COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 598 final
Brussels, 2 May 1974

Proposal for a

COUNCIL DECISION

authorizing prolongation of tacit renewal
of certain trade agreements concluded
between the Member States and third countries

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. Pursuant to Article 3 of the Council Decision (1) of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiations of Community agreements, the Commission proposes that the Council authorize the Member States to extend or tacitly renew the commercial agreements annexed to the proposal for a Council Decision. This concerns the second group for 1974, namely agreements whose expiry or termination date falls before 1 May 1974.

2. The Commission points out that among the different acts enumerated in the list is the Trade Agreement concluded on 23 April 1970 between Ireland and Bulgaria, valid for an indefinite time but subject to cancellation on six months' notice at any time. Since this is a agreement made with an Eastern European State and must be terminate by 31 December 1974, according to the principle adopted at Community level, the Community accepts that the agreement may be extended to that date, on the understanding that the Irish Government must make provision for its termination by 30 June 1974 at the latest.

3. Moreover, the Commission considers that the Council's attention should be drawn to the fact that, in accordance with Article 2 of the aforementioned Decision of 29 March 1974, the Commission has decided not to recomend the authorisation to extend the validity of agreements between certain member-states and certain third countries with which the Community has concluded an agreement of general applicability.(2)

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Indeed, consultation has shown that the provisions made in national agreements are either exceeded by those of Community agreements, or are incompatible with them, or identical with them.

In the circumstances, the Commission is of the opinion that the Community agreements in question have entirely supplanted the corresponding national agreements, rendering these superfluous.(See Article 12 of the Community agreement with India, Article 6 of the Community agreement with Uruguay and Article 6 of the Community agreement with Argentina).

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(1) O.J. No L 326 of 29.12.1969, p. 39

(2) The following agreements, inter alia, are relevant :

- "Accordo commerciale del 6.10.1959 e Scambio di lettere del 7.7.1964" between Italy and India ;
- "Handelsabkommen vom 18.4.1953" between Germany and Uruguay ;
- "Accord commercial du 14.6.1946" between BLEU and Uruguay ;
- "Agreement relating to Trade and Commerce and successively exchange of notes of 1.12.1936" between the United Kingdom and Argentina.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Council Decision of 16 December 1969 (1) on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiations of Community Agreements, and in particular Article 3 thereof ;

Having regard to the proposal from the Commission ;

Whereas tacit extension beyond the end of the transitional period has already been authorized in the case of the Agreements listed in the Annex hereto by the Council under its Decision of 30 June 1969(2), 15 September 1969(3), 20 December 1969(4), 8 June 1970(5), 13 July 1970(6), 25 May 1971(7), 6 June 1972(8) and 18 June 1973(9) ;

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(1) OJ No L 326, 29.12.1969, p. 39
(2) OJ No L 169, 10. 7.1969, p. 2
(3) OJ No L 238, 23. 9.1969, p. 9
(4) OJ No L 6, 9. 1.1970, p. 1
(5) OJ No L 133, 18. 6.1970, p. 14
(6) OJ No L 157, 18. 7.1970, p. 29
(7) OJ No L 122, 4. 6.1971, p. 24
(8) OJ No L 133, 10. 6.1972, p. 61
(9) OJ No L 189, 11. 7.1973, p. 45

Whereas the Member States concerned have, with a view to avoiding interruption in their commercial relations with the third countries concerned based on agreement, requested authorization to prolong or renew the above-mentioned Agreements ;

Whereas authorization has to be granted only to maintain commercial relations between the Member States and the third countries concerned, on the basis of Agreements, pending their replacement by Community Agreements to be negotiated ; whereas such authorization should not, therefore, adversely affect the obligation of the Member States to avoid and, where appropriate, to eliminate any incompatibility between such agreements and the provisions of Community law ;

Whereas the provisions of the instruments to be either prolonged or renewed would not, furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy ;

Whereas the Member States concerned have declared that the prolongation or tacit renewal of these Agreements would not constitute an obstacle to either the opening of Community negotiations with the third countries concerned or the transfer of the commercial fabric thereof to Community Agreements, nor would it, during the period under consideration, hinder the adoption of the necessary measures to complete the standardization of the import systems of the Member States ;

Whereas, at the conclusion of the consultations provided for in Article 2 of the Decision of 16 December 1969, it was established, as the aforesaid declarations by the Member States confirm, that the provisions of the Agreements to be prolonged or renewed would not, during the period under consideration, constitute an obstacle to implementation of the common commercial policy ;

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Whereas, in these circumstances, the Agreements may be either prolonged or tacitly renewed for a period not exceeding a year,

HAS ADOPTED THIS DECISION :

Article 1

The trade agreements between Member States and third countries listed in the Annex hereto may be prolonged or tacitly renewed up to the dates specified in each case in the said Annex.

Article 2

This Decision is addressed to the Member States.

Done at Luxembourg,

For the Council
The President

BILAG - ANHANG - ANNEX - ANNEXE - ALLEGATO - BIJLAGE

Medlemstat / Mitgliedstaat / Member State / Etat membre / Stato membro / Lid-Staat	Tredjeland / Drittland / Third country / Pays tiers / Paese terzo / Derde land	Aftalens art og datering / Art und Datum des Abkommens / Type and date of agreement / Nature et date de l'accord / Natura e data dell'accordo / Aard en datum van het akkoord		Udløb efter forlaengelse / Ablauf nach Verlängerung / Extended until / Echéance après reconduction / Scadenza dopo il rinnovo / Vervaldatum na verlenging
BENELUX	Israël	Accord commercial	29. 8.1958	31. 8.1975
	Portugal	Accord commercial	24. 5.1961	30. 9.1975
	Philippines	Accord commercial	14. 3.1967	11.10.1975
IRELAND	Bulgaria	Trade Agreement	23. 4.1970	31.12.1974
	Portugal	Trade Agreement	6. 2.1952	31.12.1974
	Spain	Trade Agreement	19.12.1951	31.12.1974
	Switzerland	Trade Agreement	26.12.1951	31.12.1974
ITALIA	Cuba	Scambio di note	9. 9.1950	8. 9.1975
	Libano	Accordo commerciale	4.11.1955	10. 9.1975
	Svezia	Accordo commerciale	18.12.1961	31.10.1975
	Svizzera	Accordo commerciale	21.10.1950	31.10.1975
	Yemen	Protocollo addizionale (al trattato d'amicizia e di relazioni economiche del 4.9.1937)	5.10.1959	31.12.1975
DANMARK	Cameroun	Handelsaftale	8.10.1962	7.10.1975
DEUTSCHLAND	Ekuador	Handelsabkommen	1. 8.1953	15.10.1975
	Kolumbien	Handelsabkommen	9.11.1957	10.11.1975
UEBL	Mexique	Accord commercial	11. 9.1950	11. 9.1975
UNITED KINGDOM	Haiti	Exchange of notes for the establishment of a commercial "Modus vivendi"	25. 2.1928	31.12.1974
	Iceland	Agreement relating to trade and commerce (with protocol)	19. 5.1933	31.12.1974
	Norway	Trade Agreement	15.12.1950	31.12.1974
	Tunisia	Trade Agreement and successively echange of notes	17. 1.1961	31.10.1974