COMMISSION OF THE EUROPEAN COMMUNITIES



Brussels, 13.09.1995 COM(95) 426 final

95/ 0230 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreements in the form of Exchanges of Letters between the European Community, on the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, on the other part, concerning certain agricultural products

(presented by the Commission)



EXPLANATORY MEMORANDUM

- 1. Pursuant to Articles 76, 102 and 128 of the Act of Accession, from 1 January 1995 Austria, Finland and Sweden are to apply the provisions of the preferential agreements concluded by the Community with certain third countries, in particular Iceland, Norway and Switzerland, all the amendments required as a result of enlargement being the subject of additional protocols to be negotiated with the third countries in question.
- 2. In accordance with the directives laid down to that end by the Council, negotiations have been conducted with those three countries with a view to the adaptation of the preferential agricultural agreements they have concluded with the Community.

The draft Agreements in the form of Exchanges of Letters appended hereto contain the outcome of those negotiations.

- 3. The approach contemplated provides essentially for:
 - the extension to the enlarged Community of the bilateral agricultural concessions which existed between the Community of Twelve and the three third countries in question;
 - the carrying-over, where possible, of the (preferential) bilateral concessions which existed prior to enlargement between the three new Member States and those three third countries, all the bilateral agreements concluded previously by the new Member States having lapsed.
- 4. In the course of the negotiations, Norway also wished to take the opportunity to regularize the situation regarding its exports of cheese to the Canary Islands. Since 1 July 1992, new import arrangements for cheese are applicable to the Canary Islands, which affects the traditional exports of cheese from Norway and calls for adequate compensation for the latter.

The solution finally adopted by common agreement entails adapting the EC/Norway bilateral agreement on trade in cheese to increase the import quota into the Community by a total of 43 tonnes of "Jarlsberg" cheese representing on the one hand compensation for the damage suffered by Norway (13 tonnes) and on the other hand the carrying-over of the traditional quantities imported by the Canary Islands.

It should, however, be noted that this solution is only valid if Norway accepts, by an exchange of letters, to forgo any subsequent compensation for cheese not covered by the 1986 EC/Norway agreement concluded in the wake of the accession of Spain to the Community⁽¹⁾.

⁽¹⁾ OJ No L 328, 22.11.1986, p.76.

5. On 19 June, the Council Working Party on EFTA delivered a favourable opinion on the approach followed and on the outcome of the negotiations with Norway.

COUNCIL DECISION

of

on the conclusion of the Agreements in the form of Exchanges of Letters between the European Community, on the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, on the other part, concerning certain agricultural products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the Act of Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

Having regard to the proposal from the Commission,

Whereas the Agreements in the form of Exchanges of Letters between the European Community, on the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, on the other part, concerning certain agricultural products should be approved to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of Exchanges of Letters between the European Community, on the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, on the other part, concerning certain agricultural products are hereby approved on behalf of the Community.

The texts of the Exchanges of Letters are attached to this Decision.

Article 2

Detailed rules for the application of this Decision shall be adopted by the Commission in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾ or the corresponding provisions of other regulations on the common organization of the markets.

Article 3

⁽¹⁾ J.O. nr. L 148, 28.6.1968, p. 13

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

Done at Brussels,

For the Council

The President

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Iceland concerning certain agricultural products

Brussels,

Sir,

I have the honour to refer to the Agreement in the form of an Exchange of Letters of 2 May 1992 between the European Community and the Republic of Iceland concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Agreement and establishing trade arrangements for certain agricultural products in the spirit of Article 15 of the EC-Iceland Free Trade Agreement, consequent on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Community.

I hereby confirm that the results of the negotiations were as follows:

- 1. Iceland and the Community agree that, from 1 January 1995, the concessions granted by the Republic of Iceland under the abovementioned Exchange of Letters shall be extended to the enlarged Community.
- 2. From 1 January 1995 the Community will open for Iceland the annual tariff quotas set out in Annex I hereto.
- 3. The rules of origin for the application of the quotas referred to in point 2 above are set out in Annex II hereto.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

For the Government of the Republic of Iceland Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to refer to the Agreement in the form of an Exchange of Letters of 2 May 1992 between the European Community and the Republic of Iceland concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Agreement and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EC-Iceland Free Trade Agreement, consequent on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Community.

I hereby confirm that the results of the negotiations were as follows:

- 1. Iceland and the Community agree that, from 1 January 1995, the concessions granted by the Republic of Iceland under the abovementioned Exchange of Letters shall be extended to the enlarged Community.
- 2. From 1 January 1995 the Community will open for Iceland the annual tariff quotas set out in Annex I hereto.
- 3. The rules of origin for the application of the quotas referred to in point 2 above are set out in Annex II hereto.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter."

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

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

ANNEX I

TARIFF QUOTAS GRANTED BY THE EUROPEAN COMMUNITY
TO THE REPUBLIC OF ICELAND

CN CODE	DESCRIPTION	QUANTITY	RATE OF DUTY
0101 19 10 0101 19 20) live horses) 100 head)) free)
0204	Meat of sheep or goats - fresh, chilled or frozen	750 t carcase weight equivalent	free

ANNEX II

Rules of origin

- 1. The provisions of Protocol 3 to the Agreement between the European Community and the Republic of Iceland concerning the definition of the concept of "originating products" and methods of administrative cooperation as last amended by Decision No 1/94 of the EC-Iceland Joint Committee of 8 March 1994⁽¹⁾, shall apply mutatis mutandis to the products mentioned in Annex I.
- The specific rules for the working or processing to be carried out on non-originating materials used in the manufacture of the products in question in order that they obtain originating status and which are not yet mentioned in Annex II to the said Protocol 3 shall be the following:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
0101	Live horses	All the animals of Chapter 1 used must be wholly obtained
0204	Meat of sheep or goats, fresh, chilled or frozen	Manufacture in which all the materials of Chapter 2 used must be wholly obtained

⁽¹⁾ OJ No L 204, 6.8.1994, p.62.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning certain agricultural products

Exchange of letters No 1

Sir,

I have the honour to refer to the Agreements in the form of Exchanges of Letters of 16 April 1973, 14 July 1986 and 2 May 1992 between the European Community and the Kingdom of Norway concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EC-Norway Free Trade Agreement, consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

- 1. Norway and the Community agree that, from 1 January 1995, the mutual concessions under the abovementioned Exchanges of Letters shall be extended to the enlarged Community.
- 2. Norway and the Community agree to conclude a new arrangement on their reciprocal trade in cheese. The text of that arrangement is set out in Annex I hereto.
- 3. From 1 January 1995 the Community will open for Norway the annual tariff quotas set out in Annex II hereto.
- 4. From 1 January 1995 Norway will open for the Community the annual tariff quotas set out in Annex III hereto.
- 5. As regards imports of hay falling within heading ex 1214.90, Norway undertakes to apply its import arrangements on the basis of the principle "first come, first served".
- 6. The rules of origin for the application of the quotas referred to in points 2, 3 and 4 above are set out in Annex IV hereto.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

For the Government of the Kingdom of Norway

Sir.

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to refer to the Agreements in the form of Exchanges of Letters of 16 April 1973, 14 July 1986 and 2 May 1992 between the European Community and the Kingdom of Norway concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EC-Norway Free Trade Agreement, consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

- 1. Norway and the Community agree that, from 1 January 1995, the mutual concessions under the abovementioned Exchanges of Letters shall be extended to the enlarged Community.
- 2. Norway and the Community agree to conclude a new arrangement on their reciprocal trade in cheese. The text of that arrangement is set out in Annex I hereto.
- 3. From 1 January 1995 the Community will open for Norway the annual tariff quotas set out in Annex II hereto.
- 4. From 1 January 1995 Norway will open for the Community the annual tariff quotas set out in Annex III hereto.
- 5. As regards imports of hay falling within heading ex 1214.90, Norway undertakes to apply its import arrangements on the basis of the principle "first come, first served".
- 6. The rules of origin for the application of the quotas referred to in points 2, 3 and 4 above are set out in Annex IV hereto.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter."

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

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

ANNEX I

ARRANGEMENT

between the European Community and the Kingdom of Norway concerning reciprocal trade in cheese

With the aim of fostering the harmonious development of trade in agricultural products and taking into account the discussions which have taken place with a view to adapting their bilateral agricultural concessions following the accession of Austria, Finland and Sweden to the European Union, the European Community and the Kingdom of Norway have agreed to conclude a new arrangement with effect from 1 January 1995 concerning their reciprocal trade in cheese. In view of the common interest of the Community and Norway in offering consumers, in addition to home-produced cheese, other types of imported cheese, the provisions of this arrangement read as follows:

- 1. The import duties on the annual quantities of cheese set out below may not exceed the following levels:
 - a) On import into the Community (excluding Spain and Portugal):

Cheese covered by CN code 0406, originating in Norway and accompanied by an approved certificate(2):

	Annual quantity (tonnes)	Import duty (ECU/10 kg)
Jarlsberg, of a minimum fat content of 45% by weight in the dry matter and of a dry matter content by weight of not less than 56%, matured for at least 3 months: - whole cheeses with rind ⁽³⁾ weighing from 8 kg to 12 kg - rectangular blocks of a net weight not exceeding 7 kg(4) - pieces packed in vacuum or in inert gas, of a net weight of not less than 150 g but not exceeding 1 kg ⁽⁴⁾))))))) 2 263)))))))) 66,41
Ridder, of a minimum fat content of 60%, by weight, in the dry matter and matured for at least four weeks: - whole cheeses with rind (3) weighing from 1 kg to 2 kg - pieces packed in vaccum or in inert gas, with rind on at least one side (3), of a net weight of not less than 150 g(4))))))
Whey cheese	357	7,50

This arrangement is without prejudice to point 3 of the Exchange of Letters concerning reciprocal trade in cheese signed on 14 July 1986 between the Community and Norway following the accession of Spain and Portugal

⁽²⁾ The certificate will be issued by "Norske Meierier" (Norwegian dairies).

The expression "whole cheeses with rind" means cheeses of the conventional flat cylindrical shape. For the purposes of these provisions, the rind is defined as follows: the rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.

The wording on the packing must be such as to enable this cheese to be identified by the consumer.

b) on importation into Norway

	Annual quantity (tonnes)	Import duty (Nkr/kg)
- Cheese of all types and varieties, originating in the Community	2 560	1,20

- 2. Norway will take the necessary steps in order to:
 - limit the issue of the certificates referred to in 1) a) to the quantities agreed in this Arrangement;
 - ensure that the autonomous system of import licence allocation will be managed taking into account market requirements and in such a way that imports may take place regularly and that the quantities agreed for import into Norway from the Community can effectively be imported.
- 3. The Community and Norway will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.
- 4. The Community and Norway undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to exchange at regular intervals information on price quotations and any other useful information concerning the market in domestic and imported cheeses.

If difficulties arise concerning the prices charged, consultations will be held at the request of either party, as promptly as possible, with a view to the adoption of appropriate corrective measures.

- 5. Consultations will be held at the request of either party on any question relating to the operation of this Arrangement. The two parties may, by common accord, alter it by reference in particular to the trend in market prices, production, marketing or consumption of home-produced and imported cheeses.
- 6. This Arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applicable and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Norway.
- 7. This Arrangement shall replace the Arrangement between the European Community and the Kingdom of Norway concerning reciprocal trade in cheese, signed on 2 May 1992.

ANNEX II

TARIFF QUOTAS GRANTED BY THE EUROPEAN COMMUNITY TO THE KINGDOM OF NORWAY

CN code	Description	Quantity (tonnes)	Rate of duty
1504 10 10	Fish-liver oils and their fractions, of a vitamin A content not exceeding 2 500 IU/g	103	free
1504 20 10	Solid fractions of fats and oils of fish, other than liver oils	384	free
ex 1516 10 90	Animal fats and oils and their fractions, wholly of fish or marine mammals, in bulk	5 141	free
ex 2309 90 31	Fish feed	1 177	free

ANNEX III

TARIFF QUOTAS GRANTED BY THE KINGDOM OF NORWAY TO THE EUROPEAN COMMUNITY

Norwegian tariff position	Description	Quantity (tonnes)	Rate of duty (Nkr/kg)
0407 00 11 0407 00 19)Birds' eggs, in shell, of the)species Gallus domesticus) 290),	free
0511 99 11 0511 99 21)Powdered animal blood)	300	free
1209 23 00	Fescue seed	75	free
1209 24 00	Kentucky blue grass seed	50	free
1602 49 10	Bacon crisp (Roasted puffy bacon rind)	50	1,40

ANNEX IV

Rules of origin

- 1. The provisions of Protocol 3 to the Agreement between the European Community and the Kingdom of Norway concerning the definition of the concept of "originating products" and methods of administrative cooperation as last amended by Decision No 1/94 of the EC-Norway Joint Committee of 8 March 1994⁽¹⁾, shall apply *mutatis mutandis* to the products mentioned in Annexes I, II and III.
- 2. The specific rules for the working or processing to be carried out on non-originating materials used in the manufacture of the products in question in order that they obtain originating status and which are not yet mentioned in Annex II to the said Protocol 3 shall be the following:

HS heading	Description	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0406	Cheese	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
0407	Birds' eggs, in shell	Manufacture in which all the birds' eggs of Chapter 4 used must be wholly obtained
ex 0511	Powdered animal blood	Manufacture in which all the materials of Chapter 5 used must be wholly obtained

⁽¹⁾ OJ No L 204, 6.8.1994, p.90.

ex 1209	Seeds	Manufacture in which all the materials of Chapter 12 used must be wholly obtained	
ex 1504	- Fish-liver oils and their fractions, of a vitamin A content not exceeding 2 500 IU/g	Manufacture in which all the materials of Chapter 3 used must be wholly obtained	
	- Solid fractions of fats and oils, of fish, other than liver oils	Manufacture from materials of any heading including other materials of heading No 1504	
ex 1516	Animal fats and oils and their fractions, obtained entirely from fish or marine mammals	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained	
ex 1602	Bacon crisp	Manufacture from animals of Chapter 1	
ex 2309	-Fish feed	Manufacture in which:	
		- all the cereals, sugar or molasses, meat or milk used must already be originating, and	
		- all the materials of Chapter 3 used must be wholly obtained	

Exchange of Letters No 2

Brussels,

Sir,

I have the honour to refer to the Arrangement between the European Community and the Kingdom of Norway on reciprocal trade in cheese and to the negotiations which have taken place with a view to adjusting that Arrangement following the accession of Austria, Finland and Sweden to the European Union.

In this connection, I confirm that Norway accepts the following undertakings:

- 1. Subject to a limit of 200 tonnes of cheese, Norway forgoes the provisions of its letter of 11 April 1983 in which it reserved the right to restrict imports of certain cheeses from the Community.
- 2. Norway recognizes that the change in import arrangements for cheese in the Canary Islands from 1 July 1992, which affected traditional exports from Norway, has been taken fully into account under the new Arrangement.

Under these circumstances, Norway forgoes any further compensation for cheeses not covered by the Agreement between the Community and Norway of 14 July 1986 concluded following the accession of Spain to the European Union.

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

For the Government of the Kingdom of Norway

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to refer to the Arrangement between the European Community and the Kingdom of Norway on reciprocal trade in cheese and to the negotiations which have taken place with a view to adjusting that Arrangement following the accession of Austria, Finland and Sweden to the European Union.

In this connection, I confirm that Norway accepts the following undertakings:

- 1. Subject to a limit of 200 tonnes of cheese, Norway forgoes the provisions of its letter of 11 April 1983 in which it reserved the right to restrict imports of certain cheeses from the Community.
- 2. Norway recognizes that the change in import arrangements for cheese in the Canary Islands from 1 July 1992, which affected traditional exports from Norway, has been taken fully into account under the new Arrangement.

Under these circumstances, Norway forgoes any further compensation for cheeses not covered by the Agreement between the Community and Norway of 14 July 1986 concluded following the accession of Spain to the European Union."

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

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Swiss Confederation concerning certain agricultural and fishery products

Brussels,

Sir,

I have the honour to refer to the Exchanges of Letters of 21 July 1972, 5 February 1981 and 14 July 1986 between the Community and the Swiss Confederation and to the negotiations which have taken place between the parties with a view to adapting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EC-Switzerland Free Trade Agreement, consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that as a result of those negotiations the Swiss Confederation and the Community agree that from 1 January 1995 the reciprocal concessions covered by the abovementioned Exchanges of Letters and the concessions granted reciprocally as regards cheeses shall be extended to the enlarged Community.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

For the Government of the Swiss Confederation

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to refer to the Exchanges of Letters of 21 July 1972, 5 February 1981 and 14 July 1986 between the Community and the Swiss Confederation and to the negotiations which have taken place between the parties with a view to adapting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EC-Switzerland Free Trade Agreement, consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that as a result of those negotiations the Swiss Confederation and the Community agree that from 1 January 1995 the reciprocal concessions covered by the abovementioned Exchanges of Letters and the concessions granted reciprocally as regards cheeses shall be extended to the enlarged Community.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter."

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

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

	FINANCIAL STATEMENT						
		W-32-24 and a second	Date:				
1.	BUDGET HEADING: Chapter 10: levies and premiums		APPI	APPROPRIATIONS: ECU 946.2 m			
2.	TTTLE: Proposal for a Council Decision on the conclusion of the Agreements in the form of Exchanges of Letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products						
3.	LEGAL BASIS: Article 113 of the Treaty						
4.	AIMS: To take account of the trade existing between the three new Member States before their accession on the one hand and the Republic of Iceland and the Kingdom of Norway on the other hand (and, as regards the latter, to take account of an additional quota of 43 tonnes of cheese exported to the Canary Islands) and to bring into line the conditions governing trade existing between the three new Member States and Switzerland with the Free Trade Agreement existing between the EC and Switzerland.						
5.	FINANCIAL IMPLICATIONS:	PERIOD OF 12 MONTHS (ECU million)	CURRE FINANCIAI (95) (ECU mil	YEAR F	FOLLOWING FINANCIAL YEAR (96) (ECU million)		
5.0.	EXPENDITURE - CHARGED TO THE EC BUDGET						
5.1.	REVENUE (LEVIES/CUSTOMS DUTIES)	p.m.	p.m.		p.m.		
		1997 ECU m	1998 ECU m	1999 ECU m	2000 ECU m		
5.0.1. 5.1.1.	ESTIMATED REVENUE	p.m.	p.m.	p.m.	p.m.		
5.2.	METHOD OF CALCULATION: - As regards Norway and Iceland, since the quantities concerned are particularly small, the impact on own resources is limited; - As regards Switzerland, the new arrangements do not imply any change in tariff (import at zero duty before and after).						
6.0.	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?						
6.1.	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?						
6.2.	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?						
6.3.	WILL FUTURE BUDGET APPROPRIATIONS BE NECES	SSARY?					
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DOCUMENTS

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