

COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION TO THE COUNCIL

on the implementation of Council Regulation (EEC) No 4055/86
of 22 December 1986 applying the principle of freedom to
provide services to maritime transport between Member
States and between Member States and third countries

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Report from the Commission to the Council on the Implementation of
Regulation 4055/86¹⁾

[State of play as 30.9.1992]

Introduction

1. On 22 December 1986 the Council of Ministers adopted four Regulations which completed the foundations for a European shipping policy, following the steps taken since 1977. One of these was Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries. A first Report from the Commission to the Council on the implementation of the four Regulations was completed in August 1990²⁾. During discussions in the Transport Council of December 1991 a follow-up report on the implementation of Regulation 4055/86 was announced by the Commission, to be presented in 1992. This Report fulfills that commitment.

A. Unilateral restrictions on the carriage of goods

2. Article 2 of Regulation 4055/86 stipulates that all relevant national restrictions on the carriage of goods must be phased out in accordance with a certain timetable, as follows: -
 - carriage between Member States by vessels flying the flag of a Member State: 31 December 1989

1) Council Regulation (EEC) No. 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries. J.O. L 378 of 31 December 1986.
2) SEC(90) 1594 final.

- carriage between Member States and third countries by vessels flying the flag of a Member State: 31 December 1991
- carriage between Member States and between Member States and third countries in other vessels 1 January 1993

The countries having such restrictions are Spain, Portugal and France.

3. France

The French cargo reservation laws (for international traffic) relate to the carriage of imported hydrocarbons and coal and the shipment of cargoes for the account of public services or firms holding public service licenses. With respect to goods shipped under export contracts involving the COFACE scheme (export credit guarantee), the latter scheme covers freight rates only if paid to French carriers. If French carriers are not in a position to carry freight on reasonable terms as concerns cost and delivery time, the scheme will also cover rates paid to foreign carriers, provided that the flag country does not impose sanctions against French flag vessels.

The above cargo reservations have not been altered since the previous report. The French authorities are of the view that the hydrocarbon restriction is a capacity obligation which requires only the availability of French-flag vessels to transport these products in times of crisis, and that in reality only a small percentage of hydrocarbon imports is carried on French-flag vessels each year. Notwithstanding this the Commission is of the opinion that the reservation constitutes a breach of Regulation 4055/86, Article 2, and must be amended.

As regards the 40% reservation of coal imports to French flag vessels, the French authorities state that as the relevant legislation provides for a derogation to comply with international treaties, they see no need to amend this law. The Commission disagrees and regards the judgment of the Court

of Justice in case 167/73 (Commission vs. France, Judgment of 4 April 1974, ECR, p. 359) as a precedent. In the Judgement of this case it is established that the mere non-application of provisions contrary to Community legislation is insufficient.

The Commission has written to the French Government on various occasions, the last being on 31 March 1992, in an effort to agree a satisfactory solution.

In the general context of the principle of freedom to provide maritime services, mention should be made of a case concerning France.

Article R 212 of the French Port Code states that tax is due, when usage is made, by a ship, of port installations situated on mainland French territory, during the disembarkation of passengers coming from ports situated in another Member State and/or on embarkation when heading towards another Member State. By contrast, in the case of transport between two ports on national territory, these taxes are levied only once [on embarkation at the port of departure.]

These provisions were the subject of a court case in France between Corsica Ferries and the French Customs authorities. Corsica Ferries claimed that the above dispositions were contrary to EC legislation on the grounds of discrimination. The French court, before pronouncing judgement, referred the matter to the Court of Justice.

The Court of Justice, in its judgement on the case (Case C-49/89) made it clear that once Regulation 4055/86 came into force, such practices were incompatible with Community legislation.

Failing action by the French authorities to modify the offending provisions of their Port Code, the Commission started procedures under Article 169 against France. A letter of formal notice was sent to France in October 1990. As no reply was

received by the Commission, the next stage of the procedure, a reasoned opinion, is at present being prepared by the Commission and will be despatched shortly.

4. Spain

As stated in the previous Report, Spain modified its legislation on cargo reservation by a Decree Law No. 1577/1989, of 22 December, to comply with all three stages of Regulation 4055/86.

Once again, in the context of the principle of freedom to provide maritime services, mention should be made of a complaint received against Spain.

The complaint was that the Spanish Port taxes, for the carriage of passengers, favoured operations by vessels flying the Spanish flag to the detriment of those flying the flag of another Member State. In addition it was complained that the port taxes applied to unloading were significantly higher than those applied to loading operations.

The Commission examined the complaint, especially in the light of the above-mentioned Corsica Ferries case, and took the matter up with the Spanish authorities.

As a result of the discussions between the Commission and the Spanish authorities; the Spanish government passed new legislation on port taxes which redressed the discrimination as regards passengers in external trade, and therefore solved the problem of the complainant, who subsequently withdrew the complaint. However as certain discriminatory provisions still remain, the Commission, reserves the right to take further action if necessary.

5. Portugal

Decree Law No. 123/91 of 21 March modified the Portuguese legislation to comply with the first two phases of the calendar laid down by Regulations 4055/86.

The Commission wrote in May 1992 to the Portuguese authorities requesting information on compliance with the remaining obligation.

B. Cargo-sharing arrangements in bilateral agreements

6. Articles 3 and 4 of Regulation 4055/86 oblige Member States to either phase out or adjust cargo-sharing arrangements in bilateral agreements between Member States and third countries. Where these arrangements were not phased out, compliance, adjustment or modification was distinguished by whether the trade concerned was governed by the United Nations Code of Conduct for Liner Conferences or not.
7. Where trades governed by the Code are concerned, the Regulation states that cargo-sharing arrangements shall comply with the Code of Conduct for Liner Conferences and with the obligations of Member States under Regulation (EEC) No. 954/79. Action by a Member State in pursuance of the above must be notified immediately to all Member States and to the Commission. The Commission provided the Member States with draft texts for an exchange of letters which could satisfy the requirements of the Regulation Article 4(1)(a). These texts were annexed to the first Report¹⁾.
8. As far as non-Codist trade is concerned, adjustment or modification has to be completed by 1 January 1993 at the latest, so as to provide for free, fair and non-discriminatory access by all Community nationals to the cargo-shares due to the Member States concerned. The possibility of providing a draft exchange of letters for these cases was studied by the

1) SEC(90) 1594 final.

Commission. However, given the diversity of cargo-sharing arrangements contained in these agreements, a case-by-case approach has to be adopted. Nevertheless, the Member States are bound by their obligations under Article 4 (1)(b) of the Regulation, which also include annual reports to the Commission on progress made on the adjustments:-

9. The concepts defined in the previous Report have been maintained throughout this document, notably the definition of existing agreements, that is those in force before 1.1.1987, and new, that is those coming into force on or after 1.1.1987 (the date on which the Regulation became operative). This report therefore covers bilateral agreements in force under the two headings of existing agreements and new agreements, as well as draft agreements that have been signed or negotiated.

B.1. Examination of bilateral agreements between Member States and third countries existing on 1 January 1987

10. Belgium

On 1 January 1987 Belgium had existing agreements including cargo-sharing clauses with Algeria, Senegal and the Ivory Coast. These agreements cover Codist trades, and Belgium's obligations are therefore set out in Art. 4(1)(a) of the Regulation.

An Algerian/Belgian Joint Commission decided in December 1990 to revise the agreement according to the obligations derived from the Code of Conduct. The two delegations agreed to adjust the agreement through an exchange of letters. This was carried out in June 1992.

As regards Senegal and the Ivory Coast, Belgium has stated that it is prepared to start discussions with the countries of the Ministerial Conference of West and Central Africa. The Commission, whilst aware of the difficulties for the Member States as referred to by the French authorities at Point 13 below, has reminded Belgium of its obligations, and has asked

for the texts of adaptation or the instruments of denunciation.

A further letter of reminder was sent to the Belgian authorities in May 1992. In a reply from the Belgian authorities of end June 1992 they expressed their opinion that negotiations with the West African countries should be conducted on a co-ordinated basis between the Member States concerned and the Commission, and that the adaptation of all agreements should take place simultaneously in the context of renewed dialogue between CMEAOC and the EC. That being said, and given the absence of a solution to the EC-African conflict, Belgium is ready to renew discussion on the matter with for example France and the Federal Republic of Germany, along with the Commission, in order to find a solution based on an exchange of letters between the contracting parties.

11. Federal Republic of Germany

The Federal Republic has agreements including cargo-sharing arrangements with the Ivory Coast and Brazil. The agreement with the Ivory Coast concerns trade governed by the Code of Conduct. A letter from the authorities of the Federal Republic stated that negotiations with the Ivory Coast would be conducted in February 1992. The Commission is in contact with the German authorities to ascertain the outcome.

As regards the agreement with Brazil which concerns trade not governed by the Code, the Commission has been in contact with the authorities of the Federal Republic who have expressed their willingness to take into account the Commission's views on the necessary adjustment of the agreement. However, the German authorities have pointed out the difficulties in the dialogue with the Brazilian authorities due to domestic changes in that country.

12. Spain

Spain has six ratified agreements which include cargo-sharing arrangements, and three agreements with cargo-sharing arrangements, which are not ratified, but have a clause concerning provisional entry into force.

The ratified agreements concern those with the Ivory Coast, Equatorial Guinea, Morocco, Mexico, Senegal and the USSR. All these agreements relate to trades not governed by the Code of Conduct. Given that Spain had already expressed its intention of ratifying the Code of Conduct, the Commission suggested to the Spanish Government that they firstly ratify the Code and afterwards adjust the agreements according to the exchange of letters for codist trades. Spain had expressed its agreement to conform with this proposal.

Spain's agreements having a clause on provisional entry into force are with the following countries: Cameroon, Congo and Tunisia. It was foreseen that Spain would ratify the said agreements and then adjust them subsequently.

Failing a report from the Spanish Government, the Commission wrote in May 1992 reminding it of Spain's obligation to comply with Regulation 4055/86, and requesting detailed information on the current position relating to all the above agreements.

13. France

France has an agreement with Tunisia which dates from 1958 and which includes cargo-sharing arrangements. A Franco-Tunisian Joint Commission was held in July 1991 which was largely devoted to examining the means of adjustment of the agreement. The French authorities sent the Commission a draft exchange of letters adapting the agreement, in October 1991. After careful examination of the text, the Commission had some outstanding queries as to certain passages, and wrote to the French authorities outlining these in April 1992. A further Franco-Tunisian Joint Commission meeting was scheduled for early July 1992.

In the meantime a complaint was received by the Commission concerning the non-accessibility of the Tunisian trade to an Italian ship. The Commission, aware of the dialogue being held between France and Tunisia under the auspices of the Joint

Commission, immediately contacted the French authorities in an effort to find a rapid solution.

The French authorities succeeded in arriving at an acceptable solution with the Tunisian authorities. This solution was to be the adjustment of the cargo-sharing clause, by an exchange of letters as foreseen for Codist trades, to allow France fully to comply with its obligation under Regulation 4055/86, Art.

4(1)(a), with effect from 1 January 1993. Meanwhile the Italian ship was allowed by the Tunisian authorities to conclude its business satisfactorily. The Commission has now received (end July 1992) confirmation from the French authorities that the formal exchange of letters has taken place.

France is also party to agreements with certain countries of West and Central Africa, namely the Ivory Coast, Nigeria and Burkina Fasso. France, in late 1990, claimed that these cargo-sharing agreements respect the Code of Conduct and Regulation 954/79 and also referred to the negative repercussions that could result on the dialogue between the EC and the Ministerial Conference of West and Central Africa if France were now to ask for adjustment of the agreements.

As far as the agreement with the Ivory Coast is concerned, the Commission sought clarification from the French authorities in April 1992 as to the exact cargo-sharing arrangements foreseen and for the texts of any government decree relating to it. For all three agreements the Commission has specifically requested France to ensure that the cargo-sharing arrangements comply with Regulation 4055/86 (Article 4 (1)(a) and has suggested to them that the exchange of letters foreseen in these circumstances would be the best means of doing so.

Finally, France has agreements with Djibouti and Brazil. Although there are no explicit cargo-sharing arrangements in these agreements, the implementation of certain clauses may affect access to the market. Clarification of their practical

implementation is therefore still being sought in order to allow the Commission to form a definite opinion on these two agreements.

14. Italy

Italy has bilateral agreements including cargo-sharing clauses with Senegal, Ivory Coast and Morocco, all governed by the Code of Conduct. Italy has confirmed that it will proceed to the exchange of letters prepared by the Commission to comply with Regulation 4055 for Codist trade. A reminder of the obligation to comply with the Regulation was sent to Italy in August 1991 and a further reminder was despatched in April 1992.

15. Luxemburg

The agreements concluded by Belgium with Algeria, Senegal and the Ivory Coast were signed on behalf of the BLEU (Belgium-Luxemburg Economic Union) Luxemburg is therefore party to these agreements and subject to the relevant provisions of Regulation 4055/86. The Commission has requested Luxemburg to clarify its position regarding a co-ordinated action with Belgium, taking into account the fact that Luxembourg has not yet ratified the Code of Conduct. A reminder of this request was sent in May 1992. In a letter from the Luxemburg authorities of July 1992 they stated that their approach was the same as that of Belgium, given the difficulties of the dialogue in maritime relations between Europe and Africa.

As far as ratification of the Code of Conduct is concerned, Luxembourg did not consider that ratification should have a high priority, given the difficulties vis-a-vis Community legislation, associated with such ratification.

16. Portugal

Portugal has agreements including cargo-sharing clauses with the following parties to the Code: the former USSR, Romania, Bulgaria, the former Yugoslavia and Cape Verde. It also has

agreements with the following countries that are not parties to the Code: Poland, Hungary, Brazil, Sao Tomé and Principe, and Angola.

In August 1991 the Commission wrote to the Portuguese Government about all the above agreements and requested it to supply the Commission with information on the current situation. A reminder was sent again in January of this year, and again in early May.

Portugal also has an agreement with Senegal which, although not containing a specific cargo-sharing clause, includes provisions which might serve as a basis for restrictive practices. The Commission reminded Portugal on various occasions of the necessity to modify this agreement to comply with Regulation 4055/86 and awaits confirmation that this has been done. A further letter of reminder was sent in May 1992.

B.2. Examination of new Agreements, i.e. agreements entered into force on or after 1 January 1987.

17. Belgium

Belgium has four agreements which were ratified on or after 1.1.1987. They are with Malaysia, Mali, Togo and Zaire. All contain cargo-sharing arrangements and relate to trades governed by the Code of Conduct. In April 1991 the Commission started procedures under Article 169 against Belgium for the agreements with Togo and Zaire. In an effort to achieve a pragmatic solution, the Commission, in June 1992, recommended settling the problem - if the agreements were not withdrawn - by an exchange of letters, dropping the present cargo-sharing arrangements in these agreements. The general international rules concerning cargo-sharing would then be applied, taking into account the obligations of Belgium in accordance with Regulation 4055/86. A similar approach for the agreements with Malaysia and Mali is proposed. The Commission, however, reserves its right to continue proceedings under Article 169 if this should prove necessary.

18. Luxemburg

In spite of the fact that the agreements concluded by Belgium with Togo, Mali and Malaysia were on behalf of the BLEU, Luxembourg has informed the Commission that these agreements were never submitted for Parliamentary approval. The Commission has asked the Government of Luxemburg not to proceed with the process of ratification.

19. Spain

Spain has an agreement with Gabon which entered into force after 1.1.87, and which has been the subject of discussion between Spain and the Commission. A letter of formal notice under Article 169 EEC was sent to the Spanish Government on 19 March 1991. In June 1992 a letter was sent to the Spanish authorities suggesting as a solution that the present cargo-sharing arrangements be deleted from the text and that as soon as the Code of Conduct is ratified by Spain its provisions will apply, having regard also to Spain's obligations pursuant to Regulation EEC No. 954/79.

20. Italy

Italy has an agreement with Algeria which concerns trade governed by the Code of Conduct. This agreement was the subject of a case before the European Court of Justice when the Commission challenged a Council Decision authorizing Italy to ratify the agreement as negotiated on the understanding that Italy would accede as soon as possible to the Code of Conduct and would remind Algeria that the provisions of the agreement would be applied in conformity with Community law.

The Commission had proposed that Italy should be authorized to ratify the agreement on condition that certain provisions be modified and that Italy ratified the Code of Conduct by a given deadline.

The Court of Justice upheld the Council decision on the grounds that the authorization was justified by the exceptional

circumstances, and that the Council decision had not departed from the aim of the Commission proposal or altered its objective.

Italy has informed the Commission, in conformity with Council Decision 87/475/CEE of 17 September 1987¹⁾ of difficulties in implementing the Agreement, in particular Article 4 thereof, which required the creation of a conference.

21. Portugal

Portugal and Zaire are parties to an agreement which, although it does not contain a specific cargo-sharing clause, includes provisions which might serve as a basis for restrictive practices. Portugal expressed its intention to submit a report to the Commission on the implementation of this agreement. The Commission requested Portugal in May 1992 to submit this report as soon as possible.

B.3. Draft agreements that have been signed or negotiated after 1.1.1987.

22. Negotiation of shipping agreements and Community competence [Article 113].

As already indicated in the first report in 1990 the Commission considers that Article 113 has to be regarded as the legal basis for any Community action on commercial policy relating to services.

The competence conferred by Article 113 is an exclusive competence and means that the Member States may not, unless specifically authorized, conclude or negotiate agreements falling within the scope of the common commercial policy. Consequently, any agreement with third countries in matters of maritime transport having a commercial aspect, should be negotiated by the Community or with Community approval. So far Member States have been reluctant to accept this approach to Article 113.

1) J.O. L272 of 25.9.1987

In these circumstances, there is need to develop a pragmatic, co-operative approach, involving both Commission and Member States, which will permit the progressive assumption of Community competence, while ensuring throughout the process that essential Community interests are safeguarded. The Commission will address this question in a Communication on External Relations in Maritime Transport which it intends to submit in the near future.

The agreements outlined in the following pages have therefore been examined under the scope of Regulation 4055/86, without prejudice or anticipation of a possible solution to the above mentioned problem concerning implementation of Article 113.

23. Belgium

Belgium has signed bilateral agreements with a number of Codist countries, which contain cargo-sharing arrangements. They concern:

- (a) agreements between Belgium and Codist third-countries
Bangladesh, Benin, Cameroon, Congo, South Korea, Gabon, Guinea, Morocco, Mauritania, Pakistan and Tanzania; and
- (b) agreements between Belgium and non-Codist countries:
Angola, Brazil, Burkina Fasso, Guinea-Bissau and Mozambique.

The Commission in April 1991 requested Belgium not to proceed with their ratification.

24. France

France has signed an agreement with Mauritania. The agreement does not contain any specific clauses on cargo-sharing, but contains a reference to the intention of the contracting parties to promote the implementation of the Code of Conduct. The Commission has authorized France to ratify this agreement on the condition that France, in a unilateral declaration,

clearly states that the Code of Conduct is taken to mean the Code together with the Community reservations and that its provisions cover only Conference cargo. A letter was sent to the French authorities in June 1992 requesting information on the present status of the agreement. No reply has as yet reached the Commission.

25. Federal Republic of Germany

The Federal Republic of Germany has negotiated a bilateral agreement with the former Soviet Union. A copy of the original draft agreement was received by the Commission who had some comments on it although prima facie no cargo-sharing clauses were included. However, the agreement was not signed at that time because of difficulties on the Russian side. In late 1990 the Federal authorities sent to the Commission the text of a new draft, which took account of the comments made by the Commission to the earlier draft agreement. In May 1992 a letter was sent to the German Government asking clarification of the present status of the agreement following the disintegration of the Soviet Union. In a letter dated 30 July, from the authorities of the Federal Republic, they informed the Commission that the Russian Federation had automatically taken over all agreements of the former Soviet Union, the foregoing agreement included. They did not consider therefore that this was a new agreement, or negotiation. The Minister of Transport of the Russian Federation moreover confirmed this on 8 July 1992, in Moscow.

The ratification procedure by the Federal Government was due to be completed and the agreement was due to enter into force by September 1992. As regards the question of negotiating competence, please refer to page 13, point 22 above.

There exists about 40 agreements between the former German Democratic Republic and third countries. Those agreements which contain cargo-sharing provisions and relate to non-codist trades, shall, according to Council Regulation No. 3573/90 of 4.12.90 be adjusted as soon as possible and in any event not

later than 1 January 1995. For the agreements with cargo-sharing arrangements in codist trades, the provisions of Article 4(1)(a) of Regulation 4055/86 shall apply.

26. Italy

Italy has signed an agreement with Tunisia but has informed the Commission that it does not intend to ratify it.

27. Agreements negotiated after 1.1.1987 which do not contain cargo-sharing clauses.

So far the Commission has received notification of three agreements which do not contain cargo-sharing clauses. These agreements concern the Federal Republic of Germany and the Republic of Lithuania; Italy and Singapore, and the United Kingdom and the Republic of Korea. As regards the aspect of negotiating competence, the Commission would refer to paragraph 22 above.

Conclusion

28. The implementation of Regulation 4055/86 by the Member States, as may be deduced from the above information, has been slow, uneven and incomplete. The Commission has encountered considerable difficulties in obtaining information which, under the Regulation, it should receive automatically. Nevertheless progress has been made. Perhaps the biggest success of the Regulation is the fact that Member States, to the knowledge of the Commission, have concluded no new agreements since the previous report containing cargo-sharing clauses forbidden under Article 5. In addition, most of the unilateral restrictions on the carriage of goods have been phased out.
29. This report does not prejudice the Commission's position with regard to any agreements not specifically mentioned, nor does it sanction the action of any Member State acting in a manner likely to contravene the provisions of Regulation 4055/86, or indeed any of the legislative instruments which form the basis

of the Community shipping policy. Up to now the Commission's approach has been to seek a solution to enable the Member States to comply, though sometimes later than laid down in the Regulation, but once the date of 1 January 1993 arrives, this will no longer be either possible or acceptable, and the Commission will have to proceed accordingly. The Commission will pursue total compliance with Community legislation after this date, by all means at its disposal.

30. The Commission will continue to monitor carefully the implementation of Regulation 4055/86, whilst calling on the Member States equally to fulfill their obligations deriving from its provisions. The Commission reminds the Member States that time is running out to comply with the provisions of Regulation 4055/86. Since 1987 the Commission has on several occasions emphasized to the Member States the need to do so. In January 1993 the Commission will once again examine the situation : this examination will not be confined to the global legislation of the Member States but will also encompass provisions at regional or local administrative level which interfere with the freedom to provide services, examples of which have been cited at points 3 and 4 above.

IMPLEMENTATION OF REGULATION 4055/86 :
SUMMARY OF CURRENT SITUATION (30.9.1992)

A.

Article 2 : UNILATERAL RESTRICTIONS ON THE CARRIAGE OF GOODS ¹⁾

MEMBER STATE	SOLVED SINCE 1987	IN PROCESS OF BEING SOLVED	OUTSTANDING PROBLEMS
FRANCE			<ul style="list-style-type: none"> . 66 % hydrocarbon imports . 40 % coal imports . cargoes for the account of public services or firms holding public service licences . local/regional dispositions
SPAIN	Cargo Reservations at national level, to comply with all three phases of Reg. 4055/86		Local/regional dispositions affecting general freedom to provide services in the maritime sector.
PORTUGAL	Cargo Reservations at national level to comply with Dec. 1989 and Dec. 1991 deadlines. (1st and 2nd phase)		Liberalization in accordance with third phase i.e. carriage between Member States and third countries in other vessels (by 1.1.1993).

(1) Based on information available to the Commission at 30.09.1992.

IMPLEMENTATION OF REGULATION 4055/86 : SUMMARY OF CURRENT SITUATION (30.9.1992)

B.

Articles 3 and 4 : CARGO-SHARING ARRANGEMENTS IN BILATERAL AGREEMENTS ¹⁾

MEMBER STATE	CLARIFIED SINCE 1987	IN DISCUSSION	OUTSTANDING PROBLEMS
BELGIUM		(2)* Codist trade agreements with Algeria, Senegal & Ivory Coast. (4)* Codist trade agreements with Malaysia, Mali, Togo and Zaire. (4)* Codist trade agreements with Bangladesh, Benin, Cameroon, Congo, South Korea, Gabon, Guinea, Morocco, Mauritania, Pakistan, Tanzania. (4)* non-codist trade agreements with Angola, Brazil, Burkina Fasso, Guinea Bissau and Mozambique.	
FEDERAL REPUBLIC OF GERMANY		(2)* Codist trade agreement with the Ivory Coast (2)* Non-codist trade agreement with Brazil (4)* Agreement with USSR	(2)* Agreements between former German Democratic Republic and third countries.
SPAIN		(2)* Non-codist trade agreements with Ivory Coast, Equatorial Guinea, Morocco, Mexico, Senegal & USSR (ratified). (2)* Non-codist trade agreements non-ratified with Cameroon, Congo and Tunisia. (3)* Non-codist trade agreement with Gabon	
FRANCE	(2)* Codist trade agreement with Tunisia	(4)* Agreement with Mauritania	(2)* Agreements with Djibouti and Brazil (2)* Codist trade agreement with Ivory Coast, Nigeria and Burkina Fasso
ITALY	(4)* Agreement with Tunisia (3)* Agreement with Algeria		(2)* (Codist) agreements with Senegal, Ivory Coast and Morocco
LUXEMBOURG	(4)* Agreement with Togo, Malaysia, Mali.		(2)* Agreements signed by BLEU with Algeria, Senegal & Ivory Coast
PORTUGAL			(2)* Agreements (codist) with USSR, Romania, Bulgaria, Yugoslavia, Cape Verde ; Non-codist : Poland, Hungary, Brazil, Sao Tomé and Principe & Angola. Agreement with Senegal (non-cargo sharing) (3)* Agreement with Zaire non-cargo sharing

(1)* On the basis of information available to the Commission at 30.9.92.

(2)* existing 1.1.1987

(3)* ratified after 1.1.87

(4)* draft agreements

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