements on specific sectors or activities.

With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

Article 15

Other Agreements

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, neither this Agreement nor action taken thereunder shall in any way affect the powers of the Member States of the European Union to undertake bilateral activities with Bangladesh in the framework of economic and development cooperation or to conclude, where appropriate, new economic and development cooperation agreements with Bangladesh.

Article 16

Non-execution of the Agreement

1. If either Party considers that the other Party has failed to fulfil any of its obligations under the Agreement, it may take appropriate measures.
2. Before doing so, except in cases of special urgency, it shall supply the other Party with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.
3. In the selection of measures, priority shall be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the other Party and shall be the subject of consultations if the other Party so requests.

Article 17

Facilities

To facilitate cooperation in the framework of this Agreement, the Bangladeshi authorities will grant to EC officials and experts involved in implementing cooperation the guarantees and facilities necessary for the performance of their functions. The detailed provisions will be set out by way of a separate Exchange of Letters.

Article 18

Territorial application

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

Article 19

Annexes

The Annexes to this Agreement shall form an integral part thereof.

Article 20

Entry into force and renewal

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.
2. This Agreement is concluded for a period of five years. It shall be automatically renewed on a yearly basis unless one of the Parties denounces it at least six months before its expiry date.

Article 21

Authentic texts

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

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

Done at Brussels on the in the year one thousand nine hundred and ninety-nine.

FOR THE EUROPEAN COMMUNITY:

FOR THE PEOPLE'S REPUBLIC OF BANGLADESH

ANNEX I

Joint Declaration relating to Article 4, paragraph 5, of the Agreement

Under the Agreement, the Parties agree that intellectual, industrial and commercial property comprises, in particular, copyright, including copyright in computer programs, and neighbouring rights, trademarks, service marks and geographical indications, including designation of origin, industrial designs and models, patents, configuration plans (topographies) of integrated circuits, *sui generis* protection of databases, protection of undisclosed information and protection against unfair competition.

ANNEX II

Concerning Article 4, paragraph 5 Intellectual, Industrial and Commercial Property Protection

1. Paragraph 5.b of Article 4 concerns the following multilateral conventions:
 - Berne Convention for the Protection of Literary and Artistic Work as last revised at Paris (Paris Act 1971)
 - Madrid Agreement Concerning the International Registration of Marks as last revised at Stockholm (Stockholm Act 1967)
 - Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989)
 - International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention 1961)
 - Patent Co-operation Treaty (PCT Union) as modified in 1984
 - Trademark Law Treaty (1994)

2. Paragraph 5.c of Article 4 concerns the following multilateral conventions:
 - Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks as revised at Geneva (Geneva Act 1977)
 - Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure (1977)
 - International Convention for the Protection of New Varieties of Plants (UPOV) as revised at Geneva (Geneva Act 1991)
 - WIPO Copyright Treaty (Geneva 1996)
 - WIPO Performances and Phonograms Treaty (Geneva 1996)

3. The Joint Commission may decide that Article 4, paragraphs 5. b and c, shall apply to other multilateral conventions.

ANNEX III

Interpretative Declaration on Article 16 – Non Execution of the Agreement

- (a) “For the purposes of the interpretation and practical application of this Agreement, the Parties agree that the cases of special urgency referred to in Article 16 of the Agreement mean cases of material breach of the Agreement by one of the two Parties. A material breach of the Agreement consists in :
- repudiation of the Agreement not sanctioned by the general rules of international law ;
 - violation of the essential elements of the Agreement set out in Article 1.”
- (b) “The parties agree that the “appropriate measures” referred to in Article 16 are measures taken in accordance with international law. If a Party takes a measure in case of special urgency pursuant to Article 16, the other Party may avail itself of the dispute settlement procedure”.

Declaration by the European Community and the People's Republic of Bangladesh

The European Community recalls the importance attached by its Member States to the effective co-operation with third countries to facilitate the readmission of nationals of the latter who are present illegally in the territory of a Member State.

The People's Republic of Bangladesh undertakes to conclude readmission agreements with the Member States of the European Union which so request.

**Declaration of the European Community on Actions in favour of
Least Developed Countries**

The European Community recalls its engagement to implement as completely and quickly as possible the proposals included in the Plan of Action in favour of Least Developed Countries, adopted in the WTO Singapore Conference held in December 1996.

Statement by the People's Republic of Bangladesh on the Declaration on readmission agreements

In agreeing to the undertaking "to conclude readmission agreements with the Member States of the European Union which so request," the People's Republic of Bangladesh desires to make it clear that the undertaking exclusively represents Bangladesh's readiness to enter into negotiations with the objective of concluding mutually acceptable readmission agreements with the Member States of the European Union which so request. At present, Bangladesh does not have such readmission agreements with any Member State of the European Union. However, on the request of EU Member States, Bangladesh is willing to start negotiations or intensify where such negotiations are already underway. Bangladesh considers these negotiations as independent of any other bilateral or multi-lateral agreements that she has concluded or is in the process of negotiating with EU Member States or the European Commission. Also, Bangladesh does not accept any non-negotiable text for such bilateral readmission agreements.

ISSN 0254-1475

COM(1999) 155 final

DOCUMENTS

EN

06 11 02 01

Catalogue number : CB-CO-99-155-EN-C

Office for Official Publications of the European Communities
L-2985 Luxembourg